

Manager's Substitute Amendment

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

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.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. COONS

Viz:

1 Strike all after the enacting clause and insert the following:
2

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

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

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 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.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

6 (A) the Committee on Appropriations of
7 the Senate;

8 (B) the Committee on Foreign Relations of
9 the Senate;

10 (C) the Committee on Appropriations of
11 the House of Representatives; and

12 (D) the Committee on Foreign Affairs of
13 the House of Representatives.

14 (2) **CIVIL AND POLITICAL RIGHTS.**—The term
15 “civil and political rights” means the equal and in-
16 alienable rights of all members of the human family
17 as provided for in the International Covenant on
18 Civil and Political Rights, done in New York Decem-
19 ber 16, 1966.

20 (3) **DEMOCRACY PROGRAMS.**—For purposes of
21 funds authorized to be appropriated by this Act, the
22 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et
23 seq.), or appropriated under any Act making appro-
24 priations for the Department of State, foreign oper-

1 ations, and related programs, the term “democracy
2 programs” means programs that, consistent with
3 section 133(b) of the Foreign Assistance Act of
4 1961 (22 U.S.C. 2152c(b)) and the International
5 Covenant on Civil and Political Rights, done at New
6 York December 16, 1966, support—

7 (A) good governance;

8 (B) credible and competitive elections;

9 (C) freedom of expression, association, as-
10 ssembly, and religion;

11 (D) human rights, labor rights, inde-
12 pendent media, and the rule of law; and

13 (E) otherwise strengthen the capacity of
14 democratic political parties, governments, non-
15 governmental organizations and institutions,
16 and citizens to support the development of
17 democratic states and institutions that are re-
18 sponsive and accountable to citizens.

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

21 (5) RELEVANT FEDERAL DEPARTMENTS AND
22 AGENCIES.—The term “relevant Federal depart-
23 ments and agencies” means—

24 (A) the Department of State;

1 (B) the United States Agency for Inter-
2 national Development; and

3 (C) other Federal agencies that the Presi-
4 dent determines are relevant for purposes of
5 this Act.

6 (6) USAID.—The term “USAID” means the
7 United States Agency for International Develop-
8 ment.

9 **SEC. 3. PROGRAM PRIORITIZATION AND DEMOCRACY**
10 **STRATEGY.**

11 (a) PROGRAM PRIORITIZATION .—As the global lead-
12 er in promoting and advancing democratic principles, the
13 United States Government should prioritize democracy
14 programs that—

15 (1) align and are coordinated with diplomatic
16 and security strategies for a given country or region;

17 (2) advance democracy worldwide, including
18 during a country’s transition to democracy and the
19 consolidation of democracy following such a transi-
20 tion, and address democratic backsliding in a coun-
21 try;

22 (3) support democracy and democratic voices in
23 closed and repressive societies, including those de-
24 fending the exercise of civil and political rights;

1 (4) counter the malign influence of the People’s
2 Republic of China, the Russian Federation, and
3 other authoritarian governments;

4 (5) counter corruption and kleptocracy, includ-
5 ing by enhancing transparent, accountable, and re-
6 sponsive governance;

7 (6) promote and protect independent media,
8 civil society activists, writers, artists, and intellec-
9 tuals;

10 (7) counter misinformation and disinformation,
11 but especially in the digital domain;

12 (8) counter authoritarian abuse of technology,
13 and prevent manipulation—especially through digital
14 means—of elections, electoral data, and critical elec-
15 toral infrastructure;

16 (9) combat digital authoritarianism, including
17 the use of the internet and other digital technologies
18 to restrict the exercise of civil and political rights;

19 (10) promote internet freedom and the use of
20 technology that furthers democracy and the exercise
21 of civil and political rights;

22 (11) counter transnational repression and the
23 extra-territorial extension of repressive measures, as
24 well as the increasing use of arbitrary detention;

1 (12) respond rapidly to democratic openings or
2 backsliding, and adapt to evolving dynamics on the
3 ground;

4 (13) promote civic education, voter education,
5 and enhanced citizen participation in democratic
6 processes;

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

9 (15) seek to ensure the integrity of elections
10 abroad; and

11 (16) establish and promote democracy partner-
12 ships to maximize support to a country where a
13 democratic opening is underway or the respective
14 government is a genuine partner for democratic re-
15 form.

16 (b) STRATEGY.—Not later than 120 days after the
17 date of the enactment of this Act, the President shall sub-
18 mit to Congress a comprehensive strategy to promote de-
19 mocracy abroad that is informed by extensive consulta-
20 tions with the local actors impacted by such programs.
21 The strategy shall encompass a whole of government ap-
22 proach to such efforts, and include detailed information
23 on funding, goals and objectives, and oversight.

