

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 1881

To reauthorize and amend the Nicaraguan Investment Conditionality Act of 2018 and the Reinforcing Nicaragua’s Adherence to Conditions for Electoral Reform Act of 2021, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. RUBIO (for himself and Mr. KAINE)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Restoring Sovereignty and Human Rights in Nicaragua
6 Act of 2024”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Sense of Congress.

TITLE I—REAUTHORIZATION AND AMENDMENT OF THE NICARAGUAN INVESTMENT CONDITIONALITY ACT OF 2018 AND THE REINFORCING NICARAGUA’S ADHERENCE TO CONDITIONS FOR ELECTORAL REFORM ACT OF 2021

Sec. 101. Extension of authorities of the Nicaraguan Investment Conditionality Act of 2018.

Sec. 102. Enhancing sanctions on sectors of the Nicaraguan economy that generate revenue for the Ortega family.

Sec. 103. Expansion of targeted sanctions with respect to the Ortega regime.

Sec. 104. Coordinated diplomatic strategy to restrict investment and loans that benefit the Government of Nicaragua from the Central American Bank for Economic Integration.

TITLE II—ADDITIONAL ECONOMIC MEASURES TO HOLD THE GOVERNMENT OF NICARAGUA ACCOUNTABLE FOR HUMAN RIGHTS ABUSES

Sec. 201. Statement of policy.

Sec. 202. Review of participation of Nicaragua in the Dominican Republic-Central America-United States Free Trade Agreement.

Sec. 203. Termination.

TITLE III—PROMOTING THE HUMAN RIGHTS OF NICARAGUANS

Sec. 301. Support for human rights and democracy programs.

Sec. 302. Support for Nicaraguan human rights at the United Nations.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Relations
7 and the Committee on Banking of the Senate;
8 and

9 (B) the Committee on Foreign Affairs and
10 the Committee on Financial Services of the
11 House of Representatives.

1 (2) HUMAN RIGHTS.—The term “human
2 rights” means internationally recognized human
3 rights.

4 (3) UNITED STATES PERSON.—The term
5 “United States person” means—

6 (A) an individual who is a citizen or na-
7 tional of the United States or an alien lawfully
8 admitted for permanent residence in the United
9 States; and

10 (B) any corporation, partnership, or other
11 entity organized under the laws of the United
12 States or the laws of any jurisdiction within the
13 United States.

14 **SEC. 3. SENSE OF CONGRESS.**

15 It is the sense of Congress that—

16 (1) the Secretary of State, working through the
17 head of the Office of Sanctions Coordination, and in
18 consultation with the Secretary of the Treasury,
19 should engage in diplomatic efforts with partners of
20 the United States, including the Government of Can-
21 ada, governments of countries in the European
22 Union, and governments of countries in Latin Amer-
23 ica and the Caribbean, to impose targeted sanctions
24 with respect to the persons subject to sanctions au-
25 thorized by the Nicaraguan Investment Condition-

1 ality Act of 2018 (50 U.S.C. 1701 note; Public Law
2 115–335) and the Reinforcing Nicaragua’s Adher-
3 ence To Conditions For Electoral Reform Act Of
4 2021 (Public Law 117–54), in order to hold the au-
5 thoritarian regime of President Daniel Ortega ac-
6 countable for crimes and human rights abuses per-
7 petrated against the people of Nicaragua and demo-
8 cratic political actors, civil society organizations, reli-
9 gious institutions, media, and academic institutions
10 in Nicaragua;

11 (2) the United States Government should con-
12 tinue—

13 (A) to raise concerns about human rights
14 and democracy in Nicaragua and call attention
15 to the efforts by the Ortega regime to silence
16 the people of Nicaragua and democratic polit-
17 ical actors, civil society organizations, religious
18 institutions, media, and academic institutions in
19 Nicaragua; and

20 (B) to enforce Executive Order 13851 (50
21 U.S.C. 1702 note; relating to blocking of cer-
22 tain persons contributing to the situation in
23 Nicaragua); and

24 (3) the international community, including the
25 Holy See, the International Committee of the Red

1 Cross, and the United Nations should coordinate ef-
2 forts—

3 (A) to improve the detention conditions of
4 all political prisoners in Nicaragua; and

5 (B) to call for the end of political persecu-
6 tion of the people of Nicaragua and democratic
7 political actors, civil society organizations, reli-
8 gious institutions, media, and academic institu-
9 tions in Nicaragua.

