110TH CONGRESS
2D SESSION

H. R. 6028

IN THE SENATE OF THE UNITED STATES
JUNE 11, 2008
Received; read twice and referred to the Committee on Foreign Relations

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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Merida Initiative to Combat Illicit Narcotics and Reduce Organized Crime Authorization Act of 2008".

(b) Table of Contents.—The table of contents for 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.
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Subtitle B—Assistance to Enhance the Rule of Law and Strengthen Civilian Institutions

Sec. 121. Sense of Congress.
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TITLE II—ASSISTANCE FOR COUNTRIES OF CENTRAL AMERICA

Sec. 201. Findings.

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Sec. 211. Purposes of assistance.
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Sec. 213. Activities supported.
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Subtitle B—Assistance to Enhance the Rule of Law and Strengthen Civilian Institutions

Sec. 221. Authorization of assistance.
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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. 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.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees”—

(A) means—

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

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

(B) for purposes of titles IV and V, includes the Committee on the Judiciary of the
House of Representatives and the Committee
on the Judiciary of the Senate.

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

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

TITLE I—ASSISTANCE FOR
MEXICO

SEC. 101. FINDINGS.

Congress finds the following:

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

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

(3) The same smuggling routes that are used to
bring illegal narcotics north are utilized to illegally
distribute arms, precursor chemicals, and bulk cash transfers south.

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

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

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

(7) The spread of illicit narcotics through United States borders and the violence that accompanies it cannot be halted without a comprehensive interdiction and security strategy planned and executed jointly with our southern neighbors.

(8) In March 2007, President George W. Bush and Mexican President Calderón held a summit in
the Mexican City of Merida and agreed that the
United States and Mexico must expand bilateral and
regional cooperation to fight violence stemming from
narcotrafficking and regional criminal organizations.

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

(10) In the joint statement—

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

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

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

(11) A long-term strategy to adequately contain
the northbound and southbound flows of illicit nar-
cotics along the United States-Mexico border, as well
as protect the vast and free flow of trade, will re-
quire the United States to partner with its southern
neighbors in their efforts to build the capacity of
their own law enforcement agencies and enhance the
rule of law, as well as to fortify United States illicit
narcotics reduction efforts.

SEC. 102. DECLARATIONS OF POLICY.

Congress makes the following declarations:

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

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

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

(4) The United States should provide its exper-
tise to meet immediate security needs along the
United States-Mexico border, fight the production
and flow of illicit narcotics, and support Mexico in
its efforts to do the same.

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

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

(7) In implementing the Merida Initiative, the
United States should work with its southern neigh-
bors to mitigate the so-called “balloon effect” in
which successful counternarcotics efforts shift narc-
cotics-related activities to other areas.

(8) The United States should coordinate with
the Congress of the Union of Mexico to ensure full
partnership on the programs authorized under this
Act.
Subtitle A—Law Enforcement and Security Assistance

SEC. 111. PURPOSES OF ASSISTANCE.

The purposes of assistance under this subtitle are to—

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

(2) help build the capacity of law enforcement forces of Mexico to control illicit narcotics production, trafficking, drug trafficking organizations, and organized crime;

(3) aid the support role that the armed forces of Mexico is providing to law enforcement agencies of Mexico as the security situation in Mexico is initially stabilized;

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

(5) strengthen the bilateral and regional ties of the United States with Mexico and the countries of Central America by assuming shared responsibility and offering concrete assistance in this area of great mutual concern;
(6) strengthen respect for internationally recognized human rights and the rule of law in efforts to stabilize the security environment relating to illicit narcotics production and trafficking and organized crime; and

(7) support the judicial branches of the Government of Mexico and the countries of Central America, as well as support anti-corruption efforts in those countries; and

(8) respond to the direct requests of the Government of Mexico that the United States reduce the demand for illicit narcotics in the United States, stem the flow of illegal arms into Mexico from the United States, stem the flow of illegal bulk-cash transfers into Mexico from the United States, and stem the flow of illegal precursor chemicals into Mexico from the United States.

