

Robert Menendez
S.L.

II

Calendar No. _____

117TH CONGRESS
2D SESSION

S. 3591

To strengthen the bilateral partnership between the United States and Ecuador in support of democratic institutions and rule of law, sustainable and inclusive economic growth, and conservation.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7 (legislative day, FEBRUARY 3), 2022

Mr. MENENDEZ (for himself, Mr. RISCH, Mr. KAINE, Mr. RUBIO, Mr. CASSIDY, Mr. COONS, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

_____ (legislative day, _____), _____

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To strengthen the bilateral partnership between the United States and Ecuador in support of democratic institutions and rule of law, sustainable and inclusive economic growth, and conservation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “~~United States-Ecuador Partnership Act of 2022~~”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 this Act is as follows:

Sec. 1. Short title, table of contents.

Sec. 2. Findings.

Sec. 3. Sense of Congress.

Sec. 4. Facilitating economic and commercial ties.

Sec. 5. Promoting inclusive economic development.

Sec. 6. Combating illicit economies, corruption, and negative foreign influence.

Sec. 7. Strengthening democratic governance.

Sec. 8. Fostering conservation and stewardship.

Sec. 9. Reporting requirements.

Sec. 10. Sunset.

6 **SEC. 2. FINDINGS.**

7 (a) **FINDINGS.**—Congress makes the following find-
8 ings:

9 (1) The United States and Ecuador have a his-
10 tory of bilateral cooperation grounded in mutual re-
11 spect, shared democratic values, and mutual security
12 interests.

13 (2) On February 7, 2021, and April 11, 2021,
14 Ecuador held democratic elections that included par-
15 ties from across the political spectrum, paving the
16 way for continued progress towards strengthening
17 democratic institutions.

18 (3) The United States and Ecuador share stra-
19 tegic interests in strengthening Ecuador’s demo-
20 cratic institutions, generating inclusive economic

1 growth, and building capacity in law enforcement,
2 anti-corruption, and conservation efforts.

3 (4) The United States and Ecuador historically
4 have enjoyed strong commercial, investment, and
5 economic ties, yet Ecuador continues to face signifi-
6 cant challenges to inclusive economic development,
7 including—

8 (A) the heavy economic toll of the COVID-
9 19 pandemic;

10 (B) vulnerabilities with respect to the
11 growing role of the People's Republic of China
12 in the financing and refinancing of Ecuador's
13 debts, and in strategic infrastructure projects
14 and sectors of the Ecuadorian economy; and

15 (C) the need to develop and strengthen
16 open and transparent economic policies that
17 strengthen Ecuador's integration with global
18 markets, inclusive economic growth, and oppor-
19 tunities for upward social mobility for the Ee-
20 uadorian people.

21 (5) Since its establishment in December 2019,
22 the United States Development Finance Corporation
23 has provided more than \$440,000,000 in financing
24 to Ecuador.

1 (6) Ecuador's justice system has taken impor-
2 tant steps to fight corruption and criminality and to
3 increase accountability. However, enduring chal-
4 lenges to the rule of law in Ecuador, including the
5 activities of transnational criminal organizations, il-
6 licit mining, illegal, unreported, and unregulated
7 (IUU) fishing, and undemocratic actors, present on-
8 going risks for political and social stability in Ecu-
9 dor.

10 (7) The activities undertaken by the Govern-
11 ment of the People's Republic of China in Ecuador,
12 including its development of the ECU-911 video
13 surveillance and facial recognition system, financing
14 of the corruptly managed and environmentally dele-
15 terious Coea Codo Sinclair Dam, and support for il-
16 legal, unreported, and unregulated fishing practices
17 around the Galapagos Islands, pose risks to demo-
18 cratic governance and biodiversity in the country.

19 (8) Ecuador, which is home to several of the
20 Earth's most biodiverse ecosystems, including the
21 Galapagos Islands, the headwaters of the Amazon
22 river, the Condor mountain range, and the Yasuni
23 Biosphere Reserve, has seen a reduction in its
24 rainforests between 1990 and 2016, due in part to

1 the incursion of criminal networks into protected
2 areas.

3 (9) On March 24, 2021, the Senate unani-
4 mously approved Senate Resolution 22 (117th Con-
5 gress), reaffirming the partnership between the
6 United States and the Republic of Ecuador, and rec-
7 ognizing the restoration and advancement of eco-
8 nomic relations, security, and development opportu-
9 nities in both nations.

10 (10) On August 13, 2021, the United States
11 and Ecuador celebrated the entry into force of the
12 Protocol to the Trade and Investment Council
13 Agreement between the Government of the United
14 States of America and the Government of the Re-
15 public of Ecuador Relating to Trade Rules and
16 Transparency, recognizing the steps Ecuador has
17 taken to decrease unnecessary regulatory burden
18 and create a more transparent and predictable legal
19 framework for foreign direct investment in recent
20 years.

21 **SEC. 3. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) the United States should take additional
24 steps to strengthen its bilateral partnership with Ec-
25 uador, including by developing robust trade and in-

1 investment frameworks; increasing law enforcement
2 cooperation; renewing the activities of the United
3 States Agency for International Development in Ecu-
4 ador; and supporting Ecuador's response to and re-
5 covery from the COVID-19 pandemic; as necessary
6 and appropriate; and

7 (2) strengthening the United States-Ecuador
8 partnership presents an opportunity to advance core
9 United States national security interests and work
10 with other democratic partners to maintain a pros-
11 perous, politically stable, and democratic Western
12 Hemisphere that is resilient to malign foreign infla-
13 ence.

