

117TH CONGRESS  
1ST SESSION

# S. 388

To suspend certain United States assistance for the Government of Honduras until corruption, impunity, and human rights violations are no longer systemic, and the perpetrators of these crimes are being brought to justice.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 2021

Mr. MERKLEY (for himself, Mr. LEAHY, Mr. DURBIN, Mr. MARKEY, Mr. SANDERS, Ms. WARREN, Mr. WHITEHOUSE, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To suspend certain United States assistance for the Government of Honduras until corruption, impunity, and human rights violations are no longer systemic, and the perpetrators of these crimes are being brought to justice.

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 “Honduras Human Rights and Anti-Corruption Act of  
6 2021”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Police or military of the Republic of Honduras defined.
- Sec. 3. Findings.
- Sec. 4. Sense of Congress.
- Sec. 5. Office of the United Nations High Commissioner for Human Rights.
- Sec. 6. Imposition of sanctions with respect to the President of Honduras.
- Sec. 7. Prohibition on commercial export of covered defense articles and serv-  
 ices and covered munitions items to the Honduran police or  
 military.
- Sec. 8. Suspension and restrictions of security assistance extended to the Re-  
 public of Honduras unless certain conditions are met.
- Sec. 9. Sunset.

3 **SEC. 2. POLICE OR MILITARY OF THE REPUBLIC OF HON-**  
 4 **DURAS DEFINED.**

5 In this Act, the term “police or military of the Repub-  
 6 lic of Honduras” means—

- 7 (1) the Honduran National Police;
- 8 (2) the Honduran Armed Forces;
- 9 (3) the Military Police of Public Order of the  
 10 Republic of Honduras; or
- 11 (4) para-police or paramilitary elements, acting  
 12 under color of law or having received financing,  
 13 training, orders, intelligence, weapons, or other  
 14 forms of material assistance from the forces identi-  
 15 fied in paragraphs (1) through (3).

16 **SEC. 3. FINDINGS.**

17 Congress makes the following findings:

- 18 (1) Since the 2009 military coup, the Republic  
 19 of Honduras remains plagued by systemic corruption  
 20 and human rights violations, exemplified by—

1 (A) widespread collusion among govern-  
2 ment officials, state and private security forces,  
3 organized crime, and members of the private  
4 sector, including in the knowledge and perpetra-  
5 tion of physical and legal threats, assassina-  
6 tions, forced disappearances, and other abuses  
7 against human rights and environmental de-  
8 fenders, members of the political opposition,  
9 journalists, and others;

10 (B) the excessive use of force by members  
11 of the police or military of the Republic of Hon-  
12 duras, particularly in the context of civil society  
13 protests;

14 (C) the failure of the Government of Hon-  
15 duras to protect the rights, interests, and phys-  
16 ical security of indigenous peoples in land and  
17 natural resources disputes, in contravention of  
18 its obligations under the Honduran constitution  
19 and under international treaties to which it is  
20 a state party; and

21 (D) the failure of the Government of Hon-  
22 duras to enforce the Honduran Labor Code in  
23 violation of its obligations under International  
24 Labor Organization Conventions, which the  
25 Government of Honduras has ratified, guaran-

1           teeing freedom of association, the right to col-  
2           lective bargaining, and other fundamental labor  
3           protections.

4           (2) There is substantial evidence that President  
5           of Honduras Juan Orlando Hernández has engaged  
6           in a pattern of criminal activity and use of the state  
7           apparatus to protect and facilitate drug trafficking,  
8           as exemplified by three high-profile corruption and  
9           drug trafficking cases that were tried or are being  
10          prosecuted in the United States District Court for  
11          the Southern District of New York, in which the  
12          President of Honduras was named as a co-con-  
13          spirator, including the following:

14                (A) The October 2019 conviction of the  
15                President of Honduras's brother Juan Antonio  
16                Hernández, in which Federal prosecutors and  
17                multiple witnesses testified that the President  
18                of Honduras received \$1,500,000 in drug pro-  
19                ceeds that were funneled toward his successful  
20                2013 presidential campaign, and that organized  
21                crime had infiltrated the Honduran National  
22                Police and National Party.