SEC. 112. AUTHORIZATION OF ASSISTANCE.

To carry out the purposes of section 111, the President is authorized to provide assistance for Mexico to support the activities described in section 113.

SEC. 113. ACTIVITIES SUPPORTED.

(a) In General.—Activities that may be supported by assistance under section 112 include the following:
(1) COUNTERNARCOTICS AND COUNTERTRAFFICKING.—To assist in building the capacity of law enforcement and security forces of Mexico to eradicate illicit narcotics trafficking and reduce trafficking-fueled violence, including along the United States-Mexico border, including assistance such as—

(A) radar and aerial surveillance equipment;

(B) land and maritime interdiction equipment and training, including—

(i) transport helicopters and night-operating capabilities;

(ii) surveillance platform planes; and

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

(C) training of security and law enforcement units to plan and execute counternarcotics operations.

(2) PORT, AIRPORT, AND RELATED SECURITY.—To assist in monitoring and controlling the United States-Mexico border and the border between Mexico and Central America to combat illicit narcotics trafficking, including assistance such as—
(A) computer infrastructure and equipment;
(B) secure communications networks; and
(C) nonintrusive monitoring technology.

(3) OPERATIONAL TECHNOLOGY.—

(A) ASSISTANCE OBJECTIVES.—To assist in investigation and collection of intelligence against illicit drug trafficking organizations, including—

(i) expansion of intelligence databases;

and

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

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

(i) operational technology transferred to the Government of Mexico for intelligence or law enforcement purposes should be used solely for the purposes for which the operational technology was intended;

and

(ii) the United States should take all necessary steps to ensure that use of operational technology described in clause (i) is
consistent with United States law, including protections of freedom of expression, freedom of movement, and freedom of association.

(4) **Public Security and Law Enforcement.**—To assist in the modernization of law enforcement entities and prevent crime, including assistance and activities such as—

(A) law enforcement training and equipment, including—

(i) transport helicopters;

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

(iii) nonintrusive inspection equipment; and

(iv) human rights training for law enforcement units;

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

(C) safety-related equipment for law enforcement officers and prosecutors, including protective vests and helmet sets;

(D) reduction of drug demand in Mexico, including activities such as—
(i) assistance to the National Council Against Addictions (CONADIC) to establish an Internet web-based support network;

(ii) establishment of a national data center to support the CONADIC; and

(iii) training of CONADIC and other agency staff in best practices and outreach and treatment programs, and design of a methodology to implement best practices in conjunction with the National Network for Technological Transfers in Addiction.

(b) Provision of Helicopters.—Funds made available to carry out this subtitle to provide helicopters to the Government of Mexico, shall, to the extent possible, be used to procure or provide helicopters that are of a similar manufacture to those helicopters already in the possession of the Government of Mexico in order to facilitate integration of those assets into Mexico’s existing air fleet.

(c) Sense of Congress.—It is the sense of Congress that the United States shall ensure, to the extent possible, that assistance under this subtitle is made available and cross-utilized by the armed forces of Mexico and relevant law enforcement agencies of the Government of
Mexico, including the Mexican Office of the Attorney General.

SEC. 114. LIMITATION ON ASSISTANCE.

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

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

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out this subtitle, there are authorized to be appropriated to the President $350,000,000 for fiscal year 2008, $390,000,000 for fiscal year 2009, and $40,000,000 for fiscal year 2010.

(b) LIMITATION.—
(1) IN GENERAL.—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

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

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

(C) not more than $9,000,000 may be provided as assistance for the armed forces of Mexico for 2010.

(2) ADDITIONAL LIMITATION.—None of the funds appropriated pursuant to the authorization of appropriations under subsection (a) for fiscal year 2009 may be provided as assistance for the Mexican Secretariat of Public Security until the President determines that the Mexican National Registry of Police Personnel (Registro Nacional de Personal Policial) is operational at the federal, state, and local levels.

(c) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are—
(1) authorized to remain available until expended; and

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

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

SEC. 121. SENSE OF CONGRESS.

