

110TH CONGRESS  
2D SESSION

# H. R. 6028

---

## AN ACT

To authorize law enforcement and security assistance, and assistance to enhance the rule of law and strengthen civilian institutions, for Mexico and the countries of Central America, and for other purposes.

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 AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Merida Initiative to Combat Illicit Narcotics and Reduce  
4 Organized Crime Authorization Act of 2008”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Definitions.

TITLE I—ASSISTANCE FOR MEXICO

- Sec. 101. Findings.
- Sec. 102. Declarations of policy.

Subtitle A—Law Enforcement and Security Assistance

- Sec. 111. Purposes of assistance.
- Sec. 112. Authorization of assistance.
- Sec. 113. Activities supported.
- Sec. 114. Limitation on assistance.
- Sec. 115. Authorization of appropriations.

Subtitle B—Assistance to Enhance the Rule of Law and Strengthen Civilian  
Institutions

- Sec. 121. Sense of Congress.
- Sec. 122. Authorization of assistance.
- Sec. 123. Activities supported.
- Sec. 124. Authorization of appropriations.

TITLE II—ASSISTANCE FOR COUNTRIES OF CENTRAL AMERICA

- Sec. 201. Findings.
- Sec. 202. Declarations of policy.

Subtitle A—Law Enforcement and Security Assistance

- Sec. 211. Purposes of assistance.
- Sec. 212. Authorization of assistance.
- Sec. 213. Activities supported.
- Sec. 214. Limitation on assistance.
- Sec. 215. Authorization of appropriations.

Subtitle B—Assistance to Enhance the Rule of Law and Strengthen Civilian  
Institutions

- Sec. 221. Authorization of assistance.
- Sec. 222. Activities supported.
- Sec. 223. Authorization of appropriations.

TITLE III—ADMINISTRATIVE PROVISIONS

- Sec. 301. Conditions on provision of assistance.
- Sec. 302. Limitations on provision of assistance.
- Sec. 303. Limitation on monitoring.
- Sec. 304. Exemption from prohibition on assistance for law enforcement forces.
- Sec. 305. Relationship to other authority.
- Sec. 306. Rule of construction.

#### TITLE IV—SUPPORT ACTIVITIES IN THE UNITED STATES

- Sec. 401. Report on reduction of drug demand in the United States.
- Sec. 402. Reduction of southbound flow of illegal weapons.
- Sec. 403. Reduction of southbound flow of illegal precursor chemicals and bulk-cash transfers.
- Sec. 404. Report.

#### TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Coordinator of United States Government Activities to Implement the Merida Initiative.
- Sec. 502. Metrics and oversight mechanisms.
- Sec. 503. Report.
- Sec. 504. Sense of Congress.
- Sec. 505. Sunset.

### 1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
 4 **TEES.**—The term “appropriate congressional com-  
 5 mittees”—

6 (A) means—

7 (i) the Committee on Appropriations  
 8 and the Committee on Foreign Affairs of  
 9 the House of Representatives; and

10 (ii) the Committee on Appropriations  
 11 and the Committee on Foreign Relations  
 12 of the Senate; and

13 (B) for purposes of titles IV and V, in-  
 14 cludes the Committee on the Judiciary of the

1 House of Representatives and the Committee  
2 on the Judiciary of the Senate.

3 (2) COUNTRIES OF CENTRAL AMERICA.—The  
4 term “countries of Central America” means Belize,  
5 Costa Rica, El Salvador, Guatemala, Honduras,  
6 Nicaragua, and Panama and includes Haiti and the  
7 Dominican Republic.

8 (3) MERIDA INITIATIVE.—The term “Merida  
9 Initiative” means the program announced by the  
10 United States and Mexico on October 22, 2007, to  
11 fight illicit narcotics trafficking and criminal organi-  
12 zations throughout the Western Hemisphere.

13 **TITLE I—ASSISTANCE FOR**  
14 **MEXICO**

15 **SEC. 101. FINDINGS.**

16 Congress finds the following:

17 (1) The drug crisis facing the United States re-  
18 mains a significant national security threat.

19 (2) The Government Accountability Office  
20 (GAO) estimates that 90 percent of illegal drugs  
21 that enter the United States come through the Mex-  
22 ico-Central America corridor.

23 (3) The same smuggling routes that are used to  
24 bring illegal narcotics north are utilized to illegally

1 distribute arms, precursor chemicals, and bulk cash  
2 transfers south.

3 (4) Drug gangs that operate in the United  
4 States, Mexico, and Central America have become  
5 sophisticated and vertically-integrated operations ex-  
6 pert at penetrating the United States-Mexico border.

7 (5) Narcotics-related activity and expanding  
8 cross-border trafficking is dangerously undermining  
9 the security environment for our neighbors to the  
10 South, as well as in the United States.

11 (6) Mexico can and has served as a critical ally  
12 and partner in stemming the flow of illegal narcotics  
13 into the United States. Under the leadership of  
14 Mexican President Felipe Calderón, the United  
15 States and Mexico have initiated an approach of  
16 joint responsibility to confront the threat of illicit  
17 narcotics trafficking and organized crime in the  
18 Western Hemisphere.

19 (7) The spread of illicit narcotics through  
20 United States borders and the violence that accom-  
21 panies it cannot be halted without a comprehensive  
22 interdiction and security strategy planned and exe-  
23 cuted jointly with our southern neighbors.

24 (8) In March 2007, President George W. Bush  
25 and Mexican President Calderón held a summit in

1 the Mexican City of Merida and agreed that the  
2 United States and Mexico must expand bilateral and  
3 regional cooperation to fight violence stemming from  
4 narco-trafficking and regional criminal organizations.

5 (9) On October 22, 2007, the United States  
6 and Mexico issued a joint statement announcing the  
7 Merida Initiative, a program to fight illicit narcotics  
8 trafficking and criminal organizations throughout  
9 the Western Hemisphere.

10 (10) In the joint statement—

11 (A) Mexico pledged to “strengthen its  
12 operational capabilities to more effectively fight  
13 drug-traffickers and organized crime”;

14 (B) the United States pledged “to intensify  
15 its efforts to address all aspects of drug traf-  
16 ficking (including demand-related portions) and  
17 continue to combat trafficking of weapons and  
18 bulk currency to Mexico”; and

19 (C) both nations pledged to “augment co-  
20 operation, coordination, and the exchange of in-  
21 formation to fight criminal organizations on  
22 both sides of the border”.

23 (11) A long-term strategy to adequately contain  
24 the northbound and southbound flows of illicit nar-  
25 cotics along the United States-Mexico border, as well

1 as protect the vast and free flow of trade, will re-  
2 quire the United States to partner with its southern  
3 neighbors in their efforts to build the capacity of  
4 their own law enforcement agencies and enhance the  
5 rule of law, as well as to fortify United States illicit  
6 narcotics reduction efforts.

7 **SEC. 102. DECLARATIONS OF POLICY.**

8 Congress makes the following declarations:

9 (1) The Merida Initiative is a critical part of a  
10 growing partnership and strategy of cooperation be-  
11 tween the United States and its southern neighbors  
12 to confront the illegal flow of narcotics as well as vi-  
13 olence and organized crime that it has spawned.

14 (2) The United States needs to ensure the free  
15 flow of trade between the United States and its crit-  
16 ical neighbor, Mexico, while ensuring that the  
17 United States border is protected from illegal smug-  
18 gling into the United States.

