

Union Calendar No. 445

110TH CONGRESS
2^D SESSION

H. R. 6028

[Report No. 110-673, Part I]

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2008

Mr. BERMAN (for himself, Mr. ENGEL, Mr. REYES, and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 22, 2008

Reported from the Committee on Foreign Affairs with an amendment

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

MAY 22, 2008

Referral to the Committee on the Judiciary extended for a period not ending later than June 6, 2008

JUNE 6, 2008

Additional sponsor: Ms. ROS-LEHTINEN

JUNE 6, 2008

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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,*

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

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

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *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 commit-
5 tees” means—

1 (A) the Committee on Appropriations and
2 the Committee on Foreign Affairs of the House
3 of Representatives; and

4 (B) the Committee on Appropriations and
5 the Committee on Foreign Relations of the Sen-
6 ate.

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

12 (3) MERIDA INITIATIVE.—The term “Merida Ini-
13 tiative” means the program announced by the United
14 States and Mexico on October 22, 2007, to fight illicit
15 narcotics trafficking and criminal organizations
16 throughout the Western Hemisphere.

17 **TITLE I—ASSISTANCE FOR**
18 **MEXICO**

19 **SEC. 101. FINDINGS.**

20 Congress finds the following:

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

23 (2) The Government Accountability Office (GAO)
24 estimates that 90 percent of illegal drugs that enter

1 *the United States come through the Mexico-Central*
2 *America corridor.*

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

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

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

15 (6) *Mexico can and has served as a critical ally*
16 *and partner in stemming the flow of illegal narcotics*
17 *into the United States. Under the leadership of Mexi-*
18 *can President Felipe Calderón, the United States and*
19 *Mexico have initiated an approach of joint responsi-*
20 *bility to confront the threat of illicit narcotics traf-*
21 *ficking and organized crime in the Western Hemi-*
22 *sphere.*

23 (7) *The spread of illicit narcotics through United*
24 *States borders and the violence that accompanies it*
25 *cannot be halted without a comprehensive interdiction*

1 *and security strategy planned and executed jointly*
2 *with our southern neighbors.*

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

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

14 (10) *In the joint statement—*

15 (A) *Mexico pledged to “strengthen its oper-*
16 *ational capabilities to more effectively fight*
17 *drug-traffickers and organized crime”;*

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

23 (C) *both nations pledged to “augment co-*
24 *operation, coordination, and the exchange of in-*

1 *formation to fight criminal organizations on*
2 *both sides of the border”.*

3 *(11) A long-term strategy to adequately contain*
4 *the northbound and southbound flows of illicit nar-*
5 *cotics along the United States-Mexico border, as well*
6 *as protect the vast and free flow of trade, will require*
7 *the United States to partner with its southern neigh-*
8 *bors in their efforts to build the capacity of their own*
9 *law enforcement agencies and enhance the rule of law,*
10 *as well as to fortify United States illicit narcotics re-*
11 *duction efforts.*

12 **SEC. 102. DECLARATIONS OF POLICY.**

13 *Congress makes the following declarations:*

14 *(1) The Merida Initiative is a critical part of a*
15 *growing partnership and strategy of cooperation be-*
16 *tween the United States and its southern neighbors to*
17 *confront the illegal flow of narcotics as well as vio-*
18 *lence and organized crime that it has spawned.*

19 *(2) The United States needs to ensure the free*
20 *flow of trade between the United States and its crit-*
21 *ical neighbor, Mexico, while ensuring that the United*
22 *States border is protected from illegal smuggling into*
23 *the United States.*

24 *(3) The United States must intensify efforts to*
25 *stem the flow of precursor chemicals, bulk cash, and*

1 *the so-called “iron-river” of arms illegally flowing*
2 *south, as well as demand-related aspects of the illicit*
3 *narcotics phenomenon.*

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

9 *(5) The United States should support the Gov-*
10 *ernment of Mexico’s work to expand its own law en-*
11 *forcement to independently conduct successful counter-*
12 *narcotics and organized crime-related operations.*

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

18 *(7) In implementing the Merida Initiative, the*
19 *United States should work with its southern neighbors*
20 *to mitigate the so-called “balloon effect” in which suc-*
21 *cessful counternarcotics efforts shift narcotics-related*
22 *activities to other areas.*

23 *(8) The United States should coordinate with the*
24 *Congress of the Union of Mexico to ensure full part-*
25 *nership on the programs authorized under this 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 to—*

5 (1) *enhance the ability of the Government of*
6 *Mexico, in cooperation with the United States, to con-*
7 *trol illicit narcotics production, trafficking, drug traf-*
8 *ficking organizations, and organized crime;*

9 (2) *help build the capacity of law enforcement*
10 *forces of Mexico to control illicit narcotics production,*
11 *trafficking, drug trafficking organizations, and orga-*
12 *nized crime;*

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

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

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

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

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

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

19 *To carry out the purposes of section 111, the President*
20 *is authorized to provide assistance for Mexico to support*
21 *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 ca-*
3 *capacity of law enforcement and security forces of Mex-*
4 *ico to eradicate illicit narcotics trafficking and reduce*
5 *trafficking-fueled violence, including along the United*
6 *States-Mexico border, including assistance such as—*

