

Calendar No. 333

116TH CONGRESS
1ST SESSION

S. 1310

To strengthen the participation of elected national legislators in the activities of the Organization of American States and reaffirm United States support for Organization of American States human rights and anti-corruption initiatives, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 2, 2019

Mr. CARDIN (for himself, Mr. WICKER, and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

DECEMBER 17, 2019

Reported by Mr. RISCH, with an amendment

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

A BILL

To strengthen the participation of elected national legislators in the activities of the Organization of American States and reaffirm United States support for Organization of American States human rights and anti-corruption initiatives, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Organization of Amer-
3 ican States Legislative Engagement Act of 2019”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) The Charter of the Organization of Amer-
7 ican States establishes that “representative democ-
8 racy is an indispensable condition for the stability,
9 peace and development of the region”.

10 (2) Article 2 of the Inter-American Democratic
11 Charter of the Organization of American States af-
12 firms that “the effective exercise of representative
13 democracy is the basis for the rule of law and of the
14 constitutional regimes of the member states of the
15 Organization of American States”.

16 (3) Article 26 of the Inter-American Demo-
17 cratic Charter states that “the OAS will continue to
18 carry out programs and activities designed to pro-
19 mote democratic principles and practices and
20 strengthen a democratic culture in the Hemisphere”.

21 (4) In accordance with the OAS Charter and
22 the Inter-American Democratic Charter, the OAS
23 General Assembly, OAS Permanent Council, and
24 OAS Secretariat have established a wide range of co-
25 operative agreements with domestic and inter-

1 national organizations, including national legislative
2 institutions.

3 (5) In 2004, OAS General Assembly Resolution
4 2044 (XXXIV-O/04) appealed for the “strengthen-
5 ing of legislatures, as well as inter-parliamentary
6 cooperation on key items of the inter-American
7 agenda, with a view, in particular, to generating ini-
8 tiatives to fight corruption, poverty, inequality, and
9 social exclusion”.

10 (6) In 2005, OAS General Assembly Resolution
11 2095 (XXXV-O/05) called on the OAS Secretariat
12 to “invite [.] the presidents or speakers of the
13 national legislative institutions of the Americas, i.e.,
14 congresses, parliaments, or national assemblies,
15 [.] to attend a special meeting of the Permanent
16 Council [.] for the initiation of a dialogue on top-
17 ics on the hemispheric agenda”.

18 (7) In 2014 and 2015, the OAS Secretariat ex-
19 panded its engagement with elected national legisla-
20 tors from OAS member states by convening two
21 meetings of presidents of national legislatures, first
22 in Lima, Peru and subsequently in Santiago, Chile.

23 (8) However, no formal, permanent procedures
24 exist to facilitate the participation of elected national

1 legislators from OAS member states in OAS activi-
2 ties.

3 ~~(9) The Organization for Security and Co-oper-~~
4 ~~ation in Europe (OSCE) Parliamentary Assembly~~
5 ~~has proven successful at strengthening inter-par-~~
6 ~~liamentary cooperation among its member states.~~

7 **SEC. 3. SENSE OF CONGRESS.**

8 It is that sense of Congress that—

9 ~~(1) elected national legislators play an essential~~
10 ~~role in the exercise of representative democracy in~~
11 ~~the Americas, including—~~

12 ~~(A) promoting the rule of law and com-~~
13 ~~bating corruption;~~

14 ~~(B) defending human rights and funda-~~
15 ~~mental freedoms; and~~

16 ~~(C) advancing the principles and practices~~
17 ~~expressed in the Charter of the Organization of~~
18 ~~American States, the American Declaration on~~
19 ~~the Rights and Duties of Man, and the Inter-~~
20 ~~American Democratic Charter;~~

21 ~~(2) establishing procedures and formal mecha-~~
22 ~~nisms to facilitate and formalize the participation of~~
23 ~~elected national legislators from OAS member states~~
24 ~~in OAS activities would contribute to the promotion~~

1 of democratic principles and practices and strength-
2 en a democratic culture in the Western Hemisphere;

3 ~~(3) increasing and strengthening the participa-~~
4 ~~tion of elected national legislators from OAS mem-~~
5 ~~ber states in OAS activities would advance the prin-~~
6 ~~ciples and proposals expressed in section 4 of the~~
7 ~~Organization of American States Revitalization and~~
8 ~~Reform Act of 2013 (Public Law 113–41, 127 Stat.~~
9 ~~549);~~

10 ~~(4) the OAS General Assembly, OAS Perma-~~
11 ~~nent Council, and OAS Secretariat should take all~~
12 ~~necessary steps to ensure greater participation of~~
13 ~~elected national legislators from OAS member states~~
14 ~~in OAS activities;~~

