

117TH CONGRESS
1ST SESSION

S. 1064

AN ACT

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,*

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

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

7 (b) TABLE OF CONTENTS.—The table of contents for
 8 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. Report on certain purchases by and agreements entered into by Government of Nicaragua relating to military or intelligence sector 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.

9 **SEC. 2. SENSE OF CONGRESS.**

10 It is the sense of Congress that—

11 (1) ongoing efforts by the government of Presi-
 12 dent Daniel Ortega in Nicaragua to suppress the
 13 voice and actions of political opponents through in-
 14 timidation and unlawful detainment, civil society,
 15 and independent news media violate the fundamental

1 freedoms and basic human rights of the people of
2 Nicaragua;

3 (2) Congress unequivocally condemns the politi-
4 cally motivated and unlawful detention of presi-
5 dential candidates Cristiana Chamorro, Arturo Cruz,
6 Felix Maradiaga, and Juan Sebastian Chamorro;

7 (3) Congress unequivocally condemns the pas-
8 sage of the Foreign Agents Regulation Law, the
9 Special Cybercrimes Law, the Self-Determination
10 Law, and the Consumer Protection Law by the Na-
11 tional Assembly of Nicaragua, which represent clear
12 attempts by the Ortega government to curtail the
13 fundamental freedoms and basic human rights of the
14 people of Nicaragua;

15 (4) Congress recognizes that free, fair, and
16 transparent elections predicated on robust reform
17 measures and the presence of domestic and inter-
18 national observers represent the best opportunity for
19 the people of Nicaragua to restore democracy and
20 reach a peaceful solution to the political and social
21 crisis in Nicaragua;

22 (5) the United States recognizes the right of
23 the people of Nicaragua to freely determine their
24 own political future as vital to ensuring the sustain-
25 able restoration of democracy in their country;

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

8 (7) the United States, in order to maximize the
9 effectiveness of efforts described in paragraph (6),
10 should—

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

15 (B) advance diplomatic initiatives in con-
16 sultation with the Organization of American
17 States and the United Nations; and

18 (C) thoroughly investigate the assets and
19 holdings of the Nicaraguan Armed Forces in
20 the United States and consider appropriate ac-
21 tions to hold such forces accountable for gross
22 violations of human rights; and

23 (8) pursuant to section 6(b) of the Nicaragua
24 Investment Conditionality Act of 2018, the Presi-
25 dent should waive the application of restrictions

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

8 **SEC. 3. REVIEW OF PARTICIPATION OF NICARAGUA IN DO-**
9 **MINICAN REPUBLIC-CENTRAL AMERICA-**
10 **UNITED STATES FREE TRADE AGREEMENT.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) On November 27, 2018, the President
14 signed Executive Order 13851 (50 U.S.C. 1701
15 note; relating to blocking property of certain persons
16 contributing to the situation in Nicaragua), which
17 stated that “the situation in Nicaragua, including
18 the violent response by the Government of Nica-
19 ragua to the protests that began on April 18, 2018,
20 and the Ortega regime’s systematic dismantling and
21 undermining of democratic institutions and the rule
22 of law, its use of indiscriminate violence and repres-
23 sive tactics against civilians, as well as its corruption
24 leading to the destabilization of Nicaragua’s econ-
25 omy, constitutes an unusual and extraordinary

1 threat to the national security and foreign policy of
2 the United States”.

3 (2) Article 21.2 of the Dominican Republic-
4 Central America-United States Free Trade Agree-
5 ment approved by Congress under section 101(a)(1)
6 of the Dominican Republic-Central America-United
7 States Free Trade Agreement Implementation Act
8 (19 U.S.C. 4011(a)(1)) states, “Nothing in this
9 Agreement shall be construed . . . to preclude a
10 Party from applying measures that it considers nec-
11 essary for the fulfillment of its obligations with re-
12 spect to the maintenance or restoration of inter-
13 national peace or security, or the protection of its
14 own essential security interests.”.

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that the President should review the continued par-
17 ticipation of Nicaragua in the Dominican Republic-Central
18 America-United States Free Trade Agreement if the Gov-
19 ernment of Nicaragua continues to tighten its authori-
20 tarian rule in an attempt to subvert democratic elections
21 in November 2021 and undermine democracy and human
22 rights in Nicaragua.