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

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

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

13 (ii) *surveillance platform planes; and*

14 (iii) *maintenance and training relat-*
15 *ing to maintenance of aircraft; and*

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

19 (2) *PORT, AIRPORT, AND RELATED SECURITY.—*

20 *To assist in monitoring and controlling the United*
21 *States-Mexico border and the border between Mexico*
22 *and Central America to combat illicit narcotics traf-*
23 *ficking, including assistance such as—*

24 (A) *computer infrastructure and equipment;*

25 (B) *secure communications networks; and*

1 (C) *nonintrusive monitoring technology.*

2 (3) *OPERATIONAL TECHNOLOGY.—*

3 (A) *ASSISTANCE OBJECTIVES.—To assist in*
4 *investigation and collection of intelligence*
5 *against illicit drug trafficking organizations, in-*
6 *cluding—*

7 (i) *expansion of intelligence databases;*

8 *and*

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

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

14 (i) *operational technology transferred*
15 *to the Government of Mexico for intelligence*
16 *or law enforcement purposes should be used*
17 *solely for the purposes for which the oper-*
18 *ational technology was intended; and*

19 (ii) *the Government of Mexico should*
20 *take all necessary steps to ensure that use of*
21 *operational technology described in clause*
22 *(i) is consistent with United States and*
23 *Mexican law, including protections of free-*
24 *dom of expression, freedom of movement,*

1 *freedom of association, and full respect of*
2 *privacy rights.*

3 (4) *PUBLIC SECURITY AND LAW ENFORCE-*
4 *MENT.—To assist in the modernization of law enforce-*
5 *ment entities and prevent crime, including assistance*
6 *and activities such as—*

7 (A) *law enforcement training and equip-*
8 *ment, including—*

9 (i) *transport helicopters;*

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

12 (iii) *nonintrusive inspection equip-*
13 *ment; and*

14 (iv) *human rights training for law en-*
15 *forcement units;*

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

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

21 (D) *reduction of drug demand in Mexico,*
22 *including activities such as—*

23 (i) *assistance to the National Council*
24 *Against Addictions (CONADIC) to establish*
25 *an Internet web-based support network;*

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

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

9 (b) *PROVISION OF HELICOPTERS.*—Funds made avail-
10 able to carry out this subtitle to provide helicopters to the
11 Government of Mexico, shall, to the extent possible, be used
12 to procure or provide helicopters that are of a similar man-
13 ufacture to those helicopters already in the possession of the
14 Government of Mexico in order to facilitate integration of
15 those assets into Mexico’s existing air fleet.

16 (c) *SENSE OF CONGRESS.*—It is the sense of Congress
17 that the United States shall ensure, to the extent possible,
18 that assistance under this subtitle is made available and
19 cross-utilized by the armed forces of Mexico and relevant
20 law enforcement agencies of the Government of Mexico, in-
21 cluding the Mexican Office of the Attorney General.

22 **SEC. 114. LIMITATION ON ASSISTANCE.**

23 (a) *LIMITATION.*—No assistance may be provided
24 under this subtitle to any unit of the armed forces of Mexico
25 or any unit of the law enforcement agencies of Mexico if

1 *the Secretary of State determines that, consistent with sec-*
2 *tion 620J of the Foreign Assistance Act of 1961 (22 U.S.C.*
3 *2378d), there is credible evidence that such unit has com-*
4 *mitted gross violations of human rights.*

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

11 **SEC. 115. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) *IN GENERAL.—To carry out this subtitle, there are*
13 *authorized to be appropriated to the President \$350,000,000*
14 *for fiscal year 2008, \$390,000,000 for fiscal year 2009, and*
15 *\$40,000,000 for fiscal year 2010.*

16 (b) *LIMITATION.—*

17 (1) *IN GENERAL.—Of the amounts appropriated*
18 *pursuant to the authorization of appropriations*
19 *under subsection (a)—*

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

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

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

4 (2) *ADDITIONAL LIMITATION.*—None of the funds
5 appropriated pursuant to the authorization of appro-
6 priations under subsection (a) for fiscal year 2009
7 may be provided as assistance for the Mexican Secre-
8 tariat of Public Security until the President deter-
9 mines that the Mexican National Registry of Police
10 Personnel (*Registro Nacional de Personal Policial*) is
11 operational at the federal, state, and local levels.

12 (c) *AVAILABILITY.*—Amounts appropriated pursuant
13 to the authorization of appropriations under subsection (a)
14 are—

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

17 (2) in addition to funds otherwise available for
18 such purposes, including funds available under chap-
19 ter 8 of part I of the *Foreign Assistance Act of 1961*
20 (22 U.S.C. 2291 *et seq.*).

