AMENDMENT TO RULES COMM. PRINT 117–13
OFFERED BY MRS. TORRES OF CALIFORNIA

At the end of subtitle C of title XIII add the following:

SEC. 13 ____. RULE OF LAW AND DEMOCRATIC STABILITY IN CENTRAL AMERICA ACT.

(a) SANCTIONS RELATING TO ACTS OF SIGNIFICANT CORRUPTION AND ANTI-DEMOCRATIC BEHAVIOR.—

(1) EXTENSION OF VISA SANCTIONS AGAINST PERSONS ENGAGING IN ACTS OF SIGNIFICANT CORRUPTION.—Each person listed pursuant to the requirements of section 353(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (title III of division FF of Public Law 116–260, relating to targeted sanctions to fight corruption in El Salvador, Guatemala, and Honduras) or pursuant to any other provision of law requiring a report identifying foreign persons who the President, acting through the Secretary of State, determines to have knowingly engaged in actions that undermine democratic processes or institutions, or in significant corruption or obstruction of investigations, and all immediate family members of such
person, shall be deemed to be ineligible for entry
into the United States in the same manner and to
the same extent as an official ineligible for such
entry pursuant to section 7031(c) of division K of
such Act.

(2) INTERNATIONAL COORDINATION.— The
Secretary of State and Secretary of the Treasury
shall seek to engage international partners and
international institutions for information sharing
and technical assistance for coordinated action, in-
cluding economic sanctions, visa restrictions, or ad-
ditional restrictions on security assistance or co-
operation, against undemocratic, corrupt actors.

(b) LIMITATION ON ASSISTANCE WITH RESPECT TO
EL SALVADOR, HONDURAS, OR GUATEMALA.—

(1) LIMITATION.—Funds authorized to be ap-
propriated by this Act or otherwise made available
for fiscal year 2022 for the Department of Defense
or the Department of State may be obligated or ex-
pended for assistance, including training and equip-
ment, to a unit or member of the security forces of
El Salvador, Honduras, or Guatemala only if such
unit—

(A)(i) has had no credible allegation of sig-
nificant corruption, including in its leadership,
within the five years prior to the date of the enactment of this section;

(ii) has had no credible allegation of impeding democratic processes within the five years prior to such date of enactment; and

(iii) has had no credible allegation of threatening personnel of the United States Government or international organizations within the five years prior to such date of enactment; or

(B) the government of such country has taken effective steps to hold accountable any person or unit of a security force credibly alleged to have engaged in an activity described in clauses (i) through (iii) of subparagraph (A).

(2) VETTING REPORT REQUIRED.—Not later than 60 days after providing any assistance described in paragraph (1), the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report that—
(A) identifies the unit to which such assistance has been provided;

(B) describes the vetting process used; and

(C) describes how such assistance is impacting United States policy and how the relevant country is taking effective steps to prevent any misuse of such assistance.

(3) Transfer Authority.—The Secretary of Defense and the Secretary of State, respectively, may make available amounts withheld from obligation or expenditure pursuant to the limitation under paragraph (1) for programs in El Salvador, Honduras, or Guatemala that do not support the central governments of such countries.

(4) Report on Northern Triangle Countries.—

(A) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, and shall submit to the appropriate congressional committees a report that includes the following:

(i) A description of any ongoing or planned activities in cooperation with the
security forces of the Northern Triangle countries.

(ii) An assessment of the adherence of the security forces of the Northern Triangle countries to human rights norms and the rule of law, and a description of any ongoing or planned activities between the United States and the Northern Triangle countries focused on protection of human rights and adherence to the rule of law, as well as the response by the Department to any serious violations of human rights or anti-democratic actions by the security forces of such countries.

(iii) A list of all United States training and equipment provided to the security forces of the Northern Triangle countries within the 2 years prior to the date of the enactment of this Act, the number of inspections of the use of such equipment that have occurred during that period, and the nature of those inspections.