14 **SEC. 4. FACILITATING ECONOMIC AND COMMERCIAL TIES.**

15 The Secretary of State, in coordination with the Sec-
16 retary of Commerce, the United States Trade Representa-
17 tive, the Secretary of the Treasury, and the heads of other
18 relevant Federal departments and agencies, as appro-
19 priate, shall develop and implement a strategy to strength-
20 en commercial and economic ties between the United
21 States and Ecuador by—

22 (1) promoting cooperation and information
23 sharing to encourage awareness of and increase
24 trade and investment opportunities between the
25 United States and Ecuador;

1 (2) supporting efforts by the Government of
2 Ecuador to promote a more open, transparent, and
3 competitive business environment, including by low-
4 ering trade barriers, implementing policies to reduce
5 trading times, and improving efficiencies to expedite
6 customs operations for importers and exporters of
7 all sizes, in all sectors, and at all entry ports in Ec-
8 uador;

9 (3) establishing frameworks or mechanisms to
10 review the long-term financial sustainability and se-
11 curity implications of foreign investments in Ecu-
12 dor in strategic sectors or services;

13 (4) establishing competitive and transparent in-
14 frastructure project selection and procurement pro-
15 cesses in Ecuador that promote transparency, open
16 competition, financial sustainability, and robust ad-
17 herence to global standards and norms;

18 (5) developing programs to help the Govern-
19 ment of Ecuador improve efficiency and trans-
20 parency in customs administration, including
21 through support for the Government of Ecuador's
22 ongoing efforts to digitize its customs process and
23 accept electronic documents required for the import,
24 export, and transit of goods under specific inter-
25 national standards, as well as related training to ex-

1 pedite customs, security, efficiency, and competitive-
2 ness;

3 (6) spurring digital transformation that would
4 advance—

5 (A) the provision of digitized government
6 services with the greatest potential to improve
7 transparency, lower business costs, and expand
8 citizens' access to public services and public in-
9 formation;

10 (B) the provision of transparent and af-
11 fordable access to the internet and digital infra-
12 structure; and

13 (C) best practices to mitigate the risks to
14 digital infrastructure by doing business with
15 communication networks and communications
16 supply chains with equipment and services from
17 companies with close ties to or susceptible to
18 pressure from governments or security services
19 without reliable legal checks on governmental
20 powers; and

21 (7) identifying, as appropriate, a role for the
22 United States International Development Finance
23 Corporation, the Millennium Challenge Corporation,
24 the United States Agency for International Develop-
25 ment, and the United States private sector in sup-

1 porting efforts to increase private sector investment
2 and strengthen economic prosperity.

3 **SEC. 5. PROMOTING INCLUSIVE ECONOMIC DEVELOPMENT.**

4 The Administrator of the United States Agency for
5 International Development, in coordination with the Sec-
6 retary of State and the heads of other relevant Federal
7 departments and agencies, as appropriate, shall develop
8 and implement a strategy and related programs to support
9 inclusive economic development across Ecuador's national
10 territory by—

11 (1) facilitating increased access to public and
12 private financing, equity investments, grants, and
13 market analysis for small and medium-sized busi-
14 nesses;

15 (2) providing technical assistance to local gov-
16 ernments to formulate and enact local development
17 plans that invest in Indigenous and Afro-Ecuadorian
18 communities;

19 (3) connecting rural agricultural networks, in-
20 cluding Indigenous and Afro-Ecuadorian agricultural
21 networks, to consumers in urban centers and export
22 markets, including through infrastructure construc-
23 tion and maintenance programs that are subject to
24 audits and carefully designed to minimize potential
25 environmental harm;

1 (4) partnering with local governments, the pri-
2 vate sector, and local civil society organizations, in-
3 cluding organizations representing marginalized
4 communities and faith-based organizations, to pro-
5 vide skills training and investment in support of ini-
6 tiatives that provide economically viable, legal alter-
7 natives to participating in illegal economies; and

8 (5) connecting small scale fishing enterprises to
9 consumers and export markets, in order to reduce
10 vulnerability to organized criminal networks.

11 **SEC. 6. COMBATING ILLICIT ECONOMIES, CORRUPTION,**
12 **AND NEGATIVE FOREIGN INFLUENCE.**

13 The Secretary of State shall develop and implement
14 a strategy and related programs to increase the capacity
15 of Ecuador's justice system and law enforcement authori-
16 ties to combat illicit economies, corruption, transnational
17 criminal organizations, and the harmful influence of ma-
18 lign foreign and domestic actors by—

19 (1) providing technical assistance and support
20 to specialized units within the Attorney General's of-
21 fice to combat corruption and to promote and pro-
22 tect internationally recognized human rights in Ec-
23 uador, including the Transparency and Anti-Corrup-
24 tion Unit, the Anti-Money Laundering Unit, the

1 Task Force to Combat Corruption in Central Amer-
2 ica, and the Environmental Crimes Unit;

3 (2) strengthening bilateral assistance and com-
4 plementary support through multilateral anti-corrup-
5 tion mechanisms, as necessary and appropriate, to
6 counter corruption and recover assets derived from
7 corruption, including through strengthening inde-
8 pendent inspectors general to track and reduce cor-
9 ruption;

10 (3) improving the technical capacity of prosecu-
11 tors and financial institutions in Ecuador to combat
12 corruption by—

13 (A) detecting and investigating suspicious
14 financial transactions; and conducting asset for-
15 feitures and criminal analysis; and

16 (B) combating money laundering, financial
17 crimes, and extortion;