23                (B) The March 2020 indictment of  
24                Geovanny Daniel Fuentes, a drug trafficker, in  
25                which Federal prosecutors alleged that the

1 President of Honduras accepted \$25,000 in  
2 bribes in exchange for protecting the defendant  
3 from law enforcement intervention against his  
4 cocaine trafficking activities and facilitated the  
5 use of Honduran military personnel as security  
6 for the defendant's drug trafficking operations.  
7 On February 5, 2021, Federal prosecutors filed  
8 a court document stating that the President of  
9 Honduras was under investigation in connection  
10 with the case.

11 (C) The April 2020 indictment of former  
12 National Director of Police Juan Carlos "El  
13 Tigre" Bonilla, in which Federal prosecutors al-  
14 leged that the President of Honduras accepted  
15 bribes from drug traffickers, facilitated multi-  
16 ton shipments of cocaine bound for the United  
17 States, and entrusted the defendant with spe-  
18 cial assignments, including murder.

19 (3) The President of Honduras has also dem-  
20 onstrated a track record of contempt for the rule of  
21 law, exhibited by—

22 (A) his support for the 2009 military coup,  
23 repudiated as unlawful by the United Nations,  
24 the Organization of American States, the Euro-

1           pean Union, and numerous foreign govern-  
2           ments, while a member of Congress;

3           (B) his support for a 2012 congressional  
4           measure, widely viewed as illegal, to replace  
5           four Supreme Court justices while the leader of  
6           Congress; and

7           (C) his 2017 candidacy for a second presi-  
8           dential term, in violation of the Honduran con-  
9           stitution's longstanding prohibition on presi-  
10          dential reelection, which in 2015 was nullified  
11          in a ruling by the justices referred to in sub-  
12          paragraph (B).

13          (4) In recent months, the executive and legisla-  
14          tive branches of the Government of Honduras have  
15          taken significant steps to entrench corruption, block  
16          oversight by national prosecutors and international  
17          investigators, and shield senior officials and parlia-  
18          mentarians from criminal liability, including the fol-  
19          lowing actions:

20                (A) On January 19, 2020, the Government  
21                of Honduras announced the closing of the Mis-  
22                sion of Support against Corruption and Impu-  
23                nity in Honduras (MACCIH), the anti-corrup-  
24                tion mechanism established in 2015 by the Or-  
25                ganization of American States and the Govern-

1           ment of Honduras. MACCIH brought 14 cor-  
2           ruption-related cases against dozens of high-  
3           profile criminal defendants and oversaw the cre-  
4           ation of an anti-corruption judicial circuit and  
5           special prosecutor's unit that was disbanded fol-  
6           lowing the mission's closure.

7           (B) On June 25, 2020, the Government of  
8           Honduras enacted a new penal code that re-  
9           duced prison terms for corruption-related  
10          crimes, including embezzlement, illicit enrich-  
11          ment, obstruction of justice, and fraud. The  
12          measure is retroactive, benefitting Honduran  
13          officials already convicted or facing prosecution.

14          (C) On October 16, 2019, the National  
15          Congress of Honduras passed a law that re-  
16          stored immunity to all parliamentarians for  
17          crimes related to legislative activities and a law  
18          that blocked the Attorney General's office from  
19          investigating cases involving the improper use  
20          of state funds for up to 7 years.

21          (5) These recent measures follow a longer pat-  
22          tern of congressional decrees of amnesty or immu-  
23          nity for crimes perpetrated by authorities in Hon-  
24          duras, including for those committed during the  
25          2009 coup and its aftermath, those perpetrated by

1 state security forces, and those involving the misuse  
2 of public funds by former and current legislators,  
3 contributing to a climate of impunity.

