

**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
14 an anticrime or other law enforcement goal shared
15 by the United States and the eligible country;

16 (2) takes into account any strategy of the eligi-
17 ble country related to narcotics control, law enforce-
18 ment, or other anticrime purpose, including purposes
19 related to countering corruption; 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) to the extent practicable, provides for the el-
18 igible country to undertake an increased cost-share
19 of the programs, projects, and activities carried out
20 under the Compact to allow for the continuation of
21 such programs, projects, and activities after the ex-
22 piration of United States assistance.

23 (c) COORDINATION AND CONSULTATION.—

24 (1) FEDERAL CONSULTATION.—Before entering
25 into a Compact with an eligible country, the Sec-

1 retary shall consult with appropriate Federal offi-
2 cials, particularly officials engaged in law enforce-
3 ment cooperation or countering transnational crime,
4 on issues related to the Compact.

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

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

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

23 (d) INCREASE OR EXTENSION OF ASSISTANCE
24 UNDER A COMPACT.—Not later than 15 days before en-
25 tering into a Compact with an eligible country or making

1 a determination to increase, extend, or otherwise change
2 the terms of assistance under a Compact, the Secretary
3 shall submit to the appropriate congressional commit-
4 tees—

5 (1) the full text of any proposed Compact or
6 amendment to the terms of an existing Compact;
7 and

8 (2) a detailed summary and justification for the
9 proposed compact or amendment to the terms of an
10 existing Compact.

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

15 (1) identify and certify to the appropriate con-
16 gressional committees a list of not fewer than 5 eli-
17 gible countries with which the Secretary will seek to
18 enter into a Compact; and

19 (2) include, with each such certification, a de-
20 scription of the specific anticrime or law enforce-
21 ment issue in each such country the Secretary pro-
22 poses to address through a Compact with such coun-
23 try and a justification for selecting such issue.

1 (f) COUNTRY SELECTION.—In identifying and select-
2 ing eligible countries with which to enter into a Compact,
3 the Secretary shall—

4 (1) take into account the political willingness,
5 absorptive capacity, and security and governance
6 needs of each eligible country and any programmatic
7 risks, including related to international human
8 rights, that might arise from the Compact;

9 (2) seek to identify and select countries from
10 across all geographic regions in which the Bureau of
11 International Narcotics and Law Enforcement Af-
12 fairs conducts foreign assistance or programming;

13 (3) seek to identify and select anticrime or law
14 enforcement issues to be addressed across the full
15 scope of programmatic issue areas with which the
16 Bureau engages;

17 (4) during the 5-year period beginning on the
18 date of the enactment of this Act, prioritize for con-
19 sideration—

20 (A) the United Mexican States;

21 (B) the Republic of Ecuador;

22 (C) the Republic of Colombia;

23 (D) the Republic of Haiti;

24 (E) Ukraine;

25 (F) countries in the Western Balkans;

- 1 (G) the Republic of the Philippines;
- 2 (H) the Kingdom of Thailand;
- 3 (I) the Socialist Republic of Vietnam;
- 4 (J) the Republic of Mozambique
- 5 (K) the Republic of Côte d'Ivoire;
- 6 (L) the Republic of Namibia;
- 7 (M) the Lebanese Republic;
- 8 (N) the State of Libya; and
- 9 (O) the Syrian Arab Republic; and

10 (5) during the 5-year period beginning on the
11 date of the enactment of this Act, prioritize, as pro-
12 grammatic issue areas—

- 13 (A) trafficking of fentanyl, other synthetic
14 drugs, and their precursor chemicals;
- 15 (B) maritime security;
- 16 (C) justice sector capacity building;
- 17 (D) rule of law and anti-corruption;
- 18 (E) anti-money laundering;
- 19 (F) illegal mining; and
- 20 (G) community-level violence and crime
21 prevention and deterrence.

22 (g) INDEPENDENT EVALUATION.—Not later than 90
23 days after the termination of a Compact, the Secretary
24 of State, acting through the Assistant Secretary for Inter-
25 national Narcotics and Law Enforcement Affairs, shall

1 provide for an independent evaluation of such Compact
2 that shall inform future Compact design and funding deci-
3 sions.

4 (h) APPLICABILITY OF EXISTING RESTRICTIONS.—
5 Assistance through a Compact shall be subject to the re-
6 strictions on assistance described in chapter 8 of part I
7 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291
8 et seq.), including with respect to internationally recog-
9 nized human rights.

10 (i) LIMITATIONS.—None of the funds authorized to
11 be appropriated or otherwise made available for assistance
12 under chapter 8 of part I of the Foreign Assistance Act
13 of 1961 (22 U.S.C. 2291 et seq.) may be made available
14 to provide assistance through a Compact under this sec-
15 tion—

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

19 (2) in the case that such Compact is modified
20 after the initial submission of such Compact to the
21 appropriate congressional committees, unless the full
22 text of any modification to such Compact is sub-
23 mitted in advance to the appropriate congressional
24 committees as required under subsection (d).

25 (j) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Affairs and
5 the Committee on Appropriations of the House
6 of Representatives; and

7 (B) the Committee on Foreign Relations
8 and the Committee on Appropriations of the
9 Senate.

10 (2) ELIGIBLE COUNTRY.—The term “eligible
11 country” means a foreign country that is eligible for
12 assistance under chapter 8 of part I of the Foreign
13 Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