1 ***Subtitle B—Assistance to Enhance***
2 ***the Rule of Law and Strengthen***
3 ***Civilian Institutions***

4 **SEC. 121. SENSE OF CONGRESS.**

5 *It is the sense of Congress that, as a critical part of*
6 *a joint, comprehensive security, counternarcotics, and orga-*
7 *nized crime initiative, the United States should support—*

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

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

16 **SEC. 122. AUTHORIZATION OF ASSISTANCE.**

17 *The President is authorized to provide assistance for*
18 *Mexico to support the activities described in section 123.*

19 **SEC. 123. ACTIVITIES SUPPORTED.**

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

22 *(1) INSTITUTION BUILDING AND RULE OF LAW.—*

23 *To assist Mexico's efforts to expand the rule of law*
24 *and build the capacity, transparency, and trust in*

1 *government institutions, including assistance such*
2 *as—*

3 *(A) rule of law and systemic improvements*
4 *in judicial and criminal justice sector institu-*
5 *tions, including—*

6 *(i) courts management and prosecu-*
7 *torial capacity building;*

8 *(ii) prison reform activities, including*
9 *those relating to anti-gang and anti-orga-*
10 *nized crime efforts;*

11 *(iii) anti-money laundering programs;*

12 *(iv) victim and witness protection and*
13 *restitution; and*

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

16 *(B) police professionalization, including—*

17 *(i) training regarding use of force;*

18 *(ii) human rights education and train-*
19 *ing;*

20 *(iii) training regarding evidence pres-*
21 *ervation and chain of custody; and*

22 *(iv) enhanced capacity to vet can-*
23 *didates; and*

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

- 1 (i) *judicial processes improvement and*
2 *coordination;*
- 3 (ii) *enhancement of forensics capabili-*
4 *ties;*
- 5 (iii) *data collection and analyses;*
- 6 (iv) *case tracking and management;*
- 7 (v) *financial intelligence functions;*
- 8 *and*
- 9 (vi) *maintenance of data systems.*

10 (2) *ANTI-CORRUPTION, TRANSPARENCY, AND*
11 *HUMAN RIGHTS.—To assist law enforcement and*
12 *court institutions in Mexico to develop mechanisms to*
13 *ensure due process and proper oversight and to re-*
14 *spond to citizen complaints, including assistance such*
15 *as—*

16 (A) *enhancement of polygraph capability in*
17 *the Mexican Police agency (SSP);*

18 (B) *support for greater transparency and*
19 *accountability in the Mexican legal system, in-*
20 *cluding—*

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

1 (ii) establishment of clerk of the court
2 system to track cases and pretrial deten-
3 tions;

4 (iii) reorganization of human and fi-
5 nancial resources systems; and

6 (iv) equipping and training of crimi-
7 nal investigators; and

8 (C) promotion of human rights, including—

9 (i) support for human rights organiza-
10 tions, bar associations, and law schools; and

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

13 (3) *PREVENTION.*—To assist in the prevention of
14 individuals from participating in illicit narcotics-re-
15 lated violent activities, such as—

16 (A) establishment of programs that address
17 domestic violence and increase school attendance
18 rates; and

19 (B) expansion of intervention programs, in-
20 cluding after-school programs and programs for
21 at-risk and criminal involved youth.

22 (4) *DEVELOPMENT.*—To assist in the develop-
23 ment of areas where lack of jobs breeds illicit nar-
24 cotics-related violence, including—

1 (A) expansion of alternative livelihood pro-
2 grams, including job creation programs and
3 rural development programs and the provision of
4 microenterprise development assistance under
5 title VI of chapter 2 of part I of the Foreign As-
6 sistance Act of 1961 (22 U.S.C. 2211 et seq.);
7 and

8 (B) establishment of gang reeducation and
9 training programs.

10 **SEC. 124. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) *IN GENERAL.*—To carry out this subtitle, there are
12 authorized to be appropriated to the President \$120,000,000
13 for fiscal year 2008, \$100,000,000 for fiscal year 2009, and
14 \$110,000,000 for fiscal year 2010.

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

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

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

1 **TITLE II—ASSISTANCE FOR**
2 **COUNTRIES OF CENTRAL**
3 **AMERICA**

4 **SEC. 201. FINDINGS.**

5 *Congress finds the following:*

6 *(1) A May 2007 report by the United Nations*
7 *Office on Drugs and Crime (UNODC) argues that*
8 *countries of Central America are particularly vulner-*
9 *able to violent crimes fueled by illicit narcotics traf-*
10 *ficking and corruption because such countries are geo-*
11 *graphically located between the world's largest drug*
12 *producing and drug consuming countries.*

13 *(2) According to Assistant Secretary of State for*
14 *Western Hemisphere Affairs Thomas Shannon, “[T]he*
15 *nations of Central America have committed to collec-*
16 *tive action to address these common security concerns.*
17 *Through the Central American Integration System*
18 *(SICA), the governments have expressed the political*
19 *resolve to join forces to strengthen regional security;*
20 *however they lack sufficient tools and capacity to exe-*
21 *cute such will.”.*

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

1 (4) *In 2005, the estimated murder rate per*
2 *100,000 people was roughly 56 in El Salvador, 41 in*
3 *Honduras, and 38 in Guatemala.*

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

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

12 (7) *Youth gang violence cannot be curbed only*
13 *through enforcement, but must also include a substan-*
14 *tial investment in prevention, rehabilitation, and re-*
15 *integration.*

16 (8) *Deportees sent from the United States back*
17 *to Central America, while not a central cause of*
18 *crime and violence, can contribute to crime and vio-*
19 *lence in Central America.*

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

24 (10) *Violence between partners, particularly vio-*
25 *lence by men against their wives or girlfriends, is*

