

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, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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 “(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 velop 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 ragan 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;