15 ~~(5) the OAS Permanent Council resolutions ti-~~
16 ~~tled “Guidelines for the Participation of Civil Society~~
17 ~~in OAS Activities” and “Strategies for Increasing~~
18 ~~and Strengthening Participation by Civil Society Or-~~
19 ~~ganizations in OAS Activities” should serve as im-~~
20 ~~portant references for efforts to bolster the partici-~~
21 ~~pation of elected national legislators from OAS~~
22 ~~member states in OAS activities; and~~

23 ~~(6) the successful experience of the Organiza-~~
24 ~~tion for Security and Co-operation in Europe Par-~~

1 liamentary Assembly should serve as a model to the
2 OAS in creating a similar mechanism.

3 **SEC. 4. STRENGTHENING PARTICIPATION OF LEGISLATORS**
4 **AT THE OAS.**

5 (a) IN GENERAL.—The Secretary of State, acting
6 through the United States Mission to the Organization of
7 American States, shall take all necessary steps to establish
8 formal procedures for the Organization of American
9 States that—

10 (1) increase the participation of elected national
11 legislators from OAS member state countries in
12 OAS activities, specifically including activities that
13 advance the principles of the Inter-American Demo-
14 cratic Charter;

15 (2) create an annual forum for the presidents
16 of national legislatures from OAS member states to
17 discuss issues of hemispheric importance, including
18 regional efforts to combat corruption and defend
19 human rights;

20 (3) permit elected national legislators from
21 OAS member states to make presentations, con-
22 tribute information, and provide expert advice, as
23 appropriate, to the OAS Secretariat, OAS Perma-
24 nent Council, and OAS General Assembly;

1 (4) leads to the creation of a formalized body
 2 or mechanism to permanently facilitate the partici-
 3 pation of national legislators in OAS activities; and
 4 (5) strengthen OAS Secretariat programs that
 5 provide technical assistance for the modernization
 6 and institutional consolidation of national legisla-
 7 tures from OAS member states.

8 (b) DIPLOMATIC ENGAGEMENT AND COORDINA-
 9 TION.—The Secretary of State, as appropriate, shall carry
 10 out diplomatic engagement to secure political and financial
 11 support for the establishment of the procedures set forth
 12 in subsection (a).

13 (c) PROGRESS REPORT.—Not later than one year
 14 after the date of the enactment of this Act, the Secretary
 15 of State shall submit to the Committee on Foreign Rela-
 16 tions of the Senate and the Committee on Foreign Affairs
 17 of the House of Representatives a report on OAS proe-
 18 sses, initiatives, and reforms undertaken to implement
 19 this section.

20 **SEC. 5. SUPPORT FOR OAS HUMAN RIGHTS AND ANTI-COR-**
 21 **RUPTION INITIATIVES.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
 23 gress that—

24 (1) the Organization of American States' Inter-
 25 American Commission on Human Rights is the pre-

1 eminent institution for defending human rights in
2 the Americas;

3 ~~(2)~~ the United States should take all necessary
4 steps to support and strengthen the role of the
5 Inter-American Commission on Human Rights and
6 its work in the Americas;

7 ~~(3)~~ the efforts of the OAS Secretary General
8 and Secretariat to combat corruption and impunity
9 in the Americas represent important contributions to
10 strengthening the rule of law and democratic govern-
11 ance in the Americas; and

12 ~~(4)~~ the United States should support efforts to
13 ensure the effectiveness and independence of OAS
14 initiatives to combat corruption and impunity in the
15 Americas.

16 ~~(b) ANTI-CORRUPTION AND HUMAN RIGHTS PRO-~~
17 ~~MOTION STRATEGY.~~—Not later than 180 days after the
18 date of the enactment of the Act, the Secretary of State
19 shall submit to the Committee on Foreign Relations of the
20 Senate and the Committee on Foreign Affairs of the
21 House of Representatives a strategy for supporting OAS
22 anti-corruption and human rights promotion efforts, in-
23 cluding—

24 ~~(1)~~ an assessment of United States programs,
25 activities, and initiatives with the OAS to support

1 anti-corruption and human rights promotion in the
2 Americas;

3 (2) a summary of steps taken by the United
4 States Mission to the OAS to strengthen the role of
5 the Inter-American Commission on Human Rights,
6 and to support anti-corruption and anti-impunity ef-
7 forts in the Americas;

8 (3) an assessment of necessary reforms and ini-
9 tiatives to prioritize and reinforce the OAS Secretary
10 General and Secretariat's efforts to advance human
11 rights and combat corruption and impunity in the
12 Americas;

13 (4) a detailed strategy to facilitate increased
14 OAS collaboration, as appropriate, with relevant
15 stakeholders, including legislators and civil society,
16 in support of a multi-sectoral approach to anti-cor-
17 ruption, anti-impunity, and human rights promotion
18 efforts in the Americas; and

19 (5) a detailed plan for implementing the strat-
20 egy set forth in this section of the Act.

