

Calendar No. 456

117TH CONGRESS
2D SESSION**S. 3317**

To strengthen United States national security through the defense of democracy abroad and to address contemporary threats to democracy around the world, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2021

Mr. COONS (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JULY 21, 2022

Reported by Mr. MENENDEZ, with an amendment

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

A BILL

To strengthen United States national security through the defense of democracy abroad and to address contemporary threats to democracy around the world, 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; TABLE OF CONTENTS.**

4 ~~(a) SHORT TITLE.—This Act may be cited as the~~
5 ~~“Democracy in the 21st Century Act”.~~

1 ~~(b) TABLE OF CONTENTS.—~~The table of contents for
 2 this Act is as follows:

See. 1: Short title; table of contents.
 See. 2: Definitions.
 See. 3: Program prioritization and democracy strategy.
 See. 4: Authorities and limitation.
 See. 5: Establishment of certain funds.
 See. 6: Roles and responsibilities.
 See. 7: Coordinators for democracy programs.
 See. 8: Authorization of appropriations.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 ~~(1) APPROPRIATE CONGRESSIONAL COMMIT-~~
 6 ~~TEES.—~~The term “appropriate congressional com-
 7 ~~mittees” means—~~

8 ~~(A) the Committee on Appropriations of~~
 9 ~~the Senate;~~

10 ~~(B) the Committee on Foreign Relations of~~
 11 ~~the Senate;~~

12 ~~(C) the Committee on Appropriations of~~
 13 ~~the House of Representatives; and~~

14 ~~(D) the Committee on Foreign Affairs of~~
 15 ~~the House of Representatives.~~

16 ~~(2) DEMOCRACY PROGRAMS.—~~For purposes of
 17 funds authorized to be appropriated by this Act, the
 18 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et
 19 seq.); or appropriated under any Act making appro-
 20 priations for the Department of State, foreign oper-

1 ations, and related programs, the term “democracy
2 programs” means programs that—

3 ~~(A)~~ support democratic governance con-
4 sistent with section ~~133(b)~~ of the Foreign As-
5 sistance Act of 1961 (~~22 U.S.C. 2152e(b)~~),
6 and—

7 ~~(i)~~ transparent, accountable, and
8 democratic governance (including com-
9 bating corruption);

10 ~~(ii)~~ credible and competitive elections;

11 ~~(iii)~~ freedom of expression (including
12 countering disinformation and misinforma-
13 tion); association, assembly, and religion;

14 ~~(iv)~~ human rights and labor rights;

15 ~~(v)~~ independent media;

16 ~~(vi)~~ internet freedom and digital
17 rights and responsibilities; and

18 ~~(vii)~~ the rule of law; or

19 ~~(B)~~ otherwise strengthen the capacity of
20 democratic political parties, nongovernmental
21 organizations and institutions, and citizens to
22 support the development of democratic states
23 and institutions that are responsive and ac-
24 countable to citizens.

1 (3) NED.—The term “NED” means the Na-
2 tional Endowment for Democracy.

3 (4) ~~RELEVANT FEDERAL AGENCIES.~~—The term
4 “relevant Federal agencies” means—

5 (A) the Department of State;

6 (B) the United States Agency for Inter-
7 national Development; and

8 (C) other Federal agencies that the Presi-
9 dent determines are relevant for purposes of
10 this Act.

11 (5) USAID.—The term “USAID” means the
12 United States Agency for International Develop-
13 ment.

14 **SEC. 3. PROGRAM PRIORITIZATION AND DEMOCRACY**
15 **STRATEGY.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) Democracy has weakened around the world
19 for at least 15 consecutive years. In some places, au-
20 thoritarian leaders have deliberately chipped away at
21 the pillars of democracy; in others, rampant par-
22 tisanship and disinformation have pitted democratic
23 electorates against themselves. In many places, the
24 People’s Republic of China (PRC), the Federation of
25 Russia, and other states have found ways to encour-

1 age or amplify these trends, including through the
2 strategic use of corruption.

3 (2) The erosion of global democracy fundamen-
4 tally undermines the national security of the United
5 States. Democracies consistently prove to be the
6 most reliable geopolitical allies and trading partners
7 for the United States. Democracies by any reason-
8 able measure outperform non-democracies in deliv-
9 ering prosperity and good governance, and in pre-
10 venting instability and violent extremism. The ero-
11 sion of democracy in foreign countries threatens the
12 United States at home, because the threats democ-
13 racy faces around the world (including
14 disinformation, hyperpolarization, election meddling,
15 weaponized corruption, digital repression, and at-
16 tacks on independent media) respect no national
17 boundary. If left unaddressed overseas, this demo-
18 cratic erosion will threaten American democracy at
19 home.

20 (3) More generally, the competition between de-
21 mocracies and autoocracies has again become an ani-
22 mating feature of global politics, with authoritarian
23 powers (often with support from the PRC or Russia)
24 using their resources, influence, and technology to

1 undermine and interfere in democratic processes and
2 co-opt public officials.

3 (4) The current approach of the United States
4 Government to supporting global democracy must be
5 updated to meet today's challenges. The survival of
6 the democratic project will always depend on free
7 and fair elections, strong democratic institutions, the
8 rule of law, and an empowered civil society. The
9 United States Government must also establish new
10 authorities and resources to address contemporary
11 threats to democracy, including malign foreign inter-
12 ference, transnational corruption, and digital
13 authoritarianism.