It is the sense of Congress that, as a critical part of a joint, comprehensive security, counternarcotics, and organized crime initiative, the United States should support—

(1) programs of the United States Agency for International Development and other United States agencies focused on strengthening civilian institutions and rule of law programs in Mexico at the federal, state, and local levels; and

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

SEC. 122. AUTHORIZATION OF ASSISTANCE.

The President is authorized to provide assistance for Mexico to support the activities described in section 123.
SEC. 123. ACTIVITIES SUPPORTED.

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

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

(A) rule of law and systemic improvements in judicial and criminal justice sector institutions, including—

(i) courts management and prosecutorial capacity building;

(ii) prison reform activities, including those relating to anti-gang and anti-organized crime efforts;

(iii) anti-money laundering programs;

(iv) victim and witness protection and restitution; and

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

(B) police professionalization, including—

(i) training regarding use of force;

(ii) human rights education and training;
(iii) training regarding evidence preservation and chain of custody; and

(iv) enhanced capacity to vet candidates;

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

(i) judicial processes improvement and coordination;

(ii) enhancement of forensics capabilities;

(iii) data collection and analyses;

(iv) case tracking and management;

(v) financial intelligence functions;

and

(vi) maintenance of data systems.

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

(A) enhancement of polygraph capability in the Mexican Police agency (SSP);
(B) support for greater transparency and accountability in the Mexican legal system, including—

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

(ii) establishment of clerk of the court system to track cases and pretrial detentions;

(iii) reorganization of human and financial resources systems; and

(iv) equipping and training of criminal investigators; and

(C) promotion of human rights, including—

(i) support for human rights organizations, bar associations, and law schools; and

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

(3) PREVENTION.—To assist in the prevention of individuals from participating in illicit narcotics-related violent activities, such as—
(A) establishment of programs that address domestic violence and increase school attendance rates; and

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

(4) DEVELOPMENT.—To assist in the development of areas where lack of jobs breeds illicit narcotics-related violence, including—

(A) expansion of alternative livelihood programs, including job creation programs and rural development programs and the provision of microenterprise development assistance under title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2211 et seq.); and

(B) establishment of gang reeducation and training programs.

SEC. 124. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—To carry out this subtitle, there are authorized to be appropriated to the President $120,000,000 for fiscal year 2008, $100,000,000 for fiscal year 2009, and $110,000,000 for fiscal year 2010.
(b) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are—

(1) authorized to remain available until expended; and

(2) in addition to funds otherwise available for such purposes, including funds available under chapter 8 of part I of the Foreign Assistance Act of 1961.

**TITLE II—ASSISTANCE FOR COUNTRIES OF CENTRAL AMERICA**

**SEC. 201. FINDINGS.**

Congress finds the following:

(1) A May 2007 report by the United Nations Office on Drugs and Crime (UNODC) argues that countries of Central America are particularly vulnerable to violent crimes fueled by illicit narcotics trafficking and corruption because such countries are geographically located between the world’s largest drug producing and drug consuming countries.

(2) According to Assistant Secretary of State for Western Hemisphere Affairs Thomas Shannon, “[T]he nations of Central America have committed to collective action to address these common security
concerns. Through the Central American Integration System (SICA), the governments have expressed the political resolve to join forces to strengthen regional security; however they lack sufficient tools and capacity to execute such will.”

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

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

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

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

(7) Youth gang violence cannot be curbed only through enforcement, but must also include a substantial investment in prevention, rehabilitation, and reintegration.

(8) Deportees sent from the United States back to Central America, while not a central cause of
crime and violence, can contribute to crime and vio-

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

(10) Violence between partners, particularly vio-

lence by men against their wives or girlfriends, is widespread in Central America, and an international violence against women survey comparing selected countries in Africa, Latin America, Europe, and Asia found that 60 percent of women in Costa Rica—often considered the least violent country in Central America—reported having experienced do-
mestic violence during their lives.

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

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

(13) The United States and the Central Amer-
ican Integration System (SICA) signed an agree-
ment in July 2007 to improve intelligence sharing
and policing and to institutionalize dialogue on regional security.