21 (c) ANNUAL REPORT.—General.—Not later than one
22 year after the date of the enactment of this Act, and annu-
23 ally thereafter, the Secretary of State shall submit to the
24 Committee on Foreign Relations of the Senate and the
25 Committee on Foreign Affairs of the House of Representa-

1 tives a report on actions taken to implement the strategy
 2 mandated under subsection (b). The report shall include—

3 (1) an analysis of the progress made by the
 4 OAS to adopt and effectively implement reforms and
 5 initiatives to advance human rights and combat cor-
 6 ruption and impunity in the Americas; and

7 (2) a detailed assessment of OAS efforts to in-
 8 crease multi-sectoral stakeholder engagement to ad-
 9 vance human rights and combat corruption and im-
 10 punity in the Americas.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Organization of Amer-*
 13 *ican States Legislative Engagement Act of 2019”.*

14 **SEC. 2. FINDINGS.**

15 *Congress makes the following findings:*

16 (1) *The Charter of the Organization of American*
 17 *States establishes that “representative democracy is*
 18 *an indispensable condition for the stability, peace and*
 19 *development of the region”.*

20 (2) *Article 2 of the Inter-American Democratic*
 21 *Charter of the Organization of American States af-*
 22 *firms that “the effective exercise of representative de-*
 23 *mocracy is the basis for the rule of law and of the*
 24 *constitutional regimes of the member states of the Or-*
 25 *ganization of American States”.*

1 (3) *Article 26 of the Inter-American Democratic*
 2 *Charter states that “the OAS will continue to carry*
 3 *out programs and activities designed to promote*
 4 *democratic principles and practices and strengthen a*
 5 *democratic culture in the Hemisphere”.*

6 (4) *In accordance with the OAS Charter and the*
 7 *Inter-American Democratic Charter, the OAS General*
 8 *Assembly, OAS Permanent Council, and OAS Secre-*
 9 *tariat have established a wide range of cooperative*
 10 *agreements with domestic and international organiza-*
 11 *tions, including national legislative institutions.*

12 (5) *In 2004, OAS General Assembly Resolution*
 13 *2044 (XXXIV–O/04) appealed for the “strengthening*
 14 *of legislatures, as well as inter-parliamentary co-*
 15 *operation on key items of the inter-American agenda,*
 16 *with a view, in particular, to generating initiatives*
 17 *to fight corruption, poverty, inequality, and social ex-*
 18 *clusion”.*

19 (6) *In 2005, OAS General Assembly Resolution*
 20 *2095 (XXXV–O/05) called on the OAS Secretariat to*
 21 *“invite [. . .] the presidents or speakers of the na-*
 22 *tional legislative institutions of the Americas, i.e.,*
 23 *congresses, parliaments, or national assemblies, [. . .]*
 24 *to attend a special meeting of the Permanent Council*

1 [. . .] for the initiation of a dialogue on topics on the
2 hemispheric agenda”.

3 (7) In 2014 and 2015, the OAS Secretariat ex-
4 panded its engagement with elected national legisla-
5 tors from OAS member states by convening two meet-
6 ings of presidents of national legislatures, first in
7 Lima, Peru and subsequently in Santiago, Chile.

8 (8) However, no permanent procedures exist to
9 facilitate the participation of elected national legisla-
10 tors from OAS member states in OAS activities.

11 (9) The Organization for Security and Co-oper-
12 ation in Europe (OSCE) Parliamentary Assembly
13 has proven successful at strengthening inter-par-
14 liamentary cooperation among its member states.