1 *widespread in Central America, and an international*
2 *violence against women survey comparing selected*
3 *countries in Africa, Latin America, Europe, and Asia*
4 *found that 60 percent of women in Costa Rica—often*
5 *considered the least violent country in Central Amer-*
6 *ica—reported having experienced domestic violence*
7 *during their lives.*

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

11 *(12) The United Nations International Commis-*
12 *sion against Impunity in Guatemala (CICIG) was*
13 *recently created to begin to address impunity related*
14 *to illegally armed groups in Guatemala.*

15 *(13) The United States and the Central Amer-*
16 *ican Integration System (SICA) signed an agreement*
17 *in July 2007 to improve intelligence sharing and po-*
18 *licing and to institutionalize dialogue on regional se-*
19 *curity.*

20 **SEC. 202. DECLARATIONS OF POLICY.**

21 *Congress makes the following declarations:*

22 *(1) A long-term United States strategy to curb*
23 *illicit narcotics trafficking must include Central*
24 *America, which is the corridor for 90 percent of the*

1 *cocaine that transits from South America to the*
2 *United States.*

3 (2) *It is in the interest of the United States to*
4 *support a long-term commitment to assisting the*
5 *countries of Central America to improve security by*
6 *combating illicit narcotics trafficking, investing in*
7 *prevention programs, increasing intelligence sharing,*
8 *improving regional security coordination, improving*
9 *border and customs capabilities, professionalizing po-*
10 *lice, justice, and other government officials, and fund-*
11 *ing programs to reintegrate deportees from the United*
12 *States.*

13 (3) *The countries of Central America are com-*
14 *mitted to combating illicit narcotics trafficking and*
15 *its related violence and crime, including gang vio-*
16 *lence, and the United States must seize the oppor-*
17 *tunity to work in partnership with Central America.*

18 ***Subtitle A—Law Enforcement and***
19 ***Security Assistance***

20 ***SEC. 211. PURPOSES OF ASSISTANCE.***

21 *The purposes of assistance authorized by this subtitle*
22 *are to—*

23 (1) *enhance the ability of governments of coun-*
24 *tries of Central America to control illicit narcotics*

1 *production, trafficking, illicit drug trafficking organi-*
2 *zations, and organized crime;*

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

7 (3) *strengthen the bilateral ties of the United*
8 *States with the countries of Central America by offer-*
9 *ing concrete assistance in this area of great mutual*
10 *concern;*

11 (4) *strengthen respect for internationally recog-*
12 *nized human rights and the rule of law in efforts to*
13 *stabilize the security environment relating to illicit*
14 *narcotics production and trafficking and organized*
15 *crime; and*

16 (5) *support the judicial branch of governments of*
17 *the countries of Central America, as well as to sup-*
18 *port anti-corruption efforts in such countries.*

19 **SEC. 212. AUTHORIZATION OF ASSISTANCE.**

20 *To carry out the purposes of section 211, the President*
21 *is authorized to provide assistance for the countries of Cen-*
22 *tral America to support the activities described in section*
23 *213.*

1 **SEC. 213. ACTIVITIES SUPPORTED.**

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

4 (1) *COUNTERNARCOTICS, COUNTERTRAFFICKING,*
5 *AND RELATED SECURITY.—*

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

8 (i) *Investigation and collection of intel-*
9 *ligence against illicit narcotics trafficking.*

10 (ii) *Combating illegal trafficking in*
11 *arms.*

12 (iii) *Prevention of bulk currency smug-*
13 *gling.*

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

16 (B) *ASSISTANCE.—Activities under sub-*
17 *paragraph (A) may include—*

18 (i) *automated fingerprint identifica-*
19 *tion systems (AFIS);*

20 (ii) *vetting sensitive investigative units*
21 *to collaborate on counternarcotics at the fed-*
22 *eral, state, and local levels;*

23 (iii) *technical assistance to develop*
24 *strong and effective financial crimes inves-*
25 *tigation units;*

1 (iv) maritime security support, includ-
2 ing refurbishing and procuring patrol boats;
3 (v) firearms interdiction training; and
4 (vi) illicit narcotics demand reduction
5 programs.

6 (2) *PUBLIC SECURITY AND LAW ENFORCE-*
7 *MENT.—To assist in building the capacity of the po-*
8 *lice in countries of Central America, supporting ef-*
9 *forts to combat transnational gangs, investing in*
10 *gang prevention and rehabilitation programs, and*
11 *programs for the reintegration of deportees, including*
12 *assistance such as—*

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

16 (B) *youth gang prevention activities, in-*
17 *cluding targeted education for at-risk youth, vo-*
18 *cational training and funding of community*
19 *centers in areas with high youth gang violence*
20 *rates and other risk factors;*

21 (C) *programs to reintegrate deportees from*
22 *the United States back into the societies of their*
23 *home countries to avoid further criminal activ-*
24 *ity;*

25 (D) *transnational anti-gang initiatives;*

- 1 (E) *police professionalization, including—*
2 (i) *training regarding use of force;*
3 (ii) *human rights education and train-*
4 *ing;*
5 (iii) *training regarding evidence pres-*
6 *ervation and chain of custody; and*
7 (iv) *enhanced capacity to vet can-*
8 *didates;*
9 (F) *utilization of the International Law*
10 *Enforcement Academy (ILEA) in El Salvador*
11 *consistent with traditional respect for human*
12 *rights and professional police practices;*
13 (G) *police training programs of the Organi-*
14 *zation of American States (OAS);*
15 (H) *police equipment, including commu-*
16 *nications equipment; and*
17 (I) *anti-domestic violence education pro-*
18 *grams and women’s shelters.*