14 (b) PROGRAM PRIORITIZATION.—The United States
15 Government should prioritize democracy programs that—

16 (1) advance democracy worldwide, including
17 during a country's transition to democracy, a con-
18 solidation of democracy following such a transition,
19 and democratic backsliding in a country;

20 (2) support democracy and democratic activists
21 in closed and repressive societies, including defend-
22 ing their human rights;

23 (3) counter the malign influence of the PRC,
24 the Federation of Russia, and other authoritarian
25 governments;

1 (4) counter corruption and kleptocracy, includ-
2 ing by enhancing transparent, accountable, and re-
3 sponsive governance;

4 (5) promote and protect independent media;
5 civil society activists, writers, artists, and intellec-
6 tuals;

7 (6) counter misinformation and disinformation
8 of all kinds, but especially in the digital domain;

9 (7) counter authoritarian abuse of technology;
10 and prevent manipulation—especially through digital
11 means—of elections, electoral data, and critical in-
12 frastructure;

13 (8) combat digital authoritarianism, including
14 the use of the internet and other digital technologies
15 to undermine human rights;

16 (9) promote internet freedom and the use of
17 technology that furthers democracy and human
18 rights;

19 (10) counter transnational repression and the
20 extra-territorial extension of repressive measures, as
21 well as the increasing use of arbitrary detention;

22 (11) respond rapidly to democratic openings or
23 backsliding;

1 (12) promote civic education, voter education,
2 and enhanced citizen participation in democratic
3 processes;

4 (13) seek to ensure the integrity of elections
5 abroad; and

6 (14) establish and promote democracy partner-
7 ships to maximize support to a country where a
8 democratic opening is underway or the respective
9 government is a genuine partner for democratic re-
10 form.

11 (e) STRATEGY.—Not later than 120 days after the
12 date of the enactment of this Act, the President shall sub-
13 mit to Congress a comprehensive strategy to promote de-
14 mocracy abroad. The strategy shall encompass a whole of
15 government approach to such efforts, and include detailed
16 information on funding, goals and objectives, and over-
17 sight.

18 **SEC. 4. AUTHORITIES AND LIMITATION.**

19 (a) AVAILABILITY.—Funds that are authorized to be
20 appropriated pursuant to the National Endowment for
21 Democracy Act (22 U.S.C. 4412) or appropriated under
22 any Act making appropriations for the Department of
23 State, foreign operations, and related programs for the
24 National Endowment for Democracy may be made avail-

1 able notwithstanding any other provision of law and any
2 regulation.

3 (b) BENEFICIARIES.—Funds that are made available
4 by this Act for the NED are made available pursuant to
5 the authority of the National Endowment for Democracy
6 Act (title V of Public Law 98–164), including all decisions
7 regarding the selection of beneficiaries.

8 (c) RESTRICTIONS ON FOREIGN GOVERNMENT IN-
9 TERFERENCE.—

10 (1) PRIOR APPROVAL.—With respect to the pro-
11 vision of assistance for democracy programs by rel-
12 evant Federal agencies, the organizations imple-
13 menting such assistance, the specific nature of that
14 assistance, and the participants in such programs
15 shall not be subject to the prior approval by the gov-
16 ernment of any foreign country.

17 (2) DISCLOSURE OF IMPLEMENTING PARTNER
18 INFORMATION.—If the Secretary of State, in con-
19 sultation with the Administrator of the United
20 States Agency for International Development, deter-
21 mines that the government of a country is undemo-
22 cratic or has engaged in gross violations of human
23 rights, any new bilateral agreement governing the
24 terms and conditions under which assistance is pro-
25 vided to such a country shall not require the disclo-

1 sure of the names of implementing partners of de-
 2 mocracy programs; and the Secretary of State and
 3 the Administrator of the United States Agency for
 4 International Development shall expeditiously seek
 5 to negotiate amendments to existing bilateral agree-
 6 ments, as necessary, to conform to this requirement.

7 (3) REPORTING REQUIREMENT.—The Secretary
 8 of State, in coordination with the USAID Adminis-
 9 trator, shall submit a report to the appropriate con-
 10 gressional committees, not later than January 31,
 11 2022, and annually thereafter until September 30,
 12 2026, detailing steps taken by the Department of
 13 State and USAID to comply with the requirements
 14 of this subsection.

15 (d) INFORMATION SHARING.—The Assistant Sec-
 16 retary for Democracy, Human Rights, and Labor of the
 17 Department of State and the Assistant Administrator for
 18 Development, Democracy, and Innovation of USAID shall
 19 regularly inform the NED of democracy programs that are
 20 planned and supported by such agencies, and the NED
 21 President shall regularly inform such Secretary and Ad-
 22 ministrator of programs that are planned and supported
 23 by the NED, consistent with the requirements of section
 24 505 of the National Endowment for Democracy Act (22
 25 U.S.C. 4414).

1 (e) ~~DIGITAL SECURITY.~~—Democracy programs sup-
 2 ported by funds authorized to be appropriated pursuant
 3 to section 8 should include a component on digital security
 4 to enhance the security and safety of implementers and
 5 beneficiaries, including, as appropriate, assistance for civil
 6 society organizations to counter government surveillance,
 7 censorship, and repression by digital means.

8 **SEC. 5. ESTABLISHMENT OF CERTAIN FUNDS.**

9 (a) ~~FUND TO DEFEND DEMOCRACY GLOBALLY.~~—

10 (1) ~~ESTABLISHMENT.~~—The Secretary of State
 11 and the Administrator of the United States Agency
 12 for International Development, following consulta-
 13 tion with the appropriate congressional committees,
 14 may each establish a Fund to Defend Democracy
 15 Globally, which may accept contributions from other
 16 international donors and the private sector. The Sec-
 17 retary and the Administrator shall regularly coordi-
 18 nate programs and activities supported by each re-
 19 spective Fund.

