

Calendar No. 86

117TH CONGRESS
1ST SESSION

S. 1041

To advance the strategic alignment of United States diplomatic tools toward the realization of free, fair, and transparent elections in Nicaragua and to reaffirm the commitment of the United States to protect the fundamental freedoms and human rights of the people of Nicaragua, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2021

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

JUNE 24, 2021

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To advance the strategic alignment of United States diplomatic tools toward the realization of free, fair, and transparent elections in Nicaragua and to reaffirm the commitment of the United States to protect the fundamental freedoms and human rights of the people of Nicaragua, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Reinforcing Nicaragua’s Adherence to Conditions for
 4 Electoral Reform Act of 2021” or the “RENACER Act”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Sense of Congress.
- Sec. 4. Restrictions on international financial institutions relating to Nicaragua.
- Sec. 5. Targeted sanctions to advance democratic elections.
- Sec. 6. Developing and implementing a coordinated sanctions strategy with diplomatic partners.
- Sec. 7. Inclusion of Nicaragua in list of countries subject to certain sanctions relating to corruption.
- Sec. 8. Classified report on the involvement of Ortega family members and Nicaraguan government officials in corruption.
- Sec. 9. Classified report on the activities of the Russian Federation in Nicaragua.
- Sec. 10. Report on human rights abuses in the interior of Nicaragua.
- Sec. 11. Supporting independent news media and freedom of information in Nicaragua.
- Sec. 12. Amendment to short title of Public Law 115–335.
- Sec. 13. Definition.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

9 (1) Adopted by the Organization of American
 10 States (in this Act referred to as the “OAS”) on Oc-
 11 tober 21, 2020, the Resolution Restoring Democratic
 12 Institutions and Respect for Human Rights in Nica-
 13 ragua Through Free and Fair Elections (in this sec-
 14 tion referred to as the “OAS Resolution”) reiterated
 15 hemispheric concern that the government of Presi-
 16 dent Daniel Ortega in Nicaragua has failed to re-

1 lease all political prisoners and implement agreed-
2 upon measures to ensure freedom of expression.

3 ~~(2) The OAS Resolution called on the Ortega~~
4 ~~government to accept the deployment of domestic~~
5 ~~and international electoral observation missions and~~
6 ~~outlined a need for timely, inclusive negotiations to~~
7 ~~achieve meaningful electoral reforms, including the~~
8 ~~modernization of the Supreme Electoral Council, the~~
9 ~~revitalization of a pluralistic political process, and an~~
10 ~~independent audit of Nicaraguan voter rolls.~~

11 ~~(3) A November 19, 2019, report from the OAS~~
12 ~~High Level Commission on Nicaragua noted the Or-~~
13 ~~tega government had engaged in significant efforts~~
14 ~~since April 2018 to curtail the fundamental rights of~~
15 ~~the citizens of Nicaragua, including repeated acts of~~
16 ~~police intimidation and at least 325 murders, which~~
17 ~~were predominately committed by government secu-~~
18 ~~rity forces.~~

19 ~~(4) On April 21, 2018, Nicaraguan journalist~~
20 ~~Ángel Gahona was killed while broadcasting live on~~
21 ~~social protests in the country. Since April 2018, the~~
22 ~~Ortega government has increased its harassment of~~
23 ~~independent media, which includes December 2019~~
24 ~~police raids of the digital newspaper Confidencial~~
25 ~~and the 100% Noticias news channel, and a Sep-~~

1 tember 2020 court-ordered seizure of assets belong-
2 ing to independent broadcaster Nicavision Canal 12.

3 (5) Since 2007, family members of President
4 Daniel Ortega and their political allies have pur-
5 chased over a dozen TV channels, radio stations,
6 and online news sites in Nicaragua, including Canal
7 4, 8, and 13, Radio Nicaragua, and El 19 Digital,
8 to increase pro-government media coverage and si-
9 lence media coverage critical of the government.

10 (6) Sandinista National Liberation Front mem-
11 bers of the National Assembly of Nicaragua, with
12 support from the Ortega government, recently ap-
13 proved legislation to obstruct citizen mobilization
14 and codify the persecution of political opponents, in-
15 cluding—

16 (A) the Foreign Agents Regulation Law on
17 October 15, 2020, which requires civil society,
18 nongovernmental organizations, and citizens
19 who receive funds originating from abroad to
20 register as “foreign agents”, and bars them
21 from engaging in domestic political activity;

22 (B) the Special Cybercrimes Law on Octo-
23 ber 27, 2020, which established prison sen-
24 tences for individuals who spread information
25 online that the Government of Nicaragua deems

1 to be false or construes to cause alarm, terror,
2 or unease in the public;

3 (C) the Self-Determination Law on Decem-
4 ber 21, 2020, which provides President Ortega
5 with the authority to unilaterally declare citi-
6 zens “terrorists” or “traitors to the homeland”
7 for opposing his rule and ban them from run-
8 ning for public office, effectively preventing any
9 individuals who supported the 2018 protests
10 from being candidates; and

11 (D) the reform to the Consumer Protection
12 Law on February 4, 2021, which provides the
13 Government of Nicaragua the authority to man-
14 date Nicaraguan commercial banks to overturn
15 and ignore sanctions imposed by the United
16 States with respect to persons on the list of
17 specifically designated national and blocked per-
18 sons maintained by the Office of Foreign Assets
19 Control of the Department of the Treasury.

20 (7) According to preliminary reports of the
21 Government of Nicaragua, Hurricanes Eta and Iota,
22 which made landfall in Nicaragua on November 3
23 and November 16, 2020, respectively, affected more
24 than 3,000,000 individuals and resulted in an eco-
25 nomic loss in excess of \$742,000,000. Indigenous

1 Miskito and Mayangna communities situated in the
 2 North Caribbean Coast Autonomous Region bore the
 3 brunt of the devastation, with at least 23 indigenous
 4 territories and upwards of 147,000 indigenous in-
 5 habitants directly impacted by the weather phe-
 6 nomena.