19 **SEC. 214. LIMITATION ON ASSISTANCE.**

20 (a) *LIMITATION.—No assistance may be provided*
21 *under this subtitle to any unit of the armed forces of a coun-*
22 *try of Central America or any unit of the law enforcement*
23 *agencies of a country of Central America if the Secretary*
24 *of State determines that, consistent with section 620J of the*
25 *Foreign Assistance Act of 1961 (22 U.S.C. 2378d), there*

1 *is credible evidence that such unit has committed gross vio-*
2 *lations of human rights.*

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

10 **SEC. 215. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) *IN GENERAL.—To carry out this subtitle, there are*
12 *authorized to be appropriated to the President \$60,000,000*
13 *for fiscal year 2008, \$80,000,000 for fiscal year 2009, and*
14 *\$80,000,000 for fiscal year 2010.*

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

18 (1) *authorized to remain available until ex-*
19 *pended; and*

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

24 (c) *LIMITATION.—Of the amounts appropriated pursu-*
25 *ant to the authorization of appropriations under subsection*

1 (a) for any fiscal year, at least \$15,000,000 should be made
2 available to carry out section 213(2)(B).

3 **Subtitle B—Assistance to Enhance**
4 **the Rule of Law and Strengthen**
5 **Civilian Institutions**

6 **SEC. 221. AUTHORIZATION OF ASSISTANCE.**

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

10 **SEC. 222. ACTIVITIES SUPPORTED.**

11 *Activities that may be supported by assistance under*
12 *section 221 include assistance in building the capacity,*
13 *transparency, and trust in the justice system of the coun-*
14 *tries of Central America and reducing high impunity rates*
15 *in the countries of Central America, including assistance*
16 *such as—*

17 (1) *improved police academies and entry level*
18 *training on crime investigations;*

19 (2) *courts management and prosecutor capacity*
20 *building;*

21 (3) *witness and victim protection programs, in-*
22 *cluding in Guatemala in coordination with the*
23 *United Nations International Commission Against*
24 *Impunity in Guatemala (CICIG);*

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

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

7 (6) *short-term assignment of United States Gov-*
8 *ernment personnel to the CICIG to provide technical*
9 *assistance for criminal investigations, specifically but*
10 *not limited to investigations involving money laun-*
11 *dering so long as this assignment does not negatively*
12 *impact United States domestic operations;*

13 (7) *regional juvenile justice reform;*

14 (8) *prison management;*

15 (9) *programs to rehabilitate gang members re-*
16 *leased from prison, including job training; and*

17 (10) *community policing, including human*
18 *rights and use of force training for community polic-*
19 *ing projects.*

20 **SEC. 223. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) *IN GENERAL.—To carry out this title, there are*
22 *authorized to be appropriated to the President \$40,000,000*
23 *for fiscal year 2008, \$50,000,000 for fiscal year 2009, and*
24 *\$95,000,000 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 *ters 2 and 8 of part I of the Foreign Assistance Act*
9 *of 1961 (22 U.S.C. 2166 and 2291 et seq.).*

10 ***TITLE III—ADMINISTRATIVE***
11 ***PROVISIONS***

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

13 (a) *IN GENERAL.*—*The President may not provide as-*
14 *sistance under title I or II to a foreign country for a fiscal*
15 *year until the end of a 15-day period beginning on the date*
16 *on which the President transmits to the appropriate con-*
17 *gressional committees a determination that the require-*
18 *ments described in subsection (b) have been met with respect*
19 *to the government of such foreign country for such fiscal*
20 *year.*

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

23 (1) *The provision of assistance will not adversely*
24 *affect the human rights situation in the foreign coun-*
25 *try.*

1 (2) *Vetting procedures are in place to ensure that*
2 *members and units of the armed forces and law en-*
3 *forcement agencies of the foreign country that may re-*
4 *ceive assistance under title I or II have not been in-*
5 *volved in human rights violations.*

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

12 (4) *Equipment and material provided as support*
13 *is being used only by officials and employees of the*
14 *government of the foreign country who have been ap-*
15 *proved by such government to perform counter-*
16 *narcotics activities, including on the basis of the back-*
17 *ground investigations by such government.*

18 (5) *The government of the foreign country has*
19 *cooperated with the Secretary of State to ensure*
20 *that—*

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

24 (B) *none of the equipment or material will*
25 *be transferred (by sale, gift, or otherwise) to any*

1 *person or entity not authorized by the United*
2 *States to receive the equipment or material; and*

3 *(C) the equipment and material will, to the*
4 *extent possible, be used for the purposes intended*
5 *by the United States Government and will be*
6 *utilized by those agencies for which such assist-*
7 *ance is intended.*

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

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

21 *(8) To the extent the foreign country has received*
22 *equipment in the past, it has utilized the equipment*
23 *properly and in a manner that warrants additional*
24 *provision of equipment or assistance.*