20 (2) ~~PURPOSE.~~—The purpose of such Funds is
 21 to support programs that—

22 (A) strengthen and enhance the Depart-
 23 ment of State and USAID’s ability to respond
 24 quickly and flexibly to democratic openings and
 25 backsliding;

1 (B) assist fledgling or struggling democ-
2 racies deliver services and meet expectations for
3 their populations through a full range of devel-
4 opment assistance from the United States and
5 other international donors, in consultation and
6 coordination with the governments of such de-
7 mocracies, in order to further reforms and
8 strategies identified by such governments
9 through consultation with respective civil soci-
10 eties;

11 (C) support, in cooperation with other
12 international donors and in consultation with
13 nongovernmental organizations, independent
14 and public interest media worldwide to help
15 such media resist the overlapping challenges of
16 authoritarian encroachment, threats to their fi-
17 nancial viability, and litigation and regulatory
18 environments meant to undercut their ability to
19 operate;

20 (D) center democratic values and human
21 rights in current and emerging technologies,
22 and counter efforts by authoritarian govern-
23 ments to surveil, censor, or otherwise repress
24 populations by digital means, including through
25 programs that—

1 (i) counter disinformation;

2 (ii) establish an initiative to be housed
3 at USAID to help countries around the
4 world implement governing regulations for
5 the procurement and use of technology
6 consistent with democratic and human
7 rights norms and standards;

8 (iii) provide “digital public goods” to
9 reduce the appeal of authoritarian-leaning
10 technologies to cash-strapped countries;

11 (iv) provide education on digital lit-
12 eracy to key populations; and

13 (v) support the ongoing prioritization
14 of democratic values in technological devel-
15 opment in the years to come; and

16 (E) establish an international coalition of
17 governmental and nongovernmental actors dedi-
18 cated to preserving election integrity by pro-
19 viding funds to deter or combat external influ-
20 ence in elections abroad, including cyber intru-
21 sion, disinformation, and other threats, and as-
22 sist elections to meet coalition-defined stand-
23 ards of electoral integrity.

24 (3) AUTHORIZATION OF APPROPRIATIONS.—Of
25 the funds authorized to be appropriated pursuant to

1 section 8, not less than \$20,000,000, to remain
 2 available until expended, should be made available
 3 for each Fund established under this subsection.

4 (b) FUND TO COMBAT CORRUPTION AND
 5 KLEPTOCRACY.—

6 (1) ESTABLISHMENT.—The USAID Adminis-
 7 trator, following consultation with the appropriate
 8 congressional committees, may establish a Fund to
 9 Combat Corruption and Kleptocracy abroad.

10 (2) CONTRIBUTIONS.—The Fund may accept
 11 contributions from other international donors and
 12 the private sector, and provide contributions to mul-
 13 tilateral organizations.

14 (3) PURPOSES.—The purposes of the Fund are
 15 to support efforts by foreign governments, civil soci-
 16 ety, and the private sector to combat corruption and
 17 kleptocracy abroad, including through efforts that—

18 (A) enhance government transparency, ac-
 19 countability, and responsiveness across develop-
 20 ment sectors;

21 (B) improve detection and exposure of cor-
 22 ruption crimes, including those that cross bor-
 23 ders;

1 (C) expand investigations and prosecutions
2 of corrupt acts and hold corrupt actors account-
3 able;

4 (D) strengthen norms and standards at the
5 local, national, regional, and international lev-
6 els; and

7 (E) augment cooperation with the private
8 sector and key industries to root out corruption
9 that harms competitiveness, economic growth,
10 and development and taints critical supply
11 chains.

12 (4) AUTHORIZATION OF APPROPRIATIONS.—Of
13 the funds authorized to be appropriated pursuant to
14 section 8, not less than \$20,000,000, to remain
15 available until expended, should be made available
16 for the Fund.

17 (c) DEMOCRACY RESEARCH AND DEVELOPMENT
18 FUND.—

19 (1) ESTABLISHMENT.—The Administrator of
20 the United States Agency for International Develop-
21 ment, following consultation with the appropriate
22 congressional committees, may establish a Democ-
23 racy Research and Development Fund.

24 (2) CONTRIBUTIONS.—The Fund may accept
25 contributions from other international donors and

1 the private sector, and provide contributions to mul-
2 tilateral organizations.

3 ~~(3) PURPOSES.—~~The purposes of the Fund are
4 to—

5 (A) support research and development by
6 the Department of State, USAID, and NED on
7 policies, programs, and technologies relating to
8 democracy promotion abroad;

9 (B) drive innovation within those entities
10 regarding the response to democratic back-
11 sliding; and

12 (C) incentivize collaboration among govern-
13 ment, nongovernmental organizations, and the
14 private sector with the objective of identifying
15 and mitigating the threats to global democracy.

16 ~~(4) REPORTS FROM THE COORDINATORS FOR~~
17 ~~DEMOCRACY PROGRAMS AND THE NATIONAL ENDOW-~~
18 ~~MENT FOR DEMOCRACY.—~~Not later than 180 days
19 after enactment of this Act, and annually thereafter
20 until September 30, 2026, the Coordinators for De-
21 mocracy Programs established pursuant to section 7
22 and the President of the National Endowment for
23 Democracy shall each submit to the appropriate con-
24 gressional committees a report detailing research
25 and development programs supported by the Depart-

ment of State, USAID, and NED during the prior fiscal year. The report may be accompanied by a classified annex, if necessary.

(5) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized to be appropriated by section 8, \$15,000,000, to remain available until expended, should be made available for the Fund.

SEC. 6. ROLES AND RESPONSIBILITIES.

Funds authorized to be appropriated pursuant to section 8 should be made available as follows, consistent with the overall strategic direction and capabilities of the Department of State and USAID:

(1) For the Department of State, such funds should be the responsibility of the Assistant Secretary of State for Democracy, Human Rights, and Labor, except for funds provided to NED. Such funds shall be made available as grants and should have as their primary purpose democracy programs that are flexible, innovative, and responsive to—

(A) current human rights abuses and democracy deficiencies as documented in the annual Country Report on Human Rights Practices required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d), 2304(b)); and

1 (B) emerging opportunities and sudden cri-
2 ses.