7 **SEC. 3. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

9 (1) ongoing efforts by the government of Presi-
 10 dent Daniel Ortega in Nicaragua to suppress the
 11 voice and actions of civil society, political opponents,
 12 and independent news media violate the fundamental
 13 freedoms and basic human rights of the people of
 14 Nicaragua;

15 (2) Congress unequivocally condemns the pas-
 16 sage of the Foreign Agents Regulation Law, the
 17 Special Cybercrimes Law, and the Self-Determina-
 18 tion Law by the National Assembly of Nicaragua,
 19 which represent clear attempts by the Ortega gov-
 20 ernment to curtail the fundamental freedoms and
 21 basic human rights of the people of Nicaragua;

22 (3) Congress recognizes that free, fair, and
 23 transparent elections predicated on robust reform
 24 measures and the presence of domestic and inter-
 25 national observers represent the best opportunity for

1 the people of Nicaragua to restore democracy and
2 reach a peaceful solution to the political and social
3 crisis in Nicaragua;

4 (4) the United States should align the use of
5 diplomatic engagement and all other foreign policy
6 tools, including the use of targeted sanctions, in sup-
7 port of efforts by democratic political actors and
8 civil society in Nicaragua to advance the necessary
9 conditions for free, fair, and transparent elections in
10 Nicaragua;

11 (5) the United States, in order to maximize the
12 effectiveness of efforts described in paragraph (4),
13 should—

14 (A) coordinate with diplomatic partners,
15 including the Government of Canada, the Euro-
16 pean Union, and partners in Latin America and
17 the Caribbean; and

18 (B) advance diplomatic initiatives in con-
19 sultation with the OAS and the United Nations;
20 and

21 (6) pursuant to section 6(b) of the Nicaragua
22 Investment Conditionality Act of 2018, the Presi-
23 dent should waive the application of restrictions
24 under section 4 of that Act and the sanctions under
25 section 5 of that Act if the Secretary of State cer-

1 tifies that the Government of Nicaragua is taking
 2 the steps identified in section 6(a) of that Act, in-
 3 cluding taking steps to “to hold free and fair elec-
 4 tions overseen by credible domestic and international
 5 observers”.

6 **SEC. 4. RESTRICTIONS ON INTERNATIONAL FINANCIAL IN-**
 7 **STITUTIONS RELATING TO NICARAGUA.**

8 Section 4 of the Nicaragua Investment Conditionality
 9 Act of 2018 is amended—

10 (1) by redesignating subsections (a), (b), and
 11 (c) as subsections (b), (c), and (d), respectively;

12 (2) by inserting before subsection (b), as redes-
 13 ignated by paragraph (1), the following:

14 “(a) SENSE OF CONGRESS.—It is the sense of Con-
 15 gress that the Secretary of the Treasury should take all
 16 possible steps, including through the full implementation
 17 of the exceptions set forth in subsection (c), to ensure that
 18 the restrictions required under subsection (b) do not nega-
 19 tively impact the basic human needs of the people of Nica-
 20 ragua.”;

21 (3) in subsection (c), as so redesignated, by
 22 striking “subsection (a)” and inserting “subsection
 23 (b)”;

24 (4) by striking subsection (d), as so redesign-
 25 ated, and inserting the following:

1 “(d) INCREASED OVERSIGHT.—

2 “(1) IN GENERAL.—The United States Execu-
 3 tive Director at each international financial institu-
 4 tion of the World Bank Group; the United States
 5 Executive Director at the Inter-American Develop-
 6 ment Bank; and the United States Executive Direc-
 7 tor at each other international financial institution;
 8 including the International Monetary Fund; shall
 9 take all practicable steps to increase scrutiny of any
 10 loan or financial or technical assistance provided for
 11 a project in Nicaragua to ensure that the loan or as-
 12 sistance is being used for the intended purposes.

13 “(2) MECHANISMS FOR INCREASED SCRU-
 14 TINY.—The United States Executive Director at
 15 each international financial institution described in
 16 paragraph (1) shall use the voice, vote, and influence
 17 of the United States to encourage that institution to
 18 develop oversight mechanisms for new and existing
 19 loans or financial or technical assistance provided
 20 for a project in Nicaragua to ensure that such loans
 21 and assistance are being used for the intended pur-
 22 poses.

23 “(e) INTERAGENCY CONSULTATION.—Before imple-
 24 menting the restrictions described in subsection (b), or be-
 25 fore exercising an exception under subsection (c), the Sec-

1 retary of the Treasury shall consult with the Secretary of
 2 State and with the Administrator of the United States
 3 Agency for International Development to ensure that all
 4 loans and financial or technical assistance to Nicaragua
 5 are consistent with United States foreign policy objectives
 6 as defined in section 3.

7 “(f) REPORT.—Not later than 180 days after the
 8 date of the enactment of the RENACER Act, and annu-
 9 ally thereafter until the termination date specified in sec-
 10 tion 10, the Secretary of the Treasury, in coordination
 11 with the Secretary of State and the Administrator of the
 12 United States Agency for International Development, shall
 13 submit to the appropriate congressional committees a re-
 14 port on the implementation of this section, which shall in-
 15 clude—

16 “(1) summary of any loans and financial and
 17 technical assistance provided by international finan-
 18 cial institutions for projects in Nicaragua;

19 “(2) a description of the implementation of the
 20 restrictions described in subsection (b);

21 “(3) an identification of the occasions in which
 22 the exceptions under subsection (c) are exercised
 23 and an assessment of how the loan or assistance
 24 provided with each such exception may address basic

1 human needs or promote democracy in Nicaragua;
 2 and

3 “(4) a description of the results of the in-
 4 creased oversight conducted under subsection (d).”.

5 **SEC. 5. TARGETED SANCTIONS TO ADVANCE DEMOCRATIC**
 6 **ELECTIONS.**

7 (a) COORDINATED STRATEGY.—

8 (1) IN GENERAL.—The Secretary of State and
 9 the Secretary of the Treasury, in consultation with
 10 the intelligence community (as defined in section 3
 11 of the National Security Act of 1947 (50 U.S.C.
 12 3003)), shall develop and implement a coordinated
 13 strategy to align diplomatic engagement efforts with
 14 the implementation of targeted sanctions in order to
 15 support efforts to facilitate the necessary conditions
 16 for free, fair, and transparent elections in Nica-
 17 ragua.

18 (2) BRIEFING REQUIRED.—Not later than 60
 19 days after the date of the enactment of this Act, and
 20 every 60 days thereafter until December 31, 2021,
 21 the Secretary of State and the Secretary of the
 22 Treasury shall brief the Committee on Foreign Rela-
 23 tions of the Senate and the Committee on Foreign
 24 Affairs of the House of Representatives on steps to
 25 be taken by the United States Government to de-

1 develop and implement the coordinated strategy re-
 2 quired by paragraph (1).

3 ~~(b) TARGETED SANCTIONS PRIORITIZATION.—~~

4 ~~(1) IN GENERAL.—~~Pursuant to the coordinated
 5 strategy required by subsection (a), the President
 6 shall prioritize the implementation of the targeted
 7 sanctions required under section 5 of the Nicaragua
 8 Investment Conditionality Act of 2018 with respect
 9 to foreign persons directly or indirectly obstructing
 10 the establishment of conditions necessary for the re-
 11 alization of free, fair, and transparent elections in
 12 Nicaragua.