15 **SEC. 3. SENSE OF CONGRESS.**

16 *It is that sense of Congress that—*

17 (1) elected national legislators play an essential
18 role in the exercise of representative democracy in the
19 Americas, including by—

20 (A) promoting economic freedom and re-
21 spect for property rights;

22 (B) promoting the rule of law and com-
23 bating corruption;

24 (C) defending human rights and funda-
25 mental freedoms; and

1 (D) *advancing the principles and practices*
 2 *expressed in the Charter of the Organization of*
 3 *American States, the American Declaration on*
 4 *the Rights and Duties of Man, and the Inter-*
 5 *American Democratic Charter;*

6 (2) *establishing procedures and mechanisms to*
 7 *facilitate the participation of elected national legisla-*
 8 *tors from OAS member states in OAS activities would*
 9 *contribute to the promotion of democratic principles*
 10 *and practices and strengthen a democratic culture in*
 11 *the Western Hemisphere;*

12 (3) *increasing and strengthening the participa-*
 13 *tion of elected national legislators from OAS member*
 14 *states in OAS activities would advance the principles*
 15 *and proposals expressed in section 4 of the Organiza-*
 16 *tion of American States Revitalization and Reform*
 17 *Act of 2013 (Public Law 113–41; 127 Stat. 549);*

18 (4) *the OAS General Assembly, OAS Permanent*
 19 *Council, and OAS Secretariat should take steps to fa-*
 20 *cilitate greater participation of elected national legis-*
 21 *lators from OAS member states in OAS activities;*

22 (5) *the OAS Permanent Council resolutions ti-*
 23 *tled “Guidelines for the Participation of Civil Society*
 24 *in OAS Activities” and “Strategies for Increasing*
 25 *and Strengthening Participation by Civil Society Or-*

1 *ganizations in OAS Activities” should serve as im-*
 2 *portant references for efforts to bolster the participa-*
 3 *tion of elected national legislators from OAS member*
 4 *states in OAS activities; and*

5 *(6) the successful experience of the Organization*
 6 *for Security and Co-operation in Europe Parliamen-*
 7 *tary Assembly should serve as a model to the OAS in*
 8 *creating a similar mechanism.*

9 **SEC. 4. STRENGTHENING PARTICIPATION OF ELECTED NA-**
 10 **TIONAL LEGISLATORS AT THE OAS.**

11 *(a) IN GENERAL.—The Secretary of State, acting*
 12 *through the United States Mission to the Organization of*
 13 *American States, should use the voice and vote of the United*
 14 *States to support the creation of procedures for the Organi-*
 15 *zation of American States that—*

16 *(1) enhance the participation of elected national*
 17 *legislators from OAS member state countries in OAS*
 18 *activities that—*

19 *(A) advance the principles of the Inter-*
 20 *American Democratic Charter;*

21 *(B) support the adoption and implementa-*
 22 *tion of a results-based budgeting process for the*
 23 *OAS;*

1 (C) support the adoption and effective im-
2 plementation of transparent and merit-based
3 human resource standards at the OAS;

4 (D) support the adoption and effective im-
5 plementation of practices to solicit member
6 quotas to be paid on a schedule that will im-
7 prove consistency of the operating budget of the
8 OAS; and

9 (E) support the review, streamlining, and
10 prioritization of OAS mandates to focus on core
11 missions and make efficient and effective use of
12 available funding;

13 (2) create an annual forum for the presidents of
14 national legislatures from OAS member states to dis-
15 cuss issues of hemispheric importance, including re-
16 gional efforts to defend human rights and combat
17 transnational criminal activities, corruption, and im-
18 punity;

19 (3) permit elected national legislators from OAS
20 member states to make presentations, contribute infor-
21 mation, and provide expert advice, as appropriate, to
22 the OAS Secretariat, OAS Permanent Council, and
23 OAS General Assembly about OAS activities on issues
24 of hemispheric importance;

1 (4) *lead to the creation of a mechanism to regu-*
 2 *larly facilitate the participation of elected national*
 3 *legislators in OAS activities; and*

4 (5) *reinforce OAS Secretariat programs that*
 5 *provide technical assistance for the modernization*
 6 *and institutional strengthening of national legisla-*
 7 *tures from OAS member states.*

8 (b) *EXPENSES.—The Secretary of State, acting*
 9 *through the United States Mission to the Organization of*
 10 *American States, as appropriate, shall seek to ensure that*
 11 *expenses related to the procedures set forth in this Act do*
 12 *not increase member quotas or assessed fees.*

13 **SEC. 5. SUPPORT FOR OAS HUMAN RIGHTS AND ANTI-COR-**
 14 **RUPTION INITIATIVES.**

15 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
 16 *that—*

17 (1) *the Organization of American States' Inter-*
 18 *American Commission on Human Rights is the pre-*
 19 *eminent institution for defending human rights in the*
 20 *Americas;*

21 (2) *the United States should take all necessary*
 22 *steps to support and strengthen the role of the Inter-*
 23 *American Commission on Human Rights and its*
 24 *work in the Americas;*

1 (3) *the efforts of the OAS Secretary General and*
 2 *Secretariat to combat corruption and impunity in the*
 3 *Americas represent important contributions to*
 4 *strengthening the rule of law and democratic govern-*
 5 *ance in the Americas; and*