SEC. 202. DECLARATIONS OF POLICY.

Congress makes the following declarations:

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

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

(3) The countries of Central America are committed to combating illicit narcotics trafficking and its related violence and crime, including gang violence, and the United States must seize the opportunity to work in partnership with Central America.
Subtitle A—Law Enforcement and Security Assistance

SEC. 211. PURPOSES OF ASSISTANCE.

The purposes of assistance authorized by this subtitle are to—

(1) enhance the ability of governments of countries of Central America to control illicit narcotics production, trafficking, illicit drug trafficking organizations, and organized crime;

(2) help build the capacity of law enforcement agencies of the countries of Central America to control illicit narcotics production, trafficking, illicit drug trafficking organizations, and organized crime;

(3) strengthen the bilateral ties of the United States with the countries of Central America by offering concrete assistance in this area of great mutual concern;

(4) strengthen respect for internationally recognized human rights and the rule of law in efforts to stabilize the security environment relating to illicit narcotics production and trafficking and organized crime; and

(5) support the judicial branch of governments of the countries of Central America, as well as to support anti-corruption efforts in such countries.
SEC. 212. AUTHORIZATION OF ASSISTANCE.

To carry out the purposes of section 211, the President is authorized to provide assistance for the countries of Central America to support the activities described in section 213.

SEC. 213. ACTIVITIES SUPPORTED.

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

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

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

(i) Investigation and collection of intelligence against illicit narcotics trafficking.

(ii) Combating illegal trafficking in arms.

(iii) Prevention of bulk currency smuggling.

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

(B) ASSISTANCE.—Activities under subparagraph (A) may include—

(i) automated fingerprint identification systems (AFIS);
(ii) vetting sensitive investigative units to collaborate on counternarcotics at the federal, state, and local levels;

(iii) technical assistance to develop strong and effective financial crimes investigation units;

(iv) maritime security support, including refurbishing and procuring patrol boats;

(v) firearms interdiction training; and

(vi) illicit narcotics demand reduction programs.

(2) PUBLIC SECURITY AND LAW ENFORCEMENT.—To assist in building the capacity of the police in countries of Central America, supporting efforts to combat transnational gangs, investing in gang prevention and rehabilitation programs, and programs for the reintegration of deportees, including assistance such as—

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

(B) youth gang prevention activities, including targeted education for at-risk youth, vocational training and funding of community
centers in areas with high youth gang violence rates and other risk factors;

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

(D) transnational anti-gang initiatives;

(E) police professionalization, including—

(i) training regarding use of force;

(ii) human rights education and training;

(iii) training regarding evidence preservation and chain of custody; and

(iv) enhanced capacity to vet candidates;

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

(G) police training programs of the Organization of American States (OAS);

(H) police equipment, including communications equipment; and

(I) anti-domestic violence education programs and women’s shelters.
SEC. 214. LIMITATION ON ASSISTANCE.

(a) LIMITATION.—No assistance may be provided under this subtitle to any unit of the armed forces of a country of Central America or any unit of the law enforcement agencies of a country of Central America if the Secretary of State determines that, consistent with section 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d), there is credible evidence that such unit has committed gross violations of human rights.

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

SEC. 215. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

(c) LIMITATION.—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (a) for any fiscal year, at least $15,000,000 should be made available to carry out section 213(2)(B).

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

SEC. 221. AUTHORIZATION OF ASSISTANCE.

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

SEC. 222. ACTIVITIES SUPPORTED.

Activities that may be supported by assistance under section 221 include assistance in building the capacity, transparency, and trust in the justice system of the countries of Central America and reducing high impunity rates in the countries of Central America, including assistance such as—

(1) improved police academies and entry level training on crime investigations;
(2) courts management and prosecutor capacity building;

(3) witness and victim protection programs, including in Guatemala in coordination with the United Nations International Commission Against Impunity in Guatemala (CICIG);

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

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

(6) short-term assignment of United States Government personnel to the CICIG to provide technical assistance for criminal investigations, specifically but not limited to investigations involving money laundering so long as this assignment does not negatively impact United States domestic operations;

(7) regional juvenile justice reform;

(8) prison management;

(9) programs to rehabilitate gang members released from prison, including job training; and
community policing, including human rights and use of force training for community policing projects.