13 ~~(2) TARGETS.—~~In carrying out paragraph (1),
 14 the President shall specifically target foreign persons
 15 involved in directly or indirectly obstructing the es-
 16 tablishment of conditions described in that para-
 17 graph, including—

18 ~~(A) officials in the government of Presi-~~
 19 ~~dent Daniel Ortega;~~

20 ~~(B) family members of President Daniel~~
 21 ~~Ortega;~~

22 ~~(C) members of the National Nicaraguan~~
 23 ~~Police;~~

24 ~~(D) members of the Nicaraguan Armed~~
 25 ~~Forces;~~

1 ~~(E)~~ members of the Supreme Electoral
2 Council of Nicaragua;

3 ~~(F)~~ party members and elected officials
4 from the Sandinista National Liberation Front
5 and their family members;

6 ~~(G)~~ individuals or entities affiliated with
7 businesses engaged in corrupt financial trans-
8 actions with officials in the government of
9 President Daniel Ortega, his party, or his fam-
10 ily; and

11 ~~(H)~~ individuals identified in the report re-
12 quired by section 8 as involved in significant
13 acts of public corruption in Nicaragua.

14 **SEC. 6. DEVELOPING AND IMPLEMENTING A COORDINATED**
15 **SANCTIONS STRATEGY WITH DIPLOMATIC**
16 **PARTNERS.**

17 ~~(a)~~ FINDINGS.—Congress makes the following find-
18 ings:

19 ~~(1)~~ On June 21, 2019, the Government of Can-
20 ada, pursuant to its Special Economic Measures Act,
21 designated 9 officials of the Government of Nica-
22 ragua for the imposition of sanctions in response to
23 gross and systematic human rights violations in
24 Nicaragua.

1 (2) On May 4, 2020, the European Union im-
 2 posed sanctions with respect to 6 officials of the
 3 Government of Nicaragua identified as responsible
 4 for serious human rights violations and for the re-
 5 pression of civil society and democratic opposition in
 6 Nicaragua.

7 (3) On October 12, 2020, the European Union
 8 extended its authority to impose restrictive measures
 9 on “persons and entities responsible for serious
 10 human rights violations or abuses or for the repres-
 11 sion of civil society and democratic opposition in
 12 Nicaragua, as well as persons and entities whose ac-
 13 tions, policies or activities otherwise undermine de-
 14 mocracy and the rule of law in Nicaragua, and per-
 15 sons associated with them”.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
 17 gress that the United States should encourage the Govern-
 18 ment of Canada, the European Union and governments
 19 of members countries of the European Union, and govern-
 20 ments of countries in Latin America and the Caribbean
 21 to use targeted sanctions with respect to persons involved
 22 in human rights violations and the obstruction of free,
 23 fair, and transparent elections in Nicaragua.

24 (c) COORDINATING INTERNATIONAL SANCTIONS.—
 25 The Secretary of State, working through the head of the

1 Office of Sanctions Coordination established by section
 2 1(h) of the State Department Basic Authorities Act of
 3 1956 (22 U.S.C. 2651a(h)), and in consultation with the
 4 Secretary of the Treasury, shall engage in diplomatic ef-
 5 forts with governments of countries that are partners of
 6 the United States, including the Government of Canada,
 7 governments of countries in the European Union, and gov-
 8 ernments of countries in Latin America and the Carib-
 9 bean, to impose targeted sanctions with respect to the per-
 10 sons described in section 5(b) in order to advance demo-
 11 cratic elections in Nicaragua.

12 (d) BRIEFING REQUIREMENT.—Not later than 60
 13 days after the date of the enactment of this Act, and every
 14 60 days thereafter until December 31, 2021, the Secretary
 15 of State, in consultation with the Secretary of the Treas-
 16 ury, shall brief the Committee on Foreign Relations of the
 17 Senate and the Committee on Foreign Affairs of the
 18 House of Representatives on the implementation of this
 19 section.

20 **SEC. 7. INCLUSION OF NICARAGUA IN LIST OF COUNTRIES**
 21 **SUBJECT TO CERTAIN SANCTIONS RELATING**
 22 **TO CORRUPTION.**

23 Section 353 of title III of division FF of the Consoli-
 24 dated Appropriations Act, 2021 (Public Law 116–260) is
 25 amended—

1 (1) in the section heading, by striking “**AND**
 2 **HONDURAS**” and inserting “, **HONDURAS, AND**
 3 **NICARAGUA**”; and

4 (2) by striking “and Honduras” each place it
 5 appears and inserting “, Honduras, and Nicaragua”.

6 **SEC. 8. CLASSIFIED REPORT ON THE INVOLVEMENT OF OR-**
 7 **TEGA FAMILY MEMBERS AND NICARAGUAN**
 8 **GOVERNMENT OFFICIALS IN CORRUPTION.**

9 (a) **REPORT REQUIRED.**—Not later than 60 days
 10 after the date of the enactment of this Act, the Secretary
 11 of State, acting through the Bureau of Intelligence and
 12 Research of the Department of State, and in coordination
 13 with the Director of National Intelligence, shall submit a
 14 classified report to the appropriate congressional commit-
 15 tees on significant acts of public corruption in Nicaragua
 16 that—

17 (1) involve—

18 (A) the President of Nicaragua, Daniel Or-
 19 tega;

20 (B) members of the family of Daniel Or-
 21 tega; and

22 (C) senior officials of the Ortega govern-
 23 ment, including—

1 (i) members of the Supreme Electoral
 2 Council, the Nicaraguan Armed Forces,
 3 and the National Nicaraguan Police; and

4 (ii) elected officials from the Sandi-
 5 nista National Liberation Front party;

6 ~~(2)~~ pose challenges for United States national
 7 security and regional stability;

8 ~~(3)~~ impede the realization of free, fair, and
 9 transparent elections in Nicaragua; and

10 ~~(4)~~ infringe upon the fundamental freedoms of
 11 civil society and political opponents in Nicaragua.

12 ~~(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—~~

13 In this section, the term “appropriate congressional com-
 14 mittees” means—

15 ~~(1)~~ the Committee on Foreign Relations and
 16 the Select Committee on Intelligence of the Senate;
 17 and

18 ~~(2)~~ the Committee on Foreign Affairs and the
 19 Permanent Select Committee on Intelligence of the
 20 House of Representatives.

21 **SEC. 9. CLASSIFIED REPORT ON THE ACTIVITIES OF THE**
 22 **RUSSIAN FEDERATION IN NICARAGUA.**

23 The Secretary of State shall include in the classified
 24 report required by section 8 a separate section on activities

1 of the Government of the Russian Federation in Nica-
 2 ragua, including—

3 (1) cooperation between Russian and Nica-
 4 raguan military personnel, intelligence services, secu-
 5 rity forces, and private Russian security contractors;

6 (2) cooperation related to telecommunications
 7 and satellite navigation;

8 (3) other political and economic cooperation;
 9 and

10 (4) the threats and risks that such activities
 11 pose to United States national interests and national
 12 security.