18 (4) providing technical assistance and material
19 support (including, as appropriate, radars, vessels,
20 and communications equipment) to vetted specialized
21 units of Ecuador's national police and the armed
22 services to disrupt, degrade, and dismantle organiza-
23 tions involved in illicit narcotics trafficking,
24 transnational criminal activities, illicit mining, and

1 illegal, unregulated, and unreported fishing, among
2 other illicit activities;

3 (5) providing technical assistance to address
4 challenges related to Ecuador's penitentiary and cor-
5 rections system;

6 (6) strengthening the regulatory framework of
7 mining through collaboration with key Ecuadorian
8 institutions, such as the Interior Ministry's Special
9 Commission for the Control of Illegal Mining and
10 the National Police's Investigative Unit on Mining
11 Crimes, and providing technical assistance in sup-
12 port of their law enforcement activities;

13 (7) providing technical assistance to judges,
14 prosecutors, and ombudsmen to increase capacity to
15 enforce laws against human smuggling and traf-
16 ficking, illicit mining, illegal logging, illegal, unregu-
17 lated, and unreported (IUU) fishing, and other illicit
18 economic activities;

19 (8) providing support to the Government of Ec-
20 uador to prevent illegal, unreported, and unregulated
21 fishing, including through expanding detection and
22 response capabilities, and the use of dark vessel
23 tracing technology;

24 (9) supporting multilateral efforts to stem ille-
25 gal, unreported, and unregulated fishing with neigh-

1 boring countries in South America and within the
2 South Pacific Regional Fisheries Management
3 Organisation;

4 (10) assisting the Government of Ecuador's ef-
5 forts to protect defenders of internationally recog-
6 nized human rights, including through the work of
7 the Office of the Ombudsman of Ecuador, and by
8 encouraging the inclusion of Indigenous and Afro-
9 Ecuadorian communities and civil society organiza-
10 tions in this process;

11 (11) supporting efforts to improve trans-
12 parency, uphold accountability, and build capacity
13 within the Office of the Comptroller General;

14 (12) enhancing the institutional capacity and
15 technical capabilities of defense and security institu-
16 tions of Ecuador to conduct national or regional se-
17 curity missions, including through regular bilateral
18 and multilateral cooperation, foreign military financ-
19 ing, international military education, and training
20 programs, consistent with applicable Ecuadorian
21 laws and regulations;

22 (13) enhancing port management and maritime
23 security partnerships to disrupt, degrade, and dis-
24 mantle transnational criminal networks and facili-

1 tate the legitimate flow of people, goods, and serv-
2 ices; and

3 (14) strengthening cybersecurity cooperation—

4 (A) to effectively respond to cybersecurity
5 threats, including state-sponsored threats;

6 (B) to share best practices to combat such
7 threats;

8 (C) to help develop and implement infor-
9 mation architectures that respect individual pri-
10 vacy rights and reduce the risk that data col-
11 lected through such systems will be exploited by
12 malign state and non-state actors;

13 (D) to strengthen resilience against
14 cyberattacks, misinformation, and propaganda;
15 and

16 (E) to strengthen the resilience of critical
17 infrastructure.

18 **SEC. 7. STRENGTHENING DEMOCRATIC GOVERNANCE.**

19 (a) **STRENGTHENING DEMOCRATIC GOVERNANCE.—**

20 The Secretary of State, in coordination with the Adminis-
21 trator of the United States Agency for International De-
22 velopment, should develop and implement initiatives to
23 strengthen democratic governance in Ecuador by sup-
24 porting—

1 (1) measures to improve the capacity of na-
2 tional and subnational government institutions to
3 govern through transparent, inclusive, and demo-
4 cratic processes;

5 (2) efforts that measurably enhance the capac-
6 ity of political actors and parties to strengthen
7 democratic institutions and the rule of law;

8 (3) initiatives to strengthen democratic govern-
9 ance, including combating political, administrative,
10 and judicial corruption and improving transparency
11 of the administration of public budgets; and

12 (4) the efforts of civil society organizations and
13 independent media—

14 (A) to conduct oversight of the Govern-
15 ment of Ecuador and the National Assembly of
16 Ecuador;

17 (B) to promote initiatives that strengthen
18 democratic governance, anti-corruption stand-
19 ards, and public and private sector trans-
20 parency; and

21 (C) to foster political engagement between
22 the Government of Ecuador, including the Na-
23 tional Assembly of Ecuador, and all parts of
24 Ecuadorian society, including women, indige-

1 nous communities, and Afro-Ecuadorian com-
2 munities.

3 (b) **LEGISLATIVE STRENGTHENING.**—The Adminis-
4 trator of the United States Agency for International De-
5 velopment, working through the Consortium for Elections
6 and Political Process Strengthening or any equivalent or
7 successor mechanism, shall develop and implement pro-
8 grams to strengthen the National Assembly of Ecuador
9 by providing training and technical assistance to—

10 (1) members and committee offices of the Na-
11 tional Assembly of Ecuador, including the Ethics
12 Committee and Audit Committee;

13 (2) assist in the creation of entities that can
14 offer comprehensive and independent research and
15 analysis on legislative and oversight matters pending
16 before the National Assembly, including budgetary
17 and economic issues; and

18 (3) improve democratic governance and govern-
19 ment transparency, including through effective legis-
20 lation.

21 (c) **BILATERAL LEGISLATIVE COOPERATION.**—To
22 the degree practicable, in implementing the programs re-
23 quired under subsection (b), the Administrator of the
24 United States Agency for International Development
25 should facilitate meetings and collaboration between mem-

1 bers of the United States Congress and the National As-
2 sembly of Ecuador.