3 (2) For USAID, such funds should have as
4 their primary purpose flexible, innovative, and re-
5 sponsive democracy programs that are development-
6 oriented, often coordinated through a Country De-
7 velopment Cooperation Strategy, and conducted in
8 countries where a USAID Mission is present or
9 where a USAID Mission in a neighboring country
10 can run such programs effectively. Such programs
11 should, as appropriate, build local capacity with an
12 eye to persistent multi-year efforts, incorporate de-
13 mocracy programming into a larger development
14 strategy, and emphasize locally led programs when
15 possible. Funds made available for civil society and
16 political competition and consensus building pro-
17 grams abroad shall be provided in a manner that
18 recognizes the benefits of grants and cooperative
19 agreements in implementing such programs.

20 (3) In cases where both the Department of
21 State and USAID are able to respond to emerging
22 opportunities and sudden crises, including in closed
23 and repressive societies, the Coordinators of Democ-
24 racy Programs established pursuant to section 7
25 shall coordinate their respective programs, including

1 at the country level, to ensure complementarity and
 2 prevent waste or redundancy.

3 **SEC. 7. COORDINATORS FOR DEMOCRACY PROGRAMS.**

4 The Assistant Secretary of State for Democracy,
 5 Human Rights, and Labor of the Department of State and
 6 the Assistant Administrator for Development, Democracy,
 7 and Innovation shall serve concurrently as the Coordina-
 8 tors for Democracy Programs, and as Coordinators
 9 shall—

10 (1) coordinate democracy policy and programs
 11 across relevant Federal agencies, at diplomatic facili-
 12 ties abroad, and with the NED regarding the safety,
 13 efficacy, and best practices of democracy programs
 14 abroad;

15 (2) engage international partners, including for-
 16 eign governments, civil society, and democracy activ-
 17 ists, in addressing the advancement of democracy
 18 abroad; and

19 (3) serve as the primary United States rep-
 20 resentatives at international fora on matters relating
 21 to democracy programs.

22 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) DEMOCRACY PROGRAMS.—There are authorized
 24 to be appropriated for democracy programs in each of fis-
 25 cal years 2022, 2023, 2024, 2025, and 2026, to remain

1 available until expended, \$3,000,000,000, including for
2 new Presidential initiatives regarding democracy pro-
3 motion abroad.

4 (b) ADMINISTRATION OF DEPARTMENT OF STATE
5 DEMOCRACY PROGRAMS.—Of the funds authorized to be
6 appropriated by this section that are made available for
7 the Bureau of Democracy, Human Rights, and Labor of
8 the Department of State, up to 15 percent may be made
9 available for the administration of democracy programs by
10 such Bureau in each of fiscal years 2022, 2023, 2024,
11 2025, and 2026, including for the hiring of additional per-
12 sonnel following consultation with the appropriate con-
13 gressional committees. Such funds are in addition to funds
14 otherwise made available for such purposes.

15 (c) ADMINISTRATION OF USAID DEMOCRACY PRO-
16 GRAMS.—Of the funds authorized to be appropriated by
17 this section that are made available for the Bureau for
18 Development, Democracy, and Innovation, USAID, up to
19 15 percent may be made available for the administration
20 of democracy programs by such Bureau in each of fiscal
21 years 2022, 2023, 2024, 2025, and 2026, including for
22 the hiring of additional personnel following consultation
23 with the appropriate congressional committees. Such
24 funds are in addition to funds otherwise made available
25 for such purposes.

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
 3 *“Madeleine K. Albright Democracy in the 21st Century*
 4 *Act”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Program prioritization and democracy strategy.

Sec. 4. Authorities and limitation.

Sec. 5. Establishment of the Democracy in the 21st Century Fund.

Sec. 6. Roles and responsibilities.

Sec. 7. Authorization of appropriations.

7 **SEC. 2. DEFINITIONS.**

8 *In this Act:*

9 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
 10 *TEES.*—*The term “appropriate congressional commit-*
 11 *tees” means—*

12 (A) *the Committee on Appropriations of the*
 13 *Senate;*

14 (B) *the Committee on Foreign Relations of*
 15 *the Senate;*

16 (C) *the Committee on Appropriations of the*
 17 *House of Representatives; and*

18 (D) *the Committee on Foreign Affairs of the*
 19 *House of Representatives.*

20 (2) *CIVIL AND POLITICAL RIGHTS.*—*The term*
 21 *“civil and political rights” means the equal and in-*
 22 *alienable rights of all members of the human family*

1 *as provided for in the International Covenant on*
 2 *Civil and Political Rights, done in New York Decem-*
 3 *ber 16, 1966.*

4 (3) *DEMOCRACY PROGRAMS.*—*For purposes of*
 5 *funds authorized to be appropriated by this Act, the*
 6 *Foreign Assistance Act of 1961 (22 U.S.C. 2151 et*
 7 *seq.), or appropriated under any Act making appro-*
 8 *priations for the Department of State, foreign oper-*
 9 *ations, and related programs, the term “democracy*
 10 *programs” means programs that, consistent with sec-*
 11 *tion 133(b) of the Foreign Assistance Act of 1961 (22*
 12 *U.S.C. 2152c(b)) and the International Covenant on*
 13 *Civil and Political Rights, done at New York Decem-*
 14 *ber 16, 1966, support—*

15 (A) *good governance;*

16 (B) *credible and competitive elections;*

17 (C) *freedom of expression, association, as-*
 18 *sembly, and religion;*

19 (D) *human rights, labor rights, independent*
 20 *media, and the rule of law; and*

21 (E) *otherwise strengthen the capacity of*
 22 *democratic political parties, governments, non-*
 23 *governmental organizations and institutions,*
 24 *and citizens to support the development of demo-*

1 *cratic states and institutions that are responsive*
 2 *and accountable to citizens.*

3 (4) *NED.*—*The term “NED” means the Na-*
 4 *tional Endowment for Democracy.*

5 (5) *RELEVANT FEDERAL DEPARTMENTS AND*
 6 *AGENCIES.*—*The term “relevant Federal departments*
 7 *and agencies” means—*