4 (6) Space for civil society to operate in the Re-  
5 public of Honduras remains severely constrained,  
6 with rights activists and journalists subject to acute  
7 levels of violence, surveillance, harassment, and in-  
8 timidation. The Republic of Honduras ranks as the  
9 deadliest country in the world for human rights and  
10 environmental defenders on a per capita basis and  
11 third in the number of assassinations, with 31 de-  
12 fenders killed in 2019 and 204 defenders killed since  
13 2009.

14 (7) The 2019 United States Department of  
15 State Country Reports on Human Rights Practices,  
16 international human rights bodies, and numerous  
17 monitoring groups have reported that the Honduran  
18 police and military commit human rights violations  
19 with impunity, including unlawful killings, torture,  
20 and the use of unnecessary force and lethal weapons  
21 against protestors and civilian bystanders. Individ-  
22 uals with documented records of human rights viola-  
23 tions and links to drug trafficking continue to serve  
24 in high-ranking positions within the Honduran police  
25 and military, and few of the alleged cases of human

1 rights abuses perpetrated by police and military per-  
2 sonnel are prosecuted or tried in court.

3 (8) The Office of the United Nations High  
4 Commissioner for Human Rights and the Inter-  
5 American Commission on Human Rights have docu-  
6 mented the use of arbitrary detentions, forced dis-  
7 appearances, and specious judicial proceedings to  
8 criminalize indigenous and human rights activists,  
9 environmental defenders, journalists, opposition poli-  
10 ticians, and others, including—

11 (A) members of the Tocoa Municipal Com-  
12 mittee for the Defense of Common and Public  
13 Assets, who since September 2019 have been  
14 detained pending trial following their protest of  
15 an illegal mining concession affecting the  
16 Guapinol and San Pedro rivers;

17 (B) four Afro-indigenous Garífuna land de-  
18 fenders, who on July 18, 2020, were abducted  
19 from their homes and reportedly forced into un-  
20 marked vehicles at gunpoint by armed men in  
21 police uniforms without a warrant and remain  
22 forcibly disappeared; and

23 (C) opposition lawmaker María Luisa  
24 Borjas, who on July 21, 2020, was convicted of  
25 defamation and sentenced to nearly three years

1 in prison for naming Ficohsa bank president  
2 Camilo Atala as an intellectual author of the  
3 2016 assassination of environmental and indige-  
4 nous rights activist Berta Cáceres.

5 (9) The vilification and criminalization of civil  
6 society actors and human rights defenders by Hon-  
7 duran authorities has continued unabated under the  
8 cover of COVID–19 pandemic response. On March  
9 16, 2020, the Government of Honduras first notified  
10 the Organization of American States of its deroga-  
11 tion from treaty obligations under the American  
12 Convention on Human Rights and has since sus-  
13 pended nine constitutional guarantees, including the  
14 rights to freedom of assembly and expression, the  
15 latter of which was restored after international out-  
16 cry. At least 34,000 citizens have been detained for  
17 violating curfew and lockdown restrictions, and jour-  
18 nalists and human rights defenders have been im-  
19 peded in their efforts to report on and expose human  
20 rights abuses during the pandemic.

21 **SEC. 4. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) systemic corruption, impunity, and human  
24 rights violations by national government officials,  
25 private citizens, and members of the police and mili-

1        tary of the Republic of Honduras deplete public re-  
2        sources and fuel widespread impoverishment, citizen  
3        insecurity, and forced displacement;

4            (2) the President should impose sanctions on  
5        President of Honduras Juan Orlando Hernández for  
6        acts of significant corruption and human rights vio-  
7        lations and determine under the Foreign Narcotics  
8        Kingpin Sanctions Regulations under part 598 of  
9        title 31, Code of Federal Regulations, whether the  
10       President of Honduras is a specially designated nar-  
11       cotics trafficker;

12           (3) the President and Secretary of State should  
13        seek to ensure that security assistance from the  
14        United States and exports of munitions by United  
15        States entities are not complicit in human rights  
16        abuses perpetrated by the police and military of the  
17        Government of Honduras, or misused to impede  
18        peaceful protestors, human rights and environmental  
19        defenders, and others from exercising the right to  
20        freedom of expression, association, or assembly;

