

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 9087
OFFERED BY MR. CASTRO OF TEXAS**

At the appropriate place, insert the following:

1 **SEC. ____ . INTERNATIONAL NARCOTICS AND LAW ENFORCE-**
2 **MENT COMPACT AUTHORITY.**

3 (a) ASSISTANCE AUTHORIZED.—The Secretary may
4 provide assistance under chapter 8 of part I of the Foreign
5 Assistance Act of 1961 (22 U.S.C. 2291 et seq.) to any
6 eligible country that enters into an International Narcotics
7 and Law Enforcement Compact (referred to in this section
8 as a “Compact”).

9 (b) COMPACT DESCRIBED.—A Compact is an agree-
10 ment between the United States and an eligible country
11 that, with respect to a period not longer than 5 years from
12 the date of the entry into force of the Compact—

13 (1) establishes a multiyear plan for achieving a
14 narcotics control or other law enforcement objective
15 shared by the United States and the eligible country;

16 (2) takes into account any national counter nar-
17 cotics or law enforcement strategy of the eligible
18 country, including related to countering corruption;
19 and

1 (3) contains—

2 (A) the specific objectives that the eligible
3 country and the United States expect to achieve
4 during the term of the Compact;

5 (B) the responsibilities of the eligible coun-
6 try and the United States in the achievement of
7 such objectives;

8 (C) regular benchmarks to measure, where
9 appropriate, progress toward the achievement of
10 such objectives;

11 (D) a multiyear financial plan that—

12 (i) includes the estimated amounts to
13 be contributed by the United States and
14 the eligible country, respectively;

15 (ii) describes how the requirements
16 under subparagraphs (A), (B), and (C) will
17 be met, including by identifying the role of
18 civil society in the achievement of such re-
19 quirements; and

20 (iii) includes proposed mechanisms to
21 implement such financial plan and provide
22 oversight of the activities conducted pursu-
23 ant to such plan;

1 (E) a plan to ensure appropriate fiscal ac-
2 countability for the use of assistance provided
3 under the Compact;

4 (F) a description of the current and poten-
5 tial participation of donors in the achievement
6 of such objectives, as appropriate;

7 (G) a requirement that open, fair, and
8 competitive procedures are used in a trans-
9 parent manner in the administration of grants,
10 cooperative agreements, or the procurement of
11 goods and services for the achievement of such
12 objectives;

13 (H) a process by which the Secretary and
14 appropriate counterparts at national, regional,
15 or local units of government of the eligible
16 country may consider solicited and unsolicited
17 proposals under the Compact, as appropriate;

18 (I) the strategy of the eligible country to
19 sustain progress made toward achieving such
20 objectives after expiration of the Compact; and

21 (J) a description of the role of any other
22 United States department or agency (other
23 than the Department of State) in any design,
24 implementation, or monitoring of programs and
25 activities funded under the Compact;

1 (4) identifies an appropriate contribution from
2 the eligible country, relative to the national budget
3 of such country, toward meeting the objectives of the
4 Compact, that—

5 (A) takes into account the prevailing eco-
6 nomic conditions;

7 (B) is in addition to national spending al-
8 located by such country for such objectives for
9 the year immediately preceding the establish-
10 ment of the Compact; and

11 (C) should continue for the duration of the
12 Compact;

13 (5) includes a commitment by the eligible coun-
14 try to ensure that assistance provided by the United
15 States under the Compact shall be exempt from tax-
16 ation by the government of such country; and

17 (6) provides for the eligible country to under-
18 take an increased cost-share of the programs,
19 projects, and activities carried out under the Com-
20 pact to allow for the continuation of such programs,
21 projects, and activities after the expiration of United
22 States assistance, if continuation is deemed nec-
23 essary.

24 (c) COORDINATION AND CONSULTATION.—

1 (1) FEDERAL CONSULTATION.—Before entering
2 into a Compact with an eligible country, the Sec-
3 retary shall consult with appropriate Federal offi-
4 cials, particularly officials engaged in law enforce-
5 ment cooperation or countering transnational crime,
6 on issues related to the Compact.