6 (4) *the United States should support efforts to*
 7 *ensure the effectiveness and independence of OAS ini-*
 8 *tiatives to combat corruption and impunity in the*
 9 *Americas.*

10 (b) *ANTI-CORRUPTION AND HUMAN RIGHTS PRO-*
 11 *MOTION STRATEGY.*—*Not later than 180 days after the date*
 12 *of the enactment of the Act, the Secretary of State shall sub-*
 13 *mit to the Committee on Foreign Relations of the Senate*
 14 *and the Committee on Foreign Affairs of the House of Rep-*
 15 *resentatives a strategy for supporting OAS anti-corruption*
 16 *and human rights promotion efforts. The strategy should*
 17 *include—*

18 (1) *an assessment of United States programs, ac-*
 19 *tivities, and initiatives with the OAS to support anti-*
 20 *corruption and human rights promotion in the Amer-*
 21 *icas;*

22 (2) *a summary of steps taken by the United*
 23 *States Mission to the OAS to strengthen the role of the*
 24 *Inter-American Commission on Human Rights, and*

1 to support anti-corruption and anti-impunity efforts
2 in the Americas;

3 (3) an assessment of necessary reforms and ini-
4 tiatives to prioritize and reinforce the OAS Secretary
5 General and Secretariat's efforts to advance human
6 rights and combat corruption and impunity in the
7 Americas;

8 (4) a detailed plan to facilitate increased OAS
9 collaboration, as appropriate, with relevant stake-
10 holders, including elected national legislators and
11 civil society, in support of a multi-sectoral approach
12 to promote human rights and combat transnational
13 criminal activities, corruption, and impunity in the
14 Americas; and

15 (5) a detailed plan for implementing the strategy
16 set forth in this section of the Act.

17 **SEC. 6. REPORTING REQUIREMENTS.**

18 (a) *IN GENERAL.*—Not later than one year after the
19 date of the enactment of this Act, the Secretary of State
20 shall submit to the Committee on Foreign Relations of the
21 Senate and the Committee on Foreign Affairs of the House
22 of Representatives a report on OAS processes, initiatives,
23 and reforms undertaken to implement section 4, actions
24 taken to implement the strategy mandated under section
25 5(b), and steps taken to implement the Organization of

1 *American States Revitalization and Reform Act of 2013*
 2 *(Public Law 113–41). The report should include—*

3 *(1) an analysis of the progress made by the OAS*
 4 *to adopt and effectively implement reforms and ini-*
 5 *tiatives to advance human rights and combat corrup-*
 6 *tion and impunity in the Americas; and*

7 *(2) a detailed assessment of OAS efforts to in-*
 8 *crease multi-sectoral stakeholder engagement to ad-*
 9 *vance human rights and combat corruption and im-*
 10 *punity in the Americas.*

11 *(b) BRIEFINGS.—Not later than one year after the Sec-*
 12 *retary of State submits the report required under subsection*
 13 *(a), and annually thereafter for two additional years, the*
 14 *Secretary shall provide to the Committee on Foreign Rela-*
 15 *tions of the Senate and the Committee on Foreign Affairs*
 16 *of the House of Representatives a briefing on the informa-*
 17 *tion required to be included in such report.*

18 **SEC. 7. SENSE OF CONGRESS ON ELECTED NATIONAL LEG-**
 19 **ISLATOR.**

20 *It is the sense of Congress that an elected national leg-*
 21 *islator participating in the activities outlined in this Act*
 22 *should be an individual that—*

23 *(1) was elected as a result of periodic, free and*
 24 *fair elections;*

1 (2) *respects internationally recognized human*
2 *rights and basic freedoms as set forth in the United*
3 *Nations Universal Declaration of Human Rights, the*
4 *International Covenant on Civil and Political Rights,*
5 *the American Convention on Human Rights, and the*
6 *principles of the Inter-American Democratic Charter;*
7 *and*

8 (3) *is not known to be under investigation or*
9 *convicted for corruption or transnational criminal*
10 *activities, including trafficking of people, goods, or il-*
11 *licit narcotics, money-laundering, terrorist financing,*
12 *acts of terrorism, campaign finance violations, brib-*
13 *ery, or extortion.*

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116TH CONGRESS
1ST Session

S. 1310

A BILL

To strengthen the participation of elected national legislators in the activities of the Organization of American States and reaffirm United States support for Organization of American States human rights and anti-corruption initiatives, and for other purposes.

DECEMBER 17, 2019

Reported with an amendment