21           (4) the Government of Honduras should imme-  
22        diately initiate discussions with the United Nations  
23        to negotiate the mandate for a new, independent  
24        mechanism to combat corruption and impunity with

1 a mission comparable to that of MACCIH, equipped  
2 with—

3 (A) the authority to initiate cases, in co-  
4 ordination with the Specialized Prosecutor's  
5 Unit against Networks of Corruption  
6 (UFERCO), against any citizen of the Republic  
7 of Honduras, irrespective of their office, rank,  
8 position, or title;

9 (B) the unimpeded authority to inves-  
10 tigate, including the authority to subpoena doc-  
11 uments, interview witnesses and suspects, and  
12 conduct surveillance;

13 (C) the ability to propose laws, constitu-  
14 tional amendments, and regulatory changes to  
15 the Attorney General's office and other institu-  
16 tions within the justice sector that are assured  
17 expeditious consideration and debate by the Na-  
18 tional Congress; and

19 (D) the requirement to conduct regular  
20 and transparent consultations with a broad  
21 range of civil society members with the goal of  
22 promoting the mandate's successful implemen-  
23 tation;

24 (5) the Government of Honduras should con-  
25 tinue to pursue MACCIH's ongoing anti-corruption

1 cases and adopt legal and institutional reforms to  
2 strengthen judicial independence and protect human  
3 rights recommended by MACCIH, the Office of the  
4 United Nations High Commissioner for Human  
5 Rights, and UFERCO;

6 (6) the United States should support credible  
7 national and international efforts to combat corrup-  
8 tion and human rights violations in the Republic of  
9 Honduras, including UFERCO, the Office of the  
10 United Nations High Commissioner for Human  
11 Rights, and organizations working to defend human  
12 rights and expose and prevent corruption, with the  
13 necessary resources for holding private and govern-  
14 ment actors accountable under the law and sup-  
15 porting independent monitoring by a free press and  
16 civil society, provided that they demonstrate suffi-  
17 cient political autonomy and willingness to prosecute  
18 high-level cases, including against senior officials  
19 and legislators of the Republic of Honduras; and

20 (7) the Secretary of State should develop, in  
21 consultation with a broad range of representatives of  
22 civil society and human rights organizations in Hon-  
23 duras, as appropriate, comprehensive and specific  
24 guidelines to use United States diplomacy and as-  
25 sistance to protect human rights and environmental

1       defenders in the Republic of Honduras from phys-  
2       ical, legal, or financial reprisals and threats, includ-  
3       ing by government, police, and military officials or  
4       their associates.

5   **SEC. 5. OFFICE OF THE UNITED NATIONS HIGH COMMIS-**  
6                   **SIONER FOR HUMAN RIGHTS.**

7       In addition to amounts otherwise appropriated for  
8       such purposes, there is authorized to be appropriated  
9       \$2,000,000 in voluntary contributions to support the work  
10      of the Office of the United Nations High Commissioner  
11      for Human Rights in Honduras to monitor and document  
12      human rights violations, issue public reports and rec-  
13      ommendations, and promote international human rights  
14      standards.

15   **SEC. 6. IMPOSITION OF SANCTIONS WITH RESPECT TO THE**  
16                   **PRESIDENT OF HONDURAS.**

17       (a) IMPOSITION OF SANCTIONS.—Not later than 180  
18      days after the date of the enactment of this Act, the Presi-  
19      dent shall impose the sanctions described in subsection (b)  
20      with respect to the President of Honduras, Juan Orlando  
21      Hernández.

22       (b) SANCTIONS DESCRIBED.—The sanctions de-  
23      scribed in this subsection are the following:

24           (1) ASSET BLOCKING.—The President shall ex-  
25      ercise all of the powers granted to the President

1 under the International Emergency Economic Pow-  
 2 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-  
 3 essary to block and prohibit all transactions in prop-  
 4 erty and interests in property of Juan Orlando  
 5 Hernández if such property and interests in property  
 6 are in the United States, come within the United  
 7 States, or are or come within the possession or con-  
 8 trol of a United States person.