8 (A) *the Department of State;*

9 (B) *the United States Agency for Inter-*
 10 *national Development; and*

11 (C) *other Federal agencies that the Presi-*
 12 *dent determines are relevant for purposes of this*
 13 *Act.*

14 (6) *USAID.*—*The term “USAID” means the*
 15 *United States Agency for International Development.*

16 **SEC. 3. PROGRAM PRIORITIZATION AND DEMOCRACY**
 17 **STRATEGY.**

18 (a) *PROGRAM PRIORITIZATION .*—*As the global leader*
 19 *in promoting and advancing democratic principles, the*
 20 *United States Government should prioritize democracy pro-*
 21 *grams that—*

22 (1) *align and are coordinated with diplomatic*
 23 *and security strategies for a given country or region;*

24 (2) *advance democracy worldwide, including*
 25 *during a country’s transition to democracy and the*

1 *consolidation of democracy following such a transi-*
 2 *tion, and address democratic backsliding in a coun-*
 3 *try;*

4 *(3) support democracy and democratic voices in*
 5 *closed and repressive societies, including those defend-*
 6 *ing the exercise of civil and political rights;*

7 *(4) counter the malign influence of the People's*
 8 *Republic of China, the Russian Federation, and other*
 9 *authoritarian governments;*

10 *(5) counter corruption and kleptocracy, includ-*
 11 *ing by enhancing transparent, accountable, and re-*
 12 *sponsive governance;*

13 *(6) promote and protect independent media, civil*
 14 *society activists, writers, artists, and intellectuals;*

15 *(7) counter misinformation and disinformation,*
 16 *but especially in the digital domain;*

17 *(8) counter authoritarian abuse of technology,*
 18 *and prevent manipulation—especially through digital*
 19 *means—of elections, electoral data, and critical elec-*
 20 *toral infrastructure;*

21 *(9) combat digital authoritarianism, including*
 22 *the use of the internet and other digital technologies*
 23 *to restrict the exercise of civil and political rights;*

1 (10) *promote internet freedom and the use of*
2 *technology that furthers democracy and the exercise of*
3 *civil and political rights;*

4 (11) *counter transnational repression and the*
5 *extra-territorial extension of repressive measures, as*
6 *well as the increasing use of arbitrary detention;*

7 (12) *respond rapidly to democratic openings or*
8 *backsliding, and adapt to evolving dynamics on the*
9 *ground;*

10 (13) *promote civic education, voter education,*
11 *and enhanced citizen participation in democratic*
12 *processes;*

13 (14) *protect the civil and political rights of reli-*
14 *gious and ethnic minorities;*

15 (15) *seek to ensure the integrity of elections*
16 *abroad; and*

17 (16) *establish and promote democracy partner-*
18 *ships to maximize support to a country where a*
19 *democratic opening is underway or the respective gov-*
20 *ernment is a genuine partner for democratic reform.*

21 (b) *STRATEGY.*—*Not later than 120 days after the date*
22 *of the enactment of this Act, the President shall submit to*
23 *Congress a comprehensive strategy to promote democracy*
24 *abroad that is informed by extensive consultations with the*
25 *local actors impacted by such programs. The strategy shall*

1 *encompass a whole of government approach to such efforts,*
 2 *and include detailed information on funding, goals and ob-*
 3 *jectives, and oversight.*

4 **SEC. 4. AUTHORITIES AND LIMITATION.**

5 (a) *BENEFICIARIES.*—*Funds that are made available*
 6 *by this Act for the National Endowment for Democracy are*
 7 *made available pursuant to the authority of the National*
 8 *Endowment for Democracy Act (title V of Public Law 98–*
 9 *164), including all decisions regarding the selection of bene-*
 10 *ficiaries.*

11 (b) *RESTRICTIONS ON FOREIGN GOVERNMENT INTER-*
 12 *FERENCE.*—

13 (1) *PRIOR APPROVAL.*—*With respect to the pro-*
 14 *vision of assistance for democracy programs by rel-*
 15 *evant Federal departments and agencies, the organi-*
 16 *zations implementing such assistance, the specific na-*
 17 *ture of that assistance, and the participants in such*
 18 *programs shall not be subject to the prior approval by*
 19 *the government of any foreign country.*

20 (2) *DISCLOSURE OF IMPLEMENTING PARTNER IN-*
 21 *FORMATION.*—*If the Secretary of State, in consulta-*
 22 *tion with the Administrator of the United States*
 23 *Agency for International Development, determines*
 24 *that the government of a country is undemocratic or*
 25 *has engaged in gross violations of civil and political*

1 *rights, any new bilateral agreement governing the*
2 *terms and conditions under which assistance is pro-*
3 *vided to such a country shall not require the disclo-*
4 *sure of the names of implementing partners of democ-*
5 *racy programs, and the Secretary of State and the*
6 *USAID Administrator shall expeditiously seek to ne-*
7 *gotiate amendments to existing bilateral agreements,*
8 *as necessary, to conform to this requirement.*

9 (3) *REPORTING REQUIREMENT.—The Secretary*
10 *of State, in coordination with the USAID Adminis-*
11 *trator, shall submit a report to the appropriate con-*
12 *gressional committees, not later than 180 days after*
13 *the date of the enactment of this Act, and annually*
14 *thereafter until September 30, 2026, detailing steps*
15 *taken by the Department of State and USAID to*
16 *comply with the requirements of this subsection.*

17 (c) *PROTECTING IMPLEMENTING PARTNERS.—*

18 (1) *IN GENERAL.—Where it is determined by the*
19 *Secretary of State, in consultation with the USAID*
20 *Administrator, or the NED President, as appropriate,*
21 *that a country is undemocratic or has engaged in*
22 *gross violations of civil and political rights, the*
23 *names of implementing persons and organizations of*
24 *democracy activities and programs supported by the*
25 *Department of State, USAID, or NED shall not be re-*

1 *quired under section 552 of title 5, United States*
 2 *Code (commonly referred to as the “Freedom of Infor-*
 3 *mation Act”).*