1 **SEC. 4. RESTRICTIONS ON INTERNATIONAL FINANCIAL IN-**
2 **STITUTIONS RELATING TO NICARAGUA.**

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

5 (1) by redesignating subsections (a), (b), and
6 (c) as subsections (b), (c), and (d), respectively;

7 (2) by inserting before subsection (b), as redesi-
8 gnated by paragraph (1), the following:

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

16 (3) in subsection (c), as so redesignated, by
17 striking “subsection (a)” and inserting “subsection
18 (b)”; and

19 (4) by striking subsection (d), as so redesi-
20 gnated, and inserting the following:

21 “(d) INCREASED OVERSIGHT.—

22 “(1) IN GENERAL.—The United States Execu-
23 tive Director at each international financial institu-
24 tion of the World Bank Group, the United States
25 Executive Director at the Inter-American Develop-
26 ment Bank, and the United States Executive Direc-

1 tor at each other international financial institution,
2 including the International Monetary Fund, shall
3 take all practicable steps—

4 “(A) to increase scrutiny of any loan or fi-
5 nancial or technical assistance provided for a
6 project in Nicaragua; and

7 “(B) to ensure that the loan or assistance
8 is administered through an entity with full tech-
9 nical, administrative, and financial independ-
10 ence from the Government of Nicaragua.

11 “(2) MECHANISMS FOR INCREASED SCRU-
12 TINY.—The United States Executive Director at
13 each international financial institution described in
14 paragraph (1) shall use the voice, vote, and influence
15 of the United States to encourage that institution to
16 increase oversight mechanisms for new and existing
17 loans or financial or technical assistance provided
18 for a project in Nicaragua.

19 “(e) INTERAGENCY CONSULTATION.—Before imple-
20 menting the restrictions described in subsection (b), or be-
21 fore exercising an exception under subsection (c), the Sec-
22 retary of the Treasury shall consult with the Secretary of
23 State and with the Administrator of the United States
24 Agency for International Development to ensure that all
25 loans and financial or technical assistance to Nicaragua

1 are consistent with United States foreign policy objectives
2 as defined in section 3.

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

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

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

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

22 “(4) a description of the results of the in-
23 creased oversight conducted under subsection (d);
24 and

1 “(5) a description of international efforts to ad-
2 dress the humanitarian needs of the people of Nica-
3 ragua.”.

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

6 (a) COORDINATED STRATEGY.—

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

17 (2) BRIEFING REQUIRED.—Not later than 90
18 days after the date of the enactment of this Act, and
19 every 90 days thereafter until December 31, 2022,
20 the Secretary of State and the Secretary of the
21 Treasury shall brief the Committee on Foreign Rela-
22 tions of the Senate and the Committee on Foreign
23 Affairs of the House of Representatives on steps to
24 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.

9 (2) TARGETS.—In carrying out paragraph (1),
10 the President—

11 (A) shall examine whether foreign persons
12 involved in directly or indirectly obstructing the
13 establishment of conditions necessary for the
14 realization of free, fair, and transparent elec-
15 tions in Nicaragua are subject to sanctions
16 under section 5 of the Nicaragua Investment
17 Conditionality Act of 2018; and

18 (B) should, in particular, examine whether
19 the following persons have engaged in conduct
20 subject to such sanctions:

21 (i) Officials in the government of
22 President Daniel Ortega.

23 (ii) Family members of President
24 Daniel Ortega.

1 (iii) High-ranking members of the Na-
2 tional Nicaraguan Police.

3 (iv) High-ranking members of the
4 Nicaraguan Armed Forces.

5 (v) Members of the Supreme Electoral
6 Council of Nicaragua.

7 (vi) Officials of the Central Bank of
8 Nicaragua.

9 (vii) Party members and elected offi-
10 cials from the Sandinista National Libera-
11 tion Front and their family members.

12 (viii) Individuals or entities affiliated
13 with businesses engaged in corrupt finan-
14 cial transactions with officials in the gov-
15 ernment of President Daniel Ortega, his
16 party, or his family.

17 (ix) Individuals identified in the re-
18 port required by section 8 as involved in
19 significant acts of public corruption in
20 Nicaragua.