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

2 (a) **BENEFICIARIES.**—Funds that are made available
3 by this Act for the National Endowment for Democracy
4 are made available pursuant to the authority of the Na-
5 tional Endowment for Democracy Act (title V of Public
6 Law 98–164), including all decisions regarding the selec-
7 tion of beneficiaries.

8 (b) **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 departments and agencies, the organi-
13 zations implementing such assistance, the specific
14 nature of that assistance, and the participants in
15 such programs shall not be subject to the prior ap-
16 proval by the government 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 civil and
23 political rights, any new bilateral agreement gov-
24 erning the terms and conditions under which assist-
25 ance is provided to such a country shall not require
26 the disclosure of the names of implementing part-

1 ners of democracy programs, and the Secretary of
2 State and the USAID Administrator shall expedi-
3 tiously seek to negotiate amendments to existing bi-
4 lateral agreements, as necessary, to conform to this
5 requirement.

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

14 (c) PROTECTING IMPLEMENTING PARTNERS.—

15 (1) IN GENERAL.—Where it is determined by
16 the Secretary of State, in consultation with the
17 USAID Administrator, or the NED President, as
18 appropriate, that a country is undemocratic or has
19 engaged in gross violations of civil and political
20 rights, the names of implementing persons and orga-
21 nizations of democracy activities and programs sup-
22 ported by the Department of State, USAID, or
23 NED shall not be required under section 552 of title
24 5, United States Code (commonly referred to as the
25 “Freedom of Information Act”).

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

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

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

23 (f) AUDITS.—Section 504(g) of the National Endow-
24 ment for Democracy Act (22 U.S.C. 4413(g)) is amended
25 by striking “United States Information Agency” and in-

1 serting “Department of State Office of Inspector Gen-
2 eral”.

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

5 (a) ESTABLISHMENT.—There is established in the
6 Treasury of the United States a fund to be known as the
7 “Democracy in the 21st Century Fund” (in this sub-
8 section referred to as “the Fund”), to be administered by
9 the Secretary of State, following consultation with the Ad-
10 ministrator of the United States Agency for International
11 Development and the appropriate congressional commit-
12 tees, consisting of amounts authorized to be appropriated
13 by section 7, to advance the comprehensive strategy under
14 section 3, including the programs of the Department of
15 State, USAID, and the National Endowment for Democ-
16 racy described in subsections (b), (c), (d), and (e).

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

22 (1) strengthening and enhancing the Depart-
23 ment of State and USAID’s ability to respond quick-
24 ly and flexibly to democratic openings and back-
25 sliding;

1 (2) assisting fledgling or struggling democracies
2 deliver services and meet expectations for their pop-
3 ulations, in consultation and coordination with the
4 governments of such democracies, in order to further
5 reforms and strategies identified by such govern-
6 ments through consultation with respective civil soci-
7 eties;

8 (3) supporting, in cooperation with other inter-
9 national donors and in consultation with nongovern-
10 mental organizations, independent and public inter-
11 est media worldwide to help such media resist the
12 overlapping challenges of authoritarian encroach-
13 ment, threats to their financial viability, and litiga-
14 tion and regulatory environments meant to undercut
15 their ability to operate;

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

22 (A) counter disinformation;

23 (B) establish an initiative to help countries
24 around the world implement governing regula-

1 tions for the procurement and use of technology
2 consistent with civil and political rights;

3 (C) provide “digital public goods” to re-
4 duce the appeal of authoritarian-leaning tech-
5 nologies to cash strapped countries;

6 (D) provide education on digital literacy to
7 key populations; and

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

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

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

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

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

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

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

15 (2) improve detection and exposure of corrup-
16 tion crimes, including those that cross borders, im-
17 prove citizen oversight and advocacy, protect free ex-
18 pression and civic activism, and bolster investigative
19 journalism and media independence;

20 (3) expand investigations and prosecutions of
21 corrupt acts and hold corrupt actors accountable,
22 and assist in the adoption and implementation of
23 anticorruption preventive measures and promotion of
24 good governance and public administration;

25 (4) build effective, impartial judiciaries;

1 (5) address corruption in key sectors, whether
2 at the level of delivery of services to citizens, impor-
3 tant governmental processes such as procurement, or
4 priority economic sectors;

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

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

12 (8) strengthen cross-sectoral collaboration
13 among nongovernmental organizations essential to
14 combatting well-resourced transnational kleptocratic
15 networks;

16 (9) address corrosive capital and the strategic
17 use of corruption by authoritarian states to under-
18 mine democracy and good governance;

19 (10) provide essential skills and resources to
20 civil society and media to counter corruption and ad-
21 dress the weak governance and poor human rights
22 conditions that cultivate corruption; and

23 (11) foster public demand for accountable and
24 transparent government.