(iv) An evaluation of the current vetting process used to ensure that any such equipment is not provided to a unit or in-
dividual that is ineligible to receive such equipment under paragraph (1).

(v) A list of any such units or individuals that are credibly alleged to have engaged in serious violations of human rights, significant corruption, or anti-democratic activities that have received United States assistance within the two years prior to the date of the enactment of this Act.

(vi) A list of any such units that are known to the Secretary to have used United States equipment for any purpose other than the purpose for which the equipment was provided by the United States.

(B) FORM.—The report required by subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

(C) DEFINITIONS.—In this paragraph—

(i) the term “Northern Triangle countries” means El Salvador, Honduras, and Guatemala; and

(ii) the term “appropriate congressional committees” means the congres-
sional defense committees, the Committee
on Foreign Affairs of the House of Rep-
resentatives, and the Committee on For-
eign Relations of the Senate.

(c) **STATE DEPARTMENT FELLOWSHIPS FOR RULE OF LAW ACTIVITIES IN CENTRAL AMERICA.**—

(1) **ESTABLISHMENT.**—There is established in the Department of State a fellowship program, to be known as the “Central American Network for Demo-
cracy”, to support a regional corps of civil soci-
ety, activists, lawyers (including members of the ju-
diciary and prosecutors’ offices), journalists, and in-
vestigators to leverage lessons learned in order to contribute to regional democracy and rule of law ac-
tivities in Central America, including electoral and transition support, institutional reform, anti-corrupt-
ion investigations, and local engagement.

(2) **REGIONAL AND INTERNATIONAL SUPPORT.**—The Secretary of State shall take such steps as may be necessary to obtain support for such fel-
lowships from international foundations, regional and United States governmental and nongovern-
mental organizations, and regional and United States universities.
(3) **Focus; Safety.**—Activities carried out under the fellowship—

(A) should focus on coordination and consultation with key bodies to continue their democracy efforts, including the Department of Justice, Department of Treasury, Department of State, the United States Agency for International Development, the Organization of American States, the Inter-American Court for Human Rights, and the United Nations; and

(B) may include strengthened protection for the physical safety of individuals who must leave their home country to participate in the program, including assistance for temporary relocation, English language learning, and mental health support.

(d) **Reports and Briefing Required.**—

(1) **Annual Progress Report.**—

(A) In general.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report entitled “Rule of Law and Democratic Stability in Central America,” that includes—
(i) a description of the efforts of the Department of State, working with the United States Agency for International Development, to address whole-of-government approaches to counter democratic deficiencies or backsliding, endemic corruption, efforts to weaken the rule of law, and attacks against independent media and civil society organizations that threaten political instability and prevent equitable development opportunities in the preceding year; and

(ii) a description of all economic sanctions, visa restrictions, or other measures taken by the United States to achieve the goals described in paragraph (1), and the impact of such actions.

(B) FORM; PUBLICATION.—

(i) FORM.—The report required by subparagraph (A) shall be submitted in unclassified form but may include a classified annex.

(ii) PUBLICATION.—The unclassified portion of each report required by subparagraph (A) shall be made publicly available
by the committee or committees of Congress receiving such report.

(2) Inclusion of corruption concerns in other reporting.—The Secretary of State shall include consideration of measures against corruption in the context of all required reporting with respect to human rights, including in the annual Country Reports on Human Rights Practices submitted pursuant to section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n).

(3) International financial institution funding assessment.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a review of all United States funding made available to international financial institutions in the previous fiscal year that includes a determination whether any such funding has been provided to any individual or any institution led by an individual credibly alleged to have engaged in acts of corruption or the obstruction of democratic processes or institutions. Such review shall also include a description of the actions taken in the instance that funds are misused, abused, or assessed to be misused, abused, or otherwise used for corrupt or undemocratic actions, and
how the public procurement process played a role in the matter.