10 **TITLE I—REAUTHORIZATION**
11 **AND AMENDMENT OF THE**
12 **NICARAGUAN INVESTMENT**
13 **CONDITIONALITY ACT OF 2018**
14 **AND THE REINFORCING**
15 **NICARAGUA’S ADHERENCE TO**
16 **CONDITIONS FOR ELEC-**
17 **TORAL REFORM ACT OF 2021**

18 **SEC. 101. EXTENSION OF AUTHORITIES OF THE NICA-**
19 **RAGUAN INVESTMENT CONDITIONALITY ACT**
20 **OF 2018.**

21 Section 10 of the Nicaraguan Investment Condition-
22 ality Act of 2018 (50 U.S.C. 1701 note; Public Law 115–
23 335) is amended by striking “2023” and inserting
24 “2030”.

1 **SEC. 102. ENHANCING SANCTIONS ON SECTORS OF THE**
2 **NICARAGUAN ECONOMY THAT GENERATE**
3 **REVENUE FOR THE ORTEGA FAMILY.**

4 Section 5(a) of the Nicaraguan Investment Condi-
5 tionality Act of 2018 (50 U.S.C. 1701 note; Public Law
6 115–335) is amended—

7 (1) in paragraph (2), by redesignating subpara-
8 graphs (A) and (B) as clauses (i) and (ii), respec-
9 tively, and moving such clauses 2 ems to the right;

10 (2) in paragraph (3), by redesignating subpara-
11 graphs (A) and (B) as clauses (i) and (ii), respec-
12 tively, and moving such clauses 2 ems to the right;

13 (3) by redesignating paragraphs (1) through
14 (4) as subparagraphs (A) through (D), respectively,
15 and moving such subparagraphs 2 ems to the right;

16 (4) by amending the matter preceding subpara-
17 graph (A), as so redesignated, to read as follows:

18 “(a) IN GENERAL.—The President—

19 “(1) shall impose the sanctions described in
20 subsection (c) with respect to any foreign person, in-
21 cluding any current or former official of the Govern-
22 ment of Nicaragua or any person acting on behalf
23 of that Government, that the President deter-
24 mines—”;

1 (5) in paragraph (1)(D), as so redesignated, by
2 striking the period at the end and inserting “; and”;
3 and

4 (6) by adding at the end the following new
5 paragraph:

6 “(2) may impose the sanctions described in sub-
7 section (c) with respect to any foreign person that
8 the President determines to operate or have oper-
9 ated in the gold sectors of the Nicaraguan economy
10 or in any other sector of the Nicaraguan economy
11 identified by the Secretary of State, in consultation
12 with the Secretary of the Treasury, for the purposes
13 of this paragraph.”.

14 **SEC. 103. EXPANSION OF TARGETED SANCTIONS WITH RE-**
15 **SPECT TO THE ORTEGA REGIME.**

16 (a) **EXPANSION OF ACTIVITIES TRIGGERING TAR-**
17 **GETED SANCTIONS.**—Section 5(b) of the Nicaraguan In-
18 vestment Conditionality Act of 2018 (50 U.S.C. 1701
19 note; Public Law 115–335) is amended—

20 (1) in paragraph (1), by striking “against per-
21 sons associated with the protests in Nicaragua that
22 began on April 18, 2018”; and

23 (2) by adding at the end the following:

24 “(5) The arrest or prosecution of a person, in-
25 cluding a person who is a member of or an officer

1 of the Catholic Church, because of the legitimate ex-
2 ercise by such person of the freedom of religion.