3 **SEC. 8. FOSTERING CONSERVATION AND STEWARDSHIP.**

4 The Administrator of the United States Agency for
5 International Development; in coordination with the Sec-
6 retary of State and the heads of other relevant Federal
7 departments and agencies, shall develop and implement
8 programs and enhance existing programs, as necessary
9 and appropriate, to improve ecosystem conservation and
10 enhance the effective stewardship of Ecuador's natural re-
11 sources by—

12 (1) providing technical assistance to Ecuador's
13 Ministry of the Environment to safeguard national
14 parks and protected forests and protected species,
15 while promoting the participation of Indigenous com-
16 munities in this process;

17 (2) strengthening the capacity of communities
18 to access the right to prior consultation, enoded in
19 Article 57 of the Constitution of Ecuador and re-
20 lated laws, executive decrees, administrative acts,
21 and ministerial regulations;

22 (3) supporting Indigenous and Afro-Ecuadorian
23 communities as they raise awareness of threats to
24 biodiverse ancestral lands, including through support

1 for local media in such communities and technical
2 assistance to monitor illicit activities;

3 (4) partnering with the Government of Ecuador
4 in support of reforestation and improving river, lake,
5 and coastal water quality;

6 (5) providing assistance to communities af-
7 fected by illegal mining and deforestation; and

8 (6) fostering mechanisms for cooperation on
9 emergency preparedness and rapid recovery from
10 natural disasters, including by—

11 (A) establishing regional preparedness, re-
12 covery, and emergency management centers to
13 facilitate rapid response to survey and help
14 maintain planning on regional disaster antici-
15 pated needs and possible resources; and

16 (B) training disaster recovery officials on
17 latest techniques and lessons learned from
18 United States experiences.

19 **SEC. 9. REPORTING REQUIREMENTS.**

20 (a) **SECRETARY OF STATE.**—The Secretary of State,
21 in coordination with the heads of other relevant Federal
22 departments and agencies as described in sections 4, 6,
23 and 7(a), shall—

24 (1) not later than 180 days after the date of
25 the enactment of this Act, submit to the appropriate

1 congressional committees a comprehensive strategy
2 to address the requirements described in sections 4,
3 6, and 7(a); and

4 (2) not later than 2 years and 4 years after
5 submitting the comprehensive strategy under para-
6 graph (1), submit to the appropriate congressional
7 committees a report describing the implementation
8 of the strategy.

9 (b) ADMINISTRATOR OF THE UNITED STATES AGEN-
10 CY FOR INTERNATIONAL DEVELOPMENT.—The Adminis-
11 trator of the United States Agency for International De-
12 velopment, in coordination with the heads of other relevant
13 Federal departments and agencies as described in sections
14 5, 7(b), and 8, shall—

15 (1) not later than 180 days after the date of
16 the enactment of this Act, submit to the appropriate
17 congressional committees a comprehensive strategy
18 to address the requirements described in sections 4,
19 7(b), and 8; and

20 (2) not later than 2 years and 4 years after
21 submitting the comprehensive strategy under para-
22 graph (1), submit to the appropriate congressional
23 committees a report describing the implementation
24 of the strategy.

1 (c) ~~SUBMISSION.~~—The strategies and reports re-
2 quired under subsections (a) and (b) may be submitted
3 to the appropriate congressional committees as joint strat-
4 egies and reports.

5 (d) ~~APPROPRIATE CONGRESSIONAL COMMITTEES.~~—
6 In this Act, the term “appropriate congressional commit-
7 tees” means the Committee on Foreign Relations of the
8 Senate and the Committee on Foreign Affairs of the
9 House of Representatives.

10 **SEC. 10. SUNSET.**

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

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

14 (a) *SHORT TITLE.*—This Act may be cited as the
15 “United States-Ecuador Partnership Act of 2022”.

16 (b) *TABLE OF CONTENTS.*—The table of contents for
17 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Sense of Congress.

Sec. 4. Facilitating economic and commercial ties.

Sec. 5. Promoting inclusive economic development.

Sec. 6. Combating illicit economies, corruption, and negative foreign influence.

Sec. 7. Strengthening democratic governance.

Sec. 8. Fostering conservation and stewardship.

Sec. 9. Authorization to transfer excess Coast Guard vessels.

Sec. 10. Reporting requirements.

Sec. 11. Sunset.

18 **SEC. 2. FINDINGS.**

19 (a) *FINDINGS.*—Congress makes the following findings:

1 (1) *The United States and Ecuador have a his-*
2 *tory of bilateral cooperation grounded in mutual re-*
3 *spect, shared democratic values, and mutual security*
4 *interests.*

5 (2) *On February 7, 2021, and April 11, 2021,*
6 *Ecuador held democratic elections that included par-*
7 *ties from across the political spectrum, paving the*
8 *way for continued progress towards strengthening*
9 *democratic institutions.*

10 (3) *The United States and Ecuador share stra-*
11 *tegic interests in strengthening Ecuador's democratic*
12 *institutions, generating inclusive economic growth,*
13 *and building capacity in law enforcement, anti-cor-*
14 *ruption, and conservation efforts.*

15 (4) *The United States and Ecuador historically*
16 *have enjoyed strong commercial, investment, and eco-*
17 *nomie ties, yet Ecuador continues to face significant*
18 *challenges to inclusive economic development, includ-*
19 *ing—*

20 (A) *the heavy economic toll of the COVID-*
21 *19 pandemic;*

22 (B) *vulnerabilities with respect to the grow-*
23 *ing role of the People's Republic of China in the*
24 *financing and refinancing of Ecuador's debts,*

1 *and in strategic infrastructure projects and sec-*
2 *tors of the Ecuadorian economy; and*