13 **SEC. 10. REPORT ON HUMAN RIGHTS ABUSES IN THE INTE-**
 14 **RIOR OF NICARAGUA.**

15 (a) FINDINGS.—Congress finds that, since the June
 16 2018 initiation of “Operation Clean-up”, an effort of the
 17 government of Daniel Ortega to dismantle barricades con-
 18 structed throughout Nicaragua during social demonstra-
 19 tions in April 2018, the Ortega government has increased
 20 its abuse of campesinos and members of indigenous com-
 21 munities, including arbitrary detentions, torture, and sex-
 22 ual violence as a form of intimidation.

23 (b) REPORT REQUIRED.—Not later than 90 days
 24 after the date of the enactment of this Act, the Secretary
 25 of State shall submit to the appropriate congressional

1 committees a report that documents the perpetration of
 2 gross human rights violations by the Ortega government
 3 against campesinos and indigenous communities in the in-
 4 terior of Nicaragua.

5 (c) ELEMENTS.—The report required by subsection
 6 (b) shall—

7 (1) include a compilation of human rights viola-
 8 tions committed by the Ortega government against
 9 inhabitants of the interior of Nicaragua, with a
 10 focus on such violations committed since April 2018,
 11 including human rights abuses and extrajudicial
 12 killings in—

13 (A) the cities of Managua, Carazo, and
 14 Masaya between April and June of 2018; and

15 (B) the municipalities of Wiwili, El Cuá,
 16 San Jose de Bocay, and Santa Maria de
 17 Pantasma in the Department of Jinotega,
 18 Esquipulas in the Department of Rivas, and
 19 Bilwi in the North Caribbean Coast Autono-
 20 mous Region between 2018 and 2021;

21 (2) outline efforts by the Ortega government to
 22 intimidate and disrupt the activities of CENIDH
 23 and other civil society organizations attempting to
 24 hold the government accountable for infringing on

1 the fundamental rights and freedoms of the people
2 of Nicaragua; and

3 ~~(3) provide recommendations on how the United~~
4 ~~States, in collaboration with international partners~~
5 ~~and Nicaraguan civil society, should leverage its dip-~~
6 ~~lomatic capabilities, including sanctions, to curtail~~
7 ~~the gross human rights violations perpetrated by the~~
8 ~~Ortega government and better support the victims of~~
9 ~~human rights violations in the interior of Nicaragua.~~

10 ~~(d) APPROPRIATE CONGRESSIONAL COMMITTEES~~
11 ~~DEFINED.—In this section, the term “appropriate con-~~
12 ~~gressional committees” means—~~

13 ~~(1) the Committee on Foreign Relations of the~~
14 ~~Senate; and~~

15 ~~(2) the Committee on Foreign Affairs of the~~
16 ~~House of Representatives.~~

17 **SEC. 11. SUPPORTING INDEPENDENT NEWS MEDIA AND**
18 **FREEDOM OF INFORMATION IN NICARAGUA.**

19 ~~(a) REPORT REQUIRED.—Not later than 90 days~~
20 ~~after the date of the enactment of this Act, the Secretary~~
21 ~~of State, the Administrator for the United States Agency~~
22 ~~for International Development, and the Chief Executive~~
23 ~~Officer of the United States Agency for Global Media,~~
24 ~~shall submit to Congress a report that includes—~~

1 (1) an evaluation of the governmental, political,
2 and technological obstacles faced by the people of
3 Nicaragua in their efforts to obtain accurate, objec-
4 tive, and comprehensive news and information about
5 domestic and international affairs;

6 (2) a list of all TV channels, radio stations, on-
7 line news sites, and other media platforms operating
8 in Nicaragua that are directly or indirectly owned or
9 beneficially controlled by President Daniel Ortega,
10 members of the Ortega family, or known allies of the
11 Ortega government; and

12 (3) a list of any independent press organization
13 or any person affiliated with the independent news
14 media that has experienced intimidation, harass-
15 ment, physical assault, theft of property, or fatal in-
16 jury by agents of the Government of Nicaragua or
17 pro-government supporters in direct relation to their
18 journalistic activities since April 2018.

19 (b) ELEMENTS.—The report required by subsection
20 (a) shall include—

21 (1) an assessment of the extent to which the
22 current level and type of news and related program-
23 ming and content provided by the Voice of America
24 and other sources is addressing the informational
25 needs of the people of Nicaragua;

1 (2) a description of existing United States ef-
 2 forts to strengthen freedom of the press and freedom
 3 of expression in Nicaragua, including recommenda-
 4 tions to expand upon those efforts; and

5 (3) a strategy for strengthening independent
 6 broadcasting, information distribution, and media
 7 platforms in Nicaragua.

8 **SEC. 12. AMENDMENT TO SHORT TITLE OF PUBLIC LAW**
 9 **115-335.**

10 Section 1(a) of the Nicaragua Human Rights and
 11 Anticorruption Act of 2018 (Public Law 115-335; 50
 12 U.S.C. 1701 note) is amended to read as follows:

13 “(a) **SHORT TITLE.**—This Act may be cited as the
 14 ‘Nicaragua Investment Conditionality Act of 2018’ or the
 15 ‘NICA Act’.”.

16 **SEC. 13. DEFINITION.**

17 In this Act, the term “Nicaragua Investment Condi-
 18 tionality Act of 2018” means the Public Law 115-335 (50
 19 U.S.C. 1701 note), as amended by section 12.

20 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

21 (a) *SHORT TITLE.*—*This Act may be cited as the “Re-*
 22 *inforcing Nicaragua’s Adherence to Conditions for Electoral*
 23 *Reform Act of 2021” or the “RENACER Act”.*

24 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 25 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Sense of Congress.

Sec. 3. Review of participation of Nicaragua in Dominican Republic-Central America-United States Free Trade Agreement.

Sec. 4. Restrictions on international financial institutions relating to Nicaragua.

Sec. 5. Targeted sanctions to advance democratic elections.

Sec. 6. Developing and implementing a coordinated sanctions strategy with diplomatic partners.

Sec. 7. Inclusion of Nicaragua in list of countries subject to certain sanctions relating to corruption.

Sec. 8. Classified report on the involvement of Ortega family members and Nicaraguan government officials in corruption.

Sec. 9. Classified report on the activities of the Russian Federation in Nicaragua.

Sec. 10. Imposition of sanctions under section 231 of Countering America's Adversaries Through Sanctions Act with respect to Government of Nicaragua.

Sec. 11. Report on human rights abuses in Nicaragua.

Sec. 12. Supporting independent news media and freedom of information in Nicaragua.

Sec. 13. Amendment to short title of Public Law 115–335.

Sec. 14. Definition.