3 “(6) The conviction and sentencing of a person
4 who is a democratic political actor or a member of
5 an independent civil society organization for politi-
6 cally motivated charges.

7 “(7) The provision of significant goods, serv-
8 ices, or technology to support the invasion of
9 Ukraine by the Russian Federation that began on
10 February 24, 2022.”.

11 (b) MODIFICATION OF TARGETED SANCTIONS
12 PRIORITIZATION.—Section 5(b)(2)(B) of the Reinforcing
13 Nicaragua’s Adherence to Conditions for Electoral Reform
14 Act of 2021 (50 U.S.C. 1701 note; Public Law 117–54)
15 is amended by inserting after clause (ix) the following:

16 “(x) Officials of the Instituto de Pre-
17 vision Social Militar (IPSM), commonly
18 known as the Military Institute of Social
19 Security of Nicaragua.”.

20 (c) REPORTING REQUIREMENT.—Not later than 90
21 days after the enactment of this Act, and annually there-
22 after for a period of 3 years, the Secretary of State, in
23 consultation with the Secretary of the Treasury, shall sub-
24 mit to the Committee on Foreign Relations of the Senate
25 and the Committee on Foreign Affairs of the House of

1 Representatives a report on the implementation of section
2 5 of the Reinforcing Nicaragua’s Adherence to the Condi-
3 tions for Electoral Reform Act of 2021 (50 U.S.C. 1701
4 note; Public Law 117–54), which shall include—

5 (1) an update on the status of efforts to imple-
6 ment a coordinated strategy on the use of targeted
7 sanctions under section 5(a)(1) of such Act;

8 (2) a detailed description of concrete steps that
9 have been taken under section 5(b)(1) of such Act
10 to prioritize the implementation of the targeted
11 sanctions required under section 5 of the Nicaragua
12 Investment Conditionality Act of 2018 (50 U.S.C.
13 1701 note; Public Law 115–335); and

14 (3) a detailed description of the results of the
15 review of sanctionable targets required under section
16 5(b)(2) of the Reinforcing Nicaragua’s Adherence to
17 the Conditions for Electoral Reform Act of 2021 (50
18 U.S.C. 1701 note; Public Law 117–54).

1 **SEC. 104. COORDINATED DIPLOMATIC STRATEGY TO RE-**
2 **STRICT INVESTMENT AND LOANS THAT BEN-**
3 **EFIT THE GOVERNMENT OF NICARAGUA**
4 **FROM THE CENTRAL AMERICAN BANK FOR**
5 **ECONOMIC INTEGRATION.**

6 Section 4 of the Nicaragua Investment Conditionality
7 Act of 2018 (Public Law 115–335; 50 U.S.C. 1701 note)
8 is amended—

9 (1) in subsection (e), by inserting “and para-
10 graphs (1), (2), and (3) of subsection (f)” after
11 “subsection (b)”;

12 (2) by redesignating subsection (f) as sub-
13 section (g);

14 (3) by inserting after subsection (e) the fol-
15 lowing new subsection (f):

16 “(f) DIPLOMATIC STRATEGY TO RESTRICT INVEST-
17 MENT IN NICARAGUA AT THE CENTRAL AMERICAN BANK
18 FOR ECONOMIC INTEGRATION.—The Secretary of State,
19 in consultation with the Secretary of the Treasury, shall
20 engage in diplomatic efforts with governments of countries
21 that are partners of the United States and members of
22 the Central American Bank for Economic Integration (re-
23 ferred to in this section as ‘CABEI’)—

24 “(1) to oppose the extension by CABEI of any
25 loan or financial or technical assistance to the Gov-
26 ernment of Nicaragua for any project in Nicaragua;

1 “(2) to increase the scrutiny of any loan or fi-
2 nancial or technical assistance provided by CABEI
3 to any project in Nicaragua; and

4 “(3) to ensure that any loan or financial or
5 technical assistance provided by CABEI to a project
6 in Nicaragua is administered through an entity with
7 full technical, administrative, and financial inde-
8 pendence from the Government of Nicaragua.”; and

9 (4) in subsection (g), as so redesignated—

10 (A) in paragraph (4), by striking “; and”
11 and inserting a semicolon;

12 (B) by redesignating paragraph (5) as
13 paragraph (6); and

14 (C) by inserting after paragraph (4) the
15 following new paragraph (5):

16 “(5) a description of the results of the diplo-
17 matic strategy mandated by subsection (f); and”.