3 *(C) the need to develop and strengthen open*
4 *and transparent economic policies that strength-*
5 *en Ecuador's integration with global markets,*
6 *inclusive economic growth, and opportunities for*
7 *upward social mobility for the Ecuadorian peo-*
8 *ple.*

9 *(5) Since its establishment in December 2019,*
10 *the United States Development Finance Corporation*
11 *has provided more than \$440,000,000 in financing to*
12 *Ecuador.*

13 *(6) Ecuador's justice system has taken important*
14 *steps to fight corruption and criminality and to in-*
15 *crease accountability. However, enduring challenges*
16 *to the rule of law in Ecuador, including the activities*
17 *of transnational criminal organizations, illicit min-*
18 *ing, illegal, unreported, and unregulated (IUU) fish-*
19 *ing, and undemocratic actors, present ongoing risks*
20 *for political and social stability in Ecuador.*

21 *(7) The activities undertaken by the Government*
22 *of the People's Republic of China in Ecuador, includ-*
23 *ing its development of the ECU-911 video surveil-*
24 *lance and facial recognition system, financing of the*
25 *corruptly managed and environmentally deleterious*

1 *Coca Codo Sinclair Dam, and support for illegal, un-*
2 *reported, and unregulated fishing practices around*
3 *the Galapagos Islands, pose risks to democratic gov-*
4 *ernance and biodiversity in the country.*

5 *(8) Ecuador, which is home to several of the*
6 *Earth's most biodiverse ecosystems, including the Ga-*
7 *lapagos Islands, the headwaters of the Amazon river,*
8 *the Condor mountain range, and the Yasuni Bio-*
9 *sphere Reserve, has seen a reduction in its rainforests*
10 *between 1990 and 2016, due in part to the incursion*
11 *of criminal networks into protected areas.*

12 *(9) On March 24, 2021, the Senate unanimously*
13 *approved Senate Resolution 22 (117th Congress), re-*
14 *affirming the partnership between the United States*
15 *and the Republic of Ecuador, and recognizing the res-*
16 *toration and advancement of economic relations, secu-*
17 *rity, and development opportunities in both nations.*

18 *(10) On August 13, 2021, the United States and*
19 *Ecuador celebrated the entry into force of the Protocol*
20 *to the Trade and Investment Council Agreement be-*
21 *tween the Government of the United States of Amer-*
22 *ica and the Government of the Republic of Ecuador*
23 *Relating to Trade Rules and Transparency, recog-*
24 *nizing the steps Ecuador has taken to decrease unnec-*
25 *essary regulatory burden and create a more trans-*

1 *parent and predictable legal framework for foreign di-*
2 *rect investment in recent years.*

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

4 *It is the sense of Congress that—*

5 *(1) the United States should take additional*
6 *steps to strengthen its bilateral partnership with Ec-*
7 *cuador, including by developing robust trade and in-*
8 *vestment frameworks, increasing law enforcement co-*
9 *operation, renewing the activities of the United States*
10 *Agency for International Development in Ecuador,*
11 *and supporting Ecuador's response to and recovery*
12 *from the COVID-19 pandemic, as necessary and ap-*
13 *propriate; and*

14 *(2) strengthening the United States-Ecuador*
15 *partnership presents an opportunity to advance core*
16 *United States national security interests and work*
17 *with other democratic partners to maintain a pros-*
18 *perous, politically stable, and democratic Western*
19 *Hemisphere that is resilient to malign foreign influ-*
20 *ence.*

21 **SEC. 4. FACILITATING ECONOMIC AND COMMERCIAL TIES.**

22 *The Secretary of State, in coordination with the Sec-*
23 *retary of Commerce, the United States Trade Representa-*
24 *tive, the Secretary of the Treasury, and the heads of other*
25 *relevant Federal departments and agencies, as appropriate,*

1 *shall develop and implement a strategy to strengthen com-*
2 *mercial and economic ties between the United States and*
3 *Ecuador by—*

4 (1) *promoting cooperation and information shar-*
5 *ing to encourage awareness of and increase trade and*
6 *investment opportunities between the United States*
7 *and Ecuador;*

8 (2) *supporting efforts by the Government of Ec-*
9 *uador to promote a more open, transparent, and com-*
10 *petitive business environment, including by lowering*
11 *trade barriers, implementing policies to reduce trad-*
12 *ing times, and improving efficiencies to expedite cus-*
13 *tom operations for importers and exporters of all*
14 *sizes, in all sectors, and at all entry ports in Ecua-*
15 *dor;*

16 (3) *establishing frameworks or mechanisms to re-*
17 *view the long term financial sustainability and secu-*
18 *rity implications of foreign investments in Ecuador*
19 *in strategic sectors or services;*

20 (4) *establishing competitive and transparent in-*
21 *frastructure project selection and procurement proc-*
22 *esses in Ecuador that promote transparency, open*
23 *competition, financial sustainability, and robust ad-*
24 *herence to global standards and norms;*

1 (5) *developing programs to help the Government*
2 *of Ecuador improve efficiency and transparency in*
3 *customs administration, including through support*
4 *for the Government of Ecuador's ongoing efforts to*
5 *digitize its customs process and accept electronic doc-*
6 *uments required for the import, export, and transit of*
7 *goods under specific international standards, as well*
8 *as related training to expedite customs, security, effi-*
9 *ciency, and competitiveness;*

10 (6) *spurring digital transformation that would*
11 *advance—*

12 (A) *the provision of digitized government*
13 *services with the greatest potential to improve*
14 *transparency, lower business costs, and expand*
15 *citizens' access to public services and public in-*
16 *formation;*

