

## Substitute Amendment

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.****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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. MENENDEZ

Viz:

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

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

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

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 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.

1 **SEC. 2. FINDINGS.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

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

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

13 (3) The United States and Ecuador share stra-  
14 tegic interests in strengthening Ecuador’s demo-  
15 cratic institutions, generating inclusive economic  
16 growth, and building capacity in law enforcement,  
17 anti-corruption, and conservation efforts.

18 (4) The United States and Ecuador historically  
19 have enjoyed strong commercial, investment, and  
20 economic ties, yet Ecuador continues to face signifi-  
21 cant challenges to inclusive economic development,  
22 including—

23 (A) the heavy economic toll of the COVID-  
24 19 pandemic;

1 (B) vulnerabilities with respect to the  
2 growing role of the People’s Republic of China  
3 in the financing and refinancing of Ecuador’s  
4 debts, and in strategic infrastructure projects  
5 and sectors of the Ecuadorian economy; and

6 (C) the need to develop and strengthen  
7 open and transparent economic policies that  
8 strengthen Ecuador’s integration with global  
9 markets, inclusive economic growth, and oppor-  
10 tunities for upward social mobility for the Ec-  
11 uadorian people.

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

16 (6) Ecuador’s justice system has taken impor-  
17 tant steps to fight corruption and criminality and to  
18 increase accountability. However, enduring chal-  
19 lenges to the rule of law in Ecuador, including the  
20 activities of transnational criminal organizations, il-  
21 licit mining, illegal, unreported, and unregulated  
22 (IUU) fishing, and undemocratic actors, present on-  
23 going risks for political and social stability in Ecua-  
24 dor.

1           (7) The activities undertaken by the Govern-  
2           ment of the People’s Republic of China in Ecuador,  
3           including its development of the ECU–911 video  
4           surveillance and facial recognition system, financing  
5           of the corruptly managed and environmentally dele-  
6           terious Coca Codo Sinclair Dam, and support for il-  
7           legal, unreported, and unregulated fishing practices  
8           around the Galapagos Islands, pose risks to demo-  
9           cratic governance and biodiversity in the country.

10           (8) Ecuador, which is home to several of the  
11           Earth’s most biodiverse ecosystems, including the  
12           Galapagos Islands, the headwaters of the Amazon  
13           river, the Condor mountain range, and the Yasuni  
14           Biosphere Reserve, has seen a reduction in its  
15           rainforests between 1990 and 2016, due in part to  
16           the incursion of criminal networks into protected  
17           areas.

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

1           (10) On August 13, 2021, the United States  
2           and Ecuador celebrated the entry into force of the  
3           Protocol to the Trade and Investment Council  
4           Agreement between the Government of the United  
5           States of America and the Government of the Re-  
6           public of Ecuador Relating to Trade Rules and  
7           Transparency, recognizing the steps Ecuador has  
8           taken to decrease unnecessary regulatory burden  
9           and create a more transparent and predictable legal  
10          framework for foreign direct investment in recent  
11          years.

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

13          It is the sense of Congress that—

14           (1) the United States should take additional  
15           steps to strengthen its bilateral partnership with Ec-  
16           uador, including by developing robust trade and in-  
17           vestment frameworks, increasing law enforcement  
18           cooperation, renewing the activities of the United  
19           States Agency for International Development in Ec-  
20           uador, and supporting Ecuador’s response to and re-  
21           covery from the COVID–19 pandemic, as necessary  
22           and appropriate; and

23           (2) strengthening the United States-Ecuador  
24           partnership presents an opportunity to advance core  
25           United States national security interests and work

1 with other democratic partners to maintain a prosper-  
2 perous, politically stable, and democratic Western  
3 Hemisphere that is resilient to malign foreign influ-  
4 ence.