19 (3) The United States must intensify efforts to  
20 stem the flow of precursor chemicals, bulk cash, and  
21 the so-called “iron-river” of arms illegally flowing  
22 south, as well as demand-related aspects of the illicit  
23 narcotics phenomenon.

24 (4) The United States should provide its exper-  
25 tise to meet immediate security needs along the

1 United States-Mexico border, fight the production  
2 and flow of illicit narcotics, and support Mexico in  
3 its efforts to do the same.

4 (5) The United States should support the Gov-  
5 ernment of Mexico's work to expand its own law en-  
6 forcement to independently conduct successful coun-  
7 ternarcotics and organized crime-related operations.

8 (6) The Merida Initiative reflects the belief that  
9 Mexican military involvement is required in the  
10 short-term to stabilize the security situation, but  
11 that most aspects of this problem fall into the realm  
12 of law enforcement.

13 (7) In implementing the Merida Initiative, the  
14 United States should work with its southern neigh-  
15 bors to mitigate the so-called "balloon effect" in  
16 which successful counternarcotics efforts shift nar-  
17 cotics-related activities to other areas.

18 (8) The United States should coordinate with  
19 the Congress of the Union of Mexico to ensure full  
20 partnership on the programs authorized under this  
21 Act.



1     **Subtitle A—Law Enforcement and**  
2                     **Security Assistance**

3     **SEC. 111. PURPOSES OF ASSISTANCE.**

4             The purposes of assistance under this subtitle are  
5 to—

6                     (1) enhance the ability of the Government of  
7 Mexico, in cooperation with the United States, to  
8 control illicit narcotics production, trafficking, drug  
9 trafficking organizations, and organized crime;

10                    (2) help build the capacity of law enforcement  
11 forces of Mexico to control illicit narcotics produc-  
12 tion, trafficking, drug trafficking organizations, and  
13 organized crime;

14                    (3) aid the support role that the armed forces  
15 of Mexico is providing to law enforcement agencies  
16 of Mexico as the security situation in Mexico is ini-  
17 tially stabilized;

18                    (4) protect and secure the United States-Mexico  
19 border, and control illegal activity going south as  
20 well as north;

21                    (5) strengthen the bilateral and regional ties of  
22 the United States with Mexico and the countries of  
23 Central America by assuming shared responsibility  
24 and offering concrete assistance in this area of great  
25 mutual concern;

1           (6) strengthen respect for internationally recog-  
2 nized human rights and the rule of law in efforts to  
3 stabilize the security environment relating to illicit  
4 narcotics production and trafficking and organized  
5 crime; and

6           (7) support the judicial branches of the Govern-  
7 ment of Mexico and the countries of Central Amer-  
8 ica, as well as support anti-corruption efforts in  
9 those countries; and

10           (8) respond to the direct requests of the Gov-  
11 ernment of Mexico that the United States reduce the  
12 demand for illicit narcotics in the United States,  
13 stem the flow of illegal arms into Mexico from the  
14 United States, stem the flow of illegal bulk-cash  
15 transfers into Mexico from the United States, and  
16 stem the flow of illegal precursor chemicals into  
17 Mexico from the United States.

18 **SEC. 112. AUTHORIZATION OF ASSISTANCE.**

19           To carry out the purposes of section 111, the Presi-  
20 dent is authorized to provide assistance for Mexico to sup-  
21 port the activities described in section 113.

22 **SEC. 113. ACTIVITIES SUPPORTED.**

23           (a) IN GENERAL.—Activities that may be supported  
24 by assistance under section 112 include the following:

1           (1)           COUNTERNARCOTICS           AND  
2           COUNTERTRAFFICKING.—To assist in building the  
3           capacity of law enforcement and security forces of  
4           Mexico to eradicate illicit narcotics trafficking and  
5           reduce trafficking-fueled violence, including along  
6           the United States-Mexico border, including assist-  
7           ance such as—

8                   (A) radar and aerial surveillance equip-  
9                   ment;

10                   (B) land and maritime interdiction equip-  
11                   ment and training, including—

12                           (i) transport helicopters and night-op-  
13                           erating capabilities;

14                           (ii) surveillance platform planes; and

15                           (iii) maintenance and training relating  
16                           to maintenance of aircraft; and

17                   (C) training of security and law enforce-  
18                   ment units to plan and execute counternarcotics  
19                   operations.

20           (2)           PORT, AIRPORT, AND RELATED SECUR-  
21           RITY.—To assist in monitoring and controlling the  
22           United States-Mexico border and the border between  
23           Mexico and Central America to combat illicit nar-  
24           cotics trafficking, including assistance such as—

1 (A) computer infrastructure and equip-  
2 ment;

3 (B) secure communications networks; and

4 (C) nonintrusive monitoring technology.

5 (3) OPERATIONAL TECHNOLOGY.—

6 (A) ASSISTANCE OBJECTIVES.—To assist  
7 in investigation and collection of intelligence  
8 against illicit drug trafficking organizations, in-  
9 cluding—

10 (i) expansion of intelligence databases;

11 and

12 (ii) hardware, operating systems, and  
13 training for updating the communications  
14 networks of security agencies.

15 (B) SENSE OF CONGRESS.—It is the sense  
16 of Congress that—

17 (i) operational technology transferred  
18 to the Government of Mexico for intel-  
19 ligence or law enforcement purposes should  
20 be used solely for the purposes for which  
21 the operational technology was intended;  
22 and

23 (ii) the United States should take all  
24 necessary steps to ensure that use of oper-  
25 ational technology described in clause (i) is

1                   consistent with United States law, includ-  
2                   ing protections of freedom of expression,  
3                   freedom of movement, and freedom of as-  
4                   sociation.

5                   (4) PUBLIC SECURITY AND LAW ENFORCE-  
6                   MENT.—To assist in the modernization of law en-  
7                   forcement entities and prevent crime, including as-  
8                   sistance and activities such as—

9                   (A) law enforcement training and equip-  
10                  ment, including—

11                   (i) transport helicopters;

12                   (ii) surveillance aircraft, including  
13                   Cessna Caravan light utility aircraft;

14                   (iii) nonintrusive inspection equip-  
15                   ment; and

16                   (iv) human rights training for law en-  
17                   forcement units;

18                   (B) enhancement of the Government of  
19                   Mexico’s financial intelligence unit;

20                   (C) safety-related equipment for law en-  
21                   forcement officers and prosecutors, including  
22                   protective vests and helmet sets;

23                   (D) reduction of drug demand in Mexico,  
24                   including activities such as—

- 1 (i) assistance to the National Council  
2 Against Addictions (CONADIC) to estab-  
3 lish an Internet web-based support net-  
4 work;
- 5 (ii) establishment of a national data  
6 center to support the CONADIC; and
- 7 (iii) training of CONADIC and other  
8 agency staff in best practices and outreach  
9 and treatment programs, and design of a  
10 methodology to implement best practices in  
11 conjunction with the National Network for  
12 Technological Transfers in Addiction.

13 (b) PROVISION OF HELICOPTERS.—Funds made  
14 available to carry out this subtitle to provide helicopters  
15 to the Government of Mexico, shall, to the extent possible,  
16 be used to procure or provide helicopters that are of a  
17 similar manufacture to those helicopters already in the  
18 possession of the Government of Mexico in order to facili-  
19 tate integration of those assets into Mexico’s existing air  
20 fleet.