1 (d) DEMOCRACY RESEARCH AND DEVELOPMENT.—

2 The Secretary of State, in consultation with the USAID

3 Administrator and in consultation with the appropriate

4 congressional committees, shall establish a program for

5 democracy research and development that—

6 (1) supports research and development by the

7 Department of State, USAID, and the NED on poli-

8 cies, programs, and technologies relating to democ-

9 racy programs;

10 (2) drives innovation within those entities re-

11 garding the response to complex, multidimensional

12 challenges to democracy, including combatting

13 transnational kleptocracy, mitigating hyper-polariza-

14 tion, countering malign authoritarian influence, and

15 leveraging emerging technology for democracy;

16 (3) incentivizes collaboration among govern-

17 ment, nongovernmental organizations, and the pri-

18 vate sector with the objective of identifying and miti-

19 gating threats to global democracy; and

20 (4) identifies lessons learned and best practices

21 for democracy programs and diplomatic approaches

22 to create feedback loops and shape future evidence-

23 based programming and diplomacy.

24 (e) FELLOWSHIPS FOR DEMOCRACY ADVOCATES AT

25 RISK.—The NED is authorized to expand the Reagan-

1 Fascell Democracy Fellows Program to provide additional
2 fellowships, including in partnership with other institu-
3 tions and organizations, to support democracy advocates
4 at risk.

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

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

19 (h) NOTIFICATION REQUIREMENTS.—Not later than
20 15 days prior to the obligation of funds authorized to be
21 appropriated for the Fund and the programs established
22 under this section, the Secretary of State and the USAID
23 Administrator, as appropriate, shall notify the appropriate
24 congressional committees of the intended uses of such
25 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
6 congressional 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 Sec-
16 retary of State for Democracy, Human Rights, and
17 Labor, except for funds provided to the NED. Such
18 funds shall be made available as grants and should
19 have as their primary purpose democracy programs
20 that are incorporated into a larger diplomatic strat-
21 egy and are flexible, innovative, and responsive to—

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

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

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

5 (2) For USAID, such funds should have as
6 their primary purpose flexible, innovative, and re-
7 sponsive democracy programs that are development-
8 oriented, often coordinated through a Country De-
9 velopment Cooperation Strategy, and conducted in
10 countries where a USAID Mission is present or a
11 where a USAID Mission in a neighboring country
12 can manage and oversee such programs effectively.
13 Such programs should, as appropriate, build endur-
14 ing local capacity, incorporate democracy program-
15 ming into a larger development and diplomatic strat-
16 egy, and emphasize participatory and locally led pro-
17 grams when possible. Funds made available for civil
18 society and political competition and consensus
19 building programs abroad shall be provided in a
20 manner that recognizes the benefits of grants and
21 cooperative agreements in implementing such pro-
22 grams.

23 (3) In cases where both the Department of
24 State and USAID are able to respond to emerging
25 opportunities and sudden crises, including in closed

1 and repressive societies, the Secretary of State and
2 the USAID Administrator shall coordinate their re-
3 spective programs, including at the country level, to
4 ensure complementarity and prevent waste or redun-
5 dancy.

6 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) PROGRAMS.—

8 (1) IN GENERAL.—There is authorized to be
9 appropriated for the democracy programs of the De-
10 partment of State and the United States Agency for
11 International Development in each of fiscal years
12 2023 through 2027, \$2,900,000,000, to remain
13 available until expended.

14 (2) DEMOCRACY IN THE 21ST CENTURY
15 FUND.—Of the funds authorized to be appropriated
16 by paragraph (1), the following amounts are author-
17 ized to be appropriated in each of fiscal years 2023
18 through 2027 for the Democracy in the 21st Cen-
19 tury Fund established under section 5:

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

1 (B) \$50,000,000 in each such fiscal year is
2 authorized to be appropriated for the Com-
3 bating Corruption and Kleptocracy program
4 under section 5(c).

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

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

16 (3) DEMOCRACY FUND.—

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

1 racy Act (22 U.S.C. 4411(b)), for the pro-
2 motion of democracy globally, which shall be
3 made available to the Bureau of Democracy,
4 Human Rights, and Labor of the Department
5 of State and the Bureau for Development, De-
6 mocracy, and Innovation of the United States
7 Agency for International Development.

8 (B) ADDITIONAL AMOUNTS.—Funds au-
9 thorized to be made available to the National
10 Endowment for Democracy and its core insti-
11 tutes under this paragraph are in addition to
12 amounts otherwise authorized to be appro-
13 priated by this Act for such purposes.

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

19 (c) ADMINISTRATION OF DEPARTMENT OF STATE
20 DEMOCRACY PROGRAMS.—Of the funds authorized to be
21 appropriated by this section that are made available for
22 the Bureau of Democracy, Human Rights, and Labor of
23 the Department of State, up to 15 percent may be made
24 available for the administration of democracy programs by
25 such Bureau in each of fiscal years 2023 through 2027,

1 including for the hiring of additional personnel following
2 consultation with the appropriate congressional commit-
3 tees. Such funds are in addition to funds otherwise made
4 available for such purposes.

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

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