21 **SEC. 6. DEVELOPING AND IMPLEMENTING A COORDINATED**
22 **SANCTIONS STRATEGY WITH DIPLOMATIC**
23 **PARTNERS.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) On June 21, 2019, the Government of Can-
2 ada, pursuant to its Special Economic Measures Act,
3 designated 9 officials of the Government of Nica-
4 ragua for the imposition of sanctions in response to
5 gross and systematic human rights violations in
6 Nicaragua.

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

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

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the United States should encourage the Govern-
24 ment of Canada, the European Union and governments
25 of members countries of the European Union, and govern-

1 ments of countries in Latin America and the Caribbean
2 to use targeted sanctions with respect to persons involved
3 in human rights violations and the obstruction of free,
4 fair, and transparent elections in Nicaragua.

5 (c) COORDINATING INTERNATIONAL SANCTIONS.—

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

18 (d) BRIEFING REQUIREMENT.—Not later than 90
19 days after the date of the enactment of this Act, and every
20 90 days thereafter until December 31, 2022, the Secretary
21 of State, in consultation with the Secretary of the Treas-
22 ury, shall brief the Committee on Foreign Relations of the
23 Senate and the Committee on Foreign Affairs of the
24 House of Representatives on the implementation of this
25 section.

1 **SEC. 7. INCLUSION OF NICARAGUA IN LIST OF COUNTRIES**
2 **SUBJECT TO CERTAIN SANCTIONS RELATING**
3 **TO CORRUPTION.**

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

7 (1) in the section heading, by striking “**AND**
8 **HONDURAS**” and inserting “**, HONDURAS, AND**
9 **NICARAGUA**”; and

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

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

15 (a) **REPORT REQUIRED.**—Not later than 90 days
16 after the date of the enactment of this Act, the Secretary
17 of State, acting through the Bureau of Intelligence and
18 Research of the Department of State, and in coordination
19 with the Director of National Intelligence, shall submit a
20 classified report to the appropriate congressional commit-
21 tees on significant acts of public corruption in Nicaragua
22 that—

23 (1) involve—

24 (A) the President of Nicaragua, Daniel Or-
25 tega;

1 (B) members of the family of Daniel Or-
2 tega; and

3 (C) senior officials of the Ortega govern-
4 ment, including—

5 (i) members of the Supreme Electoral
6 Council, the Nicaraguan Armed Forces,
7 and the National Nicaraguan Police; and

8 (ii) elected officials from the Sandi-
9 nista National Liberation Front party;

10 (2) pose challenges for United States national
11 security and regional stability;

12 (3) impede the realization of free, fair, and
13 transparent elections in Nicaragua; and

14 (4) violate the fundamental freedoms of civil so-
15 ciety and political opponents in Nicaragua.

16 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—

17 In this section, the term “appropriate congressional com-
18 mittees” means—

19 (1) the Committee on Foreign Relations and
20 the Select Committee on Intelligence of the Senate;
21 and

22 (2) the Committee on Foreign Affairs and the
23 Permanent Select Committee on Intelligence of the
24 House of Representatives.

1 **SEC. 9. CLASSIFIED REPORT ON THE ACTIVITIES OF THE**
2 **RUSSIAN FEDERATION IN NICARAGUA.**

3 (a) **REPORT REQUIRED.**—Not later than 90 days
4 after the date of the enactment of this Act, the Secretary
5 of State, acting through the Bureau of Intelligence and
6 Research of the Department of State, and in coordination
7 with the Director of National Intelligence, shall submit a
8 classified report to the appropriate congressional commit-
9 tees on activities of the Government of the Russian Fed-
10 eration in Nicaragua, including—

11 (1) cooperation between Russian and Nica-
12 raguean military personnel, intelligence services, secu-
13 rity forces, and law enforcement, and private Rus-
14 sian security contractors;

15 (2) cooperation related to telecommunications
16 and satellite navigation;

17 (3) other political and economic cooperation, in-
18 cluding with respect to banking, disinformation, and
19 election interference; and

20 (4) the threats and risks that such activities
21 pose to United States national interests and national
22 security.

23 (b) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—
24 In this section, the term “appropriate congressional com-
25 mittees” means—

1 (1) the Committee on Foreign Relations and
2 the Select Committee on Intelligence of the Senate;
3 and

4 (2) the Committee on Foreign Affairs and the
5 Permanent Select Committee on Intelligence of the
6 House of Representatives.