1 **SEC. 2. SENSE OF CONGRESS.**

2 *It is the sense of Congress that—*

3 *(1) ongoing efforts by the government of Presi-*
 4 *dent Daniel Ortega in Nicaragua to suppress the*
 5 *voice and actions of political opponents through in-*
 6 *timidation and unlawful detainment, civil society,*
 7 *and independent news media violate the fundamental*
 8 *freedoms and basic human rights of the people of*
 9 *Nicaragua;*

10 *(2) Congress unequivocally condemns the politi-*
 11 *cally motivated and unlawful detention of presi-*
 12 *dential candidates Cristiana Chamorro, Arturo Cruz,*
 13 *Felix Maradiaga, and Juan Sebastian Chamorro;*

14 *(3) Congress unequivocally condemns the passage*
 15 *of the Foreign Agents Regulation Law, the Special*
 16 *Cybercrimes Law, the Self-Determination Law, and*

1 *the Consumer Protection Law by the National Assem-*
2 *bley of Nicaragua, which represent clear attempts by*
3 *the Ortega government to curtail the fundamental*
4 *freedoms and basic human rights of the people of*
5 *Nicaragua;*

6 *(4) Congress recognizes that free, fair, and trans-*
7 *parent elections predicated on robust reform measures*
8 *and the presence of domestic and international ob-*
9 *servers represent the best opportunity for the people of*
10 *Nicaragua to restore democracy and reach a peaceful*
11 *solution to the political and social crisis in Nica-*
12 *ragua;*

13 *(5) the United States recognizes the right of the*
14 *people of Nicaragua to freely determine their own po-*
15 *litical future as vital to ensuring the sustainable res-*
16 *toration of democracy in their country;*

17 *(6) the United States should align the use of dip-*
18 *lomatic engagement and all other foreign policy tools,*
19 *including the use of targeted sanctions, in support of*
20 *efforts by democratic political actors and civil society*
21 *in Nicaragua to advance the necessary conditions for*
22 *free, fair, and transparent elections in Nicaragua;*

23 *(7) the United States, in order to maximize the*
24 *effectiveness of efforts described in paragraph (6),*
25 *should—*

1 (A) coordinate with diplomatic partners,
 2 including the Government of Canada, the Euro-
 3 pean Union, and partners in Latin America and
 4 the Caribbean;

5 (B) advance diplomatic initiatives in con-
 6 sultation with the Organization of American
 7 States and the United Nations; and

8 (C) thoroughly investigate the assets and
 9 holdings of the Nicaraguan Armed Forces in the
 10 United States and consider appropriate actions
 11 to hold such forces accountable for gross viola-
 12 tions of human rights; and

13 (8) pursuant to section 6(b) of the Nicaragua In-
 14 vestment Conditionality Act of 2018, the President
 15 should waive the application of restrictions under sec-
 16 tion 4 of that Act and the sanctions under section 5
 17 of that Act if the Secretary of State certifies that the
 18 Government of Nicaragua is taking the steps identi-
 19 fied in section 6(a) of that Act, including taking steps
 20 to “to hold free and fair elections overseen by credible
 21 domestic and international observers”.

22 **SEC. 3. REVIEW OF PARTICIPATION OF NICARAGUA IN DO-**
 23 **MINICAN REPUBLIC-CENTRAL AMERICA-**
 24 **UNITED STATES FREE TRADE AGREEMENT.**

25 (a) *FINDINGS.*—Congress makes the following findings:

1 (1) On November 27, 2018, the President signed
 2 *Executive Order 13851 (50 U.S.C. 1701 note; relating*
 3 *to blocking property of certain persons contributing to*
 4 *the situation in Nicaragua), which stated that “the*
 5 *situation in Nicaragua, including the violent response*
 6 *by the Government of Nicaragua to the protests that*
 7 *began on April 18, 2018, and the Ortega regime’s sys-*
 8 *tematic dismantling and undermining of democratic*
 9 *institutions and the rule of law, its use of indiscrimi-*
 10 *nate violence and repressive tactics against civilians,*
 11 *as well as its corruption leading to the destabilization*
 12 *of Nicaragua’s economy, constitutes an unusual and*
 13 *extraordinary threat to the national security and for-*
 14 *ign policy of the United States”.*

15 (2) Article 21.2 of the Dominican Republic-Cen-
 16 tral America-United States Free Trade Agreement ap-
 17 proved by Congress under section 101(a)(1) of the Do-
 18 minican Republic-Central America-United States
 19 Free Trade Agreement Implementation Act (19 U.S.C.
 20 4011(a)(1)) states, “Nothing in this Agreement shall
 21 be construed . . . to preclude a Party from applying
 22 measures that it considers necessary for the fulfill-
 23 ment of its obligations with respect to the mainte-
 24 nance or restoration of international peace or secu-

1 *rity, or the protection of its own essential security in-*
 2 *terests.”.*

3 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
 4 *that the President should review the continued participa-*
 5 *tion of Nicaragua in the Dominican Republic-Central*
 6 *America-United States Free Trade Agreement if the Gov-*
 7 *ernment of Nicaragua continues to tighten its authoritarian*
 8 *rule in an attempt to subvert democratic elections in No-*
 9 *vember 2021 and undermine democracy and human rights*
 10 *in Nicaragua.*

11 **SEC. 4. RESTRICTIONS ON INTERNATIONAL FINANCIAL IN-**
 12 **STITUTIONS RELATING TO NICARAGUA.**

13 *Section 4 of the Nicaragua Investment Conditionality*
 14 *Act of 2018 is amended—*

15 *(1) by redesignating subsections (a), (b), and (c)*
 16 *as subsections (b), (c), and (d), respectively;*

17 *(2) by inserting before subsection (b), as redesign-*
 18 *ated by paragraph (1), the following:*

19 *“(a) SENSE OF CONGRESS.—It is the sense of Congress*
 20 *that the Secretary of the Treasury should take all possible*
 21 *steps, including through the full implementation of the ex-*
 22 *ceptions set forth in subsection (c), to ensure that the re-*
 23 *strictions required under subsection (b) do not negatively*
 24 *impact the basic human needs of the people of Nicaragua.”;*

1 (3) in subsection (c), as so redesignated, by strik-
 2 ing “subsection (a)” and inserting “subsection (b)”;
 3 and

4 (4) by striking subsection (d), as so redesignated,
 5 and inserting the following:

6 “(d) *INCREASED OVERSIGHT.*—

7 “(1) *IN GENERAL.*—*The United States Executive*
 8 *Director at each international financial institution of*
 9 *the World Bank Group, the United States Executive*
 10 *Director at the Inter-American Development Bank,*
 11 *and the United States Executive Director at each*
 12 *other international financial institution, including*
 13 *the International Monetary Fund, shall take all prac-*
 14 *ticable steps—*

15 “(A) *to increase scrutiny of any loan or fi-*
 16 *nancial or technical assistance provided for a*
 17 *project in Nicaragua; and*

18 “(B) *to ensure that the loan or assistance is*
 19 *administered through an entity with full tech-*
 20 *nical, administrative, and financial independ-*
 21 *ence from the Government of Nicaragua.*

