

118TH CONGRESS  
1ST SESSION

# S. 396

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.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2023

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

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## 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,*

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:

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

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

14          (3) The United Nations Office of the High  
15          Commissioner for Human Rights and the Human  
16          Rights Service jointly found a 333 percent increase  
17          in human rights violations and abuses against the  
18          rights to life and security in Haiti between July  
19          2018 and December 2019.

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

22          (5) At least 803 kidnappings were reported in  
23          Haiti during the first 10 months of 2021, including  
24          the kidnapping of more than 16 United States citi-

1 zens, giving Haiti having the highest per capita kid-  
2 napping rate of any country in the world.

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

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

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

21 (a) DEFINITIONS.—In this section:

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

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

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

5 (C) the Committee on Foreign Affairs of  
6 the House of Representatives; and

7 (D) the Permanent Select Committee on  
8 Intelligence of the House of Representatives.

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

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

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

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

1 (b) REPORT REQUIRED.—

2 (1) IN GENERAL.—Not later than 90 days after  
3 the date of the enactment of this Act, and annually  
4 thereafter for the following 5 years, the Secretary of  
5 State, in coordination with the intelligence commu-  
6 nity, shall submit a report to the appropriate con-  
7 gressional committees regarding the ties between  
8 criminal gangs and political and economic elites in  
9 Haiti. The report shall—

10 (A) identify prominent criminal gangs in  
11 Haiti, describe their criminal activities, and  
12 identify their primary geographic areas of oper-  
13 ations;

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

16 (C) describe in detail the relationship be-  
17 tween the individuals listed pursuant to sub-  
18 paragraph (B) and the criminal gangs identified  
19 pursuant to subparagraph (A);

20 (D) list Haitian political and economic  
21 elites with links to criminal activities who are  
22 currently subjected to visa restrictions or sanc-  
23 tions by the United States, its international  
24 partners, or the United Nations, including in-  
25 formation regarding—

1 (i) the date on which each such Hai-  
2 tian political or economic elite was des-  
3 ignated for restrictions or sanctions;

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

7 (iii) for Haitian political and economic  
8 elites who were designated by the United  
9 States, the statutory basis for such des-  
10 ignation;

11 (E) describe in detail how Haitian political  
12 and economic elites use their relationships with  
13 criminal gangs to advance their political and  
14 economic interests and agenda;

15 (F) include an assessment of how the na-  
16 ture and extent of collusion between political  
17 and economic elites and criminal gangs threat-  
18 ens the Haitian people and United States na-  
19 tional interests and activities in the country, in-  
20 cluding the provision of security assistance to  
21 the Haitian government; and

22 (G) include an assessment of potential ac-  
23 tions that the Government of the United States  
24 and the Government of Haiti could take to ad-

1           dress the findings made pursuant to subpara-  
2           graph (F).

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

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

8           (1) IN GENERAL.—The Secretary of State, in  
9           coordination with other relevant Federal agencies  
10          and departments, shall identify persons identified  
11          pursuant to subparagraphs (A) and (B) of sub-  
12          section (b)(1) who may be subjected to visa restric-  
13          tions and sanctions under—

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

18                 (B) section 1263 of the Global Magnitsky  
19                 Human Rights Accountability Act (22 U.S.C.  
20                 10102).

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  
25          paragraph (1), to the extent applicable, the sanc-

1 tions referred to in subparagraphs (A) and (B) of  
2 such paragraph.

3 (3) WAIVER.—The President may waive the re-  
4 quirements under paragraphs (1) and (2) with re-  
5 spect to a foreign person if the President certifies  
6 and reports to the appropriate congressional com-  
7 mittees before such waiver is to take effect that such  
8 waiver—

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

11 (B) is necessary for the delivery of human-  
12 itarian assistance or other assistance that sup-  
13 ports basic human needs.

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

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

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