17 (B) *the provision of transparent and afford-*
18 *able access to the internet and digital infrastruc-*
19 *ture; and*

20 (C) *best practices to mitigate the risks to*
21 *digital infrastructure by doing business with*
22 *communication networks and communications*
23 *supply chains with equipment and services from*
24 *companies with close ties to or susceptible to*
25 *pressure from governments or security services*

1 *without reliable legal checks on governmental*
2 *powers; and*

3 *(7) identifying, as appropriate, a role for the*
4 *United States International Development Finance*
5 *Corporation, the Millennium Challenge Corporation,*
6 *the United States Agency for International Develop-*
7 *ment, and the United States private sector in sup-*
8 *porting efforts to increase private sector investment*
9 *and strengthen economic prosperity.*

10 **SEC. 5. PROMOTING INCLUSIVE ECONOMIC DEVELOPMENT.**

11 *The Administrator of the United States Agency for*
12 *International Development, in coordination with the Sec-*
13 *retary of State and the heads of other relevant Federal de-*
14 *partments and agencies, as appropriate, shall develop and*
15 *implement a strategy and related programs to support in-*
16 *clusive economic development across Ecuador's national ter-*
17 *ritory by—*

18 *(1) facilitating increased access to public and*
19 *private financing, equity investments, grants, and*
20 *market analysis for small and medium-sized busi-*
21 *nesses;*

22 *(2) providing technical assistance to local gov-*
23 *ernments to formulate and enact local development*
24 *plans that invest in Indigenous and Afro-Ecuadorian*
25 *communities;*

1 (3) *connecting rural agricultural networks, in-*
2 *cluding Indigenous and Afro-Ecuadorian agricultural*
3 *networks, to consumers in urban centers and export*
4 *markets, including through infrastructure construc-*
5 *tion and maintenance programs that are subject to*
6 *audits and carefully designed to minimize potential*
7 *environmental harm;*

8 (4) *partnering with local governments, the pri-*
9 *vate sector, and local civil society organizations, in-*
10 *cluding organizations representing marginalized com-*
11 *munities and faith-based organizations, to provide*
12 *skills training and investment in support of initia-*
13 *tives that provide economically viable, legal alter-*
14 *natives to participating in illegal economies; and*

15 (5) *connecting small scale fishing enterprises to*
16 *consumers and export markets, in order to reduce vul-*
17 *nerability to organized criminal networks.*

18 **SEC. 6. COMBATING ILLICIT ECONOMIES, CORRUPTION,**
19 **AND NEGATIVE FOREIGN INFLUENCE.**

20 *The Secretary of State shall develop and implement*
21 *a strategy and related programs to increase the capacity*
22 *of Ecuador's justice system and law enforcement authorities*
23 *to combat illicit economies, corruption, transnational*
24 *criminal organizations, and the harmful influence of ma-*
25 *lign foreign and domestic actors by—*

1 (1) *providing technical assistance and support to*
2 *specialized units within the Attorney General's office*
3 *to combat corruption and to promote and protect*
4 *internationally recognized human rights in Ecuador,*
5 *including the Transparency and Anti-Corruption*
6 *Unit, the Anti-Money Laundering Unit, the Task*
7 *Force to Combat Corruption in Central America, and*
8 *the Environmental Crimes Unit;*

9 (2) *strengthening bilateral assistance and com-*
10 *plementary support through multilateral anti-corrup-*
11 *tion mechanisms, as necessary and appropriate, to*
12 *counter corruption and recover assets derived from*
13 *corruption, including through strengthening inde-*
14 *pendent inspectors general to track and reduce cor-*
15 *ruption;*

16 (3) *improving the technical capacity of prosecu-*
17 *tors and financial institutions in Ecuador to combat*
18 *corruption by—*

19 (A) *detecting and investigating suspicious*
20 *financial transactions, and conducting asset for-*
21 *feitures and criminal analysis; and*

22 (B) *combating money laundering, financial*
23 *crimes, and extortion;*

24 (4) *providing technical assistance and material*
25 *support (including, as appropriate, radars, vessels,*

1 *and communications equipment) to vetted specialized*
2 *units of Ecuador's national police and the armed*
3 *services to disrupt, degrade, and dismantle organiza-*
4 *tions involved in illicit narcotics trafficking,*
5 *transnational criminal activities, illicit mining, and*
6 *illegal, unregulated, and unreported fishing, among*
7 *other illicit activities;*

8 *(5) providing technical assistance to address*
9 *challenges related to Ecuador's penitentiary and cor-*
10 *rections system;*

11 *(6) strengthening the regulatory framework of*
12 *mining through collaboration with key Ecuadorian*
13 *institutions, such as the Interior Ministry's Special*
14 *Commission for the Control of Illegal Mining and the*
15 *National Police's Investigative Unit on Mining*
16 *Crimes, and providing technical assistance in support*
17 *of their law enforcement activities;*

18 *(7) providing technical assistance to judges,*
19 *prosecutors, and ombudsmen to increase capacity to*
20 *enforce laws against human smuggling and traf-*
21 *ficking, illicit mining, illegal logging, illegal, unregu-*
22 *lated, and unreported (IUU) fishing, and other illicit*
23 *economic activities;*

24 *(8) providing support to the Government of Ec-*
25 *uador to prevent illegal, unreported, and unregulated*

1 *fishing, including through expanding detection and*
2 *response capabilities, and the use of dark vessel trac-*
3 *ing technology;*

4 (9) *supporting multilateral efforts to stem illegal,*
5 *unreported, and unregulated fishing with neighboring*
6 *countries in South America and within the South Pa-*
7 *cific Regional Fisheries Management Organisation;*

