



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, DC 20230

December 20, 2024

The Honorable Elizabeth Warren
United States Senate
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your letter dated September 26, 2024, addressed to Secretaries Raimondo, Mayorkas, and Blinken, and Attorney General Garland regarding the illegal diversion of firearms to Haiti. The Department of Commerce (Department) shares your concerns about the impact of these illicit activities on the security and humanitarian situation in the Caribbean region. On behalf of the Department, I am responding about our efforts to address the illegal diversion of firearms and the impact this has on regional security. I would direct you to our interagency partners to discuss their efforts related to this issue.

We appreciate your suggestion that the Department should have dedicated export control staff stationed at embassies in the Caribbean to monitor and disrupt arms trafficking to Haiti and other parts of the Caribbean. To date, Congress has not given the Department the resources to do this. The Department currently has eleven Export Control Officers (ECOs) and one Export Control Analyst (ECA) overseas. Two of those eleven ECOs are in Beijing, two are in Frankfurt, and one officer each is stationed in New Delhi, Singapore, Hong Kong, Dubai, Istanbul, Helsinki, and Taipei. The ECA is stationed in Ottawa. Nine of the ECOs and the ECA are funded through the Department's base budget while two ECOs – those in Helsinki and Taipei – were funded through Ukraine Supplemental funds, which expired FY 2024. The Department has asked for those two supplemental positions to be added to the base budget as part of the President's Fiscal Year 2025 budget submission. The Department agrees that stationing additional enforcement resources abroad will make our export controls more effective. As part of the President's Fiscal Year 2025 budget submission, the Department has also requested funds and resources to establish export control personnel in Central and South America.

As your letter notes, Haiti is listed in Country Group D:5 (U.S.-arms embargoed destinations), consistent with its designation under Section 126.1 of the International Traffic in Arms Regulations, 22 CFR parts 120-130, as a country subject to a U.S. arms embargo. As such, the country has long been subject to stringent restrictions and review policies related to the export (as well as reexport and in-country transfer) of firearms and related items.

In April 2024, the Department's Bureau of Industry and Security (BIS) issued an interim final rule (89 FR 34680) that imposed new restrictions to help prevent the diversion of U.S. firearms and related items by international criminals, gangs, drug traffickers, terrorists, and other malign actors. The new restrictions were designed in part to address concerns from partner

governments, including those in the Caribbean Community (CARICOM), of which Haiti is a member. The April 2024 rule reiterates a policy of denial for applications involving the export of firearms and related items when destined to any arms embargoed destination, including Haiti.

The rule also imposed a more restrictive licensing policy on exports of firearms and related items to 36 destinations in which the State Department identified a substantial risk presented by non-government end users of diversion or misuse (see Supp. 3 to Part 742 of the EAR). In the CARICOM region, these high-risk destinations include the Bahamas, Belize, Guyana, Jamaica, and Trinidad & Tobago. Additionally, drawing on multiple sources, including U.S. engagement with CARICOM governments, the rule prohibits the use of certain export license exceptions in the CARICOM region, including Haiti.

While the regulatory changes will help prevent the diversion of firearms to destinations in CARICOM, Haiti remains a significant concern for illicit firearms trafficking. The Department, through BIS's Export Enforcement operations, collaborates with the Department of Justice, Homeland Security Investigations (HSI), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Customs and Border Protection (CBP), and other law enforcement agencies to combat the illicit export of firearms. BIS's Export Enforcement also participates in HSI and ATF task forces focused on firearms trafficking investigations and conducts targeted outreach and inspection efforts at U.S. ports to intercept unauthorized shipments of controlled items.

Since the Biden-Harris Administration came into office, BIS investigations with respect to firearms have resulted in a total of 101 criminal convictions (nine specifically involving Haiti) and 184 administrative actions, including 177 denial orders (of which five denial orders specifically involved Haiti) and seven charging letters. For example, BIS and ATF jointly investigated Robert Alcantara, who operated a "ghost gun" factory out of his home in Rhode Island. Alcantara purchased ghost gun kits and machined them into working firearms that he illegally exported to the Dominican Republic. In December 2023, Alcantara was sentenced to 68 months in prison. Additionally, BIS played a pivotal role in a joint investigation with HSI, Defense Criminal Investigative Service, and the FBI into the assassination of Haitian President Jovenel Moïse. This case involved the unauthorized export of ballistic vests to support private paramilitary forces, underscoring the complex and transnational nature of arms trafficking networks. To date, 11 individuals have been either charged or sentenced, including five given life prison sentences and a sixth sentenced to 108 months in prison. These enforcement activities reinforce the Department's broader mission to support regional stability and enhance U.S. national security.

In sum, we are fully committed to combatting illicit arms trafficking to Haiti. The Department is dedicated to working with our federal and international partners to disrupt the illegal flow of firearms, ensuring compliance with export controls and supporting regional stability.

Thank you again for bringing attention to this important issue. Should you have any further questions or require additional information regarding the Commerce Department's efforts in this area, please do not hesitate to contact me at (202) 230-8072 or Ruben.Goddard@bis.doc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruben Goddard', written in a cursive style.

Ruben Goddard
Director of Congressional Affairs
Office of Congressional and Public Affairs
Bureau of Industry and Security
U.S. Department of Commerce