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

IN THE SENATE OF THE UNITED STATES

Mr. Menendez (for himself, Mr. Risch, Mr. Kaine, and Mr. Rubio) introduced the following bill; which was read twice and referred to the Committee on ________

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “United States-Ecuador Partnership Act of 2022”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Sense of Congress.
Sec. 4. Facilitating economic and commercial ties.
Sec. 5. Promoting inclusive economic development.
Sec. 6. Combating illicit economies, corruption, and negative foreign influence.
Sec. 7. Strengthening democratic governance.
Sec. 8. Fostering conservation and stewardship.
Sec. 9. Reporting requirements.
Sec. 10. Sunset.

SEC. 2. FINDINGS.

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

(1) The United States and Ecuador have a history of bilateral cooperation grounded in mutual respect, shared democratic values, and mutual security interests.

(2) On February 7, 2021, and April 11, 2021, Ecuador held democratic elections that included parties from across the political spectrum, paving the way for continued progress towards strengthening democratic institutions.

(3) The United States and Ecuador share strategic interests in strengthening Ecuador’s democratic institutions, generating inclusive economic growth, and building capacity in law enforcement, anti-corruption, and conservation efforts.

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

(A) the heavy economic toll of the COVID–19 pandemic;

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

(C) the need to develop and strengthen open and transparent economic policies that strengthen Ecuador’s integration with global markets, inclusive economic growth, and opportunities for upward social mobility for the Ecuadorian people.

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

(6) Ecuador’s justice system has taken important steps to fight corruption and criminality and to increase accountability. However, enduring challenges to the rule of law in Ecuador, including the activities of transnational criminal organizations, illicit mining, illegal, unreported, and unregulated
(IUU) fishing, and undemocratic actors, present ongoing risks for political and social stability in Ecuador.

(7) The activities undertaken by the Government of the People’s Republic of China in Ecuador, including its development of the ECU–911 video surveillance and facial recognition system, financing of the corruptly managed and environmentally deleterious Coca Codo Sinclair Dam, and support for illegal, unreported, and unregulated fishing practices around the Galapagos Islands, pose risks to democratic governance and biodiversity in the country.

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

(9) On March 24, 2021, the Senate unanimously approved Senate Resolution 22 (117th Congress), reaffirming the partnership between the United States and the Republic of Ecuador, and recognizing the restoration and advancement of eco-
nomic relations, security, and development opportunities in both nations.

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

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should take additional steps to strengthen its bilateral partnership with Ecuador, including by developing robust trade and investment frameworks, increasing law enforcement cooperation, renewing the activities of the United States Agency for International Development in Ecuador, and supporting Ecuador's response to and recovery from the COVID–19 pandemic, as necessary and appropriate; and
(2) strengthening the United States-Ecuador partnership presents an opportunity to advance core United States national security interests and work with other democratic partners to maintain a prosperous, politically stable, and democratic Western Hemisphere that is resilient to malign foreign influence.

SEC. 4. FACILITATING ECONOMIC AND COMMERCIAL TIES.

The Secretary of State, in coordination with the Secretary of Commerce, the United States Trade Representative, the Secretary of the Treasury, and the heads of other relevant Federal departments and agencies, as appropriate, shall develop and implement a strategy to strengthen commercial and economic ties between the United States and Ecuador by—

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

(2) supporting efforts by the Government of Ecuador to promote a more open, transparent, and competitive business environment, including by lowering trade barriers, implementing policies to reduce trading times, and improving efficiencies to expedite customs operations for importers and exporters of
all sizes, in all sectors, and at all entry ports in Ecuador;

(3) establishing frameworks or mechanisms to review the long term financial sustainability and security implications of foreign investments in Ecuador in strategic sectors or services;

(4) establishing competitive and transparent infrastructure project selection and procurement processes in Ecuador that promote transparency, open competition, financial sustainability, and robust adherence to global standards and norms;

(5) developing programs to help the Government of Ecuador improve efficiency and transparency in customs administration, including through support for the Government of Ecuador’s ongoing efforts to digitize its customs process and accept electronic documents required for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs, security, efficiency, and competitiveness;

(6) spurring digital transformation that would advance—

(A) the provision of digitized government services with the greatest potential to improve
transparency, lower business costs, and expand citizens’ access to public services and public information;

(B) the provision of transparent and affordable access to the internet and digital infrastructure; and

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

(7) identifying, as appropriate, a role for the United States International Development Finance Corporation, the Millennium Challenge Corporation, the United States Agency for International Development, and the United States private sector in supporting efforts to increase private sector investment and strengthen economic prosperity.

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

The Administrator of the United States Agency for International Development, in coordination with the Secretary of State and the heads of other relevant Federal
departments and agencies, as appropriate, shall develop
and implement a strategy and related programs to support
inclusive economic development across Ecuador’s national
territory by—

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

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

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

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

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

SEC. 6. COMBATING ILICIT ECONOMIES, CORRUPTION,
AND NEGATIVE FOREIGN INFLUENCE.