8 (10) *assisting the Government of Ecuador's ef-*
9 *forts to protect defenders of internationally recognized*
10 *human rights, including through the work of the Of-*
11 *fice of the Ombudsman of Ecuador, and by encour-*
12 *aging the inclusion of Indigenous and Afro-Ecu-*
13 *dorian communities and civil society organizations in*
14 *this process;*

15 (11) *supporting efforts to improve transparency,*
16 *uphold accountability, and build capacity within the*
17 *Office of the Comptroller General;*

18 (12) *enhancing the institutional capacity and*
19 *technical capabilities of defense and security institu-*
20 *tions of Ecuador to conduct national or regional secu-*
21 *rity missions, including through regular bilateral and*
22 *multilateral cooperation, foreign military financing,*
23 *international military education, and training pro-*
24 *grams, consistent with applicable Ecuadorian laws*
25 *and regulations;*

1 (13) *enhancing port management and maritime*
2 *security partnerships to disrupt, degrade, and dis-*
3 *mantle transnational criminal networks and facili-*
4 *tate the legitimate flow of people, goods, and services;*
5 *and*

6 (14) *strengthening cybersecurity cooperation—*

7 (A) *to effectively respond to cybersecurity*
8 *threats, including state-sponsored threats;*

9 (B) *to share best practices to combat such*
10 *threats;*

11 (C) *to help develop and implement informa-*
12 *tion architectures that respect individual privacy*
13 *rights and reduce the risk that data collected*
14 *through such systems will be exploited by malign*
15 *state and non-state actors;*

16 (D) *to strengthen resilience against*
17 *cyberattacks, misinformation, and propaganda;*
18 *and*

19 (E) *to strengthen the resilience of critical*
20 *infrastructure.*

21 **SEC. 7. STRENGTHENING DEMOCRATIC GOVERNANCE.**

22 (a) **STRENGTHENING DEMOCRATIC GOVERNANCE.—**

23 *The Secretary of State, in coordination with the Adminis-*
24 *trator of the United States Agency for International Devel-*
25 *opment, should develop and implement initiatives to*

1 *strengthen democratic governance in Ecuador by sup-*
2 *porting—*

3 (1) *measures to improve the capacity of national*
4 *and subnational government institutions to govern*
5 *through transparent, inclusive, and democratic proc-*
6 *esses;*

7 (2) *efforts that measurably enhance the capacity*
8 *of political actors and parties to strengthen demo-*
9 *cratic institutions and the rule of law;*

10 (3) *initiatives to strengthen democratic govern-*
11 *ance, including combating political, administrative,*
12 *and judicial corruption and improving transparency*
13 *of the administration of public budgets; and*

14 (4) *the efforts of civil society organizations and*
15 *independent media—*

16 (A) *to conduct oversight of the Government*
17 *of Ecuador and the National Assembly of Ecua-*
18 *dor;*

19 (B) *to promote initiatives that strengthen*
20 *democratic governance, anti-corruption stand-*
21 *ards, and public and private sector trans-*
22 *parency; and*

23 (C) *to foster political engagement between*
24 *the Government of Ecuador, including the Na-*
25 *tional Assembly of Ecuador, and all parts of Ec-*

1 *cuadorian society, including women, indigenous*
2 *communities, and Afro-Ecuadorian communities.*

3 (b) *LEGISLATIVE STRENGTHENING.—The Adminis-*
4 *trator of the United States Agency for International Devel-*
5 *opment, working through the Consortium for Elections and*
6 *Political Process Strengthening or any equivalent or suc-*
7 *cessor mechanism, shall develop and implement programs*
8 *to strengthen the National Assembly of Ecuador by pro-*
9 *viding training and technical assistance to—*

10 (1) *members and committee offices of the Na-*
11 *tional Assembly of Ecuador, including the Ethics*
12 *Committee and Audit Committee;*

13 (2) *assist in the creation of entities that can offer*
14 *comprehensive and independent research and analysis*
15 *on legislative and oversight matters pending before the*
16 *National Assembly, including budgetary and eco-*
17 *nomie issues; and*

18 (3) *improve democratic governance and govern-*
19 *ment transparency, including through effective legis-*
20 *lation.*

21 (c) *BILATERAL LEGISLATIVE COOPERATION.—To the*
22 *degree practicable, in implementing the programs required*
23 *under subsection (b), the Administrator of the United States*
24 *Agency for International Development should facilitate*

1 *meetings and collaboration between members of the United*
2 *States Congress and the National Assembly of Ecuador.*

3 **SEC. 8. FOSTERING CONSERVATION AND STEWARDSHIP.**

4 *The Administrator of the United States Agency for*
5 *International Development, in coordination with the Sec-*
6 *retary of State and the heads of other relevant Federal de-*
7 *partments and agencies, shall develop and implement pro-*
8 *grams and enhance existing programs, as necessary and ap-*
9 *propriate, to improve ecosystem conservation and enhance*
10 *the effective stewardship of Ecuador's natural resources*
11 *by—*

12 *(1) providing technical assistance to Ecuador's*
13 *Ministry of the Environment to safeguard national*
14 *parks and protected forests and protected species,*
15 *while promoting the participation of Indigenous com-*
16 *munities in this process;*

17 *(2) strengthening the capacity of communities to*
18 *access the right to prior consultation, encoded in Arti-*
19 *cle 57 of the Constitution of Ecuador and related*
20 *laws, executive decrees, administrative acts, and min-*
21 *isterial regulations;*