21 (c) SENSE OF CONGRESS.—It is the sense of Con-  
22 gress that the United States shall ensure, to the extent  
23 possible, that assistance under this subtitle is made avail-  
24 able and cross-utilized by the armed forces of Mexico and  
25 relevant law enforcement agencies of the Government of

1 Mexico, including the Mexican Office of the Attorney Gen-  
2 eral.

3 **SEC. 114. LIMITATION ON ASSISTANCE.**

4 (a) **LIMITATION.**—No assistance may be provided  
5 under this subtitle to any unit of the armed forces of Mex-  
6 ico or any unit of the law enforcement agencies of Mexico  
7 if the Secretary of State determines that, consistent with  
8 section 620J of the Foreign Assistance Act of 1961 (22  
9 U.S.C. 2378d), there is credible evidence that such unit  
10 has committed gross violations of human rights.

11 (b) **EXCEPTION.**—The limitation in subsection (a)  
12 shall not apply if the Secretary of State determines and  
13 reports to the appropriate congressional committees that  
14 the Government of Mexico is taking effective measures to  
15 bring the responsible members of the unit of the armed  
16 forces or law enforcement agencies, as the case may be,  
17 to justice.

18 **SEC. 115. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) **IN GENERAL.**—To carry out this subtitle, there  
20 are authorized to be appropriated to the President  
21 \$350,000,000 for fiscal year 2008, \$390,000,000 for fis-  
22 cal year 2009, and \$40,000,000 for fiscal year 2010.

23 (b) **LIMITATION.**—

1           (1) IN GENERAL.—Of the amounts appro-  
2           priated pursuant to the authorization of appropria-  
3           tions under subsection (a)—

4                   (A) not more than \$205,000,000 may be  
5           provided as assistance for the armed forces of  
6           Mexico for 2008;

7                   (B) not more than \$120,000,000 may be  
8           provided as assistance for the armed forces of  
9           Mexico for 2009; and

10                   (C) not more than \$9,000,000 may be pro-  
11           vided as assistance for the armed forces of Mex-  
12           ico for 2010.

13           (2) ADDITIONAL LIMITATION.—None of the  
14           funds appropriated pursuant to the authorization of  
15           appropriations under subsection (a) for fiscal year  
16           2009 may be provided as assistance for the Mexican  
17           Secretariat of Public Security until the President de-  
18           termines that the Mexican National Registry of Po-  
19           lice Personnel (Registro Nacional de Personal  
20           Policial) is operational at the federal, state, and  
21           local levels.

22           (c) AVAILABILITY.—Amounts appropriated pursuant  
23           to the authorization of appropriations under subsection (a)  
24           are—



1 (1) authorized to remain available until ex-  
2 pended; and

3 (2) in addition to funds otherwise available for  
4 such purposes, including funds available under chap-  
5 ter 8 of part I of the Foreign Assistance Act of  
6 1961 (22 U.S.C. 2291 et seq.).

7 **Subtitle B—Assistance to Enhance**  
8 **the Rule of Law and Strengthen**  
9 **Civilian Institutions**

10 **SEC. 121. SENSE OF CONGRESS.**

11 It is the sense of Congress that, as a critical part  
12 of a joint, comprehensive security, counternarcotics, and  
13 organized crime initiative, the United States should sup-  
14 port—

15 (1) programs of the United States Agency for  
16 International Development and other United States  
17 agencies focused on strengthening civilian institu-  
18 tions and rule of law programs in Mexico at the fed-  
19 eral, state, and local levels; and

20 (2) anti-corruption, transparency, and human  
21 rights programs to ensure due process and expand  
22 a culture of lawfulness in Mexico.

23 **SEC. 122. AUTHORIZATION OF ASSISTANCE.**

24 The President is authorized to provide assistance for  
25 Mexico to support the activities described in section 123.

1 **SEC. 123. ACTIVITIES SUPPORTED.**

2 Activities that may be supported by assistance under  
3 section 122 include the following:

4 (1) INSTITUTION BUILDING AND RULE OF  
5 LAW.—To assist Mexico’s efforts to expand the rule  
6 of law and build the capacity, transparency, and  
7 trust in government institutions, including assistance  
8 such as—

9 (A) rule of law and systemic improvements  
10 in judicial and criminal justice sector institu-  
11 tions, including—

12 (i) courts management and prosecu-  
13 torial capacity building;

14 (ii) prison reform activities, including  
15 those relating to anti-gang and anti-orga-  
16 nized crime efforts;

17 (iii) anti-money laundering programs;

18 (iv) victim and witness protection and  
19 restitution; and

20 (v) promotion of transparent oral  
21 trials via training for the judicial sector;

22 (B) police professionalization, including—

23 (i) training regarding use of force;

24 (ii) human rights education and train-  
25 ing;

1 (iii) training regarding evidence pres-  
2 ervation and chain of custody; and

3 (iv) enhanced capacity to vet can-  
4 didates;

5 (C) support for the Mexican Office of the  
6 Attorney General, including—

7 (i) judicial processes improvement and  
8 coordination;

9 (ii) enhancement of forensics capabili-  
10 ties;

11 (iii) data collection and analyses;

12 (iv) case tracking and management;

13 (v) financial intelligence functions;

14 and

15 (vi) maintenance of data systems.

16 (2) ANTI-CORRUPTION, TRANSPARENCY, AND  
17 HUMAN RIGHTS.—To assist law enforcement and  
18 court institutions in Mexico to develop mechanisms  
19 to ensure due process and proper oversight and to  
20 respond to citizen complaints, including assistance  
21 such as—

22 (A) enhancement of polygraph capability in  
23 the Mexican Police agency (SSP);

1 (B) support for greater transparency and  
2 accountability in the Mexican legal system, in-  
3 cluding—

4 (i) establishment of a center in the  
5 Mexican Office of the Attorney General for  
6 receipt of citizen complaints;

7 (ii) establishment of clerk of the court  
8 system to track cases and pretrial deten-  
9 tions;

10 (iii) reorganization of human and fi-  
11 nancial resources systems; and

12 (iv) equipping and training of criminal  
13 investigators; and

14 (C) promotion of human rights, includ-  
15 ing—

16 (i) support for human rights organiza-  
17 tions, bar associations, and law schools;  
18 and

19 (ii) training for police, prosecutors,  
20 and corrections officers.

21 (3) PREVENTION.—To assist in the prevention  
22 of individuals from participating in illicit narcotics-  
23 related violent activities, such as—

1 (A) establishment of programs that ad-  
2 dress domestic violence and increase school at-  
3 tendance rates; and

4 (B) expansion of intervention programs,  
5 including after-school programs and programs  
6 for at-risk and criminal involved youth.

7 (4) DEVELOPMENT.—To assist in the develop-  
8 ment of areas where lack of jobs breeds illicit nar-  
9 cotics-related violence, including—

10 (A) expansion of alternative livelihood pro-  
11 grams, including job creation programs and  
12 rural development programs and the provision  
13 of microenterprise development assistance  
14 under title VI of chapter 2 of part I of the For-  
15 eign Assistance Act of 1961 (22 U.S.C. 2211 et  
16 seq.); and

17 (B) establishment of gang reeducation and  
18 training programs.

