

117TH CONGRESS
2D SESSION

S. 5083

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.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2022

Mr. MENENDEZ (for himself, Mr. RUBIO, and Mr. Kaine) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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.

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 2022”.

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

1 (6) There is significant evidence of collusion be-
2 tween criminal gangs and economic and political
3 elites in Haiti, including members of the Haitian
4 National Police, which has resulted in widespread
5 impunity and directly contributed to Haiti’s current
6 security crisis.

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

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

19 (a) DEFINITIONS.—In this section:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

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

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

3 (C) the Committee on Foreign Affairs of
4 the House of Representatives; and

5 (D) the Permanent Select Committee on
6 Intelligence of the House of Representatives.

7 (2) ECONOMIC ELITES.—The term “economic
8 elites” means board members, officers, and execu-
9 tives of groups, committees, corporations, or other
10 entities that exert substantial influence or control
11 over Haiti’s economy, infrastructure, or particular
12 industries.

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

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

20 (5) POLITICAL ELITES.—The term “political
21 elites” means current and former government offi-
22 cials and their high-level staff, political party lead-
23 ers, and political committee leaders.

24 (b) REPORT REQUIRED.—Not later than 90 days
25 after the date of the enactment of this Act, and annually

1 thereafter for the following 5 years, the Secretary of State,
2 in coordination with the intelligence community, shall sub-
3 mit a report to the appropriate congressional committees
4 regarding the ties between criminal gangs and political
5 and economic elites in Haiti. The report shall—

6 (1) identify prominent criminal gangs in Haiti,
7 describe their criminal activities, and identify their
8 primary geographic areas of operations;

9 (2) list Haitian political and economic elites
10 who have links to criminal gangs;

11 (3) describe in detail the relationship between
12 the individuals listed pursuant to paragraph (2) and
13 the criminal gangs identified pursuant to paragraph
14 (1);

15 (4) describe in detail how Haitian political and
16 economic elites use their relationships with criminal
17 gangs to advance their political and economic inter-
18 ests and agenda;

19 (5) include an assessment of how the nature
20 and extent of collusion between political and eco-
21 nomic elites and criminal gangs threatens the Hai-
22 tian people and United States national interests and
23 activities in the country, including the provision of
24 security assistance to the Haitian government; and

1 (6) include an assessment of potential actions
2 that the Government of the United States and the
3 Government of Haiti could take to address the find-
4 ings made pursuant to paragraph (5).

5 (c) DESIGNATIONS OF POLITICAL AND ECONOMIC
6 ELITES.—

7 (1) IN GENERAL.—The Secretary of State, in
8 coordination with other relevant Federal agencies
9 and departments, shall identify persons identified
10 pursuant to paragraphs (1) and (2) of subsection (b)
11 who may be subjected to visa restrictions and sanc-
12 tions under—

13 (A) section 7031(c) of the Department of
14 State, Foreign Operations, and Related Pro-
15 grams Appropriations Act, 2021 (division K of
16 Public Law 116–260; 8 U.S.C. 1182 note); or

17 (B) section 1263 of the Global Magnitsky
18 Human Rights Accountability Act (subtitle F of
19 title XII of division A of Public Law 114–328;
20 22 U.S.C. 2656 note).

21 (2) IMPOSITION OF SANCTIONS.—Not later than
22 30 days after the date on which the report is sub-
23 mitted pursuant to subsection (b), the President
24 shall impose, on individuals identified pursuant to

1 paragraph (1), the sanctions referred to in subpara-
2 graphs (A) and (B) of such paragraph.

3 (3) PUBLIC AVAILABILITY.—The list of persons
4 identified pursuant to subsection (b)(2) shall be
5 posted on a publicly accessible website of the De-
6 partment of State on the date on which the report
7 required under subsection (b) is submitted to Con-
8 gress.

9 (d) FORM OF REPORT.—The report required under
10 subsection (b) shall be submitted in unclassified form, but
11 may include a classified annex.

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