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

6 The Secretary of State, in coordination with the Sec-  
7 retary of Commerce, the United States Trade Representa-  
8 tive, the Secretary of the Treasury, and the heads of other  
9 relevant Federal departments and agencies, as appro-  
10 priate, shall develop and implement a strategy to strenght-  
11 en commercial and economic ties between the United  
12 States and Ecuador by—

13 (1) promoting cooperation and information  
14 sharing to encourage awareness of and increase  
15 trade and investment opportunities between the  
16 United States and Ecuador;

17 (2) supporting efforts by the Government of  
18 Ecuador to promote a more open, transparent, and  
19 competitive business environment, including by low-  
20 ering trade barriers, implementing policies to reduce  
21 trading times, and improving efficiencies to expedite  
22 customs operations for importers and exporters of  
23 all sizes, in all sectors, and at all entry ports in Ec-  
24 uador;

1           (3) establishing frameworks or mechanisms to  
2 review the long term financial sustainability and se-  
3 curity implications of foreign investments in Ecua-  
4 dor in strategic sectors or services;

5           (4) establishing competitive and transparent in-  
6 frastructure project selection and procurement proc-  
7 esses in Ecuador that promote transparency, open  
8 competition, financial sustainability, and robust ad-  
9 herence to global standards and norms;

10          (5) developing programs to help the Govern-  
11 ment of Ecuador improve efficiency and trans-  
12 parency in customs administration, including  
13 through support for the Government of Ecuador's  
14 ongoing efforts to digitize its customs process and  
15 accept electronic documents required for the import,  
16 export, and transit of goods under specific inter-  
17 national standards, as well as related training to ex-  
18 pedite customs, security, efficiency, and competitive-  
19 ness;

20          (6) spurring digital transformation that would  
21 advance—

22               (A) the provision of digitized government  
23 services with the greatest potential to improve  
24 transparency, lower business costs, and expand

1 citizens' access to public services and public in-  
2 formation;

3 (B) the provision of transparent and af-  
4 fordable access to the internet and digital infra-  
5 structure; and

6 (C) best practices to mitigate the risks to  
7 digital infrastructure by doing business with  
8 communication networks and communications  
9 supply chains with equipment and services from  
10 companies with close ties to or susceptible to  
11 pressure from governments or security services  
12 without reliable legal checks on governmental  
13 powers; and

14 (7) identifying, as appropriate, a role for the  
15 United States International Development Finance  
16 Corporation, the Millennium Challenge Corporation,  
17 the United States Agency for International Develop-  
18 ment, and the United States private sector in sup-  
19 porting efforts to increase private sector investment  
20 and strengthen economic prosperity.

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

22 The Administrator of the United States Agency for  
23 International Development, in coordination with the Sec-  
24 retary of State and the heads of other relevant Federal  
25 departments and agencies, as appropriate, shall develop



1 and implement a strategy and related programs to support  
2 inclusive economic development across Ecuador's national  
3 territory by—

4 (1) facilitating increased access to public and  
5 private financing, equity investments, grants, and  
6 market analysis for small and medium-sized busi-  
7 nesses;

8 (2) providing technical assistance to local gov-  
9 ernments to formulate and enact local development  
10 plans that invest in Indigenous and Afro-Ecuadorian  
11 communities;

12 (3) connecting rural agricultural networks, in-  
13 cluding Indigenous and Afro-Ecuadorian agricultural  
14 networks, to consumers in urban centers and export  
15 markets, including through infrastructure construc-  
16 tion and maintenance programs that are subject to  
17 audits and carefully designed to minimize potential  
18 environmental harm;

19 (4) partnering with local governments, the pri-  
20 vate sector, and local civil society organizations, in-  
21 cluding organizations representing marginalized  
22 communities and faith-based organizations, to pro-  
23 vide skills training and investment in support of ini-  
24 tiatives that provide economically viable, legal alter-  
25 natives to participating in illegal economies; and

1           (5) connecting small scale fishing enterprises to  
2 consumers and export markets, in order to reduce  
3 vulnerability to organized criminal networks.

