

Calendar No. 180

118TH CONGRESS
1ST SESSION**H. R. 1684**

IN THE SENATE OF THE UNITED STATES

JULY 26, 2023

Received; read twice and placed on the calendar

AN ACT

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) According to a United Nations estimate, ap-
9 proximately 167 criminal gangs operated in Haiti in

1 October 2021, exerting territorial control over as
2 much as two-thirds of the country.

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

12 (3) The United Nations Office of the High
13 Commissioner for Human Rights and the Human
14 Rights Service jointly found a 333 percent increase
15 in human rights violations and abuses against the
16 rights to life and security in Haiti between July
17 2018 and December 2019.

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

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

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

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

12 (8) On December 10, 2020, the Office of For-
13 eign Assets Control of the Department of the Treas-
14 ury designated former Haitian National Police offi-
15 cer Jimmy Chérizier, former Director General of the
16 Ministry of the Interior Fednel Monchery, and
17 former Departmental Delegate Joseph Pierre Rich-
18 ard Duplan under the Global Magnitsky Human
19 Rights Accountability Act (subtitle F of title XII of
20 Public Law 114–328; 22 U.S.C. 2656 note) for their
21 connections to armed criminal gangs, including orga-
22 nizing the November 2018 La Saline massacre.

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

24 (a) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

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

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

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

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

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

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

17 (2) ECONOMIC ELITES.—The term “economic
18 elites” means board members, officers, and execu-
19 tives of groups, committees, corporations, or other
20 entities that exert substantial influence or control
21 over Haiti’s economy, infrastructure, or particular
22 industries.

23 (3) INTELLIGENCE COMMUNITY.—The term
24 “intelligence community” has the meaning given

1 such term in section 3(4) of the National Security
2 Act of 1947 (50 U.S.C. 3003(4)).

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

6 (5) POLITICAL ELITES.—The term “political
7 elites” means current and former government offi-
8 cials and their high-level staff, political party lead-
9 ers, and political committee leaders.

10 (b) REPORT REQUIRED.—

11 (1) IN GENERAL.—Not later than 90 days after
12 the date of the enactment of this Act, and annually
13 thereafter for the following 5 years, the Secretary of
14 State, in coordination with the intelligence commu-
15 nity, shall submit a report to the appropriate con-
16 gressional committees regarding the ties between
17 criminal gangs and political and economic elites in
18 Haiti. The report shall—

19 (A) identify prominent criminal gangs in
20 Haiti, describe their criminal activities includ-
21 ing coercive recruitment, and identify their pri-
22 mary geographic areas of operations;

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

1 (C) describe in detail the relationship be-
2 tween the individuals listed pursuant to sub-
3 paragraph (B) and the criminal gangs identified
4 pursuant to subparagraph (A);

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

11 (i) the date on which each such Hai-
12 tian political or economic elite was des-
13 ignated for restrictions or sanctions;

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

17 (iii) for Haitian political and economic
18 elites who were designated by the United
19 States, the statutory basis for such des-
20 ignation;

21 (E) describe in detail how Haitian political
22 and economic elites use their relationships with
23 criminal gangs to advance their political and
24 economic interests and agenda;

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

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

11 (H) include an assessment of potential ac-
12 tions that the Government of the United States
13 and the Government of Haiti could take to ad-
14 dress the findings made pursuant to subpara-
15 graph (G).

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

19 (c) DESIGNATIONS OF POLITICAL AND ECONOMIC
20 ELITES.—

21 (1) IN GENERAL.—The Secretary of State, in
22 coordination with other relevant Federal agencies
23 and departments, shall identify persons identified
24 pursuant to subparagraphs (A) and (B) of sub-

1 section (b)(1) who may be subjected to visa restric-
2 tions and sanctions under—

3 (A) section 7031(e) of the Department of
4 State, Foreign Operations, and Related Pro-
5 grams Appropriations Act, 2022 (division K of
6 Public Law 117–103; 8 U.S.C. 1182 note); or

7 (B) section 1263 of the Global Magnitsky
8 Human Rights Accountability Act (22 U.S.C.
9 10102).

10 (2) IMPOSITION OF SANCTIONS.—

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

18 (B) EXCEPTION RELATING TO IMPORTA-
19 TION OF GOODS.—

20 (i) IN GENERAL.—A requirement to
21 block and prohibit all transactions in all
22 property and interests in property pursu-
23 ant to the authority provided by this sec-
24 tion shall not include the authority or a re-

1 requirement to impose sanctions on the im-
2 portation of goods.

3 (ii) GOOD DEFINED.—In this section,
4 the term “good” means any article, natural
5 or manmade substance, material, supply or
6 manufactured product, including inspection
7 and test equipment, and excluding tech-
8 nical data.

9 (3) WAIVER.—The President may waive the re-
10 quirements under paragraphs (1) and (2) with re-
11 spect to a foreign person if the President certifies
12 and reports to the appropriate congressional com-
13 mittees before such waiver is to take effect that such
14 waiver—

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

17 (B) is necessary for the delivery of human-
18 itarian assistance or other assistance that sup-
19 ports basic human needs.

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

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

Passed the House of Representatives July 25, 2023.

Attest: KEVIN F. MCCUMBER,
Clerk.

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