22 “(2) *MECHANISMS FOR INCREASED SCRUTINY.*—
 23 *The United States Executive Director at each inter-*
 24 *national financial institution described in paragraph*
 25 *(1) shall use the voice, vote, and influence of the*

1 *United States to encourage that institution to in-*
 2 *crease oversight mechanisms for new and existing*
 3 *loans or financial or technical assistance provided for*
 4 *a project in Nicaragua.*

5 “(e) *INTERAGENCY CONSULTATION.*—*Before imple-*
 6 *menting the restrictions described in subsection (b), or be-*
 7 *fore exercising an exception under subsection (c), the Sec-*
 8 *retary of the Treasury shall consult with the Secretary of*
 9 *State and with the Administrator of the United States*
 10 *Agency for International Development to ensure that all*
 11 *loans and financial or technical assistance to Nicaragua*
 12 *are consistent with United States foreign policy objectives*
 13 *as defined in section 3.*

14 “(f) *REPORT.*—*Not later than 180 days after the date*
 15 *of the enactment of the RENACER Act, and annually there-*
 16 *after until the termination date specified in section 10, the*
 17 *Secretary of the Treasury, in coordination with the Sec-*
 18 *retary of State and the Administrator of the United States*
 19 *Agency for International Development, shall submit to the*
 20 *appropriate congressional committees a report on the im-*
 21 *plementation of this section, which shall include—*

22 “(1) *summary of any loans and financial and*
 23 *technical assistance provided by international finan-*
 24 *cial institutions for projects in Nicaragua;*

1 “(2) a description of the implementation of the
2 restrictions described in subsection (b);

3 “(3) an identification of the occasions in which
4 the exceptions under subsection (c) are exercised and
5 an assessment of how the loan or assistance provided
6 with each such exception may address basic human
7 needs or promote democracy in Nicaragua;

8 “(4) a description of the results of the increased
9 oversight conducted under subsection (d); and

10 “(5) a description of international efforts to ad-
11 dress the humanitarian needs of the people of Nica-
12 ragua.”.

13 **SEC. 5. TARGETED SANCTIONS TO ADVANCE DEMOCRATIC**
14 **ELECTIONS.**

15 (a) *COORDINATED STRATEGY.*—

16 (1) *IN GENERAL.*—The Secretary of State and
17 the Secretary of the Treasury, in consultation with
18 the intelligence community (as defined in section 3 of
19 the National Security Act of 1947 (50 U.S.C. 3003)),
20 shall develop and implement a coordinated strategy to
21 align diplomatic engagement efforts with the imple-
22 mentation of targeted sanctions in order to support
23 efforts to facilitate the necessary conditions for free,
24 fair, and transparent elections in Nicaragua.

1 (2) *BRIEFING REQUIRED.*—Not later than 90
 2 *days after the date of the enactment of this Act, and*
 3 *every 90 days thereafter until December 31, 2022, the*
 4 *Secretary of State and the Secretary of the Treasury*
 5 *shall brief the Committee on Foreign Relations of the*
 6 *Senate and the Committee on Foreign Affairs of the*
 7 *House of Representatives on steps to be taken by the*
 8 *United States Government to develop and implement*
 9 *the coordinated strategy required by paragraph (1).*

10 *(b) TARGETED SANCTIONS PRIORITIZATION.*—

11 (1) *IN GENERAL.*—Pursuant to the coordinated
 12 *strategy required by subsection (a), the President*
 13 *shall prioritize the implementation of the targeted*
 14 *sanctions required under section 5 of the Nicaragua*
 15 *Investment Conditionality Act of 2018.*

16 (2) *TARGETS.*—In carrying out paragraph (1),
 17 *the President—*

18 (A) *shall examine whether foreign persons*
 19 *involved in directly or indirectly obstructing the*
 20 *establishment of conditions necessary for the re-*
 21 *alization of free, fair, and transparent elections*
 22 *in Nicaragua are subject to sanctions under sec-*
 23 *tion 5 of the Nicaragua Investment Condition-*
 24 *ality Act of 2018; and*

1 (B) should, in particular, examine whether
2 the following persons have engaged in conduct
3 subject to such sanctions:

4 (i) Officials in the government of
5 President Daniel Ortega.

6 (ii) Family members of President Dan-
7 iel Ortega.

8 (iii) High-ranking members of the Na-
9 tional Nicaraguan Police.

10 (iv) High-ranking members of the Nic-
11 araguan Armed Forces.

12 (v) Members of the Supreme Electoral
13 Council of Nicaragua.

14 (vi) Officials of the Central Bank of
15 Nicaragua.

16 (vii) Party members and elected offi-
17 cials from the Sandinista National Libera-
18 tion Front and their family members.

19 (viii) Individuals or entities affiliated
20 with businesses engaged in corrupt finan-
21 cial transactions with officials in the gov-
22 ernment of President Daniel Ortega, his
23 party, or his family.

24 (ix) Individuals identified in the re-
25 port required by section 8 as involved in

1 *significant acts of public corruption in*
 2 *Nicaragua.*

3 **SEC. 6. DEVELOPING AND IMPLEMENTING A COORDINATED**
 4 **SANCTIONS STRATEGY WITH DIPLOMATIC**
 5 **PARTNERS.**

6 (a) *FINDINGS.*—Congress makes the following findings:

7 (1) *On June 21, 2019, the Government of Can-*
 8 *ada, pursuant to its Special Economic Measures Act,*
 9 *designated 9 officials of the Government of Nicaragua*
 10 *for the imposition of sanctions in response to gross*
 11 *and systematic human rights violations in Nica-*
 12 *ragua.*

13 (2) *On May 4, 2020, the European Union im-*
 14 *posed sanctions with respect to 6 officials of the Gov-*
 15 *ernment of Nicaragua identified as responsible for se-*
 16 *rious human rights violations and for the repression*
 17 *of civil society and democratic opposition in Nica-*
 18 *ragua.*

19 (3) *On October 12, 2020, the European Union*
 20 *extended its authority to impose restrictive measures*
 21 *on “persons and entities responsible for serious*
 22 *human rights violations or abuses or for the repres-*
 23 *sion of civil society and democratic opposition in*
 24 *Nicaragua, as well as persons and entities whose ac-*
 25 *tions, policies or activities otherwise undermine de-*

1 *mocracy and the rule of law in Nicaragua, and per-*
 2 *sons associated with them”.*

3 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
 4 *that the United States should encourage the Government of*
 5 *Canada, the European Union and governments of members*
 6 *countries of the European Union, and governments of coun-*
 7 *tries in Latin America and the Caribbean to use targeted*
 8 *sanctions with respect to persons involved in human rights*
 9 *violations and the obstruction of free, fair, and transparent*
 10 *elections in Nicaragua.*

