

117TH CONGRESS  
2D SESSION

# S. 3591

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

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 7 (legislative day, FEBRUARY 3), 2022

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 Foreign Relations

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## 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.

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; TABLE OF CONTENTS.**

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

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

Sec. 1. Short title; table of contents.

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

1 **SEC. 2. FINDINGS.**

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

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

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

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

18 (4) The United States and Ecuador historically  
19 have enjoyed strong commercial, investment, and  
20 economic ties, yet Ecuador continues to face signifi-

1 cant challenges to inclusive economic development,  
2 including—

3 (A) the heavy economic toll of the COVID–  
4 19 pandemic;

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

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

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

20 (6) Ecuador’s justice system has taken impor-  
21 tant steps to fight corruption and criminality and to  
22 increase accountability. However, enduring chal-  
23 lenges to the rule of law in Ecuador, including the  
24 activities of transnational criminal organizations, il-  
25 licit mining, illegal, unreported, and unregulated

1 (IUU) fishing, and undemocratic actors, present on-  
2 going risks for political and social stability in Ecua-  
3 dor.

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

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

21 (9) On March 24, 2021, the Senate unani-  
22 mously approved Senate Resolution 22 (117th Con-  
23 gress), reaffirming the partnership between the  
24 United States and the Republic of Ecuador, and rec-  
25 ognizing the restoration and advancement of eco-

1        nomic relations, security, and development opportu-  
2        nities in both nations.

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

14 **SEC. 3. SENSE OF CONGRESS.**

15        It is the sense of Congress that—

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

1           (2) strengthening the United States-Ecuador  
2 partnership presents an opportunity to advance core  
3 United States national security interests and work  
4 with other democratic partners to maintain a pros-  
5 perous, politically stable, and democratic Western  
6 Hemisphere that is resilient to malign foreign influ-  
7 ence.

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

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

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

20           (2) supporting efforts by the Government of  
21 Ecuador to promote a more open, transparent, and  
22 competitive business environment, including by low-  
23 ering trade barriers, implementing policies to reduce  
24 trading times, and improving efficiencies to expedite  
25 customs operations for importers and exporters of

1 all sizes, in all sectors, and at all entry ports in Ecua-  
2 uador;

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

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

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

22 (6) spurring digital transformation that would  
23 advance—

24 (A) the provision of digitized government  
25 services with the greatest potential to improve

1 transparency, lower business costs, and expand  
2 citizens' access to public services and public in-  
3 formation;

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

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

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

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

23 The Administrator of the United States Agency for  
24 International Development, in coordination with the Sec-  
25 retary of State and the heads of other relevant Federal

1 departments and agencies, as appropriate, shall develop  
2 and implement a strategy and related programs to support  
3 inclusive economic development across Ecuador's national  
4 territory by—

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

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

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

20           (4) partnering with local governments, the pri-  
21 vate sector, and local civil society organizations, in-  
22 cluding organizations representing marginalized  
23 communities and faith-based organizations, to pro-  
24 vide skills training and investment in support of ini-

1       tiatives that provide economically viable, legal alter-  
2       natives to participating in illegal economies; and

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

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

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

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

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

1 corruption, including through strengthening inde-  
2 pendent inspectors general to track and reduce cor-  
3 ruption;

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

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

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

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

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

24 (6) strengthening the regulatory framework of  
25 mining through collaboration with key Ecuadorian

1 institutions, such as the Interior Ministry’s Special  
2 Commission for the Control of Illegal Mining and  
3 the National Police’s Investigative Unit on Mining  
4 Crimes, and providing technical assistance in sup-  
5 port of their law enforcement activities;

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

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

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

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

1 encouraging the inclusion of Indigenous and Afro-  
2 Ecuadorian communities and civil society organiza-  
3 tions in this process;

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

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

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

20 (14) strengthening cybersecurity cooperation—

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

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

1 (C) to help develop and implement infor-  
2 mation architectures that respect individual pri-  
3 vacy rights and reduce the risk that data col-  
4 lected through such systems will be exploited by  
5 malign state and non-state actors;

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

9 (E) to strengthen the resilience of critical  
10 infrastructure.

11 **SEC. 7. STRENGTHENING DEMOCRATIC GOVERNANCE.**

12 (a) STRENGTHENING DEMOCRATIC GOVERNANCE.—  
13 The Secretary of State, in coordination with the Adminis-  
14 trator of the United States Agency for International De-  
15 velopment, should develop and implement initiatives to  
16 strengthen democratic governance in Ecuador by sup-  
17 porting—

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

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

1           (3) initiatives to strengthen democratic govern-  
2           ance, including combating political, administrative,  
3           and judicial corruption and improving transparency  
4           of the administration of public budgets; and

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

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

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

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

20           (b) LEGISLATIVE STRENGTHENING.—The Adminis-  
21           trator of the United States Agency for International De-  
22           velopment, working through the Consortium for Elections  
23           and Political Process Strengthening or any equivalent or  
24           successor mechanism, shall develop and implement pro-

1 grams to strengthen the National Assembly of Ecuador  
2 by providing training and technical assistance to—

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

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

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

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

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

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

1 programs and enhance existing programs, as necessary  
2 and appropriate, to improve ecosystem conservation and  
3 enhance the effective stewardship of Ecuador’s natural re-  
4 sources by—

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

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

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

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

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

1           (6) fostering mechanisms for cooperation on  
2 emergency preparedness and rapid recovery from  
3 natural disasters, including by—

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

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

12 **SEC. 9. REPORTING REQUIREMENTS.**

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

17           (1) not later than 180 days after the date of  
18 the enactment of this Act, submit to the appropriate  
19 congressional committees a comprehensive strategy  
20 to address the requirements described in sections 4,  
21 6, and 7(a); and

22           (2) not later than 2 years and 4 years after  
23 submitting the comprehensive strategy under para-  
24 graph (1), submit to the appropriate congressional

1 committees a report describing the implementation  
2 of the strategy.

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

9 (1) not later than 180 days after the date of  
10 the enactment of this Act, submit to the appropriate  
11 congressional committees a comprehensive strategy  
12 to address the requirements described in sections 4,  
13 7(b), and 8; and

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

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

23 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
24 In this Act, the term “appropriate congressional commit-  
25 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.

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