(4) **CENTRAL AMERICA INTELLIGENCE ASSESSMENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Director of National Intelligence and the heads of other applicable Federal departments and agencies shall conduct and submit to Congress an intelligence assessment examining improper influence or interference by persons comprising corrupt power structures and illicit networks, such as organized crime, over the security sector, judicial sector, legislative bodies, and public finance and procurement processes in Central American countries, in order to prioritize investigations of individuals who play a significant role in enabling high level corruption and obstruction of democratic processes, including—

(A) current or former officials of the security sector or the justice sector, including officials of any sector or ministry involved in the selection of prosecutors or other judicial officers, who have willfully cooperated or colluded with such corrupt structures or illicit networks;
(B) private citizens, entities, and non-
governmental organizations involved in—

(i) the bribery of or threats against,
personnel of the justice sector, journalists,
or activists; or

(ii) the misuse of disciplinary pro-
cedings and formal and informal sanc-
tions with respect to the justice sector with
the intention of harassing, punishing, or
otherwise interfering with the legitimate
exercise of a judge’s professional activities

(C) any other persons directly involved in,
financing, or otherwise supporting, the activities
described in subparagraph (A) or (B).

(5) QUARTERLY BRIEFINGS.—

(A) IN GENERAL.—The Secretary of State
shall provide quarterly briefings, including in
classified form as appropriate, to the appro-
priate congressional committees to discuss the
strategy of the Department to leverage all
United States tools, including non-public and
public visa restrictions or revocations, economic
sanctions, asset forfeitures, or criminal charges,
to sanction the foreign persons described in
subparagraph (B), any actions taken in the pre-
ceding quarter against corrupt and undemocratic foreign persons, and the outcome of such actions to date. Such briefings shall also include a discussion of actions proposed to be taken in the forthcoming quarter with respect to such persons.

(B) TARGETED FOREIGN NATIONALS.—

The foreign persons described in this subparagraph are the following:

(i) Foreign persons identified in the intelligence assessment required by paragraph (4), including persons providing material support for acts of significant corruption such as influence peddling, illicit enrichment, abuse of power, or acts that serve to protect and maintain impunity.

(ii) Foreign persons engaging in a pattern or practice of threatening justice sector personnel, witnesses, victims or their representatives in an official proceeding, including through direct communications, public defamation campaigns, or the intentional misuse of legal process to harass such persons with the purpose or effect of intimidating and obstructing the judicial
process, except that speech, including through social media, that would be protected in the United States under the First Amendment to the United States Constitution may not be construed to constitute such a pattern or practice.

(iii) Foreign persons providing a thing of value in exchange for an official act, including—

(I) providing campaign funds for the purpose of securing lax enforcement of the law or access to public resources; or

(II) supporting appointment to an official post in exchange for favorable treatment.

(iv) Foreign persons obstructing justice in human rights or corruption investigations or prosecutions, including by filing legal claims for an improper purpose such as to harass, delay or increase the cost of litigation.

(v) Foreign persons repressing free speech, assembly, or organization.
(vi) Foreign persons threatening or committing violence or intimidation against investigators, activists, journalists, or human rights defenders.

(vii) Foreign persons committing actions or policies that undermine democratic processes or institutions.

(viii) Foreign persons attempting to manipulate elections or suppress votes, including through the misuse of administrative resources, corrupt interference in the regulation or administration of elections, intimidation at the polls, or the intentional publication of false information pertaining to elections, candidates, or parties.

(ix) Foreign persons interfering in any election for public office in Central America or in the United States, including official candidate selection processes or campaign finance.

(x) Foreign officials or groups providing financial support or indirect support to any other person engaged in one or more of the activities described in this paragraph.
(e) Authorization of Appropriations to Support Rule of Law and Anti-corruption Activities.—There is authorized to be appropriated $10,000,000 for the Secretary of State and the Administrator of the United States Agency for International Development to strengthen the rule of law, combat corruption, consolidate democratic governance, and protect and defend human rights, including for activities carried out with respect to Central American countries.