4 *(2) REPORTING REQUIREMENT.—Not later than*
 5 *180 days after the date of the enactment of this Act,*
 6 *the NED President shall submit a report to the ap-*
 7 *propriate committees on the uses of the authority pro-*
 8 *vided in paragraph (1) on a case-by-case basis, which*
 9 *shall be updated every 180 days thereafter.*

10 *(d) INFORMATION SHARING.—The Secretary of State*
 11 *and the USAID Administrator shall regularly inform the*
 12 *NED President of democracy programs that are planned*
 13 *and supported by such agencies, and the NED President*
 14 *shall regularly inform such Secretary and Administrator*
 15 *of programs that are planned and supported by the NED,*
 16 *consistent with the requirements of section 505(b) of the Na-*
 17 *tional Endowment for Democracy Act (22 U.S.C. 4414(b)).*

18 *(e) DIGITAL SECURITY.—Democracy programs sup-*
 19 *ported by funds authorized to be appropriated pursuant to*
 20 *section 7 should include a component on digital security*
 21 *to enhance the security and safety of implementers and*
 22 *beneficiaries, including, as appropriate, assistance for civil*
 23 *society organizations to counter government surveillance,*
 24 *censorship, and repression by digital means.*

1 (f) *AUDITS.*—Section 504(g) of the National Endow-
 2 ment for Democracy Act (22 U.S.C. 4413(g)) is amended
 3 by striking “United States Information Agency” and in-
 4 serting “Department of State Office of Inspector General”.

5 **SEC. 5. ESTABLISHMENT OF THE DEMOCRACY IN THE 21ST**
 6 **CENTURY FUND.**

7 (a) *ESTABLISHMENT.*—There is established in the
 8 Treasury of the United States a fund to be known as the
 9 “Democracy in the 21st Century Fund” (in this subsection
 10 referred to as “the Fund”), to be administered by the Sec-
 11 retary of State, following consultation with the Adminis-
 12 trator of the United States Agency for International Devel-
 13 opment and the appropriate congressional committees, con-
 14 sisting of amounts authorized to be appropriated by section
 15 7, to advance the comprehensive strategy under section 3,
 16 including the programs of the Department of State, USAID,
 17 and the National Endowment for Democracy described in
 18 subsections (b), (c), (d), and (e).

19 (b) *DEFENDING DEMOCRACY GLOBALLY.*—The Sec-
 20 retary of State, in coordination with the USAID Adminis-
 21 trator and in consultation with the appropriate congres-
 22 sional committees, shall establish a program to defend de-
 23 mocracy globally by—

1 (1) *strengthening and enhancing the Department*
2 *of State and USAID’s ability to respond quickly and*
3 *flexibly to democratic openings and backsliding;*

4 (2) *assisting fledgling or struggling democracies*
5 *deliver services and meet expectations for their popu-*
6 *lations, in consultation and coordination with the*
7 *governments of such democracies, in order to further*
8 *reforms and strategies identified by such governments*
9 *through consultation with respective civil societies;*

10 (3) *supporting, in cooperation with other inter-*
11 *national donors and in consultation with nongovern-*
12 *mental organizations, independent and public interest*
13 *media worldwide to help such media resist the over-*
14 *lapping challenges of authoritarian encroachment,*
15 *threats to their financial viability, and litigation and*
16 *regulatory environments meant to undercut their abil-*
17 *ity to operate;*

18 (4) *centering democratic values and the pro-*
19 *motion of civil and political rights in current and*
20 *emerging technologies, and countering efforts by au-*
21 *thoritarian governments to surveil, censor, or other-*
22 *wise repress populations by digital means, including*
23 *through programs that—*

24 (A) *counter disinformation;*

1 (B) establish an initiative to help countries
2 around the world implement governing regula-
3 tions for the procurement and use of technology
4 consistent with civil and political rights;

5 (C) provide “digital public goods” to reduce
6 the appeal of authoritarian-leaning technologies
7 to cash strapped countries;

8 (D) provide education on digital literacy to
9 key populations; and

10 (E) support the ongoing prioritization of
11 democratic values in technological development
12 in the years to come;

13 (5) establishing international coalitions of gov-
14 ernmental and nongovernmental actors dedicated to
15 coordinating messaging, technical assistance pro-
16 gramming, and rules-based governance approaches re-
17 lated to issues that impact democracy, particularly
18 coalitions focused on—

19 (A) preserving election integrity by assist-
20 ing elections to meet coalition-defined standards
21 of electoral integrity and deterring or combating
22 external influence in elections abroad, including
23 cyber intrusion, disinformation, and other
24 threats; and

1 (B) protecting supply chains from being
2 tainted by the products of forced labor; and

3 (6) supporting human rights defenders, democ-
4 racy advocates at risk, writers, artists, and others
5 who were forced to flee repression in their home coun-
6 tries so that they can safely continue their activism
7 in exile.

8 (c) COMBATING CORRUPTION AND KLEPTOCRACY.—
9 The Secretary of State, in coordination with the USAID
10 Administrator and in consultation with the appropriate
11 congressional committees, shall establish a program to sup-
12 port efforts by foreign governments, civil society, and the
13 private sector to combat corruption and kleptocracy abroad,
14 including through efforts that—

15 (1) enhance government transparency, account-
16 ability, and responsiveness across relevant sectors;

17 (2) improve detection and exposure of corruption
18 crimes, including those that cross borders, improve
19 citizen oversight and advocacy, protect free expression
20 and civic activism, and bolster investigative jour-
21 nalism and media independence;

22 (3) expand investigations and prosecutions of
23 corrupt acts and hold corrupt actors accountable, and
24 assist in the adoption and implementation of

1 *anticorruption preventive measures and promotion of*
 2 *good governance and public administration;*

3 (4) *build effective, impartial judiciaries;*

4 (5) *address corruption in key sectors, whether at*
 5 *the level of delivery of services to citizens, important*
 6 *governmental processes such as procurement, or pri-*
 7 *ority economic sectors;*