SEC. 223. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—To carry out this title, there are authorized to be appropriated to the President $40,000,000 for fiscal year 2008, $50,000,000 for fiscal year 2009, and $95,000,000 for fiscal year 2010.

(b) Availability.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are—

(1) authorized to remain available until expended; and

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

TITLE III—ADMINISTRATIVE PROVISIONS

SEC. 301. CONDITIONS ON PROVISION OF ASSISTANCE.

(a) In General.—The President may not provide assistance under title I or II to a foreign country for a fiscal year until the end of a 15-day period beginning on the date on which the President transmits to the appropriate congressional committees a determination that the
requirements described in subsection (b) have been met
with respect to the government of such foreign country
for such fiscal year.

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

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

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

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

(4) Equipment and material provided as sup-
port is being used only by officials and employees of
the government of the foreign country who have
been approved by such government to perform coun-
ternarcotics activities, including on the basis of the
background investigations by such government.
(5) The government of the foreign country has cooperated with the Secretary of State to ensure that—

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

(B) none of the equipment or material will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or material; and

(C) the equipment and material will, to the extent possible, be used for the purposes intended by the United States Government and will be utilized by those agencies for which such assistance is intended.

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

(7) The government of the foreign country will, along with United States personnel, conduct periodic observation and review of the use of the equipment and material provided as support under terms and
conditions similar to the terms and conditions im-
posed with respect to such observation and review
under section 505(a)(3) of the Foreign Assistance
Act of 1961 (22 U.S.C. 2314(a)(3)).

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

SEC. 302. LIMITATIONS ON PROVISION OF ASSISTANCE.

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

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

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

(b) LIMITATIONS.—Except as provided in subsection

(c)—

(1) none of the funds made available to carry
out title I may be available for the employment of
any United States individual civilian retained as a
contractor in Mexico or any foreign national retained as a contractor if that employment would cause the total number of individual civilian contractors employed in Mexico in support of the Merida Initiative who are funded by United States funds to exceed 50;

(2) none of the funds made available to carry out title II may be available for the employment of any United States individual civilian retained as a contractor in a country of Central America or any foreign national retained as a contractor if that employment would cause the total number of individual civilian contractors employed in all countries of Central America in support of the Merida Initiative who are funded by United States funds to exceed 100; and

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

(c) EXCEPTION.—The limitations contained in subsection (b) shall not apply if the President determines that it is in the national interest of the United States that such limitations shall not apply and transmits to the appropriate congressional committees a notification thereof.
SEC. 303. LIMITATION ON MONITORING.

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

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

Notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420; relating to the prohibition on assistance to foreign law enforcement forces), the President may provide assistance under title I or II if, at least 15 days before providing the assistance, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of the Foreign Assistance Act (22 U.S.C. 2394–1), that (1) it is in the national interest to provide such assistance, and (2) the recipient country is making significant progress to eliminating any human rights violations.
SEC. 305. RELATIONSHIP TO OTHER AUTHORITY.

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

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

SEC. 306. RULE OF CONSTRUCTION.

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

TITLE IV—SUPPORT ACTIVITIES IN THE UNITED STATES

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

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

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

(2) the Government of Mexico has identified reduction of United States drug demand as among the most important contributions the United States can
make to a joint strategy to combat illicit narcotics traffickling; and

(3) the United States pledged in the United States-Mexico October 2007 Joint Statement on the Merida Initiative, to “intensify its efforts to address all aspects of drug traffickling (including demand related portions)” here in the United States.