18 **TITLE II—ADDITIONAL ECO-**
19 **NOMIC MEASURES TO HOLD**
20 **THE GOVERNMENT OF NICA-**
21 **RAGUA ACCOUNTABLE FOR**
22 **HUMAN RIGHTS ABUSES**

23 **SEC. 201. STATEMENT OF POLICY.**

24 It is the policy of the United States—

1 (1) to seek a resolution to the political crisis in
2 Nicaragua that includes—

3 (A) a commitment by the Government of
4 Nicaragua to hold competitive, free, and fair
5 elections that meet democratic standards and
6 permit credible international electoral observa-
7 tion;

8 (B) the cessation of the violence per-
9 petrated against civilians by the National Police
10 of Nicaragua and by armed groups supported
11 by the Government of Nicaragua; and

12 (C) independent investigations into the
13 killings of protesters in Nicaragua; and

14 (2) to support diplomatic engagement in order
15 to advance a negotiated and peaceful solution to the
16 political crisis in Nicaragua.

17 **SEC. 202. REVIEW OF PARTICIPATION OF NICARAGUA IN**
18 **THE DOMINICAN REPUBLIC-CENTRAL AMER-**
19 **ICA-UNITED STATES FREE TRADE AGREE-**
20 **MENT.**

21 (a) REPORT REQUIRED.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of the enactment of this Act, and annually
24 thereafter, the Secretary of State, in consultation
25 with the United States Trade Representative, shall

1 submit to the appropriate congressional committees
2 a report on the participation of Nicaragua in
3 CAFTA-DR, which includes—

4 (A) an assessment of the benefits that the
5 Ortega regime receives from the participation of
6 Nicaragua in CAFTA-DR, including profits
7 earned by Nicaraguan state-owned entities;

8 (B) a description of the violations of com-
9 mitments made by Nicaragua under CAFTA-
10 DR; and

11 (C) an assessment of whether Nicaragua
12 qualifies as a nonmarket economy for the pur-
13 poses of the Trade Act of 1974 (19 U.S.C.
14 2101 et seq.).

15 (2) FORM.—The report required by paragraph
16 (1) shall be submitted in unclassified form, but may
17 include a classified annex.

18 (b) CAFTA-DR DEFINED.—In this section, the term
19 “CAFTA-DR” means the Dominican Republic-Central
20 America-United States Free Trade Agreement—

21 (1) entered into on August 5, 2004, with the
22 Governments of Costa Rica, the Dominican Repub-
23 lic, El Salvador, Guatemala, Honduras, and Nica-
24 ragua, and submitted to Congress on June 23, 2005;
25 and

1 (2) approved by Congress under section
2 101(a)(1) of the Dominican Republic-Central Amer-
3 ican-United States Free Trade Agreement Imple-
4 mentation Act (19 U.S.C. 4011(a)(1)).

5 **SEC. 203. TERMINATION.**

6 The provisions of this title, and any sanctions issued
7 in accordance with the authorities of the Nicaragua In-
8 vestment Conditionality Act of 2018 (Public Law 115–
9 335; 50 U.S.C. 1701 note) or the Reinforcing Nicaragua’s
10 Adherence to the Conditions for Electoral Reform Act of
11 2021 (Public Law 117–54), shall cease to have effect upon
12 certification by the President to the appropriate congres-
13 sional committees that a resolution to the political crisis
14 in Nicaragua as described in section 201 has been
15 reached.