9 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR  
 10 PAROLE.—

11 (A) VISAS, ADMISSION, OR PAROLE.—Juan  
 12 Orlando Hernández is—

- 13 (i) inadmissible to the United States;
- 14 (ii) ineligible to receive a visa or other  
 15 documentation to enter the United States;
- 16 and
- 17 (iii) otherwise ineligible to be admitted  
 18 or paroled into the United States or to re-  
 19 ceive any other benefit under the Immigra-  
 20 tion and Nationality Act (8 U.S.C. 1101 et  
 21 seq.).

22 (B) CURRENT VISAS REVOKED.—

- 23 (i) IN GENERAL.—Juan Orlando  
 24 Hernández is subject to revocation of any  
 25 visa or other entry documentation regard-

1 less of when the visa or other entry docu-  
 2 mentation is or was issued.

3 (ii) IMMEDIATE EFFECT.—A revoca-  
 4 tion under clause (i) shall—

5 (I) take effect immediately; and

6 (II) cancel any other valid visa or  
 7 entry documentation that is in Juan  
 8 Orlando Hernández’s possession.

9 (c) IMPLEMENTATION; PENALTIES.—

10 (1) IMPLEMENTATION.—The President may ex-  
 11 ercise all authorities provided under sections 203  
 12 and 205 of the International Emergency Economic  
 13 Powers Act (50 U.S.C. 1702 and 1704) to the ex-  
 14 tent necessary to carry out this section.

15 (2) PENALTIES.—A person that violates, at-  
 16 tempts to violate, conspires to violate, or causes a  
 17 violation of subsection (b)(1), or any regulation, li-  
 18 cense, or order issued to carry out that subsection,  
 19 shall be subject to the penalties set forth in sub-  
 20 sections (b) and (c) of section 206 of the Inter-  
 21 national Emergency Economic Powers Act (50  
 22 U.S.C. 1705) to the same extent as a person that  
 23 commits an unlawful act described in subsection (a)  
 24 of that section.

1 (d) WAIVER.—The President may waive the applica-  
 2 tion of sanctions under this section if the President deter-  
 3 mines and certifies to the appropriate congressional com-  
 4 mittees that such a waiver is important to the national  
 5 interest of the United States.

6 (e) EXCEPTIONS.—

7 (1) EXCEPTION TO COMPLY WITH INTER-  
 8 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-  
 9 MENT ACTIVITIES.—Sanctions under subsection  
 10 (b)(2) shall not apply if admitting or paroling Juan  
 11 Orlando Hernández into the United States is nec-  
 12 essary—

13 (A) to permit the United States to comply  
 14 with the Agreement regarding the Head-  
 15 quarters of the United Nations, signed at Lake  
 16 Success June 26, 1947, and entered into force  
 17 November 21, 1947, between the United Na-  
 18 tions and the United States, or other applicable  
 19 international obligations; or

20 (B) to carry out or assist law enforcement  
 21 activity in the United States.

22 (2) EXCEPTION RELATING TO THE IMPORTA-  
 23 TION OF GOODS.—

24 (A) IN GENERAL.—The authorities and re-  
 25 quirements to impose sanctions authorized

1 under this section shall not include the author-  
2 ity or a requirement to impose sanctions on the  
3 importation of goods.

4 (B) GOOD DEFINED.—In this paragraph,  
5 the term “good” means any article, natural or  
6 manmade substance, material, supply, or manu-  
7 factured product, including inspection and test  
8 equipment, and excluding technical data.