19 **SEC. 124. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—To carry out this subtitle, there  
21 are authorized to be appropriated to the President  
22 \$120,000,000 for fiscal year 2008, \$100,000,000 for fis-  
23 cal year 2009, and \$110,000,000 for fiscal year 2010.

1 (b) AVAILABILITY.—Amounts appropriated pursuant  
2 to the authorization of appropriations under subsection (a)  
3 are—

4 (1) authorized to remain available until ex-  
5 pended; and

6 (2) in addition to funds otherwise available for  
7 such purposes, including funds available under chap-  
8 ter 8 of part I of the Foreign Assistance Act of  
9 1961.

10 **TITLE II—ASSISTANCE FOR**  
11 **COUNTRIES OF CENTRAL**  
12 **AMERICA**

13 **SEC. 201. FINDINGS.**

14 Congress finds the following:

15 (1) A May 2007 report by the United Nations  
16 Office on Drugs and Crime (UNODC) argues that  
17 countries of Central America are particularly vulner-  
18 able to violent crimes fueled by illicit narcotics traf-  
19 ficking and corruption because such countries are  
20 geographically located between the world’s largest  
21 drug producing and drug consuming countries.

22 (2) According to Assistant Secretary of State  
23 for Western Hemisphere Affairs Thomas Shannon,  
24 “[T]he nations of Central America have committed  
25 to collective action to address these common security

1 concerns. Through the Central American Integration  
2 System (SICA), the governments have expressed the  
3 political resolve to join forces to strengthen regional  
4 security; however they lack sufficient tools and ca-  
5 pacity to execute such will.”.

6 (3) Crime and violence in Central America has  
7 increased in recent years.

8 (4) In 2005, the estimated murder rate per  
9 100,000 people was roughly 56 in El Salvador, 41  
10 in Honduras, and 38 in Guatemala.

11 (5) Youth gang violence has been one of the  
12 major factors contributing to increased violence in  
13 Central America, with the United States Southern  
14 Command estimating that there are 70,000 gang  
15 members in Central America.

16 (6) Many Central American youth gangs are  
17 transnational and negatively impact both Central  
18 America and the United States.

19 (7) Youth gang violence cannot be curbed only  
20 through enforcement, but must also include a sub-  
21 stantial investment in prevention, rehabilitation, and  
22 reintegration.

23 (8) Deportees sent from the United States back  
24 to Central America, while not a central cause of

1 crime and violence, can contribute to crime and vio-  
2 lence in Central America.

3 (9) Guatemala has experienced a surge in mur-  
4 ders of women in recent years, many of which have  
5 been committed by illicit narcotics traffickers and  
6 other organized criminals.

7 (10) Violence between partners, particularly vio-  
8 lence by men against their wives or girlfriends, is  
9 widespread in Central America, and an international  
10 violence against women survey comparing selected  
11 countries in Africa, Latin America, Europe, and  
12 Asia found that 60 percent of women in Costa  
13 Rica—often considered the least violent country in  
14 Central America—reported having experienced do-  
15 mestic violence during their lives.

16 (11) Weak justice systems in the countries of  
17 Central America have led to a high level of impunity  
18 in Central America.

19 (12) The United Nations International Com-  
20 mission against Impunity in Guatemala (CICIG)  
21 was recently created to begin to address impunity  
22 related to illegally armed groups in Guatemala.

23 (13) The United States and the Central Amer-  
24 ican Integration System (SICA) signed an agree-  
25 ment in July 2007 to improve intelligence sharing



1 and policing and to institutionalize dialogue on re-  
2 gional security.

3 **SEC. 202. DECLARATIONS OF POLICY.**

4 Congress makes the following declarations:

5 (1) A long-term United States strategy to curb  
6 illicit narcotics trafficking must include Central  
7 America, which is the corridor for 90 percent of the  
8 cocaine that transits from South America to the  
9 United States.

10 (2) It is in the interest of the United States to  
11 support a long-term commitment to assisting the  
12 countries of Central America to improve security by  
13 combating illicit narcotics trafficking, investing in  
14 prevention programs, increasing intelligence sharing,  
15 improving regional security coordination, improving  
16 border and customs capabilities, professionalizing  
17 police, justice, and other government officials, and  
18 funding programs to reintegrate deportees from the  
19 United States.

20 (3) The countries of Central America are com-  
21 mitted to combating illicit narcotics trafficking and  
22 its related violence and crime, including gang vio-  
23 lence, and the United States must seize the oppor-  
24 tunity to work in partnership with Central America.

1     **Subtitle A—Law Enforcement and**  
2                     **Security Assistance**

3     **SEC. 211. PURPOSES OF ASSISTANCE.**

4             The purposes of assistance authorized by this subtitle  
5 are to—

6                     (1) enhance the ability of governments of coun-  
7 tries of Central America to control illicit narcotics  
8 production, trafficking, illicit drug trafficking orga-  
9 nizations, and organized crime;

10                    (2) help build the capacity of law enforcement  
11 agencies of the countries of Central America to con-  
12 trol illicit narcotics production, trafficking, illicit  
13 drug trafficking organizations, and organized crime;

14                    (3) strengthen the bilateral ties of the United  
15 States with the countries of Central America by of-  
16 fering concrete assistance in this area of great mu-  
17 tual concern;

18                    (4) strengthen respect for internationally recog-  
19 nized human rights and the rule of law in efforts to  
20 stabilize the security environment relating to illicit  
21 narcotics production and trafficking and organized  
22 crime; and

23                    (5) support the judicial branch of governments  
24 of the countries of Central America, as well as to  
25 support anti-corruption efforts in such countries.

1 **SEC. 212. AUTHORIZATION OF ASSISTANCE.**

2 To carry out the purposes of section 211, the Presi-  
3 dent is authorized to provide assistance for the countries  
4 of Central America to support the activities described in  
5 section 213.

6 **SEC. 213. ACTIVITIES SUPPORTED.**

7 Activities that may be supported by assistance under  
8 section 212 include the following:

9 (1) COUNTERNARCOTICS,  
10 COUNTERTRAFFICKING, AND RELATED SECURITY.—

11 (A) ASSISTANCE OBJECTIVES.—To assist  
12 in the following:

13 (i) Investigation and collection of in-  
14 telligence against illicit narcotics traf-  
15 ficking.

16 (ii) Combating illegal trafficking in  
17 arms.

18 (iii) Prevention of bulk currency  
19 smuggling.

20 (iv) Collection of information on crime  
21 and establishment of a regional database.

22 (B) ASSISTANCE.—Activities under sub-  
23 paragraph (A) may include—

24 (i) automated fingerprint identifica-  
25 tion systems (AFIS);

1 (ii) vetting sensitive investigative units  
2 to collaborate on counternarcotics at the  
3 federal, state, and local levels;

4 (iii) technical assistance to develop  
5 strong and effective financial crimes inves-  
6 tigation units;

7 (iv) maritime security support, includ-  
8 ing refurbishing and procuring patrol  
9 boats;

10 (v) firearms interdiction training; and

11 (vi) illicit narcotics demand reduction  
12 programs.