8 (6) *strengthen democratic norms and standards*
 9 *at the local, national, regional, and international lev-*
 10 *els;*

11 (7) *augment cooperation with the private sector*
 12 *and key industries to root out corruption that harms*
 13 *competitiveness, economic growth, and development*
 14 *and taints critical supply chains;*

15 (8) *strengthen cross-sectoral collaboration among*
 16 *nongovernmental organizations essential to combat-*
 17 *ting well-resourced transnational kleptocratic net-*
 18 *works;*

19 (9) *address corrosive capital and the strategic*
 20 *use of corruption by authoritarian states to under-*
 21 *mine democracy and good governance;*

22 (10) *provide essential skills and resources to civil*
 23 *society and media to counter corruption and address*
 24 *the weak governance and poor human rights condi-*
 25 *tions that cultivate corruption; and*

1 (11) foster public demand for accountable and
2 transparent government.

3 (d) *DEMOCRACY RESEARCH AND DEVELOPMENT.*—The
4 Secretary of State, in consultation with the USAID Admin-
5 istrator and in consultation with the appropriate congres-
6 sional committees, shall establish a program for democracy
7 research and development that—

8 (1) supports research and development by the
9 Department of State, USAID, and the NED on poli-
10 cies, programs, and technologies relating to democracy
11 programs;

12 (2) drives innovation within those entities re-
13 garding the response to complex, multidimensional
14 challenges to democracy, including combatting
15 transnational kleptocracy, mitigating hyper-polariza-
16 tion, countering malign authoritarian influence, and
17 leveraging emerging technology for democracy;

18 (3) incentivizes collaboration among government,
19 nongovernmental organizations, and the private sec-
20 tor with the objective of identifying and mitigating
21 threats to global democracy; and

22 (4) identifies lessons learned and best practices
23 for democracy programs and diplomatic approaches
24 to create feedback loops and shape future evidence-
25 based programming and diplomacy.

1 (e) *FELLOWSHIPS FOR DEMOCRACY ADVOCATES AT*
 2 *RISK.*—*The NED is authorized to expand the Reagan-Fas-*
 3 *cell Democracy Fellows Program to provide additional fel-*
 4 *lowships, including in partnership with other institutions*
 5 *and organizations, to support democracy advocates at risk.*

6 (f) *LEVERAGING.*—*Pursuant to sections 607 and 632*
 7 *of the Foreign Assistance Act of 1961 (22 17 U.S.C. 2357,*
 8 *2392), and after consultation with the appropriate congres-*
 9 *sional committees, the Secretary of State is authorized to*
 10 *establish mechanisms under the Fund to partner with other*
 11 *donors and private sector partners to carry out the purposes*
 12 *of this section.*

13 (g) *FUNDING TRANSPARENCY.*—*Concurrent with the*
 14 *submission of the report required by section 653(a) of the*
 15 *Foreign Assistance Act of 1961 (22 U.S.C. 2413(a)), the*
 16 *Secretary of State shall submit to the appropriate congres-*
 17 *sional committees a detailed accounting of any funds pro-*
 18 *grammed pursuant to the authorities under subsection (f)*
 19 *during the prior fiscal year.*

20 (h) *NOTIFICATION REQUIREMENTS.*—*Not later than 15*
 21 *days prior to the obligation of funds authorized to be appro-*
 22 *priated for the Fund and the programs established under*
 23 *this section, the Secretary of State and the USAID Admin-*
 24 *istrator, as appropriate, shall notify the appropriate con-*
 25 *gressional committees of the intended uses of such funds.*

1 (i) *REPORTING REQUIREMENT.*—Not later than 60
 2 days after the date of the enactment of this Act, and annu-
 3 ally thereafter through fiscal year 2027, the Secretary of
 4 State, the USAID Administrator, and the NED President,
 5 as appropriate, shall submit reports to the appropriate con-
 6 gressional committees detailing the uses of funds made
 7 available to the Fund pursuant to this Act.

8 **SEC. 6. ROLES AND RESPONSIBILITIES.**

9 *Funds authorized to be appropriated pursuant to sec-*
 10 *tion 7 should be made available as follows, consistent with*
 11 *the overall strategic direction and capabilities of the De-*
 12 *partment of State and the United States Agency for Inter-*
 13 *national Development:*

14 (1) *For the Department of State, such funds*
 15 *should be the responsibility of the Assistant Secretary*
 16 *of State for Democracy, Human Rights, and Labor,*
 17 *except for funds provided to the NED. Such funds*
 18 *shall be made available as grants and should have as*
 19 *their primary purpose democracy programs that are*
 20 *incorporated into a larger diplomatic strategy and*
 21 *are flexible, innovative, and responsive to—*

22 (A) *current human rights abuses and de-*
 23 *mocracy deficiencies as documented in the an-*
 24 *nuual Country Report on Human Rights Prac-*
 25 *tices required by sections 116(d) and 502B(b) of*

1 *the Foreign Assistance Act of 1961 (22 U.S.C.*
2 *2151n(d), 2304(b)); and*

3 *(B) emerging opportunities and sudden cri-*
4 *ses.*

5 *(2) For USAID, such funds should have as their*
6 *primary purpose flexible, innovative, and responsive*
7 *democracy programs that are development-oriented,*
8 *often coordinated through a Country Development Co-*
9 *operation Strategy, and conducted in countries where*
10 *a USAID Mission is present or a where a USAID*
11 *Mission in a neighboring country can manage and*
12 *oversee such programs effectively. Such programs*
13 *should, as appropriate, build enduring local capacity,*
14 *incorporate democracy programming into a larger de-*
15 *velopment and diplomatic strategy, and emphasize*
16 *participatory and locally led programs when possible.*
17 *Funds made available for civil society and political*
18 *competition and consensus building programs abroad*
19 *shall be provided in a manner that recognizes the ben-*
20 *efits of grants and cooperative agreements in imple-*
21 *menting such programs.*