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

SEC. 402. REDUCTION OF SOUTHBOUND FLOW OF ILLEGAL WEAPONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) much of the increased violence in Mexico is perpetrated using firearms and ammunition smuggled illegally from the United States into Mexico;

(2) the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has told Congress of an “iron river of guns” with thousands of weapons per week
illegally crossing into Mexico from the United States;

(3) more than 90 percent of the guns confiscated yearly in Mexico originate in the United States and approximately 40 percent of the total trafficked weapons are linked to drug trafficking organizations;

(4) along the 2,000 mile border from Brownsville, Texas, to San Diego, California, there are 6,700 licensed gun sellers, but only 100 Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) special agents to investigate allegations of weapons trafficking and only 35 inspectors to ensure compliance with United States laws;

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

(6) an effective strategy to combat these illegal arms flows is a critical part of a United States contribution to a jointly executed anti-narcotics strategy with Mexico.

(b) PROJECT GUNRUNNER INITIATIVE.—
(1) IN GENERAL.—The Attorney General shall, to the extent amounts are made available to carry out this subsection pursuant to paragraph (4), use such amounts for the Project Gunrunner initiative (hereafter in this subsection referred to as the “initiative”) of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to expand the resources provided to identify, investigate, and prosecute individuals involved in the trafficking of firearms across the United States-Mexico border.

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

(A) assign additional agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to the area of the United States adjacent to the United States-Mexico border to support the expansion of the initiative;

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

(C) coordinate with the heads of other relevant federal law enforcement agencies and State and local law enforcement agencies to address firearms trafficking in a comprehensive manner.
(3) ADDITIONAL STAFF.—The Attorney General may hire additional persons to be Bureau of Alcohol, Tobacco, Firearms, and Explosives agents for, and may use such other resources as may be necessary to adequately support, the initiative.

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

(c) ENHANCED INTERNATIONAL COOPERATION.—

(1) IN GENERAL.—In carrying out this subsection, the Attorney General, in cooperation with the Secretary of State, is authorized and encouraged, as appropriate, to—

(A) assign agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to the United States mission in Mexico, specifically in areas adjacent to the United States-Mexico border, to work with Mexican law enforcement agencies in conducting investigations relating to firearms trafficking and other criminal enterprises;

(B) provide the equipment and technological resources necessary to support investiga-
tions and to trace firearms recovered in Mexico;
and
(C) support the training of vetted Mexican
law enforcement officers in serial number res-
oration techniques and canine explosive detect-
ion.

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

SEC. 403. REDUCTION OF SOUTHBOUND FLOW OF ILLEGAL
PRECURSOR CHEMICALS AND BULK-CASH
TRANSFERS.

It is the sense of Congress that—

(1) a significant quantity of precursor chemicals
used in the production of illegal narcotics flows
south from the United States to Mexico;
(2) the Government of Mexico has identified re-
duction of southbound flows from the United States
of precursor chemicals and bulk-cash transfers as a
critical component of its anti-narcotics strategy; and
(3) an effective strategy to combat these illegal
flows is a critical part of a United States contribu-
tion to a jointly executed anti-narcotics strategy with
Mexico.
SEC. 404. REPORT.

Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the measures taken to combat the southbound flow of illegal precursor chemicals and bulk cash transfers into Mexico.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO IMPLEMENT THE MERIDA INITIATIVE.

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

(b) DESIGNATION OF HIGH-LEVEL COORDINATOR.—

(1) IN GENERAL.—The President shall designate, within the Department of State, a Coordinator of United States Government Activities to Implement the Merida Initiative (hereafter in this section referred to as the “Coordinator”) who shall be responsible for—
(A) designing an overall strategy to advance the purposes of this Act;

(B) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies in Mexico and Central America set forth in this Act;

(C) ensuring that efforts of the United States Government under this Act in Mexico and Central America are in full consonance with the efforts of the Government of Mexico and the governments of Central America in implementing the Merida Initiative;

(D) tracking all United States Government assistance which fulfills the goals of the Merida Initiative or is closely related to the goals of the Merida Initiative, including information required under section 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d) with respect to Mexico and the countries of Central America;

(E) coordinating among agencies of the United States Government on all United States assistance to Mexico and the countries of Central America, including assistance from other relevant government agencies, which fulfills the
goals of the Merida Initiative to avoid duplica-
tion or conflict among programs; and

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

(2) Rank and Status of the Coordinator.—The Coordinator shall have the rank and
status of ambassador.