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

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

(2) strengthening bilateral assistance and com-
plementary support through multilateral anti-corrup-
tion mechanisms, as necessary and appropriate, to
counter corruption and recover assets derived from
corruption, including through strengthening independent inspectors general to track and reduce corruption;

(3) improving the technical capacity of prosecutors and financial institutions in Ecuador to combat corruption by—

(A) detecting and investigating suspicious financial transactions, and conducting asset forfeitures and criminal analysis; and

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

(4) providing technical assistance and material support (including, as appropriate, radars, vessels, and communications equipment) to vetted specialized units of Ecuador’s national police and the armed services to disrupt, degrade, and dismantle organizations involved in illicit narcotics trafficking, transnational criminal activities, illicit mining, and illegal, unregulated, and unreported fishing, among other illicit activities;

(5) providing technical assistance to address challenges related to Ecuador’s penitentiary and corrections system;

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

(7) providing technical assistance to judges, prosecutors, and ombudsmen to increase capacity to enforce laws against human smuggling and trafficking, illicit mining, illegal logging, illegal, unregulated, and unreported (IUU) fishing, and other illicit economic activities;

(8) providing support to the Government of Ecuador to prevent illegal, unreported, and unregulated fishing, including through expanding detection and response capabilities, and the use of dark vessel tracing technology;

(9) supporting multilateral efforts to stem illegal, unreported, and unregulated fishing with neighboring countries in South America and within the South Pacific Regional Fisheries Management Organisation;

(10) assisting the Government of Ecuador’s efforts to protect defenders of internationally recognized human rights, including through the work of the Office of the Ombudsman of Ecuador, and by
encouraging the inclusion of Indigenous and Afro-
Ecuadorian communities and civil society organiza-
tions in this process;

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

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

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

(14) strengthening cybersecurity cooperation—

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

(B) to share best practices to combat such
threats;
(C) to help develop and implement information architectures that respect individual privacy rights and reduce the risk that data collected through such systems will be exploited by malign state and non-state actors;

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

(E) to strengthen the resilience of critical infrastructure.

SEC. 7. STRENGTHENING DEMOCRATIC GOVERNANCE.

(a) STRENGTHENING DEMOCRATIC GOVERNANCE.—
The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, should develop and implement initiatives to strengthen democratic governance in Ecuador by supporting—

(1) measures to improve the capacity of national and subnational government institutions to govern through transparent, inclusive, and democratic processes;

(2) efforts that measurably enhance the capacity of political actors and parties to strengthen democratic institutions and the rule of law;
(3) initiatives to strengthen democratic governance, including combating political, administrative, and judicial corruption and improving transparency of the administration of public budgets; and

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

(A) to conduct oversight of the Government of Ecuador and the National Assembly of Ecuador;

(B) to promote initiatives that strengthen democratic governance, anti-corruption standards, and public and private sector transparency; and

(C) to foster political engagement between the Government of Ecuador, including the National Assembly of Ecuador, and all parts of Ecuadorian society, including women, indigenous communities, and Afro-Ecuadorian communities.

(b) LEGISLATIVE STRENGTHENING.—The Administrator of the United States Agency for International Development, working through the Consortium for Elections and Political Process Strengthening or any equivalent or successor mechanism, shall develop and implement pro-
grams to strengthen the National Assembly of Ecuador by providing training and technical assistance to—

(1) members and committee offices of the National Assembly of Ecuador, including the Ethics Committee and Audit Committee;

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

(3) improve democratic governance and government transparency, including through effective legislation.

(e) Bilateral Legislative Cooperation.—To the degree practicable, in implementing the programs required under subsection (b), the Administrator of the United States Agency for International Development should facilitate meetings and collaboration between members of the United States Congress and the National Assembly of Ecuador.

SEC. 8. FOSTERING CONSERVATION AND STEWARDSHIP.

The Administrator of the United States Agency for International Development, in coordination with the Secretary of State and the heads of other relevant Federal departments and agencies, shall develop and implement
programs and enhance existing programs, as necessary and appropriate, to improve ecosystem conservation and enhance the effective stewardship of Ecuador’s natural resources by—

(1) providing technical assistance to Ecuador’s Ministry of the Environment to safeguard national parks and protected forests and protected species, while promoting the participation of Indigenous communities in this process;

(2) strengthening the capacity of communities to access the right to prior consultation, encoded in Article 57 of the Constitution of Ecuador and related laws, executive decrees, administrative acts, and ministerial regulations;

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

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

(5) providing assistance to communities affected by illegal mining and deforestation; and
(6) fostering mechanisms for cooperation on emergency preparedness and rapid recovery from natural disasters, including by—

(A) establishing regional preparedness, recovery, and emergency management centers to facilitate rapid response to survey and help maintain planning on regional disaster anticipated needs and possible resources; and

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

SEC. 9. REPORTING REQUIREMENTS.

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

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

(2) not later than 2 years and 4 years after submitting the comprehensive strategy under paragraph (1), submit to the appropriate congressional
committees a report describing the implementation
of the strategy.

(b) Administrator of the United States Agency for International Development.—The Adminis-
trator of the United States Agency for International De-
velopment, in coordination with the heads of other relevant
Federal departments and agencies as described in sections
5, 7(b), and 8, shall—

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

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

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

(d) Appropriate Congressional Committees.—
In this act, the term “appropriate congressional commit-
tees” means the Committee on Foreign Relations of the
1 Senate and the Committee on Foreign Affairs of the
2 House of Representatives.
3 **SEC. 10. SUNSET.**
4 This Act shall terminate on the date that is 5 years
5 after the date of the enactment of this Act.