22 *(3) In cases where both the Department of State*
23 *and USAID are able to respond to emerging opportu-*
24 *nities and sudden crises, including in closed and re-*
25 *pressive societies, the Secretary of State and the*

1 *USAID Administrator shall coordinate their respec-*
 2 *tive programs, including at the country level, to en-*
 3 *sure complementarity and prevent waste or redun-*
 4 *dancy.*

5 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

6 *(a) PROGRAMS.—*

7 *(1) IN GENERAL.—There is authorized to be ap-*
 8 *propriated for the democracy programs of the Depart-*
 9 *ment of State and the United States Agency for Inter-*
 10 *national Development in each of fiscal years 2023*
 11 *through 2027, \$2,900,000,000, to remain available*
 12 *until expended.*

13 *(2) DEMOCRACY IN THE 21ST CENTURY FUND.—*
 14 *Of the funds authorized to be appropriated by para-*
 15 *graph (1), the following amounts are authorized to be*
 16 *appropriated in each of fiscal years 2023 through*
 17 *2027 for the Democracy in the 21st Century Fund es-*
 18 *tablished under section 5:*

19 *(A) \$20,000,000 in each such fiscal year is*
 20 *authorized to be appropriated for the Defending*
 21 *Democracy Globally program under section 5(b),*
 22 *of which not more than \$10,000,000 may be ad-*
 23 *ministered by the USAID Administrator.*

24 *(B) \$50,000,000 in each such fiscal year is*
 25 *authorized to be appropriated for the Combating*

1 *Corruption and Kleptocracy program under sec-*
 2 *tion 5(c).*

3 (C) \$15,000,000 in each such fiscal year is
 4 *authorized to be appropriated for the Democracy*
 5 *Research and Development program under sec-*
 6 *tion 5(d), which shall be allocated equally be-*
 7 *tween the Department of State, USAID, and the*
 8 *National Endowment for Democracy.*

9 (D) \$5,000,000 in each such fiscal year is
 10 *authorized to be appropriated for the Reagan-*
 11 *Fascell Democracy Fellows Program for addi-*
 12 *tional fellowships for democracy advocates at*
 13 *risk.*

14 (3) *DEMOCRACY FUND.—*

15 (A) *IN GENERAL.—Of the funds authorized*
 16 *to be appropriated by paragraph (1), there is*
 17 *authorized to be appropriated \$340,700,000 for*
 18 *each of fiscal years 2023 through 2027 to carry*
 19 *out activities under part 1 and chapter 4 of part*
 20 *II of the Foreign Assistance Act of 1961 (22*
 21 *U.S.C. 2151 et seq., 22 U.S.C. 2346 et seq.) and*
 22 *paragraphs (3) and (5) of section 502(b) of the*
 23 *National Endowment for Democracy Act (22*
 24 *U.S.C. 4411(b)), for the promotion of democracy*
 25 *globally, which shall be made available to the*

1 *Bureau of Democracy, Human Rights, and*
 2 *Labor of the Department of State and the Bu-*
 3 *reau for Development, Democracy, and Innova-*
 4 *tion of the United States Agency for Inter-*
 5 *national Development.*

6 *(B) ADDITIONAL AMOUNTS.—Funds author-*
 7 *ized to be made available to the National En-*
 8 *dowment for Democracy and its core institutes*
 9 *under this paragraph are in addition to*
 10 *amounts otherwise authorized to be appropriated*
 11 *by this Act for such purposes.*

12 *(b) RESTRICTIONS.—Federal funds made available to*
 13 *any individual, private entity, or any other nonprofit orga-*
 14 *nization pursuant to this Act shall be subject to the restric-*
 15 *tions and prohibitions of section 1352 of title 31, United*
 16 *States Code.*

17 *(c) ADMINISTRATION OF DEPARTMENT OF STATE DE-*
 18 *MOCRACY PROGRAMS.—Of the funds authorized to be appro-*
 19 *priated by this section that are made available for the Bu-*
 20 *reau of Democracy, Human Rights, and Labor of the De-*
 21 *partment of State, up to 15 percent may be made available*
 22 *for the administration of democracy programs by such Bu-*
 23 *reau in each of fiscal years 2023 through 2027, including*
 24 *for the hiring of additional personnel following consultation*
 25 *with the appropriate congressional committees. Such funds*

1 *are in addition to funds otherwise made available for such*
2 *purposes.*

3 (d) *ADMINISTRATION OF USAID DEMOCRACY PRO-*
4 *GRAMS.—Of the funds authorized to be appropriated by this*
5 *section that are made available for USAID, up to 15 per-*
6 *cent may be made available for the administration of de-*
7 *mocracy programs by the agency in each of fiscal years*
8 *2023 through 2027, including for the hiring of additional*
9 *personnel following consultation with the appropriate con-*
10 *gressional committees. Such funds are in addition to funds*
11 *otherwise made available for such purposes.*

12 (e) *NATIONAL ENDOWMENT FOR DEMOCRACY.—In ad-*
13 *dition to amounts authorized to be appropriated under sub-*
14 *section (a), there are authorized to be appropriated for NED*
15 *\$325,000,000 for fiscal year 2023, \$350,000,000 for fiscal*
16 *year 2024, \$375,000,000 for fiscal year 2025, \$400,000,000*
17 *for fiscal year 2026, and \$425,000,000 for fiscal year 2027,*
18 *including amounts to be allocated in the traditional and*
19 *customary manner, to counter transnational threats to de-*
20 *mocracy, as well as to support and sustain democratic*
21 *growth abroad, consistent with section 503 of the National*
22 *Endowment for Democracy Act (22 U.S.C. 4412).*

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S. 3317

A BILL

To strengthen United States national security through the defense of democracy abroad and to address contemporary threats to democracy around the world, and for other purposes.

JULY 21, 2022

Reported with an amendment