

117TH CONGRESS 1ST SESSION

H. R. 4017

To authorize appropriations for the Department of State for fiscal years 2021 through 2023 to provide assistance to El Salvador, Guatemala, and Honduras through bilateral compacts to increase protection of women and children in their homes and communities and reduce female homicides, domestic violence, and sexual assault.

IN THE HOUSE OF REPRESENTATIVES

June 17, 2021

Mrs. Torres of California (for herself, Mrs. Wagner, Mr. McGovern, and Mr. Cohen) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To authorize appropriations for the Department of State for fiscal years 2021 through 2023 to provide assistance to El Salvador, Guatemala, and Honduras through bilateral compacts to increase protection of women and children in their homes and communities and reduce female homicides, domestic violence, and sexual assault.

- 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 "Central American
- 5 Women and Children Protection Act of 2021".

1 SEC. 2. FINDINGS.

2	Congress finds the following:
3	(1) The Northern Triangle countries of El Sal-
4	vador, Guatemala, and Honduras have among the
5	highest homicide rates in the world. In 2020, there
6	were—
7	(A) 19.7 homicides per 100,000 people in
8	El Salvador;
9	(B) 15.4 homicides per 100,000 people in
10	Guatemala; and
11	(C) 37.6 homicides per 100,000 people in
12	Honduras.
13	(2) El Salvador, Guatemala, and Honduras are
14	characterized by a high prevalence of drug- and
15	gang-related violence, murder, and crimes involving
16	sexual- and gender-based violence against women
17	and children, including domestic violence, child
18	abuse, and sexual assault.
19	(3) In 2019, El Salvador, Guatemala, and Hon-
20	duras were all listed among the 7 countries in the
21	Latin America and Caribbean region with the high-
22	est rates of femicides (the intentional killing of
23	women or girls because of their gender). In 2019—
24	(A) 113 women in El Salvador were vic-
25	tims of femicide

- 1 (B) 160 women in Guatemala were victims 2 of femicide; and
 - (C) 299 women in Honduras were victims of femicide or violent homicide.
 - (4) In 2015, El Salvador and Honduras were among the top 3 countries in the world with the highest child homicides rates, with more than 22 and 32 deaths per 100,000 children, respectively, according to the nongovernmental organization Save the Children.
 - (5) Thousands of women, children, and families from El Salvador, Guatemala, and Honduras fled unsafe homes and communities in 2019.
 - (6) Violent crimes against women and children are generally assumed to be substantially under-reported because the majority of victims lack safe access to protection and justice.
 - (7) Impunity for perpetrators of violence against women is rampant in El Salvador, Guatemala, and Honduras. There was a 5 percent conviction rate for violence against women in El Salvador in 2016 and 2017. The impunity level for violence against women in Guatemala was 97.05 percent in 2018. In 2018, there was an impunity rate of 95 percent for violence against women in Honduras.

1	(8) According to a study conducted by the
2	Woodrow Wilson International Center for Schol-
3	ars—
4	(A) childhood experiences with domestic vi-
5	olence in Latin America are a major risk factor
6	for future criminal behavior; and
7	(B) 56 percent of incarcerated women and
8	59 percent of incarcerated men surveyed experi-
9	enced intra-familial violence during childhood.
10	SEC. 3. WOMEN AND CHILDREN PROTECTION COMPACTS.
11	(a) Authorization To Enter Into Compacts.—
12	The Secretary of State, in coordination with the Adminis-
13	trator of the United States Agency for International De-
14	velopment, is authorized to enter into multi-year, bilateral
15	agreements of not longer than 6 years in duration, devel-
16	oped in conjunction with the governments of El Salvador,
17	Guatemala, and Honduras (referred to in this Act as
18	"Compact Countries"). Such agreements shall be known
19	as Women and Children Protection Compacts (referred to
20	in this Act as "Compacts").
21	(b) Purpose.—Each Compact shall—
22	(1) set out the shared goals and objectives of
23	the United States and the government of the Com-
24	pact Country; and

1	(2) be aimed at strengthening the Compact
2	Country's efforts—
3	(A) to strengthen criminal justice and civil
4	court systems to protect women and children
5	and serve victims of domestic violence, sexual
6	violence, and child exploitation and neglect, and
7	hold perpetrators accountable;
8	(B) to secure, create, and sustain safe
9	communities, building on best practices to pre-
10	vent and deter violence against women and chil-
11	dren;
12	(C) to ensure that schools are safe and
13	promote the prevention and early detection of
14	domestic abuse against women and children
15	within communities; and
16	(D) to increase access to high-quality, life-
17	saving health care, including post-rape and dig-
18	nity kits, psychosocial support, and dedicated
19	spaces and shelters for gender-based violence
20	survivors, in accordance with international
21	standards.
22	(c) Compact Elements.—Each Compact shall—
23	(1) establish a 3- to 6-year cooperative strategy
24	and assistance plan for achieving the shared goals
25	and objectives articulated in such Compact;

1	(2) be informed by the assessments of—
2	(A) the areas within the Compact Country
3	experiencing the highest incidence of violence
4	against women and children;
5	(B) the ability of women and children to
6	access protection and obtain effective judicia
7	relief; and
8	(C) the judicial capacity to respond to re-
9	ports within the Compact Country of femicide
10	sexual and domestic violence, and child exploi-
11	tation and neglect, and to hold the perpetrators
12	of such criminal acts accountable;
13	(3) seek to address the driving forces of vio-
14	lence against women and children, which shall in-
15	clude efforts to break the binding constraints to in-
16	clusive economic growth and access to justice;
17	(4) identify clear and measurable goals, objec-
18	tives, and benchmarks under the Compact to detect
19	deter and respond to violence against women and
20	children;
21	(5) set out clear roles, responsibilities, and ob-
22	jectives under the Compact, which shall include a de-
23	scription of the anticipated policy and financial com-
24	mitments of the central government of the Compact

Country;

- 1 (6) seek to leverage and deconflict contributions 2 and complementary programming by other donors, 3 international organizations, multilateral institutions, 4 regional organizations, nongovernmental organiza-5 tions, and the private sector, as appropriate;
 - (7) include a description of the metrics and indicators to monitor and measure progress toward achieving the goals, objectives, and benchmarks under the Compact, including reductions in the prevalence of femicide, sexual assault, domestic violence, and child abuse and neglect;
 - (8) provide for the conduct of an impact evaluation not later than 1 year after the conclusion of the Compact; and
 - (9) provide for a full accounting of all funds expended under the Compact, which shall include full audit authority for the Office of the Inspector General of the Department of State, the Office of the Inspector General of the United States Agency for International Development, and the Government Accountability Office, as appropriate.
- (d) SUNSET.—The authority to enter into Compactsunder this Act shall expire on September 30, 2023.

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SEC. 4. AUTHORIZATION OF ASSISTANCE.

- 2 (a) Assistance.—The Secretary of State, in coordi-
- 3 nation with the Administrator of the United States Agen-
- 4 cy for International Development, is authorized to provide
- 5 assistance under this section.
- 6 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
- 7 authorized to be appropriated \$25,000,000 for each of the
- 8 fiscal years 2022 and 2023 to carry out this Act.
- 9 (c) Implementers.—Assistance authorized under
- 10 subsection (a) may be provided through grants, coopera-
- 11 tive agreements, contracts or other innovative financing
- 12 instruments to civil society, international organizations, or
- 13 other private entities with relevant expertise.
- 14 (d) Prohibition on Funding to Central Gov-
- 15 ERNMENTS.—No funds appropriated pursuant to sub-
- 16 section (b) may be provided as direct budgetary support
- 17 to the Government of El Salvador, the Government of
- 18 Guatemala, or the Government of Honduras.
- (e) Suspension of Assistance.—
- 20 (1) In General.—The Secretary of State, in
- 21 coordination with the Administrator of the United
- 22 States Agency for International Development, may
- 23 suspend or terminate assistance authorized under
- 24 this Act if the Secretary determines that the Com-
- 25 pact Country or implementing entity—

- 1 (A) is engaged in activities that are con-2 trary to the national security interests of the 3 United States;
 - (B) has engaged in a pattern of actions inconsistent with the goals, objectives, commitments, or obligations under the Compact; or
 - (C) has failed to make sufficient progress toward meeting the goals, objectives, commitments, or obligations under the Compact.
 - (2) Reinstatement.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, may reinstate assistance suspended or terminated pursuant to paragraph (1) only if the Secretary certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that the Compact Country or implementing entity has taken steps to correct each condition for which assistance was suspended or terminated under paragraph (1).
 - (3) Notification and report.—Not later than 15 days before suspending or terminating assistance pursuant to paragraph (1), the Secretary, in coordination with the Administrator of the United States Agency for International Development, shall

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- 1 notify the Committee on Foreign Relations of the
- 2 Senate and the Committee on Foreign Affairs of the
- 3 House of Representatives of the suspension or termi-
- 4 nation, including a justification for such action.

5 SEC. 5. CONGRESSIONAL NOTIFICATION.

- 6 Not later than 15 days before entering into a Com-
- 7 pact with the Government of Guatemala, the Government
- 8 of Honduras, or the Government of El Salvador, the Sec-
- 9 retary of State, in coordination with the Administrator of
- 10 the United States Agency for International Development,
- 11 shall submit to the Committee on Foreign Relations of the
- 12 Senate and the Committee on Foreign Affairs of the
- 13 House of Representatives—
- 14 (1) a copy of the proposed Compact;
- 15 (2) a detailed summary of the cooperative strat-
- egy and assistance plan required under section 3(c);
- 17 and
- 18 (3) a copy of any annexes, appendices, or imple-
- mentation plans related to the Compact.

20 SEC. 6. COMPACT PROGRESS REPORTS AND BRIEFINGS.

- 21 (a) Progress Report.—Not later than 1 year after
- 22 entering into a Compact, and annually during the life of
- 23 the Compact, the Secretary of State, in coordination with
- 24 the Administrator of the United States Agency for Inter-
- 25 national Development, shall submit a report to the Com-

- 1 mittee on Foreign Relations of the Senate and the Com-
- 2 mittee on Foreign Affairs of the House of Representatives
- 3 describing the progress made under the Compact.

government authorities;

- 4 (b) Contents.—The report under subsection (a)
- 5 shall include—

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- 6 (1) analysis and information on the overall 7 rates of gender-based violence against women and 8 children in El Salvador, Guatemala, and Honduras, 9 including by using survivor surveys, regardless of 10 whether or not these acts of violence are reported to
 - (2) analysis and information on incidences of cases of gender-based violence against women and children reported to the authorities in El Salvador, Guatemala, and Honduras, and the percentage of alleged perpetrators investigated, apprehended, prosecuted, and convicted;
 - (3) analysis and information on the capacity and resource allocation of child welfare systems in El Salvador, Guatemala, and Honduras to protect unaccompanied children;
 - (4) the percentage of reported violence against women and children cases reaching conviction;

1	(5) a baseline and percentage changes in
2	women and children victims receiving legal and other
3	social services;
4	(6) a baseline and percentage changes in school
5	retention rates;
6	(7) a baseline and changes in capacity of police,
7	prosecution service, and courts to combat violence
8	against women and children;
9	(8) a baseline and changes in capacity of
10	health, protection, and other relevant ministries to
11	support survivors of gender-based violence; and
12	(9) independent external evaluation of funded
13	programs, including compliance with terms of the
14	Compacts by El Salvador, Guatemala, and Hon-
15	duras, and by the recipients of the assistance.
16	(c) Briefing.—Not later than 180 days after the
17	date of the enactment of this Act, the Secretary of State
18	and the Administrator of the United States Agency for
19	International Development shall provide a briefing to the
20	Committee on Foreign Relations of the Senate and the
21	Committee on Foreign Affairs of the House of Representa-
22	tives regarding—
23	(1) the data and information collected pursuant
24	to this section; and

1 (2) the steps taken to protect and assist victims 2 of domestic violence, sexual violence, and child ex-3 ploitation and neglect.

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