9 (f) TERMINATION OF SANCTIONS.—The President  
10 may terminate the application of sanctions under this sec-  
11 tion if the President determines and reports to the appro-  
12 priate congressional committees not later than 15 days be-  
13 fore the termination takes effect that—

14 (1) credible information exists that Juan Or-  
15 lando Hernández did not engage in the activity for  
16 which sanctions were imposed;

17 (2) Juan Orlando Hernández has been pros-  
18 ecuted appropriately for the activity for which sanc-  
19 tions were imposed; or

20 (3) Juan Orlando Hernández has credibly dem-  
21 onstrated a significant change in behavior, has paid  
22 an appropriate consequence for the activity for  
23 which sanctions were imposed, and has credibly com-  
24 mitted to not engage in an activity for which the  
25 sanctions were imposed in the future.

1 (g) DEFINITIONS.—In this section:

2 (1) ADMISSION; ADMITTED.—The terms “ad-  
3 mission” and “admitted” have the meanings given  
4 those terms in section 101 of the Immigration and  
5 Nationality Act (8 U.S.C. 1101).

6 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
7 TEES.—The term “appropriate congressional com-  
8 mittees” means—

9 (A) the Committee on Foreign Relations  
10 and the Committee on Banking, Housing, and  
11 Urban Affairs of the Senate; and

12 (B) the Committee on Foreign Affairs and  
13 the Committee on Financial Services of the  
14 House of Representatives.

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

17 (A) an individual who is a United States  
18 citizen or an alien lawfully admitted for perma-  
19 nent residence to the United States;

20 (B) an entity organized under the laws of  
21 the United States or any jurisdiction within the  
22 United States, including a foreign branch of  
23 such an entity; or

24 (C) any person in the United States.

1 **SEC. 7. PROHIBITION ON COMMERCIAL EXPORT OF COV-**  
2 **ERED DEFENSE ARTICLES AND SERVICES**  
3 **AND COVERED MUNITIONS ITEMS TO THE**  
4 **HONDURAN POLICE OR MILITARY.**

5 (a) IN GENERAL.—Not later than 30 days after the  
6 date of the enactment of this Act, the President shall pro-  
7 hibit the issuance of licenses to export covered defense ar-  
8 ticles and services and covered munitions items to the po-  
9 lice or military of the Republic of Honduras.

10 (b) TERMINATION.—The prohibition under sub-  
11 section (a) shall terminate on the date on which the Presi-  
12 dent determines and reports to the appropriate congres-  
13 sional committees that the police or military of the Repub-  
14 lic of Honduras have not engaged in gross violations dur-  
15 ing the one-year period ending on the date of such deter-  
16 mination.

17 (c) WAIVER.—The prohibition under subsection (a)  
18 shall not apply to the issuance of a license with respect  
19 to which the President submits to the appropriate congres-  
20 sional committees a written certification that the exports  
21 to be covered by such license are important to the national  
22 interests and foreign policy goals of the United States, in-  
23 cluding a description of the manner in which such exports  
24 will promote such interests and goals.

25 (d) DEFINITIONS.—In this section:

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

4           (A) the Committee on Foreign Relations  
5       and the Committee on Appropriations of the  
6       Senate; and

7           (B) the Committee on Foreign Affairs and  
8       the Committee on Appropriations of the House  
9       of Representatives.

10       (2) COVERED DEFENSE ARTICLES AND SERV-  
11       ICES.—The term “covered defense articles and serv-  
12       ices” means defense articles and defense services  
13       designated by the President under section 38(a)(1)  
14       of the Arms Export Control Act (22 U.S.C.  
15       2778(a)(1)).

16       (3) COVERED MUNITIONS ITEMS.—The term  
17       “covered munitions items” means tear gas, pepper  
18       spray, rubber bullets, foam rounds, bean bag rounds,  
19       pepper balls, water cannons, handcuffs, shackles,  
20       stun guns, tasers, semi-automatic firearms, and  
21       their associated munitions not included in the defini-  
22       tion under paragraph (2).

1 **SEC. 8. SUSPENSION AND RESTRICTIONS OF SECURITY AS-**  
2 **SISTANCE EXTENDED TO THE REPUBLIC OF**  
3 **HONDURAS UNLESS CERTAIN CONDITIONS**  
4 **ARE MET.**

5 (a) **SUSPENSION OF SECURITY ASSISTANCE.**—No as-  
6 sistence may be made available for the police or military  
7 of the Republic of Honduras, including assistance for  
8 equipment and training.