7 **SEC. 10. REPORT ON CERTAIN PURCHASES BY AND AGREE-**
8 **MENTS ENTERED INTO BY GOVERNMENT OF**
9 **NICARAGUA RELATING TO MILITARY OR IN-**
10 **TELLIGENCE SECTOR OF NICARAGUA.**

11 (a) IN GENERAL.—Not later than 90 days after the
12 date of the enactment of this Act, the Secretary of State,
13 acting through the Bureau of Intelligence and Research
14 of the Department of State, and in coordination with the
15 Director of National Intelligence and the Director of the
16 Defense Intelligence Agency, shall submit to the Com-
17 mittee on Foreign Relations of the Senate and the Com-
18 mittee on Foreign Affairs of the House of Representatives
19 a report that includes—

20 (1) a list of—

21 (A) all equipment, technology, or infra-
22 structure with respect to the military or intel-
23 ligence sector of Nicaragua purchased, on or
24 after January 1, 2011, by the Government of
25 Nicaragua from an entity identified by the De-

1 its abuse of campesinos and members of indigenous com-
2 munities, including arbitrary detentions, torture, and sex-
3 ual violence as a form of intimidation.

4 (b) REPORT REQUIRED.—Not later than 90 days
5 after the date of the enactment of this Act, the Secretary
6 of State shall submit to the appropriate congressional
7 committees a report that documents the perpetration of
8 gross human rights violations by the Ortega government
9 against the citizens of Nicaragua, including campesinos
10 and indigenous communities in the interior of Nicaragua.

11 (c) ELEMENTS.—The report required by subsection
12 (b) shall—

13 (1) include a compilation of human rights viola-
14 tions committed by the Ortega government against
15 the citizens of Nicaragua, with a focus on such viola-
16 tions committed since April 2018, including human
17 rights abuses and extrajudicial killings in—

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

20 (B) the municipalities of Wiwili, El Cuá,
21 San Jose de Bocay, and Santa Maria de
22 Pantasma in the Department of Jinotega,
23 Esquipulas in the Department of Rivas, and
24 Bilwi in the North Caribbean Coast Autono-
25 mous Region between 2018 and 2021;

1 (2) outline efforts by the Ortega government to
2 intimidate and disrupt the activities of civil society
3 organizations attempting to hold the government ac-
4 countable for infringing on the fundamental rights
5 and freedoms of the people of Nicaragua; and

6 (3) provide recommendations on how the United
7 States, in collaboration with international partners
8 and Nicaraguan civil society, should leverage bilat-
9 eral and regional relationships to curtail the gross
10 human rights violations perpetrated by the Ortega
11 government and better support the victims of human
12 rights violations in Nicaragua.

13 (d) **APPROPRIATE CONGRESSIONAL COMMITTEES**
14 **DEFINED.**—In this section, the term “appropriate con-
15 gressional committees” means—

16 (1) the Committee on Foreign Relations of the
17 Senate; and

18 (2) the Committee on Foreign Affairs of the
19 House of Representatives.

20 **SEC. 12. SUPPORTING INDEPENDENT NEWS MEDIA AND**
21 **FREEDOM OF INFORMATION IN NICARAGUA.**

22 (a) **REPORT REQUIRED.**—Not later than 90 days
23 after the date of the enactment of this Act, the Secretary
24 of State, the Administrator for the United States Agency
25 for International Development, and the Chief Executive

1 Officer of the United States Agency for Global Media,
2 shall submit to Congress a report that includes—

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

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

14 (b) ELEMENTS.—The report required by subsection
15 (a) shall include—

16 (1) an assessment of the extent to which the
17 current level and type of news and related program-
18 ming and content provided by the Voice of America
19 and other sources is addressing the informational
20 needs of the people of Nicaragua;

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

1 (3) a strategy for strengthening independent
2 broadcasting, information distribution, and media
3 platforms in Nicaragua.

4 **SEC. 13. AMENDMENT TO SHORT TITLE OF PUBLIC LAW**
5 **115-335.**

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

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

12 **SEC. 14. DEFINITION.**

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

Passed the Senate November 1, 2021.

Attest:

Secretary.

117TH CONGRESS
1ST SESSION

S. 1064

AN ACT

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.