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ONE HUNDRED ELEVENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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January 11, 2010

The Honorable Hillary Rodham Clinton  
United States Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Madam Secretary:

On June 19, 2009, I joined 90 Members of Congress to write to you concerning the case of Oscar Cerna. As you know, Mr. Cerna is a U.S. citizen and resident of Florida. He was the principal owner of Cemento America, S.A. de C.V., a cement company that was allegedly driven from the market by an illicit cartel and conspiracy involving the dominant Honduran cement manufacturers and senior officials of the Honduran government and military.

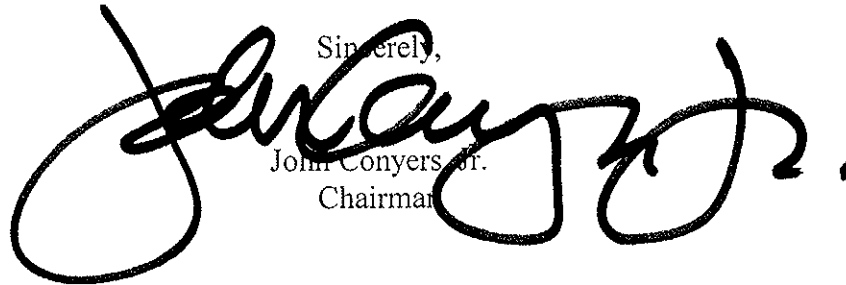
I am concerned that in this case the actions of the Honduras government may have violated Article III of the U.S.-Honduras Bilateral Investment Treaty, which prohibits expropriation of investments "either directly or indirectly through measures tantamount to expropriation." I am also concerned that Mr. Cerna's case does not appear to be an isolated example. I understand the State Department is aware of approximately 14 other outstanding claims for expropriation made by U.S. persons against the government of Honduras.

As you know, Honduras recently held presidential elections, which hold the promise of enabling the United States to resume normal relations with the country after the turmoil resulting from the removal of President José Manuel Zelaya. The organization of the new government of Honduras provides a unique opportunity for the United States to pursue resolution of Americans' long-standing expropriation claims against Honduras. Resolving these claims would provide demonstrable evidence of the new government's commitment to democracy and the rule of law.

I respectfully request that you communicate these points to the new government of Honduras at an appropriate time, including during the expected consultations with the new cabinet in early 2010. In reestablishing its relations with the United States, Honduras must demonstrate its commitment to the rule of law, including by promptly addressing the claims of Mr. Cerna and other Americans whose property appears to have been expropriated.

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We should not let the opportunity of the organization of a new government in Honduras to pass without taking action in support of the rule of law in Honduras. Please contact me if you have any questions.

Sincerely,  
  
John Conyers, Jr.  
Chairman

cc: The Honorable Lamar Smith  
The Honorable Howard L. Berman  
The Honorable Ileana Ros-Lehtinen  
Office of Legislative Affairs, Department of State