4 **SEC. 6. COMBATING ILLICIT ECONOMIES, CORRUPTION,**  
5 **AND NEGATIVE FOREIGN INFLUENCE.**

6           The Secretary of State shall develop and implement  
7 a strategy and related programs to increase the capacity  
8 of Ecuador's justice system and law enforcement authori-  
9 ties to combat illicit economies, corruption, transnational  
10 criminal organizations, and the harmful influence of ma-  
11 lign foreign and domestic actors by—

12           (1) providing technical assistance and support  
13 to specialized units within the Attorney General's of-  
14 fice to combat corruption and to promote and pro-  
15 tect internationally recognized human rights in Ec-  
16 uador, including the Transparency and Anti-Corrup-  
17 tion Unit, the Anti-Money Laundering Unit, the  
18 Task Force to Combat Corruption in Central Amer-  
19 ica, and the Environmental Crimes Unit;

20           (2) strengthening bilateral assistance and com-  
21plementary support through multilateral anti-corrup-  
22tion mechanisms, as necessary and appropriate, to  
23counter corruption and recover assets derived from  
24corruption, including through strengthening inde-

1       pendent inspectors general to track and reduce cor-  
2       ruption;

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

6                       (A) detecting and investigating suspicious  
7       financial transactions, and conducting asset for-  
8       feitures and criminal analysis; and

9                       (B) combating money laundering, financial  
10      crimes, and extortion;

11               (4) providing technical assistance and material  
12      support (including, as appropriate, radars, vessels,  
13      and communications equipment) to vetted specialized  
14      units of Ecuador’s national police and the armed  
15      services to disrupt, degrade, and dismantle organiza-  
16      tions involved in illicit narcotics trafficking,  
17      transnational criminal activities, illicit mining, and  
18      illegal, unregulated, and unreported fishing, among  
19      other illicit activities;

20               (5) providing technical assistance to address  
21      challenges related to Ecuador’s penitentiary and cor-  
22      rections system;

23               (6) strengthening the regulatory framework of  
24      mining through collaboration with key Ecuadorian  
25      institutions, such as the Interior Ministry’s Special

1 Commission for the Control of Illegal Mining and  
2 the National Police's Investigative Unit on Mining  
3 Crimes, and providing technical assistance in sup-  
4 port of their law enforcement activities;

5 (7) providing technical assistance to judges,  
6 prosecutors, and ombudsmen to increase capacity to  
7 enforce laws against human smuggling and traf-  
8 ficking, illicit mining, illegal logging, illegal, unregu-  
9 lated, and unreported (IUU) fishing, and other illicit  
10 economic activities;

11 (8) providing support to the Government of Ec-  
12 uador to prevent illegal, unreported, and unregulated  
13 fishing, including through expanding detection and  
14 response capabilities, and the use of dark vessel  
15 tracing technology;

16 (9) supporting multilateral efforts to stem ille-  
17 gal, unreported, and unregulated fishing with neigh-  
18 boring countries in South America and within the  
19 South Pacific Regional Fisheries Management  
20 Organisation;

21 (10) assisting the Government of Ecuador's ef-  
22 forts to protect defenders of internationally recog-  
23 nized human rights, including through the work of  
24 the Office of the Ombudsman of Ecuador, and by  
25 encouraging the inclusion of Indigenous and Afro-

1       Ecuadorian communities and civil society organiza-  
2       tions in this process;

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

6           (12) enhancing the institutional capacity and  
7       technical capabilities of defense and security institu-  
8       tions of Ecuador to conduct national or regional se-  
9       curity missions, including through regular bilateral  
10      and multilateral cooperation, foreign military financ-  
11      ing, international military education, and training  
12      programs, consistent with applicable Ecuadorian  
13      laws and regulations;

14          (13) enhancing port management and maritime  
15      security partnerships to disrupt, degrade, and dis-  
16      mantle transnational criminal networks and facili-  
17      tate the legitimate flow of people, goods, and serv-  
18      ices; and

19          (14) strengthening cybersecurity cooperation—

20              (A) to effectively respond to cybersecurity  
21      threats, including state-sponsored threats;

22              (B) to share best practices to combat such  
23      threats;

24              (C) to help develop and implement infor-  
25      mation architectures that respect individual pri-

1 vacy rights and reduce the risk that data col-  
2 lected through such systems will be exploited by  
3 malign state and non-state actors;

4 (D) to strengthen resilience against  
5 cyberattacks, misinformation, and propaganda;  
6 and

7 (E) to strengthen the resilience of critical  
8 infrastructure.