13 (2) PUBLIC SECURITY AND LAW ENFORCE-  
14 MENT.—To assist in building the capacity of the po-  
15 lice in countries of Central America, supporting ef-  
16 forts to combat transnational gangs, investing in  
17 gang prevention and rehabilitation programs, and  
18 programs for the reintegration of deportees, includ-  
19 ing assistance such as—

20 (A) funding to continue the United States-  
21 Central American Integration System (SICA)  
22 Dialogue;

23 (B) youth gang prevention activities, in-  
24 cluding targeted education for at-risk youth, vo-  
25 cational training and funding of community

1 centers in areas with high youth gang violence  
2 rates and other risk factors;

3 (C) programs to reintegrate deportees from  
4 the United States back into the societies of  
5 their home countries to avoid further criminal  
6 activity;

7 (D) transnational anti-gang initiatives;

8 (E) police professionalization, including—

9 (i) training regarding use of force;

10 (ii) human rights education and train-  
11 ing;

12 (iii) training regarding evidence pres-  
13 ervation and chain of custody; and

14 (iv) enhanced capacity to vet can-  
15 didates;

16 (F) utilization of the International Law  
17 Enforcement Academy (ILEA) in El Salvador  
18 consistent with traditional respect for human  
19 rights and professional police practices;

20 (G) police training programs of the Orga-  
21 nization of American States (OAS );

22 (H) police equipment, including commu-  
23 nications equipment; and

24 (I) anti-domestic violence education pro-  
25 grams and women’s shelters.

1 **SEC. 214. LIMITATION ON ASSISTANCE.**

2 (a) **LIMITATION.**—No assistance may be provided  
3 under this subtitle to any unit of the armed forces of a  
4 country of Central America or any unit of the law enforce-  
5 ment agencies of a country of Central America if the Sec-  
6 retary of State determines that, consistent with section  
7 620J of the Foreign Assistance Act of 1961 (22 U.S.C.  
8 2378d), there is credible evidence that such unit has com-  
9 mitted gross violations of human rights.

10 (b) **EXCEPTION.**—The limitation in subsection (a)  
11 shall not apply if the Secretary of State determines and  
12 reports to the appropriate congressional committees that  
13 the government of the relevant country of Central America  
14 is taking effective measures to bring the responsible mem-  
15 bers of the unit of the armed forces or law enforcement  
16 agencies, as the case may be, to justice.

17 **SEC. 215. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) **IN GENERAL.**—To carry out this subtitle, there  
19 are authorized to be appropriated to the President  
20 \$60,000,000 for fiscal year 2008, \$80,000,000 for fiscal  
21 year 2009, and \$80,000,000 for fiscal year 2010.

22 (b) **AVAILABILITY.**—Amounts appropriated pursuant  
23 to the authorization of appropriations under subsection (a)  
24 are—

25 (1) authorized to remain available until ex-  
26 pended; and

1           (2) in addition to funds otherwise available for  
2           such purposes, including funds under chapters 2 and  
3           8 of part I of the Foreign Assistance Act of 1961  
4           (22 U.S.C. 2166 and 2291 et seq.).

5           (c) LIMITATION.—Of the amounts appropriated pur-  
6           suant to the authorization of appropriations under sub-  
7           section (a) for any fiscal year, at least \$15,000,000 should  
8           be made available to carry out section 213(2)(B).

9           **Subtitle B—Assistance to Enhance**  
10           **the Rule of Law and Strengthen**  
11           **Civilian Institutions**

12           **SEC. 221. AUTHORIZATION OF ASSISTANCE.**

13           The President is authorized to provide assistance for  
14           the countries of Central America to support the activities  
15           described in section 222.

16           **SEC. 222. ACTIVITIES SUPPORTED.**

17           Activities that may be supported by assistance under  
18           section 221 include assistance in building the capacity,  
19           transparency, and trust in the justice system of the coun-  
20           tries of Central America and reducing high impunity rates  
21           in the countries of Central America, including assistance  
22           such as—

23           (1) improved police academies and entry level  
24           training on crime investigations;

1           (2) courts management and prosecutor capacity  
2 building;

3           (3) witness and victim protection programs, in-  
4 cluding in Guatemala in coordination with the  
5 United Nations International Commission Against  
6 Impunity in Guatemala (CICIG);

7           (4) programs to enhance transparency in the  
8 procedures to designate and remove personnel in the  
9 recipient country's judicial system;

10          (5) prosecutor and judge protection programs,  
11 including in Guatemala and in coordination with the  
12 CICIG;

13          (6) short-term assignment of United States  
14 Government personnel to the CICIG to provide tech-  
15 nical assistance for criminal investigations, specifi-  
16 cally but not limited to investigations involving  
17 money laundering so long as this assignment does  
18 not negatively impact United States domestic oper-  
19 ations;

20          (7) regional juvenile justice reform;

21          (8) prison management;

22          (9) programs to rehabilitate gang members re-  
23 leased from prison, including job training; and



1           (10) community policing, including human  
2           rights and use of force training for community polic-  
3           ing projects.

4 **SEC. 223. AUTHORIZATION OF APPROPRIATIONS.**

5           (a) IN GENERAL.—To carry out this title, there are  
6           authorized to be appropriated to the President  
7           \$40,000,000 for fiscal year 2008, \$50,000,000 for fiscal  
8           year 2009, and \$95,000,000 for fiscal year 2010.

9           (b) AVAILABILITY.—Amounts appropriated pursuant  
10          to the authorization of appropriations under subsection (a)  
11          are—

12           (1) authorized to remain available until ex-  
13          pended; and

14           (2) in addition to funds otherwise available for  
15          such purposes, including funds available under chap-  
16          ters 2 and 8 of part I of the Foreign Assistance Act  
17          of 1961 (22 U.S.C. 2166 and 2291 et seq.).

18           **TITLE III—ADMINISTRATIVE**  
19           **PROVISIONS**

20 **SEC. 301. CONDITIONS ON PROVISION OF ASSISTANCE.**

21           (a) IN GENERAL.—The President may not provide  
22          assistance under title I or II to a foreign country for a  
23          fiscal year until the end of a 15-day period beginning on  
24          the date on which the President transmits to the appro-  
25          priate congressional committees a determination that the

1 requirements described in subsection (b) have been met  
2 with respect to the government of such foreign country  
3 for such fiscal year.

4 (b) REQUIRED DETERMINATION.—The requirements  
5 referred to in subsection (a) are the following:

6 (1) The provision of assistance will not ad-  
7 versely affect the human rights situation in the for-  
8 eign country.

9 (2) Vetting procedures are in place to ensure  
10 that members and units of the armed forces and law  
11 enforcement agencies of the foreign country that  
12 may receive assistance under title I or II have not  
13 been involved in human rights violations.

14 (3) The civilian authority in the foreign country  
15 is investigating and prosecuting any member of any  
16 government agency or entity receiving assistance  
17 under title I or II who has been credibly alleged to  
18 have committed human rights violations on or after  
19 the date of the enactment of this Act.

20 (4) Equipment and material provided as sup-  
21 port is being used only by officials and employees of  
22 the government of the foreign country who have  
23 been approved by such government to perform coun-  
24 ternarcotics activities, including on the basis of the  
25 background investigations by such government.

1           (5) The government of the foreign country has  
2 cooperated with the Secretary of State to ensure  
3 that—

4           (A) the equipment and material provided  
5 as support will be used only by the officials and  
6 employees referred to in paragraph (4);

7           (B) none of the equipment or material will  
8 be transferred (by sale, gift, or otherwise) to  
9 any person or entity not authorized by the  
10 United States to receive the equipment or mate-  
11 rial; and

12           (C) the equipment and material will, to the  
13 extent possible, be used for the purposes in-  
14 tended by the United States Government and  
15 will be utilized by those agencies for which such  
16 assistance is intended.