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

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

4 (1) *activities undertaken under titles I and II of*
5 *this Act should be performed wherever possible by offi-*
6 *cial employees, personnel, or officers of the federal,*
7 *state, or local government of the recipient foreign*
8 *country; and*

9 (2) *the United States should limit, to the max-*
10 *imum extent possible, the number of United States ci-*
11 *vilians and foreign nationals retained as contractors*
12 *in a recipient country.*

13 (b) *LIMITATIONS.*—*Except as provided in subsection*
14 *(c)—*

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

23 (2) *none of the funds made available to carry out*
24 *title II may be available for the employment of any*
25 *United States individual civilian retained as a con-*
26 *tractor in a country of Central America or any for-*

1 *foreign national retained as a contractor if that employ-*
2 *ment would cause the total number of individual ci-*
3 *vilian contractors employed in all countries of Cen-*
4 *tral America in support of the Merida Initiative who*
5 *are funded by United States funds to exceed 100; and*

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

9 *(c) EXCEPTION.—The limitations contained in sub-*
10 *section (b) shall not apply if the President determines that*
11 *it is in the national interest of the United States that such*
12 *limitations shall not apply and transmits to the appro-*
13 *priate congressional committees a notification thereof.*

14 **SEC. 303. LIMITATION ON MONITORING.**

15 *Beginning on October 1, 2009, no surveillance-related*
16 *equipment may be transferred under this Act to any entity*
17 *of Mexico or a country of Central America unless the Presi-*
18 *dent determines that the recipient country has cooperated*
19 *with the United States to ensure that such equipment will*
20 *be used principally for the purposes for which it is pro-*
21 *vided.*

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

24 *Notwithstanding section 660 of the Foreign Assistance*
25 *Act of 1961 (22 U.S.C. 2420; relating to the prohibition*

1 *on assistance to foreign law enforcement forces), the Presi-*
2 *dent may provide assistance under title I or II if, at least*
3 *15 days before providing the assistance, the President noti-*
4 *fies the Committee on Foreign Affairs of the House of Rep-*
5 *resentatives and the Committee on Foreign Relations of the*
6 *Senate, in accordance with the procedures applicable to re-*
7 *programming notifications pursuant to section 634A of the*
8 *Foreign Assistance Act (22 U.S.C. 2394–1), that (1) it is*
9 *in the national interest to provide such assistance, and (2)*
10 *the recipient country is making significant progress to*
11 *eliminating any human rights violations.*

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

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

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

20 **SEC. 306. RULE OF CONSTRUCTION.**

21 *Nothing in title I or II shall be construed to alter, mod-*
22 *ify, or otherwise affect the provisions of the Arms Export*
23 *Control Act (22 U.S.C. 2751 et seq.) unless otherwise speci-*
24 *fied in this Act.*

1 **TITLE IV—SUPPORT ACTIVITIES**
2 **IN THE UNITED STATES**

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

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

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

10 (2) *the Government of Mexico has identified re-*
11 *duction of United States drug demand as among the*
12 *most important contributions the United States can*
13 *make to a joint strategy to combat illicit narcotics*
14 *trafficking; and*

15 (3) *the United States pledged in the United*
16 *States-Mexico October 2007 Joint Statement on the*
17 *Merida Initiative, to “intensify its efforts to address*
18 *all aspects of drug trafficking (including demand re-*
19 *lated portions)” here in the United States.*

20 (b) *REPORT.*—*Not later than 180 days after the date*
21 *of the enactment of this Act, the President shall transmit*
22 *to the appropriate congressional committees a report on the*
23 *measures taken to intensify United States efforts to address*
24 *United States demand-related aspects of the drug-traf-*
25 *ficking phenomenon in accordance with the Joint State-*

1 *ment on the Merida Initiative announced by the United*
2 *States and Mexico on October 22, 2007.*

3 **SEC. 402. REDUCTION OF SOUTHBOUND FLOW OF ILLEGAL**
4 **WEAPONS.**

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

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

10 (2) *the Bureau of Alcohol, Tobacco, Firearms*
11 *and Explosives (ATF) has told Congress of an “iron*
12 *river of guns” with thousands of weapons per week il-*
13 *legally crossing into Mexico from the United States;*

14 (3) *more than 90 percent of the guns confiscated*
15 *yearly in Mexico originate in the United States and*
16 *approximately 40 percent of the total trafficked weap-*
17 *ons are linked to drug trafficking organizations;*

18 (4) *along the 2,000 mile border from Browns-*
19 *ville, Texas, to San Diego, California, there are 6,700*
20 *licensed gun sellers, but only 100 Bureau of Alcohol,*
21 *Tobacco, Firearms, and Explosives (ATF) special*
22 *agents to investigate allegations of weapons traf-*
23 *ficking and only 35 inspectors to ensure compliance*
24 *with United States laws;*

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

6 (6) *an effective strategy to combat these illegal*
7 *arms flows is a critical part of a United States con-*
8 *tribution to a jointly executed anti-narcotics strategy*
9 *with Mexico.*

10 (b) *PROJECT GUNRUNNER INITIATIVE.—*

11 (1) *IN GENERAL.—The Attorney General shall*
12 *dedicate and expand the resources provided for the*
13 *Project Gunrunner initiative (hereafter in this sub-*
14 *section referred to as the “initiative”) of the Bureau*
15 *of Alcohol, Tobacco, Firearms, and Explosives to iden-*
16 *tify, investigate, and prosecute individuals involved*
17 *in the trafficking of firearms across the United*
18 *States-Mexico border.*

19 (2) *ACTIVITIES.—In carrying out this subsection,*
20 *the Attorney General shall—*

21 (A) *assign additional agents of the Bureau*
22 *of Alcohol, Tobacco, Firearms, and Explosives to*
23 *the area of the United States adjacent to the*
24 *United States-Mexico border to support the ex-*
25 *pansion of the initiative;*

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

4 (C) coordinate with the heads of other rel-
5 evant federal law enforcement agencies and State
6 and local law enforcement agencies to address
7 firearms trafficking in a comprehensive manner.