9 **SEC. 7. STRENGTHENING DEMOCRATIC GOVERNANCE.**

10 (a) STRENGTHENING DEMOCRATIC GOVERNANCE.—

11 The Secretary of State, in coordination with the Adminis-  
12 trator of the United States Agency for International De-  
13 velopment, should develop and implement initiatives to  
14 strengthen democratic governance in Ecuador by sup-  
15 porting—

16 (1) measures to improve the capacity of na-  
17 tional and subnational government institutions to  
18 govern through transparent, inclusive, and demo-  
19 cratic processes;

20 (2) efforts that measurably enhance the capac-  
21 ity of political actors and parties to strengthen  
22 democratic institutions and the rule of law;

23 (3) initiatives to strengthen democratic govern-  
24 ance, including combating political, administrative,

1 and judicial corruption and improving transparency  
2 of the administration of public budgets; and

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

5 (A) to conduct oversight of the Govern-  
6 ment of Ecuador and the National Assembly of  
7 Ecuador;

8 (B) to promote initiatives that strengthen  
9 democratic governance, anti-corruption stand-  
10 ards, and public and private sector trans-  
11 parency; and

12 (C) to foster political engagement between  
13 the Government of Ecuador, including the Na-  
14 tional Assembly of Ecuador, and all parts of  
15 Ecuadorian society, including women, indige-  
16 nous communities, and Afro-Ecuadorian com-  
17 munities.

18 (b) LEGISLATIVE STRENGTHENING.—The Adminis-  
19 trator of the United States Agency for International De-  
20 velopment, working through the Consortium for Elections  
21 and Political Process Strengthening or any equivalent or  
22 successor mechanism, shall develop and implement pro-  
23 grams to strengthen the National Assembly of Ecuador  
24 by providing training and technical assistance to—

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

4           (2) assist in the creation of entities that can  
5           offer comprehensive and independent research and  
6           analysis on legislative and oversight matters pending  
7           before the National Assembly, including budgetary  
8           and economic issues; and

9           (3) improve democratic governance and govern-  
10          ment transparency, including through effective legis-  
11          lation.

12          (c) **BILATERAL LEGISLATIVE COOPERATION.**—To  
13          the degree practicable, in implementing the programs re-  
14          quired under subsection (b), the Administrator of the  
15          United States Agency for International Development  
16          should facilitate meetings and collaboration between mem-  
17          bers of the United States Congress and the National As-  
18          sembly of Ecuador.

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

20          The Administrator of the United States Agency for  
21          International Development, in coordination with the Sec-  
22          retary of State and the heads of other relevant Federal  
23          departments and agencies, shall develop and implement  
24          programs and enhance existing programs, as necessary  
25          and appropriate, to improve ecosystem conservation and



1 enhance the effective stewardship of Ecuador’s natural re-  
2 sources by—

3           (1) providing technical assistance to Ecuador’s  
4 Ministry of the Environment to safeguard national  
5 parks and protected forests and protected species,  
6 while promoting the participation of Indigenous com-  
7 munities in this process;

8           (2) strengthening the capacity of communities  
9 to access the right to prior consultation, encoded in  
10 Article 57 of the Constitution of Ecuador and re-  
11 lated laws, executive decrees, administrative acts,  
12 and ministerial regulations;

13           (3) supporting Indigenous and Afro-Ecuadorian  
14 communities as they raise awareness of threats to  
15 biodiverse ancestral lands, including through support  
16 for local media in such communities and technical  
17 assistance to monitor illicit activities;

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

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

23           (6) fostering mechanisms for cooperation on  
24 emergency preparedness and rapid recovery from  
25 natural disasters, including by—

1 (A) establishing regional preparedness, re-  
2 covery, and emergency management centers to  
3 facilitate rapid response to survey and help  
4 maintain planning on regional disaster antici-  
5 pated needs and possible resources; and

6 (B) training disaster recovery officials on  
7 latest techniques and lessons learned from  
8 United States experiences.