SEC. 502. METRICS AND OVERSIGHT MECHANISMS.

(a) Sense of Congress.—It is the sense of Con-
gress that—

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

(2) long-term solutions to Mexico and Central
America’s security problems depend on strength-
ening and holding accountable civilian institutions;
(3) it is difficult to assess the impact of United States assistance towards these goals absent specific oversight and monitoring mechanisms; and

(4) the President, in developing metrics, should consult with Congress as well as the Government of Mexico and the Central American Integration System (SICA).

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

(c) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that specifies metrics of achievement for each activity to be undertaken under this Act.

(2) CONTENTS OF REPORT.—The report shall be divided into two sections, the first addressing those activities undertaken pursuant to subtitle A of title I and subtitle A of title II, and the second addressing those activities undertaken pursuant to sub-
title B of title I and subtitle B of title II. Metrics may include the following:

(A) Indicators on long-term effectiveness of the equipment and training provided to Mexican and Central American security institutions.

(B) Statistics of counter narcotics-related arrests.

(C) Number of interdictions of drug shipments.

(D) Specific progress on police reform.

(E) Counternarcotics-related arrests.

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

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

(H) Increased school attendance rates.

(I) Attendance in primary prevention programs

(J) The level of cooperation among United States, Mexican, and Central American law enforcement agencies.

SEC. 503. REPORT.

(a) IN GENERAL.—The President shall transmit to 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—
(A) a description of the progress of each recipient country toward the transfer of equipment, if any, from its armed forces to law enforcement agencies;

(B) a list of organizations that have used the air assets provided to the government of each recipient country, and, to the extent possible, a detailed description of those agencies that have utilized the air assets, including a breakdown of the percentage of use by each agency; and

(C) a description of training of law enforcement agencies to operate equipment, including air assets.

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

(A) a list of accusations of serious human rights abuses committed by the armed forces and law enforcement agencies of recipient coun-
tries from the date of enactment of this Act;
and

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

(5) Effectiveness of Equipment.—An as-
essment on the long-term effectiveness of the equip-
ment and maintenance packages and training pro-
vided to each recipient country’s security institu-
tions.

(6) Mexico Public Security Strategy.—A
description of Mexico’s development of a public secu-
ritry strategy, including—

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

(B) an assessment of how the Merida Ini-
tiative complements and supports the Mexican
Government’s own public security strategy.
(7) Flow of illegal arms.—A description of efforts to reduce the southbound flow of illegal arms.

(8) Use of contractors.—A detailed description of contracts awarded to private companies to carry out provisions of this Act, including—

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

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

(C) the purposes of the contracts.

(9) Central American regional security plan.—A description of implementation by the countries of Central America of the Central American Regional Security Plan, including an assessment of how the Merida Initiative complements and supports the Central American Regional Security Plan.

(10) Phase out of law enforcement activities.—A description of the progress of phasing out law enforcement activities of the armed forces of each recipient country.

(11) Displacement and diversion of drug trafficking patterns.—A description of any displacement effect and diversion of drug trafficking
patterns from Mexico and the countries of Central America to other routes, including through potentially vulnerable Caribbean countries.

(12) IMPACT ON BORDER VIOLENCE AND SECURITY.—A description of the impact that activities authorized under this Act have had on violence against United States and Mexican border personnel and the extent to which these activities have increased the protection and security of the United States-Mexico border.

SEC. 504. SENSE OF CONGRESS.

It is the sense of Congress that—

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

(2) to the extent practicable, the Secretary of State, in coordination with other relevant heads of agencies, shall design and implement a public diplomacy campaign regionally regarding the Merida Initiative.
SEC. 505. SUNSET.

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

Passed the House of Representatives June 10, 2008.

Attest: LORRAINE C. MILLER,

Clerk.