11 *(c) COORDINATING INTERNATIONAL SANCTIONS.—The*
 12 *Secretary of State, working through the head of the Office*
 13 *of Sanctions Coordination established by section 1(h) of the*
 14 *State Department Basic Authorities Act of 1956 (22 U.S.C.*
 15 *2651a(h)), and in consultation with the Secretary of the*
 16 *Treasury, shall engage in diplomatic efforts with govern-*
 17 *ments of countries that are partners of the United States,*
 18 *including the Government of Canada, governments of coun-*
 19 *tries in the European Union, and governments of countries*
 20 *in Latin America and the Caribbean, to impose targeted*
 21 *sanctions with respect to the persons described in section*
 22 *5(b) in order to advance democratic elections in Nicaragua.*

23 *(d) BRIEFING REQUIREMENT.—Not later than 90 days*
 24 *after the date of the enactment of this Act, and every 90*
 25 *days thereafter until December 31, 2022, the Secretary of*

1 *State, in consultation with the Secretary of the Treasury,*
 2 *shall brief the Committee on Foreign Relations of the Senate*
 3 *and the Committee on Foreign Affairs of the House of Rep-*
 4 *resentatives on the implementation of this section.*

5 **SEC. 7. INCLUSION OF NICARAGUA IN LIST OF COUNTRIES**

6 **SUBJECT TO CERTAIN SANCTIONS RELATING**
 7 **TO CORRUPTION.**

8 *Section 353 of title III of division FF of the Consoli-*
 9 *dated Appropriations Act, 2021 (Public Law 116–260) is*
 10 *amended—*

11 *(1) in the section heading, by striking “AND*
 12 *HONDURAS” and inserting “, HONDURAS, AND*
 13 *NICARAGUA”; and*

14 *(2) by striking “and Honduras” each place it*
 15 *appears and inserting “, Honduras, and Nicaragua”.*

16 **SEC. 8. CLASSIFIED REPORT ON THE INVOLVEMENT OF OR-**

17 **TEGA FAMILY MEMBERS AND NICARAGUAN**
 18 **GOVERNMENT OFFICIALS IN CORRUPTION.**

19 *(a) REPORT REQUIRED.—Not later than 90 days after*
 20 *the date of the enactment of this Act, the Secretary of State,*
 21 *acting through the Bureau of Intelligence and Research of*
 22 *the Department of State, and in coordination with the Di-*
 23 *rector of National Intelligence, shall submit a classified re-*
 24 *port to the appropriate congressional committees on signifi-*
 25 *cant acts of public corruption in Nicaragua that—*

1 (1) *involve—*

2 (A) *the President of Nicaragua, Daniel Or-*
3 *tega;*

4 (B) *members of the family of Daniel Ortega;*
5 *and*

6 (C) *senior officials of the Ortega govern-*
7 *ment, including—*

8 (i) *members of the Supreme Electoral*
9 *Council, the Nicaraguan Armed Forces, and*
10 *the National Nicaraguan Police; and*

11 (ii) *elected officials from the Sandi-*
12 *nista National Liberation Front party;*

13 (2) *pose challenges for United States national se-*
14 *curity and regional stability;*

15 (3) *impede the realization of free, fair, and*
16 *transparent elections in Nicaragua; and*

17 (4) *violate the fundamental freedoms of civil so-*
18 *cietly and political opponents in Nicaragua.*

19 (b) *APPROPRIATE CONGRESSIONAL COMMITTEES.—In*
20 *this section, the term “appropriate congressional commit-*
21 *tees” means—*

22 (1) *the Committee on Foreign Relations and the*
23 *Select Committee on Intelligence of the Senate; and*

1 (2) *the Committee on Foreign Affairs and the*
 2 *Permanent Select Committee on Intelligence of the*
 3 *House of Representatives.*

4 **SEC. 9. CLASSIFIED REPORT ON THE ACTIVITIES OF THE**
 5 **RUSSIAN FEDERATION IN NICARAGUA.**

6 (a) *REPORT REQUIRED.*—*Not later than 90 days after*
 7 *the date of the enactment of this Act, the Secretary of State,*
 8 *acting through the Bureau of Intelligence and Research of*
 9 *the Department of State, and in coordination with the Di-*
 10 *rector of National Intelligence, shall submit a classified re-*
 11 *port to the appropriate congressional committees on activi-*
 12 *ties of the Government of the Russian Federation in Nica-*
 13 *ragua, including—*

14 (1) *cooperation between Russian and Nica-*
 15 *raguan military personnel, intelligence services, secu-*
 16 *rity forces, and law enforcement, and private Russian*
 17 *security contractors;*

18 (2) *cooperation related to telecommunications*
 19 *and satellite navigation;*

20 (3) *other political and economic cooperation, in-*
 21 *cluding with respect to banking, disinformation, and*
 22 *election interference; and*

23 (4) *the threats and risks that such activities pose*
 24 *to United States national interests and national secu-*
 25 *rity.*

1 (b) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—In
 2 this section, the term “appropriate congressional commit-
 3 tees” means—

4 (1) *the Committee on Foreign Relations and the*
 5 *Select Committee on Intelligence of the Senate; and*

6 (2) *the Committee on Foreign Affairs and the*
 7 *Permanent Select Committee on Intelligence of the*
 8 *House of Representatives.*

9 **SEC. 10. IMPOSITION OF SANCTIONS UNDER SECTION 231**
 10 **OF COUNTERING AMERICA’S ADVERSARIES**
 11 **THROUGH SANCTIONS ACT WITH RESPECT TO**
 12 **GOVERNMENT OF NICARAGUA.**

13 (a) *REPORT REQUIRED.*—

14 (1) *IN GENERAL.*—Not later than 90 days after
 15 the date of the enactment of this Act, the Secretary of
 16 State, acting through the Bureau of Intelligence and
 17 Research of the Department of State, and in coordi-
 18 nation with the Director of National Intelligence and
 19 the Director of the Defense Intelligence Agency, shall
 20 submit to the Committee on Foreign Relations of the
 21 Senate and the Committee on Foreign Affairs of the
 22 House of Representatives a report that includes—

23 (A) a list of—

24 (i) all equipment, technology, or infra-
 25 structure with respect to the military or in-

1 *telligence sector of Nicaragua purchased, on*
 2 *or after January 1, 2011, by the Govern-*
 3 *ment of Nicaragua from an entity identified*
 4 *by the Department of State under section*
 5 *231(e) of the Countering America's Adver-*
 6 *saries Through Sanctions Act (22 U.S.C.*
 7 *9525(e)); and*

8 *(ii) all agreements with respect to the*
 9 *military or intelligence sector of Nicaragua*
 10 *entered into, on or after January 1, 2011,*
 11 *by the Government of Nicaragua with an*
 12 *entity described in clause (i); and*

13 *(B) a description of and date for each pur-*
 14 *chase and agreement described in subparagraph*
 15 *(A).*

