

Suspend the Rules and Pass the Bill, H.R. 1684, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS
1ST SESSION

H. R. 1684

To require the Secretary of State to submit an annual report to Congress regarding the ties between criminal gangs and political and economic elites in Haiti and impose sanctions on political and economic elites involved in such criminal activities.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2023

Mr. MEEKS (for himself, Mr. McCaul, and Mrs. CHERFILUS-MC CORMICK) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of State to submit an annual report to Congress regarding the ties between criminal gangs and political and economic elites in Haiti and impose sanctions on political and economic elites involved in such criminal activities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Haiti Criminal Collu-
3 sion Transparency Act of 2023”.

4 SEC. 2. FINDINGS.

5 Congress makes the following findings:

6 (1) According to a United Nations estimate, ap-
7 proximately 167 criminal gangs operated in Haiti in
8 October 2021, exerting territorial control over as
9 much as two-thirds of the country.

10 (2) Haitian armed criminal gangs, the most
11 prominent of which are the G9 Family and Allies
12 and 400 Mawozo gangs, conduct violent crimes, in-
13 cluding murder, rape, arms and drug trafficking,
14 racketeering, kidnapping, and blockades of fuel and
15 aid deliveries. These crimes have perpetuated the on-
16 going security and humanitarian crises in Haiti,
17 which have worsened since the assassination of
18 President Jovenel Moïse on July 7, 2021.

19 (3) The United Nations Office of the High
20 Commissioner for Human Rights and the Human
21 Rights Service jointly found a 333 percent increase
22 in human rights violations and abuses against the
23 rights to life and security in Haiti between July
24 2018 and December 2019.

25 (4) At least 19,000 Haitians were forcibly dis-
26 placed during 2021 due to rising criminal violence.

1 (5) Armed gangs have used rape, and other
2 forms of sexual violence to instill fear, punish, sub-
3 jugate, and inflict pain on local populations with the
4 goal of expanding their areas of influence in Port-
5 au-Prince.

6 (6) At least 803 kidnappings were reported in
7 Haiti during the first 10 months of 2021, including
8 the kidnapping of more than 16 United States citi-
9 zens, giving Haiti having the highest per capita kid-
10 napping rate of any country in the world.

11 (7) There is significant evidence of collusion be-
12 tween criminal gangs and economic and political
13 elites in Haiti, including members of the Haitian
14 National Police, which has resulted in widespread
15 impunity and directly contributed to Haiti's current
16 security crisis.

17 (8) On December 10, 2020, the Office of For-
18 eign Assets Control of the Department of the Treas-
19 ery designated former Haitian National Police offi-
20 cer Jimmy Chérizier, former Director General of the
21 Ministry of the Interior Fednel Monchery, and
22 former Departmental Delegate Joseph Pierre Rich-
23 ard Duplan under the Global Magnitsky Human
24 Rights Accountability Act (subtitle F of title XII of
25 Public Law 114-328; 22 U.S.C. 2656 note) for their

1 connections to armed criminal gangs, including orga-
2 nizing the November 2018 La Saline massacre.

3 **SEC. 3. REPORTING REQUIREMENTS.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Foreign Relations of
9 the Senate;

10 (B) the Select Committee on Intelligence
11 of the Senate;

12 (C) the Committee on the Judiciary of the
13 Senate;

14 (D) the Committee on Foreign Affairs of
15 the House of Representatives;

16 (E) the Permanent Select Committee on
17 Intelligence of the House of Representatives;
18 and

19 (F) the Committee on the Judiciary of the
20 House of Representatives.

21 (2) ECONOMIC ELITES.—The term “economic
22 elites” means board members, officers, and execu-
23 tives of groups, committees, corporations, or other
24 entities that exert substantial influence or control

1 over Haiti’s economy, infrastructure, or particular
2 industries.

3 (3) INTELLIGENCE COMMUNITY.—The term
4 “intelligence community” has the meaning given
5 such term in section 3(4) of the National Security
6 Act of 1947 (50 U.S.C. 3003(4)).

