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-McCormick) 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 Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Haiti Criminal Collusion Transparency Act of 2023”.

SEC. 2. FINDINGS.

Congress makes the following findings:

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

(2) Haitian armed criminal gangs, the most prominent of which are the G9 Family and Allies and 400 Mawozo gangs, conduct violent crimes, including murder, rape, arms and drug trafficking, racketeering, kidnapping, and blockades of fuel and aid deliveries. These crimes have perpetuated the ongoing security and humanitarian crises in Haiti, which have worsened since the assassination of President Jovenel Moïse on July 7, 2021.

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

(4) At least 19,000 Haitians were forcibly displaced during 2021 due to rising criminal violence.
(5) Armed gangs have used rape, and other forms of sexual violence to instill fear, punish, subjugate, and inflict pain on local populations with the goal of expanding their areas of influence in Port-au-Prince.

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

(7) There is significant evidence of collusion between criminal gangs and economic and political elites in Haiti, including members of the Haitian National Police, which has resulted in widespread impunity and directly contributed to Haiti’s current security crisis.

connections to armed criminal gangs, including organizing the November 2018 La Saline massacre.

SEC. 3. REPORTING REQUIREMENTS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

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

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

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

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

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

(2) ECONOMIC ELITES.—The term “economic elites” means board members, officers, and executives of groups, committees, corporations, or other entities that exert substantial influence or control
over Haiti’s economy, infrastructure, or particular industries.

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

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

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

(b) **REPORT REQUIRED.**—

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

(A) identify prominent criminal gangs in Haiti, describe their criminal activities includ-
ing coercive recruitment, and identify their primary geographic areas of operations;

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

(C) describe in detail the relationship between the individuals listed pursuant to subparagraph (B) and the criminal gangs identified pursuant to subparagraph (A);

(D) list Haitian political and economic elites with links to criminal activities who are currently subjected to visa restrictions or sanctions by the United States, its international partners, or the United Nations, including information regarding—

(i) the date on which each such Haitian political or economic elite was designated for restrictions or sanctions;

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

(iii) for Haitian political and economic elites who were designated by the United States, the statutory basis for such designation;
(E) describe in detail how Haitian political and economic elites use their relationships with criminal gangs to advance their political and economic interests and agenda;

(F) include a list of each criminal organization assessed to be trafficking Haitians and other individuals to the United States border;

(G) include an assessment of how the nature and extent of collusion between political and economic elites and criminal gangs threatens the Haitian people and United States national interests and activities in the country, including the provision of security assistance to the Haitian government; and

(H) include an assessment of potential actions that the Government of the United States and the Government of Haiti could take to address the findings made pursuant to subparagraph (G).

(2) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(e) DESIGNATIONS OF POLITICAL AND ECONOMIC ELITES.—
(1) IN GENERAL.—The Secretary of State, in coordination with other relevant Federal agencies and departments, shall identify persons identified pursuant to subparagraphs (A) and (B) of subsection (b)(1) who may be subjected to visa restrictions and sanctions under—

(A) section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117–103; 8 U.S.C. 1182 note); or


(2) IMPOSITION OF SANCTIONS.—

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

(B) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(i) IN GENERAL.—A requirement to block and prohibit all transactions in all
property and interests in property pursuant to the authority provided by this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(ii) GOOD DEFINED.—In this section, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(3) WAIVER.—The President may waive the requirements under paragraphs (1) and (2) with respect to a foreign person if the President certifies and reports to the appropriate congressional committees before such waiver is to take effect that such waiver—

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

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

(4) PUBLIC AVAILABILITY.—The list of persons identified pursuant to subsection (b)(1)(B) shall be posted on a publicly accessible website of the De-
partment of State beginning on the date on which
the report required under subsection (b)(1) is sub-
mitted to Congress.

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