22 *(3) supporting Indigenous and Afro-Ecuadorian*
23 *communities as they raise awareness of threats to bio-*
24 *diverse ancestral lands, including through support for*

1 *local media in such communities and technical assist-*
2 *ance to monitor illicit activities;*

3 *(4) partnering with the Government of Ecuador*
4 *in support of reforestation and improving river, lake,*
5 *and coastal water quality;*

6 *(5) providing assistance to communities affected*
7 *by illegal mining and deforestation; and*

8 *(6) fostering mechanisms for cooperation on*
9 *emergency preparedness and rapid recovery from nat-*
10 *ural disasters, including by—*

11 *(A) establishing regional preparedness, re-*
12 *covery, and emergency management centers to*
13 *facilitate rapid response to survey and help*
14 *maintain planning on regional disaster antici-*
15 *ipated needs and possible resources; and*

16 *(B) training disaster recovery officials on*
17 *latest techniques and lessons learned from United*
18 *States experiences.*

19 **SEC. 9. AUTHORIZATION TO TRANSFER EXCESS COAST**
20 **GUARD VESSELS.**

21 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
22 *that the United States should undertake efforts to expand*
23 *cooperation with the Government of Ecuador to—*

24 *(1) ensure protections for the Galápagos Marine*
25 *Reserve;*

1 (2) *deter illegal, unreported, and unregulated*
2 *fishing; and*

3 (3) *increase interdiction of narcotics trafficking*
4 *and other forms of illicit trafficking.*

5 (b) *AUTHORITY TO TRANSFER EXCESS COAST GUARD*
6 *VESSELS TO THE GOVERNMENT OF ECUADOR.*—*The Presi-*
7 *dent shall conduct a joint assessment with the Government*
8 *of Ecuador to ensure sufficient capacity exists to maintain*
9 *Island class cutters. Upon completion of a favorable assess-*
10 *ment, the President is authorized to transfer up to two IS-*
11 *LAND class cutters to the Government of Ecuador as excess*
12 *defense articles pursuant to the authority of section 516 of*
13 *the Foreign Assistance Act (22 U.S.C. 2321j).*

14 (c) *GRANTS NOT COUNTED IN ANNUAL TOTAL OF*
15 *TRANSFERRED EXCESS DEFENSE ARTICLES.*—*The value of*
16 *a vessel transferred to another country on a grant basis pur-*
17 *suant to authority provided by subsection (b) shall not be*
18 *counted against the aggregate value of excess defense articles*
19 *transferred in any fiscal year under section 516 of the For-*
20 *oreign Assistance Act of 1961 (22 U.S.C. 2321j).*

21 (d) *COSTS OF TRANSFERS.*—*Any expense incurred by*
22 *the United States in connection with a transfer authorized*
23 *by this section shall be charged to the recipient notwith-*
24 *standing section 516(e) of the Foreign Assistance Act of*
25 *1961 (22 U.S.C. 2321j(e)).*

1 (e) *REPAIR AND REFURBISHMENT IN UNITED STATES*
2 *SHIPYARDS.*—*To the maximum extent practicable, the*
3 *President shall require, as a condition of the transfer of a*
4 *vessel under this section, that the recipient to which the ves-*
5 *sel is transferred have such repair or refurbishment of the*
6 *vessel as is needed, before the vessel joins the naval forces*
7 *of that recipient, performed at a shipyard located in the*
8 *United States.*

9 (f) *EXPIRATION OF AUTHORITY.*—*The authority to*
10 *transfer a vessel under this section shall expire at the end*
11 *of the 3-year period beginning on the date of the enactment*
12 *of this Act.*

13 **SEC. 10. REPORTING REQUIREMENTS.**

14 (a) *SECRETARY OF STATE.*—*The Secretary of State,*
15 *in coordination with the heads of other relevant Federal de-*
16 *partments and agencies as described in sections 4, 6, and*
17 *7(a), shall—*

18 (1) *not later than 180 days after the date of the*
19 *enactment of this Act, submit to the appropriate con-*
20 *gressional committees a comprehensive strategy to ad-*
21 *dress the requirements described in sections 4, 6, and*
22 *7(a); and*

23 (2) *not later than 2 years and 4 years after sub-*
24 *mitting the comprehensive strategy under paragraph*
25 *(1), submit to the appropriate congressional commit-*

1 *tees a report describing the implementation of the*
2 *strategy.*

3 (b) *ADMINISTRATOR OF THE UNITED STATES AGENCY*
4 *FOR INTERNATIONAL DEVELOPMENT.*—*The Administrator*
5 *of the United States Agency for International Development,*
6 *in coordination with the heads of other relevant Federal de-*
7 *partments and agencies as described in sections 5, 7(b), and*
8 *8, shall—*

9 (1) *not later than 180 days after the date of the*
10 *enactment of this Act, submit to appropriate congress-*
11 *sional committees a comprehensive strategy to address*
12 *the requirements described in sections 4, 7(b), and 8;*
13 *and*

14 (2) *not later than 2 years and 4 years after sub-*
15 *mitting the comprehensive strategy under paragraph*
16 (1), *submit to the appropriate congressional commit-*
17 *tees a report describing the implementation of the*
18 *strategy.*

19 (c) *SUBMISSION.*—*The strategies and reports required*
20 *under subsections (a) and (b) may be submitted to the ap-*
21 *propriate congressional committees as joint strategies and*
22 *reports.*

23 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—*In*
24 *this act, the term “appropriate congressional committees”*
25 *means the Committee on Foreign Relations of the Senate*

1 *and the Committee on Foreign Affairs of the House of Rep-*
2 *resentatives.*

3 **SEC. 11. SUNSET.**

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