8 (3) *ADDITIONAL STAFF.*—The Attorney General
9 may hire additional persons to be Bureau of Alcohol,
10 Tobacco, Firearms, and Explosives agents for, and
11 may use such other resources as may be necessary to
12 adequately support, the initiative.

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

17 (c) *ENHANCED INTERNATIONAL COOPERATION.*—

18 (1) *IN GENERAL.*—The Attorney General, in co-
19 operation with the Secretary of State, shall—

20 (A) assign agents of the Bureau of Alcohol,
21 Tobacco, Firearms, and Explosives to the United
22 States mission in Mexico, specifically in areas
23 adjacent to the United States-Mexico border, to
24 work with Mexican law enforcement agencies in

1 *conducting investigations relating to firearms*
2 *trafficking and other criminal enterprises;*

3 *(B) provide the equipment and technological*
4 *resources necessary to support investigations and*
5 *to trace firearms recovered in Mexico; and*

6 *(C) support the training of vetted Mexican*
7 *law enforcement officers in serial number res-*
8 *toration techniques and canine explosive detec-*
9 *tion.*

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

14 **SEC. 403. REDUCTION OF SOUTHBOUND FLOW OF ILLEGAL**
15 **PRECURSOR CHEMICALS AND BULK-CASH**
16 **TRANSFERS.**

17 *It is the sense of Congress that—*

18 *(1) a significant quantity of precursor chemicals*
19 *used in the production of illegal narcotics flows south*
20 *from the United States to Mexico;*

21 *(2) the Government of Mexico has identified re-*
22 *duction of southbound flows from the United States of*
23 *precursor chemicals and bulk-cash transfers as a crit-*
24 *ical component of its anti-narcotics strategy; and*

1 (3) *an effective strategy to combat these illegal*
2 *flows is a critical part of a United States contribu-*
3 *tion to a jointly executed anti-narcotics strategy with*
4 *Mexico.*

5 **SEC. 404. REPORT.**

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

11 **TITLE V—MISCELLANEOUS**
12 **PROVISIONS**

13 **SEC. 501. COORDINATOR OF UNITED STATES GOVERNMENT**
14 **ACTIVITIES TO IMPLEMENT THE MERIDA INI-**
15 **TIATIVE.**

16 (a) *DECLARATION OF POLICY.*—*Congress declares that*
17 *the Merida Initiative is a Department of State-led initia-*
18 *tive which combines programs of numerous United States*
19 *Government departments and agencies and therefore re-*
20 *quires a single coordinator to manage and track all Merida-*
21 *related efforts government-wide to ensure accountability*
22 *and avoid duplication.*

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

24 (1) *IN GENERAL.*—*The President shall designate,*
25 *within the Department of State, a Coordinator of*

1 *United States Government Activities to Implement*
2 *the Merida Initiative (hereafter in this section re-*
3 *ferred to as the “Coordinator”) who shall be respon-*
4 *sible for—*

5 *(A) designing an overall strategy to advance*
6 *the purposes of this Act;*

7 *(B) ensuring program and policy coordina-*
8 *tion among agencies of the United States Gov-*
9 *ernment in carrying out the policies set forth in*
10 *this Act;*

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

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

23 *(E) coordinating among agencies of the*
24 *United States Government on all United States*
25 *assistance to Mexico and the countries of Central*

1 *America, including assistance from other rel-*
2 *evant government agencies, which fulfills the*
3 *goals of the Merida Initiative to avoid duplica-*
4 *tion or conflict among programs; and*

5 *(F) coordinating with federal, State, and*
6 *local law enforcement authorities in the United*
7 *States that are responsible for law enforcement*
8 *activities along the United States-Mexico border.*

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

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

13 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
14 *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 to*
20 *track the effectiveness of activities undertaken pursu-*
21 *ant to this Act;*

22 *(2) long-term solutions to Mexico and Central*
23 *America's security problems depend on strengthening*
24 *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 System*
7 *(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*
12 *counternarcotics- and organized crime-related efforts.*

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 achievement*
18 *for each activity to be undertaken under this Act.*

19 (2) *CONTENTS OF REPORT.—The report shall be*
20 *divided into two sections, the first addressing those*
21 *activities undertaken pursuant to subtitle A of title I*
22 *and subtitle A of title II, and the second addressing*
23 *those activities undertaken pursuant to subtitle B of*
24 *title I and subtitle B of title II. Metrics may include*
25 *the following:*