17           (6) The government of the foreign country has  
18 implemented, in consultation with the Secretary of  
19 State, a system that will provide an accounting and  
20 inventory of the equipment and material provided as  
21 support.

22           (7) The government of the foreign country will,  
23 along with United States personnel, conduct periodic  
24 observation and review of the use of the equipment  
25 and material provided as support under terms and

1 conditions similar to the terms and conditions im-  
2 posed with respect to such observation and review  
3 under section 505(a)(3) of the Foreign Assistance  
4 Act of 1961 (22 U.S.C. 2314(a)(3)).

5 (8) To the extent the foreign country has re-  
6 ceived equipment in the past, it has utilized the  
7 equipment properly and in a manner that warrants  
8 additional provision of equipment or assistance.

9 **SEC. 302. LIMITATIONS ON PROVISION OF ASSISTANCE.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-  
11 gress that—

12 (1) activities undertaken under titles I and II  
13 of this Act should be performed wherever possible by  
14 official employees, personnel, or officers of the fed-  
15 eral, state, or local government of the recipient for-  
16 eign country; and

17 (2) the United States should limit, to the max-  
18 imum extent possible, the number of United States  
19 civilians and foreign nationals retained as contrac-  
20 tors in a recipient country.

21 (b) LIMITATIONS.—Except as provided in subsection

22 (c)—

23 (1) none of the funds made available to carry  
24 out title I may be available for the employment of  
25 any United States individual civilian retained as a

1 contractor in Mexico or any foreign national retained  
2 as a contractor if that employment would cause the  
3 total number of individual civilian contractors em-  
4 ployed in Mexico in support of the Merida Initiative  
5 who are funded by United States funds to exceed  
6 50;

7 (2) none of the funds made available to carry  
8 out title II may be available for the employment of  
9 any United States individual civilian retained as a  
10 contractor in a country of Central America or any  
11 foreign national retained as a contractor if that em-  
12 ployment would cause the total number of individual  
13 civilian contractors employed in all countries of Cen-  
14 tral America in support of the Merida Initiative who  
15 are funded by United States funds to exceed 100;  
16 and

17 (3) none of the funds made available under this  
18 Act shall be made available for budget support or  
19 cash payments.

20 (c) EXCEPTION.—The limitations contained in sub-  
21 section (b) shall not apply if the President determines that  
22 it is in the national interest of the United States that such  
23 limitations shall not apply and transmits to the appro-  
24 priate congressional committees a notification thereof.

1 **SEC. 303. LIMITATION ON MONITORING.**

2 Beginning on October 1, 2009, no surveillance-re-  
3 lated equipment may be transferred under this Act to any  
4 entity of Mexico or a country of Central America unless  
5 the President determines that the recipient country has  
6 cooperated with the United States to ensure that such  
7 equipment will be used principally for the purposes for  
8 which it is provided.

9 **SEC. 304. EXEMPTION FROM PROHIBITION ON ASSISTANCE**  
10 **FOR LAW ENFORCEMENT FORCES.**

11 Notwithstanding section 660 of the Foreign Assist-  
12 ance Act of 1961 (22 U.S.C. 2420; relating to the prohibi-  
13 tion on assistance to foreign law enforcement forces), the  
14 President may provide assistance under title I or II if, at  
15 least 15 days before providing the assistance, the Presi-  
16 dent notifies the Committee on Foreign Affairs of the  
17 House of Representatives and the Committee on Foreign  
18 Relations of the Senate, in accordance with the procedures  
19 applicable to reprogramming notifications pursuant to sec-  
20 tion 634A of the Foreign Assistance Act (22 U.S.C. 2394–  
21 1), that (1) it is in the national interest to provide such  
22 assistance, and (2) the recipient country is making signifi-  
23 cant progress to eliminating any human rights violations.

1 **SEC. 305. RELATIONSHIP TO OTHER AUTHORITY.**

2 (a) ASSISTANCE UNDER TITLE I.—The authority to  
3 provide assistance under title I is in addition to any other  
4 authority to provide assistance for Mexico.

5 (b) ASSISTANCE UNDER TITLE II.—The authority to  
6 provide assistance under title I is in addition to any other  
7 authority to provide assistance for the countries of Central  
8 America.

9 **SEC. 306. RULE OF CONSTRUCTION.**

10 Nothing in title I or II shall be construed to alter,  
11 modify, or otherwise affect the provisions of the Arms Ex-  
12 port Control Act (22 U.S.C. 2751 et seq.) unless otherwise  
13 specified in this Act.

14 **TITLE IV—SUPPORT ACTIVITIES**  
15 **IN THE UNITED STATES**

16 **SEC. 401. REPORT ON REDUCTION OF DRUG DEMAND IN**  
17 **THE UNITED STATES.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-  
19 gress that—

20 (1) supply-side drug reduction strategies when  
21 executed alone are not an effective way to fight the  
22 phenomenon of illegal narcotics;

23 (2) the Government of Mexico has identified re-  
24 duction of United States drug demand as among the  
25 most important contributions the United States can

1 make to a joint strategy to combat illicit narcotics  
2 trafficking; and

3 (3) the United States pledged in the United  
4 States-Mexico October 2007 Joint Statement on the  
5 Merida Initiative, to “intensify its efforts to address  
6 all aspects of drug trafficking (including demand re-  
7 lated portions)” here in the United States.

8 (b) REPORT.—Not later than 180 days after the date  
9 of the enactment of this Act, the President shall transmit  
10 to the appropriate congressional committees a report on  
11 the measures taken to intensify United States efforts to  
12 address United States demand-related aspects of the drug-  
13 trafficking phenomenon in accordance with the Joint  
14 Statement on the Merida Initiative announced by the  
15 United States and Mexico on October 22, 2007.

16 **SEC. 402. REDUCTION OF SOUTHBOUND FLOW OF ILLEGAL**  
17 **WEAPONS.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-  
19 gress that—

20 (1) much of the increased violence in Mexico is  
21 perpetrated using firearms and ammunition smug-  
22 gled illegally from the United States into Mexico;

23 (2) the Bureau of Alcohol, Tobacco, Firearms  
24 and Explosives (ATF) has told Congress of an “iron  
25 river of guns” with thousands of weapons per week



1 illegally crossing into Mexico from the United  
2 States;

3 (3) more than 90 percent of the guns con-  
4 fiscated yearly in Mexico originate in the United  
5 States and approximately 40 percent of the total  
6 trafficked weapons are linked to drug trafficking or-  
7 ganizations;

8 (4) along the 2,000 mile border from Browns-  
9 ville, Texas, to San Diego, California, there are  
10 6,700 licensed gun sellers, but only 100 Bureau of  
11 Alcohol, Tobacco, Firearms, and Explosives (ATF)  
12 special agents to investigate allegations of weapons  
13 trafficking and only 35 inspectors to ensure compli-  
14 ance with United States laws;

15 (5) on January 16, 2008, ATF announced that  
16 it will add 25 special agents and 15 inspectors to  
17 their Project Gunrunner along the Southwest Bor-  
18 der. And, the ATF budget request for fiscal year  
19 2009 includes funding for another 12 inspectors;  
20 and

21 (6) an effective strategy to combat these illegal  
22 arms flows is a critical part of a United States con-  
23 tribution to a jointly executed anti-narcotics strategy  
24 with Mexico.