16 **TITLE III—PROMOTING THE**
17 **HUMAN RIGHTS OF NICA-**
18 **RAGUANS**

19 **SEC. 301. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY**
20 **PROGRAMS.**

21 (a) GRANTS.—

22 (1) IN GENERAL.—The Secretary of State and
23 Administrator of the United States Agency for
24 International Development may provide grants to
25 private, nonprofit organizations to support programs

1 that promote human rights, democracy, and the rule
2 of law in Nicaragua, including programs that docu-
3 ment human rights abuses committed by the Ortega
4 regime since April 2018.

5 (2) FUNDING LIMITATION.—Any entity owned,
6 controlled, or otherwise affiliated with the Ortega re-
7 gime is not eligible to receive a grant under this sec-
8 tion.

9 (b) REPORT.—Not later than 1 year after the date
10 of the enactment of this Act, and annually thereafter
11 through fiscal year 2028, the Secretary of State, in con-
12 sultation with the heads of other appropriate Federal
13 agencies, shall submit to the appropriate congressional
14 committees a report on actions taken pursuant to this sec-
15 tion.

16 (c) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that before providing any grant under subsection
18 (a)(1), the Secretary of State and the Administrator of
19 the United States Agency for International Development
20 should consult with members of the Nicaraguan diaspora,
21 including Nicaraguan individuals in exile in Costa Rica
22 and the United States.

1 **SEC. 302. SUPPORT FOR NICARAGUAN HUMAN RIGHTS AT**
2 **THE UNITED NATIONS.**

3 (a) SUPPORT TO EXTEND MANDATE OF THE GROUP
4 OF HUMAN RIGHTS EXPERTS ON NICARAGUA.—The
5 President shall direct the United States Permanent Rep-
6 resentative to the United Nations to use the voice, vote,
7 and influence of the United States in the United Nations
8 Human Rights Council and the United Nations General
9 Assembly—

10 (1) to seek to extend the mandate of the Group
11 of Human Rights Experts on Nicaragua under
12 Human Rights Council Resolution 49/3 (2022) until
13 a peaceful solution to the current political crisis in
14 Nicaragua is reached, including—

15 (A) a commitment to hold elections that
16 meet democratic standards and permit credible
17 international electoral observation;

18 (B) the cessation of the violence per-
19 petrated against civilians by the National Police
20 of Nicaragua and by armed groups supported
21 by the Government of Nicaragua;

22 (C) independent investigations into the
23 killings of protesters; and

24 (D) the restoration of Nicaraguan citizen-
25 ship and restitution of political and civil rights
26 for all Nicaraguan nationals unjustly stripped

1 of their nationality, including the 222 Nica-
2 raguean nationals arbitrarily imprisoned and ex-
3 pelled to the United States on February 9,
4 2023, and the 94 additional Nicaraguean dis-
5 sidents stripped of their nationality on Feb-
6 ruary 15, 2023;

7 (2) to encourage international support to em-
8 power the Group of Human Rights Experts on Nica-
9 raguea to fulfil its mission to conduct thorough and
10 independent investigations into all alleged human
11 rights violations and abuses committed in Nicaragua
12 since April 2018, including alleged crimes against
13 humanity; and

14 (3) to provide investigative and technical assist-
15 ance to the Group of Human Rights Experts on
16 Nicaragua as requested and as permitted under
17 United Nations rules and regulations and United
18 States law.

19 (b) SUPPORT FOR FURTHER ACTION.—The Presi-
20 dent may direct the United States Permanent Representa-
21 tive to the United Nations to use the voice, vote, and influ-
22 ence of the United States to urge the United Nations to
23 provide greater action with respect to human rights viola-
24 tions in Nicaragua by—

1 (1) urging the United Nations General Assem-
2 bly to consider a resolution, consistent with prior
3 United Nations resolutions, condemning the exile of
4 political prisoners and attacks on religious freedom
5 by the Ortega regime; and

6 (2) assisting efforts by the relevant United Na-
7 tions Special Envoys and Special Rapporteurs to
8 promote respect for human rights and encourage ne-
9 gotiations that lead to free, fair, and democratic
10 elections in Nicaragua.