9 (b) **LOANS FROM MULTILATERAL DEVELOPMENT**  
10 **BANKS AND THE UNITED STATES INTERNATIONAL DE-**  
11 **VELOPMENT FINANCE CORPORATION.**—The Secretary of  
12 the Treasury shall—

13 (1) instruct United States representatives at  
14 multilateral development banks to use their voice  
15 and vote to oppose any loans for the police or mili-  
16 tary of the Republic of Honduras; and

17 (2) instruct the United States Executive Direc-  
18 tor of each international financial institution and the  
19 Chief Executive Officer of the United States Inter-  
20 national Development Finance Corporation to pro-  
21 mote human rights due diligence and risk manage-  
22 ment in connection with any loan, grant, policy, or  
23 strategy related to the Republic of Honduras, in ac-  
24 cordance with the criteria specified in subsection  
25 7029(d) of the Department of State, Foreign Oper-  
26 ations, and Related Programs Appropriations Act,

1       2020 (division G of Public Law 116–94; 133 Stat.  
2       2863) and accompanying report.

3       (c) CONDITIONS FOR LIFTING SUSPENSIONS AND  
4 RESTRICTIONS.—The provisions of this section shall ter-  
5minate on the date on which the Secretary of State deter-  
6mines and reports to the Committees on Foreign Relations  
7and Appropriations of the Senate and the Committees on  
8Foreign Affairs and Appropriations of the House of Rep-  
9resentatives that the Government of Honduras has—

10           (1) pursued all legal avenues to bring to trial  
11       and obtain a verdict of all those who ordered, carried  
12       out, and covered up—

13           (A) the March 2, 2016, murder of Berta  
14       Cáceres;

15           (B) the killings of over 100 small-farmer  
16       activists in the Aguán Valley;

17           (C) the killings of 22 people and forced  
18       disappearance of 1 person by state security  
19       forces in the context of the 2017 post-electoral  
20       crisis;

21           (D) the killings of at least 6 people by  
22       state security forces in the context of anti-gov-  
23       ernment demonstrations between March and  
24       July of 2019;

1 (E) the killings of at least 21 journalists  
 2 and media workers between October 2016 and  
 3 July 2020;

4 (F) the July 18, 2020, forced disappear-  
 5 ances of 4 Garífuna community leaders from  
 6 Triunfo de la Cruz; and

7 (G) the December 26, 2020, killing of in-  
 8 digenous Lenca leader and environmental activ-  
 9 ist Félix Vásquez at his home in La Paz, and  
 10 the December 29, 2020, killing of indigenous  
 11 Tolupan leader and environmental activist Adan  
 12 Mejía in Yoro;

13 (2) investigated and successfully prosecuted  
 14 members of military and police forces who are  
 15 credibly found to have violated human rights and en-  
 16 sured that the military and police cooperated in such  
 17 cases, and that such violations have ceased;

18 (3) withdrawn the military from domestic polic-  
 19 ing and ensured that all domestic police functions  
 20 are separated from the command and control of the  
 21 Armed Forces of Honduras and are instead directly  
 22 responsible to civilian authority;

23 (4) established that it protects effectively the  
 24 rights of trade unionists, journalists, small farmers,  
 25 human rights and environmental defenders, indige-

1        nous and Afro-indigenous community members and  
2        rights activists, women's and LGBTQI rights activ-  
3        ists, critics of the government, and other members of  
4        civil society to operate without interference or re-  
5        pression; and

6            (5) taken effective steps to establish the rule of  
7        law and to guarantee a judicial system that is capa-  
8        ble of investigating, prosecuting, and bringing to jus-  
9        tice members of the police and military who have  
10       committed human rights abuses.

11    **SEC. 9. SUNSET.**

12        This Act shall terminate on the date that is 5 years  
13    after the date of the enactment of this Act.

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