25 (b) PROJECT GUNRUNNER INITIATIVE.—

1           (1) IN GENERAL.—The Attorney General shall,  
2           to the extent amounts are made available to carry  
3           out this subsection pursuant to paragraph (4), use  
4           such amounts for the Project Gunrunner initiative  
5           (hereafter in this subsection referred to as the “ini-  
6           tiative”) of the Bureau of Alcohol, Tobacco, Fire-  
7           arms, and Explosives to expand the resources pro-  
8           vided to identify, investigate, and prosecute individ-  
9           uals involved in the trafficking of firearms across the  
10          United States-Mexico border.

11          (2) ACTIVITIES.—In carrying out paragraph  
12          (1), the Attorney General shall—

13                (A) assign additional agents of the Bureau  
14                of Alcohol, Tobacco, Firearms, and Explosives  
15                to the area of the United States adjacent to the  
16                United States-Mexico border to support the ex-  
17                pansion of the initiative;

18                (B) establish not fewer than 1 initiative  
19                team in each State along the United States-  
20                Mexico border; and

21                (C) coordinate with the heads of other rel-  
22                evant federal law enforcement agencies and  
23                State and local law enforcement agencies to ad-  
24                dress firearms trafficking in a comprehensive  
25                manner.

1           (3) ADDITIONAL STAFF.—The Attorney General  
2           may hire additional persons to be Bureau of Alcohol,  
3           Tobacco, Firearms, and Explosives agents for, and  
4           may use such other resources as may be necessary  
5           to adequately support, the initiative.

6           (4) AUTHORIZATION OF APPROPRIATIONS.—To  
7           carry out this subsection, there are authorized to be  
8           appropriated to the Attorney General \$15,000,000  
9           for each of the fiscal years 2008 through 2010.

10          (c) ENHANCED INTERNATIONAL COOPERATION.—

11           (1) IN GENERAL.—In carrying out this sub-  
12           section, the Attorney General, in cooperation with  
13           the Secretary of State, is authorized and encour-  
14           aged, as appropriate, to—

15                   (A) assign agents of the Bureau of Alco-  
16                   hol, Tobacco, Firearms, and Explosives to the  
17                   United States mission in Mexico, specifically in  
18                   areas adjacent to the United States-Mexico bor-  
19                   der, to work with Mexican law enforcement  
20                   agencies in conducting investigations relating to  
21                   firearms trafficking and other criminal enter-  
22                   prises;

23                   (B) provide the equipment and techno-  
24                   logical resources necessary to support investiga-

1           tions and to trace firearms recovered in Mexico;  
2           and

3                   (C) support the training of vetted Mexican  
4           law enforcement officers in serial number res-  
5           toration techniques and canine explosive detec-  
6           tion.

7           (2) AUTHORIZATION OF APPROPRIATIONS.—To  
8           carry out this subsection, there are authorized to be  
9           appropriated to the Attorney General \$9,500,000 for  
10          each of the fiscal years 2008 through 2010.

11 **SEC. 403. REDUCTION OF SOUTHBOUND FLOW OF ILLEGAL**  
12                   **PRECURSOR CHEMICALS AND BULK-CASH**  
13                   **TRANSFERS.**

14          It is the sense of Congress that—

15                   (1) a significant quantity of precursor chemicals  
16           used in the production of illegal narcotics flows  
17           south from the United States to Mexico;

18                   (2) the Government of Mexico has identified re-  
19           duction of southbound flows from the United States  
20           of precursor chemicals and bulk-cash transfers as a  
21           critical component of its anti-narcotics strategy; and

22                   (3) an effective strategy to combat these illegal  
23           flows is a critical part of a United States contribu-  
24           tion to a jointly executed anti-narcotics strategy with  
25           Mexico.

1 **SEC. 404. REPORT.**

2 Not later than 180 days after the date of the enact-  
3 ment of this Act, the President shall transmit to the ap-  
4 propriate congressional committees a report on the meas-  
5 ures taken to combat the southbound flow of illegal pre-  
6 cursor chemicals and bulk cash transfers into Mexico.

7 **TITLE V—MISCELLANEOUS**  
8 **PROVISIONS**

9 **SEC. 501. COORDINATOR OF UNITED STATES GOVERNMENT**  
10 **ACTIVITIES TO IMPLEMENT THE MERIDA INI-**  
11 **TIATIVE.**

12 (a) **DECLARATION OF POLICY.**—Congress declares  
13 that the Merida Initiative is a Department of State-led  
14 initiative which combines programs of numerous United  
15 States Government departments and agencies and there-  
16 fore requires a single individual to coordinate and track  
17 all Merida-related efforts government-wide to help avoid  
18 duplication and facilitate accountability to Congress.

19 (b) **DESIGNATION OF HIGH-LEVEL COORDINATOR.**—

20 (1) **IN GENERAL.**—The President shall des-  
21 ignate, within the Department of State, a Coordi-  
22 nator of United States Government Activities to Im-  
23 plement the Merida Initiative (hereafter in this sec-  
24 tion referred to as the “Coordinator”) who shall be  
25 responsible for—

1 (A) designing an overall strategy to ad-  
2 vance the purposes of this Act;

3 (B) ensuring program and policy coordina-  
4 tion among agencies of the United States Gov-  
5 ernment in carrying out the policies in Mexico  
6 and Central America set forth in this Act;

7 (C) ensuring that efforts of the United  
8 States Government under this Act in Mexico  
9 and Central America are in full consonance  
10 with the efforts of the Government of Mexico  
11 and the governments of Central America in im-  
12 plementing the Merida Initiative;

13 (D) tracking all United States Government  
14 assistance which fulfills the goals of the Merida  
15 Initiative or is closely related to the goals of the  
16 Merida Initiative, including information re-  
17 quired under section 620J of the Foreign As-  
18 sistance Act of 1961 (22 U.S.C. 2378d) with  
19 respect to Mexico and the countries of Central  
20 America;

21 (E) coordinating among agencies of the  
22 United States Government on all United States  
23 assistance to Mexico and the countries of Cen-  
24 tral America, including assistance from other  
25 relevant government agencies, which fulfills the

1 goals of the Merida Initiative to avoid duplica-  
2 tion or conflict among programs; and

3 (F) consulting with the Attorney General  
4 with respect to the activities of Federal, State,  
5 and local law enforcement authorities in the  
6 United States related to the goals of the Merida  
7 Initiative, particularly along the United States-  
8 Mexico border.

9 (2) RANK AND STATUS OF THE COORDI-  
10 NATOR.—The Coordinator shall have the rank and  
11 status of ambassador.

12 **SEC. 502. METRICS AND OVERSIGHT MECHANISMS.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that—

15 (1) to successfully support building the capacity  
16 of recipient countries' civilian security institutions,  
17 enhance the rule of law in recipient countries, and  
18 ensure the protection of human rights, the President  
19 should establish metrics and oversight mechanisms  
20 to track the effectiveness of activities undertaken  
21 pursuant to this Act;

22 (2) long-term solutions to Mexico and Central  
23 America's security problems depend on strength-  
24 ening and holding accountable civilian institutions;

1           (3) it is difficult to assess the impact of United  
2 States assistance towards these goals absent specific  
3 oversight and monitoring mechanisms; and

4           (4) the President, in developing metrics, should  
5 consult with Congress as well as the Government of  
6 Mexico and the Central American Integration Sys-  
7 tem (SICA).

