

117TH CONGRESS
2D SESSION

H. R. 9147

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 HOUSE OF REPRESENTATIVES

OCTOBER 7, 2022

Mrs. DEMINGS (for herself, Mr. LEVIN of Michigan, Ms. CLARKE of New York, 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.

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:

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 Moise 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-

zens, giving Haiti having the highest per capita kidnapping rate of any country in the world.

(6) 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.

(7) On December 10, 2020, the Office of Foreign Assets Control of the Department of the Treasury designated former Haitian National Police officer Jimmy Cherizier, former Director General of the Ministry of the Interior Fednel Monchery, and former Departmental Delegate Joseph Pierre Richard Duplan under the Global Magnitsky Human Rights Accountability Act for their 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;

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

11 (b) REPORT REQUIRED.—Not later than 90 days
12 after the date of the enactment of this Act, and annually
13 thereafter for the following 5 years, the Secretary of State,
14 in coordination with the intelligence community, shall sub-
15 mit a report to the appropriate congressional committees
16 regarding the ties between criminal gangs and political
17 and economic elites in Haiti. The report shall—

18 (1) identify prominent criminal gangs in Haiti,
19 describe their criminal activities, and identify their
20 primary geographic areas of operations;

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

23 (3) describe in detail the relationship between
24 the individuals listed pursuant to paragraph (2) and

1 the criminal gangs identified pursuant to paragraph
2 (1);

3 (4) describe in detail how Haitian political and
4 economic elites use their relationships with criminal
5 gangs to advance their political and economic inter-
6 ests and agenda;

7 (5) include an assessment of how the nature
8 and extent of collusion between political and eco-
9 nomic elites and criminal gangs threatens the Hai-
10 tian people and United States national interests and
11 activities in the country, including the provision of
12 security assistance to the Haitian government; and

13 (6) include an assessment of potential actions
14 that the Government of the United States and the
15 Government of Haiti could take to address the find-
16 ings made pursuant to paragraph (5).

17 (c) DESIGNATIONS OF POLITICAL AND ECONOMIC
18 ELITES.—

19 (1) IN GENERAL.—The Secretary of State, in
20 coordination with other relevant Federal agencies
21 and departments, shall identify persons identified
22 pursuant to subsection (b)(2) who may be subjected
23 to visa restrictions and sanctions under—

24 (A) section 7031(c) of the Department of
25 State, Foreign Operations, and Related Pro-

1 grams Appropriations Act, 2022 (division K of
2 Public Law 117–103; 8 U.S.C. 1182 note); or
3 (B) section 1263 of the Global Magnitsky
4 Human Rights Accountability Act (subtitle F of
5 title XII of division A of Public Law 114–328;
6 22 U.S.C. 2656 note).

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

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

○