9 **SEC. 9. AUTHORIZATION TO TRANSFER EXCESS COAST**  
10 **GUARD VESSELS.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that the United States should undertake efforts to  
13 expand cooperation with the Government of Ecuador to—

14 (1) ensure protections for the Galápagos Marine  
15 Reserve;

16 (2) deter illegal, unreported, and unregulated  
17 fishing; and

18 (3) increase interdiction of narcotics trafficking  
19 and other forms of illicit trafficking.

20 (b) AUTHORITY TO TRANSFER EXCESS COAST  
21 GUARD VESSELS TO THE GOVERNMENT OF ECUADOR.—

22 The President shall conduct a joint assessment with the  
23 Government of Ecuador to ensure sufficient capacity ex-  
24 ists to maintain Island class cutters. Upon completion of  
25 a favorable assessment, the President is authorized to

1 transfer up to two ISLAND class cutters to the Govern-  
2 ment of Ecuador as excess defense articles pursuant to  
3 the authority of section 516 of the Foreign Assistance Act  
4 (22 U.S.C. 2321j).

5 (c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF  
6 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value  
7 of a vessel transferred to another country on a grant basis  
8 pursuant to authority provided by subsection (b) shall not  
9 be counted against the aggregate value of excess defense  
10 articles transferred in any fiscal year under section 516  
11 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

12 (d) COSTS OF TRANSFERS.—Any expense incurred by  
13 the United States in connection with a transfer authorized  
14 by this section shall be charged to the recipient notwith-  
15 standing section 516(e) of the Foreign Assistance Act of  
16 1961 (22 U.S.C. 2321j(e)).

17 (e) REPAIR AND REFURBISHMENT IN UNITED  
18 STATES SHIPYARDS.—To the maximum extent prac-  
19 ticable, the President shall require, as a condition of the  
20 transfer of a vessel under this section, that the recipient  
21 to which the vessel is transferred have such repair or re-  
22 furbishment of the vessel as is needed, before the vessel  
23 joins the naval forces of that recipient, performed at a  
24 shipyard located in the United States.

1 (f) EXPIRATION OF AUTHORITY.—The authority to  
2 transfer a vessel under this section shall expire at the end  
3 of the 3-year period beginning on the date of the enact-  
4 ment of this Act.

5 **SEC. 10. REPORTING REQUIREMENTS.**

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

10 (1) not later than 180 days after the date of  
11 the enactment of this Act, submit to the appropriate  
12 congressional committees a comprehensive strategy  
13 to address the requirements described in sections 4,  
14 6, and 7(a); and

15 (2) not later than 2 years and 4 years after  
16 submitting the comprehensive strategy under para-  
17 graph (1), submit to the appropriate congressional  
18 committees a report describing the implementation  
19 of the strategy.

20 (b) ADMINISTRATOR OF THE UNITED STATES AGEN-  
21 CY FOR INTERNATIONAL DEVELOPMENT.—The Adminis-  
22 trator of the United States Agency for International De-  
23 velopment, in coordination with the heads of other relevant  
24 Federal departments and agencies as described in sections  
25 5, 7(b), and 8, shall—

1           (1) not later than 180 days after the date of  
2           the enactment of this Act, submit to appropriate  
3           congressional committees a comprehensive strategy  
4           to address the requirements described in sections 4,  
5           7(b), and 8; and

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

11          (c) SUBMISSION.—The strategies and reports re-  
12          quired under subsections (a) and (b) may be submitted  
13          to the appropriate congressional committees as joint strat-  
14          egies and reports.

15          (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
16          In this act, the term “appropriate congressional commit-  
17          tees” means the Committee on Foreign Relations of the  
18          Senate and the Committee on Foreign Affairs of the  
19          House of Representatives.

20          **SEC. 11. SUNSET.**

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