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

4 (B) *Statistics of counter narcotics-related*
5 *arrests.*

6 (C) *Number of interdictions of drug ship-*
7 *ments.*

8 (D) *Specific progress on police reform.*

9 (E) *Counternarcotics-related arrests.*

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

12 (G) *Cross-utilization, if any, of equipment*
13 *among the armed forces and law enforcement en-*
14 *tities.*

15 (H) *Increased school attendance rates.*

16 (I) *Attendance in primary prevention pro-*
17 *grams.*

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

21 **SEC. 503. REPORT.**

22 (a) *IN GENERAL.*—*The President shall transmit to the*
23 *appropriate congressional committees a report concerning*
24 *the programs and activities carried out under this Act dur-*
25 *ing the preceding fiscal year. The first report shall be trans-*

1 *mited not later than 180 days after the date of the enact-*
2 *ment of this Act and subsequent reports shall be transmitted*
3 *not later than October 31 of each year thereafter.*

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

6 *(1) METRICS.—A general description of the*
7 *progress in stabilizing the security situation in each*
8 *recipient country as well as combating trafficking*
9 *and building its capacity based on the metrics devel-*
10 *oped under section 502.*

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

14 *(A) a description of all counternarcotics*
15 *and organized crime assistance provided to re-*
16 *recipient countries in the previous fiscal year;*

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

19 *(C) recommendations for improving coordi-*
20 *nation.*

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

23 *(A) a description of the progress of each re-*
24 *recipient country toward the transfer of equip-*

1 *ment, if any, from its armed forces to law en-*
2 *forcement agencies;*

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

9 *(C) a description of training of law enforce-*
10 *ment agencies to operate equipment, including*
11 *air assets.*

12 *(4) HUMAN RIGHTS.—Consistent with sections*
13 *116(d) and 502B(b) of the Foreign Assistance Act of*
14 *1961 (22 U.S.C. 2151n(d) and 2304(b)) and section*
15 *504 of the Trade Act of 1974 (19 U.S.C. 2464), an*
16 *assessment of the human rights impact of the equip-*
17 *ment and training provided under this Act, includ-*
18 *ing—*

19 *(A) a list of accusations of serious human*
20 *rights abuses committed by the armed forces and*
21 *law enforcement agencies of recipient countries*
22 *from the date of enactment of this Act; and*

23 *(B) a description of efforts by the govern-*
24 *ment of recipient countries to investigate and*
25 *prosecute allegations of abuses of human rights*

1 *committed by any agency of the recipient coun-*
2 *tries.*

3 (5) *EFFECTIVENESS OF EQUIPMENT.*—*An assess-*
4 *ment on the long-term effectiveness of the equipment*
5 *and maintenance packages and training provided to*
6 *each recipient country’s security institutions.*

7 (6) *MEXICO PUBLIC SECURITY STRATEGY.*—*A de-*
8 *scription of Mexico’s development of a public security*
9 *strategy, including—*

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

16 (B) *an assessment of how the Merida Initia-*
17 *tive complements and supports the Mexican Gov-*
18 *ernment’s own public security strategy.*

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

21 (8) *USE OF CONTRACTORS.*—*A detailed descrip-*
22 *tion of contracts awarded to private companies to*
23 *carry out provisions of this Act, including—*

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

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

6 (C) the purposes of the contracts.

7 (9) *CENTRAL AMERICAN REGIONAL SECURITY*
8 *PLAN.*—A description of implementation by the coun-
9 tries of Central America of the Central American Re-
10 gional Security Plan, including an assessment of how
11 the Merida Initiative complements and supports the
12 Central American Regional Security Plan.

13 (10) *PHASE OUT OF LAW ENFORCEMENT ACTIVI-*
14 *TIES.*—A description of the progress of phasing out
15 law enforcement activities of the armed forces of each
16 recipient country.

17 (11) *DISPLACEMENT AND DIVERSION OF DRUG*
18 *TRAFFICKING PATTERNS.*—A description of any dis-
19 placement effect and diversion of drug trafficking pat-
20 terns from Mexico and the countries of Central Amer-
21 ica to other routes, including through potentially vul-
22 nerable Caribbean countries.

23 (12) *IMPACT ON BORDER VIOLENCE AND SECUR-*
24 *ITY.*—A description of the impact that activities au-
25 thorized under this Act have had on violence against

1 *United States and Mexican border personnel and the*
2 *extent to which these activities have increased the pro-*
3 *tection and security of the United States-Mexico bor-*
4 *der.*

5 **SEC. 504. SENSE OF CONGRESS.**

6 *It is the sense of Congress that—*

7 *(1) the United States Government requires an ef-*
8 *fective public diplomacy strategy to explain the pur-*
9 *poses of the Merida Initiative; and*

10 *(2) to the extent practicable, the Secretary of*
11 *State, in coordination with other relevant heads of*
12 *agencies, shall design and implement a public diplo-*
13 *macy campaign regionally regarding the Merida Ini-*
14 *tiative.*

15 **SEC. 505. SUNSET.**

16 *The authority of this Act shall expire after September*
17 *30, 2010.*

Union Calendar No. 445

110TH CONGRESS
2^D SESSION

H. R. 6028

[Report No. 110-673, Part I]

A BILL

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.

JUNE 6, 2008

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed