

117TH CONGRESS
1ST SESSION

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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 SENATE OF THE UNITED STATES

Mr. RUBIO (for himself, Mr. MENENDEZ, Ms. COLLINS, Mrs. SHAHEEN, Mr. YOUNG, Mr. COONS, and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on

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

3 (C) 299 women in Honduras were victims
4 of femicide or violent homicide.

5 (4) In 2015, El Salvador and Honduras were
6 among the top 3 countries in the world with the
7 highest child homicides rates, with more than 22
8 and 32 deaths per 100,000 children, respectively, ac-
9 cording to the nongovernmental organization Save
10 the Children.

11 (5) Thousands of women, children, and families
12 from El Salvador, Guatemala, and Honduras fled
13 unsafe homes and communities in 2019.

14 (6) Violent crimes against women and children
15 are generally assumed to be substantially under-re-
16 ported because the majority of victims lack safe ac-
17 cess to protection and justice.

18 (7) Impunity for perpetrators of violence
19 against women is rampant in El Salvador, Guate-
20 mala, and Honduras. There was a 5 percent convic-
21 tion rate for violence against women in El Salvador
22 in 2016 and 2017. The impunity level for violence
23 against women in Guatemala was 97.05 percent in
24 2018. In 2018, there was an impunity rate of 95
25 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 judicial
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
25 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;

6 (7) include a description of the metrics and in-
7 dicators to monitor and measure progress toward
8 achieving the goals, objectives, and benchmarks
9 under the Compact, including reductions in the prev-
10 alence of femicide, sexual assault, domestic violence,
11 and child abuse and neglect;

12 (8) provide for the conduct of an impact evalua-
13 tion not later than 1 year after the conclusion of the
14 Compact; and

15 (9) provide for a full accounting of all funds ex-
16 pended under the Compact, which shall include full
17 audit authority for the Office of the Inspector Gen-
18 eral of the Department of State, the Office of the
19 Inspector General of the United States Agency for
20 International Development, and the Government Ac-
21 countability Office, as appropriate.

22 (d) SUNSET.—The authority to enter into Compacts
23 under this Act shall expire on September 30, 2023.

1 **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 \$15,000,000 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 DIRECT BUDGETARY SUP-
15 PORT.—No funds appropriated pursuant to subsection (b)
16 may be provided as direct budgetary support to the Gov-
17 ernment of El Salvador, the Government of Guatemala,
18 or the Government of Honduras.

19 (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;

4 (B) has engaged in a pattern of actions in-
5 consistent with the goals, objectives, commit-
6 ments, or obligations under the Compact; or

7 (C) has failed to make sufficient progress
8 toward meeting the goals, objectives, commit-
9 ments, or obligations under the Compact.

10 (2) REINSTATEMENT.—The Secretary of State,
11 in coordination with the Administrator of the United
12 States Agency for International Development, may
13 reinstate assistance suspended or terminated pursu-
14 ant to paragraph (1) only if the Secretary certifies
15 to the Committee on Foreign Relations of the Sen-
16 ate and the Committee on Foreign Affairs of the
17 House of Representatives that the Compact Country
18 or implementing entity has taken steps to correct
19 each condition for which assistance was suspended
20 or terminated under paragraph (1).

21 (3) NOTIFICATION AND REPORT.—Not later
22 than 15 days before suspending or terminating as-
23 sistance pursuant to paragraph (1), the Secretary, in
24 coordination with the Administrator of the United
25 States Agency for International Development, shall

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, the Committee on Appropriations of the Senate,
13 the Committee on Foreign Affairs of the House of Rep-
14 resentatives, and the Committee on Appropriations of the
15 House of Representatives—

16 (1) a copy of the proposed Compact;

17 (2) a detailed summary of the cooperative strat-
18 egy and assistance plan required under section 3(e);

19 and

20 (3) a copy of any annexes, appendices, or imple-
21 mentation plans related to the Compact.

22 **SEC. 6. COMPACT PROGRESS REPORTS AND BRIEFINGS.**

23 (a) **PROGRESS REPORT.**—Not later than 1 year after
24 entering into a Compact, and annually during the life of
25 the Compact, the Secretary of State, in coordination with

1 the Administrator of the United States Agency for Inter-
2 national Development, shall submit a report to the con-
3 gressional committees listed in section 5 that describes the
4 progress made under the Compact.

5 (b) CONTENTS.—The report under subsection (a)
6 shall include—

7 (1) analysis and information on the overall
8 rates of gender-based violence against women and
9 children in El Salvador, Guatemala, and Honduras,
10 including by using survivor surveys, regardless of
11 whether or not these acts of violence are reported to
12 government authorities;

13 (2) analysis and information on incidences of
14 cases of gender-based violence against women and
15 children reported to the authorities in El Salvador,
16 Guatemala, and Honduras, and the percentage of al-
17 leged perpetrators investigated, apprehended, pros-
18 ecuted, and convicted;

19 (3) analysis and information on the capacity
20 and resource allocation of child welfare systems in
21 El Salvador, Guatemala, and Honduras to protect
22 unaccompanied children;

23 (4) the percentage of reported violence against
24 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 congressional committees listed in section 5 regarding—

21 (1) the data and information collected pursuant
22 to this section; and

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