7 (4) POLITICAL AND ECONOMIC ELITES.—The
8 term “political and economic elites” means political
9 elites and economic elites.

10 (5) POLITICAL ELITES.—The term “political
11 elites” means current and former government officials
12 and their high-level staff, political party leaders,
13 and political committee leaders.

14 (b) REPORT REQUIRED.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date of the enactment of this Act, and annually
17 thereafter for the following 5 years, the Secretary of
18 State, in coordination with the intelligence community,
19 shall submit a report to the appropriate congressional
20 committees regarding the ties between
21 criminal gangs and political and economic elites in
22 Haiti. The report shall—

23 (A) identify prominent criminal gangs in
24 Haiti, describe their criminal activities includ-

(B) list Haitian political and economic elites who have links to criminal gangs;

5 (C) describe in detail the relationship be-
6 tween the individuals listed pursuant to sub-
7 paragraph (B) and the criminal gangs identified
8 pursuant to subparagraph (A);

9 (D) list Haitian political and economic
10 elites with links to criminal activities who are
11 currently subjected to visa restrictions or sanc-
12 tions by the United States, its international
13 partners, or the United Nations, including in-
14 formation regarding—

15 (i) the date on which each such Hai-
16 tian political or economic elite was des-
17 ignated for restrictions or sanctions;

18 (ii) which countries have designated
19 such Haitian political and economic elites
20 for restrictions or sanctions; and

21 (iii) for Haitian political and economic
22 elites who were designated by the United
23 States, the statutory basis for such des-
24 ignation;

1 (E) describe in detail how Haitian political
2 and economic elites use their relationships with
3 criminal gangs to advance their political and
4 economic interests and agenda;

5 (F) include a list of each criminal organi-
6 zation assessed to be trafficking Haitians and
7 other individuals to the United States border;

8 (G) include an assessment of how the na-
9 ture and extent of collusion between political
10 and economic elites and criminal gangs threat-
11 ens the Haitian people and United States na-
12 tional interests and activities in the country, in-
13 cluding the provision of security assistance to
14 the Haitian government; and

15 (H) include an assessment of potential ac-
16 tions that the Government of the United States
17 and the Government of Haiti could take to ad-
18 dress the findings made pursuant to subpara-
19 graph (G).

20 (2) FORM OF REPORT.—The report required
21 under paragraph (1) shall be submitted in unclassi-
22 fied form, but may include a classified annex.

23 (c) DESIGNATIONS OF POLITICAL AND ECONOMIC
24 ELITES.—

11 (B) section 1263 of the Global Magnitsky
12 Human Rights Accountability Act (22 U.S.C.
13 10102).

14 (2) IMPOSITION OF SANCTIONS.—

15 (A) IN GENERAL.—Not later than 30 days
16 after the date on which the report is submitted
17 pursuant to subsection (b), the President shall
18 impose, on individuals identified pursuant to
19 paragraph (1), to the extent applicable, the
20 sanctions referred to in subparagraphs (A) and
21 (B) of such paragraph.

22 (B) EXCEPTION RELATING TO IMPORTA-
23 TION OF GOODS —

24 (i) IN GENERAL.—A requirement to
25 block and prohibit all transactions in all

1 property and interests in property pursuant
2 ant to the authority provided by this sec-
3 tion shall not include the authority or a re-
4 quirement to impose sanctions on the im-
5 portation of goods.

18 (A) would serve a vital national interest of
19 the United States; or

(B) is necessary for the delivery of humanitarian assistance or other assistance that supports basic human needs.

23 (4) PUBLIC AVAILABILITY.—The list of persons
24 identified pursuant to subsection (b)(1)(B) shall be
25 posted on a publicly accessible website of the De-

1 partment of State beginning on the date on which
2 the report required under subsection (b)(1) is sub-
3 mitted to Congress.

4 (d) SUNSET.—This section shall cease to have effect
5 on the date that is 5 years after the date of the enactment
6 of this Act.