16 *(2) CONSIDERATION.—The report required by*
 17 *paragraph (1) shall be prepared after consideration of*
 18 *the content of the report of the Defense Intelligence*
 19 *Agency entitled, “Russia: Defense Cooperation with*
 20 *Cuba, Nicaragua, and Venezuela” and dated Feb-*
 21 *ruary 4, 2019.*

22 *(3) FORM OF REPORT.—The report required by*
 23 *paragraph (1) shall be submitted in unclassified form*
 24 *but may include a classified annex.*

1 **(b) REVIEW REQUIRED.**—Not later than 30 days after
2 submitting the report required by subsection (a), the Sec-
3 retary of State, in coordination with the Director of Na-
4 tional Intelligence and the Director of the Defense Intel-
5 ligence Agency, shall—

6 (1) review whether any of the purchases or agree-
7 ments included in the list required by subsection
8 (a)(1)(A) that occurred after August 2, 2017, qualify
9 as significant transactions described in section 231(a)
10 of the Countering America’s Adversaries Through
11 Sanctions Act (22 U.S.C. 9525(a)); and

12 (2) submit to the Committee on Foreign Rela-
13 tions of the Senate and the Committee on Foreign Af-
14 fairs of the House of Representatives a report on the
15 results of the review conducted under paragraph (1).

16 **(c) IMPOSITION OF SANCTIONS.**—Pursuant to the re-
17 view conducted under subsection (b) and section 231 of the
18 Countering America’s Adversaries Through Sanctions Act
19 (22 U.S.C. 9525), the President shall impose 5 or more of
20 the sanctions described in section 235 of that Act (22 U.S.C.
21 9529) with respect to each significant transaction identified
22 pursuant to the review.

1 **SEC. 11. REPORT ON HUMAN RIGHTS ABUSES IN NICA-**
2 **RAGUA.**

3 (a) *FINDINGS.*—Congress finds that, since the June
4 2018 initiation of “Operation Clean-up”, an effort of the
5 government of Daniel Ortega to dismantle barricades con-
6 structed throughout Nicaragua during social demonstra-
7 tions in April 2018, the Ortega government has increased
8 its abuse of campesinos and members of indigenous commu-
9 nities, including arbitrary detentions, torture, and sexual
10 violence as a form of intimidation.

11 (b) *REPORT REQUIRED.*—Not later than 90 days after
12 the date of the enactment of this Act, the Secretary of State
13 shall submit to the appropriate congressional committees a
14 report that documents the perpetration of gross human
15 rights violations by the Ortega government against the citi-
16 zens of Nicaragua, including campesinos and indigenous
17 communities in the interior of Nicaragua.

18 (c) *ELEMENTS.*—The report required by subsection (b)
19 shall—

20 (1) include a compilation of human rights viola-
21 tions committed by the Ortega government against the
22 citizens of Nicaragua, with a focus on such violations
23 committed since April 2018, including human rights
24 abuses and extrajudicial killings in—

25 (A) the cities of Managua, Carazo, and
26 Masaya between April and June of 2018; and

1 (B) the municipalities of Wiwili, El Cuá,
 2 San Jose de Bocay, and Santa Maria de
 3 Pantasma in the Department of Jinotega,
 4 Esquipulas in the Department of Rivas, and
 5 Bilwi in the North Caribbean Coast Autonomous
 6 Region between 2018 and 2021;

7 (2) outline efforts by the Ortega government to
 8 intimidate and disrupt the activities of civil society
 9 organizations attempting to hold the government ac-
 10 countable for infringing on the fundamental rights
 11 and freedoms of the people of Nicaragua; and

12 (3) provide recommendations on how the United
 13 States, in collaboration with international partners
 14 and Nicaraguan civil society, should leverage bilateral
 15 and regional relationships to curtail the gross human
 16 rights violations perpetrated by the Ortega govern-
 17 ment and better support the victims of human rights
 18 violations in Nicaragua.

19 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
 20 FINED.—In this section, the term “appropriate congres-
 21 sional committees” means—

22 (1) the Committee on Foreign Relations of the
 23 Senate; and

24 (2) the Committee on Foreign Affairs of the
 25 House of Representatives.

1 **SEC. 12. SUPPORTING INDEPENDENT NEWS MEDIA AND**
 2 **FREEDOM OF INFORMATION IN NICARAGUA.**

3 (a) *REPORT REQUIRED.*—Not later than 90 days after
 4 the date of the enactment of this Act, the Secretary of State,
 5 the Administrator for the United States Agency for Inter-
 6 national Development, and the Chief Executive Officer of
 7 the United States Agency for Global Media, shall submit
 8 to Congress a report that includes—

9 (1) *an evaluation of the governmental, political,*
 10 *and technological obstacles faced by the people of*
 11 *Nicaragua in their efforts to obtain accurate, objec-*
 12 *tive, and comprehensive news and information about*
 13 *domestic and international affairs; and*

14 (2) *a list of all TV channels, radio stations, on-*
 15 *line news sites, and other media platforms operating*
 16 *in Nicaragua that are directly or indirectly owned or*
 17 *controlled by President Daniel Ortega, members of the*
 18 *Ortega family, or known allies of the Ortega govern-*
 19 *ment.*

20 (b) *ELEMENTS.*—The report required by subsection (a)
 21 shall include—

22 (1) *an assessment of the extent to which the cur-*
 23 *rent level and type of news and related programming*
 24 *and content provided by the Voice of America and*
 25 *other sources is addressing the informational needs of*
 26 *the people of Nicaragua;*

1 (2) *a description of existing United States efforts*
 2 *to strengthen freedom of the press and freedom of ex-*
 3 *pression in Nicaragua, including recommendations to*
 4 *expand upon those efforts; and*

5 (3) *a strategy for strengthening independent*
 6 *broadcasting, information distribution, and media*
 7 *platforms in Nicaragua.*

8 **SEC. 13. AMENDMENT TO SHORT TITLE OF PUBLIC LAW 115–**
 9 **335.**

10 *Section 1(a) of the Nicaragua Human Rights and*
 11 *Anticorruption Act of 2018 (Public Law 115–335; 50*
 12 *U.S.C. 1701 note) is amended to read as follows:*

13 “(a) *SHORT TITLE.*—*This Act may be cited as the*
 14 *‘Nicaragua Investment Conditionality Act of 2018’ or the*
 15 *‘NICA Act’.*”.

16 **SEC. 14. DEFINITION.**

17 *In this Act, the term “Nicaragua Investment Condi-*
 18 *tionality Act of 2018” means the Public Law 115–335 (50*
 19 *U.S.C. 1701 note), as amended by section 13.*

Calendar No. 86

117TH CONGRESS
1ST Session

S. 1041

A BILL

To advance the strategic alignment of United States diplomatic tools toward the realization of free, fair, and transparent elections in Nicaragua and to reaffirm the commitment of the United States to protect the fundamental freedoms and human rights of the people of Nicaragua, and for other purposes.

JUNE 24, 2021

Reported with an amendment