7 (2) LOCAL INPUT.—The United States shall
8 seek to ensure that the government of the eligible
9 country that is a party to a Compact consults with
10 private and voluntary organizations, the business
11 community, and potential donors in the eligible
12 country.

13 (3) COORDINATION WITH DONORS.—To the
14 maximum extent feasible, activities undertaken to
15 achieve the objectives of each Compact shall be un-
16 dertaken in coordination with the assistance activi-
17 ties of donors other than the United States and the
18 eligible country.

19 (4) CONGRESSIONAL CONSULTATION.—Before
20 entering into a Compact with an eligible country,
21 and on an annual basis while the Compact is in
22 force, the Secretary shall consult with the appro-
23 priate congressional committees on issues related to
24 the Compact.

1 (d) INCREASE OR EXTENSION OF ASSISTANCE
2 UNDER A COMPACT.—Not later than 15 days before en-
3 tering into a Compact with an eligible country or making
4 a determination to increase, extend, or otherwise change
5 the terms of assistance under a Compact, the Secretary
6 shall submit to the appropriate congressional commit-
7 tees—

8 (1) the full text of any proposed Compact or
9 amendment to the terms of an existing Compact;
10 and

11 (2) a detailed summary and justification for the
12 proposed compact or amendment to the terms of an
13 existing Compact.

14 (e) IDENTIFICATION OF COMPACT OPPORTUNI-
15 TIES.—Not later than 180 days after the date of the en-
16 actment of this Act, and annually thereafter for 5 years,
17 the Secretary shall—

18 (1) identify and certify to the appropriate con-
19 gressional committees a list of not fewer than three
20 eligible countries with which the Secretary will seek
21 to enter into a Compact; and

22 (2) include, with each such certification, a de-
23 scription of the specific anticrime or law enforce-
24 ment issue in each such country the Secretary pro-

1 poses to address through a Compact with such coun-
2 try and a justification for selecting such issue.

3 (f) COUNTRY SELECTION.—In identifying and select-
4 ing eligible countries with which to enter into a Compact,
5 the Secretary shall take into account the political willing-
6 ness, absorptive capacity, public corruption, and human
7 rights concerns of each eligible country.

8 (g) INDEPENDENT EVALUATION.—Not later than
9 180 days after the termination of each of the first two
10 Compacts, the Comptroller General of the United States
11 shall submit to the appropriate congressional committees
12 a report on the structure and results of the Compacts,
13 in such a way that shall inform future Compact design
14 and funding decisions.

15 (h) APPLICABILITY OF EXISTING RESTRICTIONS.—
16 Assistance through a Compact shall be subject to the
17 internationally recognized human rights-related restric-
18 tions applicable to the administration of security and law
19 enforcement assistance required by section 620M of the
20 Foreign Assistance Act of 1961 (22 U.S.C. 2378d).

21 (i) LIMITATIONS.—None of the funds authorized to
22 be appropriated or otherwise made available for assistance
23 under chapter 8 of part I of the Foreign Assistance Act
24 of 1961 (22 U.S.C. 2291 et seq.) may be made available

1 to provide assistance through a Compact under this sec-
2 tion—

3 (1) unless the full text of such Compact is sub-
4 mitted in advance to the appropriate congressional
5 committees as required in subsection (d); and

6 (2) in the case that such Compact is modified
7 after the initial submission of such Compact to the
8 appropriate congressional committees, unless the full
9 text of any modification to such Compact is sub-
10 mitted in advance to the appropriate congressional
11 committees as required under subsection (d).

12 (j) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Foreign Affairs and
17 the Committee on Appropriations of the House
18 of Representatives; and

19 (B) the Committee on Foreign Relations
20 and the Committee on Appropriations of the
21 Senate.

22 (2) ELIGIBLE COUNTRY.—The term “eligible
23 country” means a foreign country that is eligible for

- 1 assistance under chapter 8 of part I of the Foreign
- 2 Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