8           (b) REQUIREMENT.—The President shall develop  
9 metrics to identify, track, and manage the progress of ac-  
10 tivities authorized pursuant to this Act and use these  
11 metrics to determine the allocation of resources for such  
12 activities.

13           (c) INITIAL REPORT.—

14           (1) IN GENERAL.—Not later than 60 days after  
15 the date of the enactment of this Act, the President  
16 shall transmit to the appropriate congressional com-  
17 mittees a report that specifies metrics of achieve-  
18 ment for each activity to be undertaken under this  
19 Act.

20           (2) CONTENTS OF REPORT.—The report shall  
21 be divided into two sections, the first addressing  
22 those activities undertaken pursuant to subtitle A of  
23 title I and subtitle A of title II, and the second ad-  
24 dressing those activities undertaken pursuant to sub-



1 title B of title I and subtitle B of title II. Metrics  
2 may include the following:

3 (A) Indicators on long-term effectiveness  
4 of the equipment and training provided to Mexi-  
5 can and Central American security institutions.

6 (B) Statistics of counter narcotics-related  
7 arrests.

8 (C) Number of interdictions of drug ship-  
9 ments.

10 (D) Specific progress on police reform.

11 (E) Counternarcotics-related arrests.

12 (F) Quantification of reduction of supply  
13 of illicit narcotics into the United States.

14 (G) Cross-utilization, if any, of equipment  
15 among the armed forces and law enforcement  
16 entities.

17 (H) Increased school attendance rates.

18 (I) Attendance in primary prevention pro-  
19 grams

20 (J) The level of cooperation among United  
21 States, Mexican, and Central American law en-  
22 forcement agencies.

23 **SEC. 503. REPORT.**

24 (a) IN GENERAL.—The President shall transmit to  
25 the appropriate congressional committees a report con-

cerning the programs and activities carried out under this Act during the preceding fiscal year. The first report shall be transmitted not later than 180 days after the date of the enactment of this Act and subsequent reports shall be transmitted not later than October 31 of each year thereafter.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) METRICS.—A general description of the progress in stabilizing the security situation in each recipient country as well as combating trafficking and building its capacity based on the metrics developed under section 502.

(2) COORDINATION.—Efforts of the United States Government to coordinate its activities pursuant to section 501, including—

(A) a description of all counternarcotics and organized crime assistance provided to recipient countries in the previous fiscal year;

(B) an assessment of how such assistance was coordinated; and

(C) recommendations for improving coordination.

(3) TRANSFER OF EQUIPMENT.—A description of the transfer of equipment, including—

1           (A) a description of the progress of each  
2 recipient country toward the transfer of equip-  
3 ment, if any, from its armed forces to law en-  
4 forcement agencies;

5           (B) a list of organizations that have used  
6 the air assets provided to the government of  
7 each recipient country, and, to the extent pos-  
8 sible, a detailed description of those agencies  
9 that have utilized the air assets, including a  
10 breakdown of the percentage of use by each  
11 agency; and

12           (C) a description of training of law en-  
13 forcement agencies to operate equipment, in-  
14 cluding air assets.

15           (4) HUMAN RIGHTS.—Consistent with sections  
16 116(d) and 502B(b) of the Foreign Assistance Act  
17 of 1961 (22 U.S.C. 2151n(d) and 2304(b)) and sec-  
18 tion 504 of the Trade Act of 1974 (19 U.S.C.  
19 2464), an assessment of the human rights impact of  
20 the equipment and training provided under this Act,  
21 including—

22           (A) a list of accusations of serious human  
23 rights abuses committed by the armed forces  
24 and law enforcement agencies of recipient coun-

1 tries from the date of enactment of this Act;  
2 and

3 (B) a description of efforts by the govern-  
4 ment of recipient countries to investigate and  
5 prosecute allegations of abuses of human rights  
6 committed by any agency of the recipient coun-  
7 tries.

8 (5) EFFECTIVENESS OF EQUIPMENT.—An as-  
9 sessment on the long-term effectiveness of the equip-  
10 ment and maintenance packages and training pro-  
11 vided to each recipient country’s security institu-  
12 tions.

13 (6) MEXICO PUBLIC SECURITY STRATEGY.—A  
14 description of Mexico’s development of a public secu-  
15 rity strategy, including—

16 (A) an update on the effectiveness of the  
17 Mexican federal Registry of Police Personnel to  
18 vet police recruiting at the National, state, and  
19 municipal levels to prevent rehiring from one  
20 force to the next after dismissal for corruption  
21 and other reasons; and

22 (B) an assessment of how the Merida Ini-  
23 tiative complements and supports the Mexican  
24 Government’s own public security strategy.

1           (7) FLOW OF ILLEGAL ARMS.—A description of  
2 efforts to reduce the southbound flow of illegal arms.

3           (8) USE OF CONTRACTORS.—A detailed descrip-  
4 tion of contracts awarded to private companies to  
5 carry out provisions of this Act, including—

6                 (A) a description of the number of United  
7 States and foreign national civilian contractors  
8 awarded contracts;

9                 (B) a list of the total dollar value of the  
10 contracts; and

11                (C) the purposes of the contracts.

12           (9) CENTRAL AMERICAN REGIONAL SECURITY  
13 PLAN.—A description of implementation by the  
14 countries of Central America of the Central Amer-  
15 ican Regional Security Plan, including an assess-  
16 ment of how the Merida Initiative complements and  
17 supports the Central American Regional Security  
18 Plan.

19           (10) PHASE OUT OF LAW ENFORCEMENT AC-  
20 TIVITIES.—A description of the progress of phasing  
21 out law enforcement activities of the armed forces of  
22 each recipient country.

23           (11) DISPLACEMENT AND DIVERSION OF DRUG  
24 TRAFFICKING PATTERNS.—A description of any dis-  
25 placement effect and diversion of drug trafficking

1 patterns from Mexico and the countries of Central  
2 America to other routes, including through poten-  
3 tially vulnerable Caribbean countries.

4 (12) IMPACT ON BORDER VIOLENCE AND SECUR-  
5 RITY.—A description of the impact that activities  
6 authorized under this Act have had on violence  
7 against United States and Mexican border personnel  
8 and the extent to which these activities have in-  
9 creased the protection and security of the United  
10 States-Mexico border.

11 **SEC. 504. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) the United States Government requires an  
14 effective public diplomacy strategy to explain the  
15 purposes of the Merida Initiative; and

16 (2) to the extent practicable, the Secretary of  
17 State, in coordination with other relevant heads of  
18 agencies, shall design and implement a public diplo-  
19 macy campaign regionally regarding the Merida Ini-  
20 tiative.

1 **SEC. 505. SUNSET.**

2       The authority of this Act shall expire after September  
3 30, 2010.

      Passed the House of Representatives June 10, 2008.

Attest:

*Clerk.*

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6028

---

## AN ACT

To authorize law enforcement and security assistance, and assistance to enhance the rule of law and strengthen civilian institutions, for Mexico and the countries of Central America, and for other purposes.