

117TH CONGRESS
2D SESSION

S. 4285

To celebrate the 20th anniversary of the Inter-American Democratic Charter, to encourage governments in the Americas to reinforce their commitments to the principles enshrined in the Inter-American Democratic Charter, to reaffirm the role of free and fair elections as a cornerstone of democracy, to address the challenges posed by disinformation and misinformation in the Americas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19 (legislative day, MAY 17), 2022

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

A BILL

To celebrate the 20th anniversary of the Inter-American Democratic Charter, to encourage governments in the Americas to reinforce their commitments to the principles enshrined in the Inter-American Democratic Charter, to reaffirm the role of free and fair elections as a cornerstone of democracy, to address the challenges posed by disinformation and misinformation in the Americas, 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 “Upholding the Inter-
3 American Democratic Charter Act of 2022”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) The Inter-American Democratic Charter
7 (referred to in this section as the “Charter”), done
8 at Lima September 11, 2001, established a set of
9 shared democratic principles and norms among
10 member states of the Organization of American
11 States (referred to in this section as the “OAS”), in-
12 cluding commitments to the separation of powers
13 and independence of the branches of government,
14 pluralistic systems of political parties and organiza-
15 tions, and free, transparent, and fair elections.

16 (2) Articles 1 and 2 of the Charter recognize,
17 respectively, that “[t]he peoples of the Americas
18 have a right to democracy and their governments
19 have an obligation to promote and defend it” and
20 that “[t]he effective exercise of representative de-
21 mocracy is the basis for the rule of law and [con-
22 stitutional order in OAS member states]”.

23 (3) Article 3 of the Charter asserts that “access
24 to and the exercise of power in accordance with the
25 rule of law” and “the holding of periodic, free, and
26 fair elections based on secret balloting and universal

1 suffrage as an expression of the sovereignty of the
2 people” are essential elements of representative de-
3 mocracy.

4 (4) Article 4 of the Charter states that
5 “[t]ransparency in government activities, probity, re-
6 sponsible public administration on the part of gov-
7 ernments” and “freedom of expression and of the
8 press” are also essential for the democratic func-
9 tioning of member states of the OAS.

10 (5) Despite widespread advances in the consoli-
11 dation of democratic governance in the Americas,
12 there remain deep and concerning challenges facing
13 democracies throughout Latin America and the Car-
14 ibbean, including—

15 (A) recurring incidents of significant elec-
16 toral irregularities and manipulation;

17 (B) the extension and elimination of presi-
18 dential term limits;

19 (C) the politicization of judicial systems
20 and the expansion of executive powers and exec-
21 utive influence over the judiciary;

22 (D) corruption and a lack of transparency,
23 which hinders integral development in addition
24 to weakening democratic institutions; and

1 (E) misinformation and disinformation dis-
2 seminated by foreign governments via tradi-
3 tional and digital media platforms that under-
4 mine faith in democratic institutions and elec-
5 tions.

6 (6) Since 2016, there have been concerning lev-
7 els of irregularities in several electoral processes
8 throughout the Americas, including—

9 (A) the 2016 and 2021 general elections in
10 Nicaragua;

11 (B) the 2017 general elections in Hon-
12 duras;

13 (C) the sham 2017 constituent assembly,
14 2018 presidential, and 2020 national legislative
15 elections in Venezuela;

16 (D) the 2019 presidential elections in Bo-
17 livia; and

18 (E) the 2020 general and regional elections
19 in Guyana.

20 (7) The November 6, 2016, general elections in
21 Nicaragua were characterized by severe democratic
22 deficiencies, including widespread limitations on the
23 participation of opposition candidates, and the No-
24 vember 7, 2021, general elections in Nicaragua were
25 characterized by similar deficiencies, including the

1 criminalization of the legitimate work of social orga-
2 nizations and political parties and the political im-
3 prisonment of potential opposition candidates, which
4 consequently led the General Assembly of the OAS
5 to pass a resolution approved by 25 countries declar-
6 ing that the 2021 elections “were not free, fair or
7 transparent and have no democratic legitimacy”.

8 (8) Following the general elections in Honduras
9 on November 26, 2017, the OAS Electoral Observa-
10 tion Mission reported that “[t]he tight margin of the
11 results, and the irregularities, errors and systemic
12 problems that . . . surrounded [the] election [did]
13 not allow the Mission to hold certainty about the re-
14 sults”, leading Secretary General of the OAS Luis
15 Almagro to subsequently issue a statement noting
16 that “the only possible way for the victor to be the
17 people of Honduras is a new call for general elec-
18 tions”.

19 (9) The July 30, 2017, elections in Venezuela
20 to establish a Constituent Assembly were widely de-
21 rided as fraudulent by the international community,
22 with Smartmatic, the company that supplied Ven-
23 ezuela’s voting machines, stating that the regime
24 manipulated the results by more than 1,000,000
25 votes, and the May 20, 2018, presidential elections

1 in Venezuela were similarly deemed to be fraudulent
2 and illegitimate, leading the OAS to invoke the
3 Charter and declare that the elections did not com-
4 ply with international standards, permit the partici-
5 pation of all political actors, or satisfy conditions
6 necessary to be considered a free, fair, transparent,
7 and democratic process.

8 (10) The Final Report of the OAS Electoral
9 Observation Mission on the October 20, 2019, gen-
10 eral election in Bolivia, “Analysis of Electoral Integ-
11 rity General Elections in the Plurinational State of
12 Bolivia”, found widespread and conclusive evidence
13 of manipulation through secret computer servers
14 with the capacity to modify the results and tally
15 sheets, which made it impossible for the Mission to
16 have confidence in the election results.

17 (11) In the aftermath of the 2020 general elec-
18 tions in Guyana, international observers from the
19 OAS and the Caribbean Community (CARICOM)
20 “unanimously agreed that there was no credible re-
21 sult” from Guyana’s general and regional elections
22 held on March 2, 2020, which were marked by “fla-
23 grant tabulation irregularities”.

24 (12) Notwithstanding challenges in the region,
25 several countries have held free and fair elections for

1 heads of state since 2020, including the countries of
2 Belize, Chile, Costa Rica, the Dominican Republic,
3 Ecuador, Honduras, Peru, Saint Kitts and Nevis,
4 Saint Lucia, Trinidad and Tobago, and Saint Vin-
5 cent and the Grenadines, which serve as examples
6 for other countries in the region on conducting
7 democratic electoral processes.

8 (13) Transparency International’s seminal 2021
9 report indicates that corruption, bolstered by wide-
10 spread impunity and attacks against the independ-
11 ence of the press and the judiciary, remains a sig-
12 nificant challenge to human rights and democratic
13 governance in the Americas, with the region making
14 insufficient progress in combating corruption be-
15 tween 2011 and 2021.

16 (14) Additional steps are needed to strengthen
17 confidence in a free press in Latin America, given
18 that a study from Vanderbilt University in 2018
19 shows that less than $\frac{1}{2}$ of Latin Americans trust
20 the press, down from $\frac{2}{3}$ in 2004.

21 (15) The growing challenges of disinformation,
22 misinformation, and digital election interference
23 across the Americas, and their potential to sow so-
24 cial discord and lower public trust in democratic in-

stitutions, pose significant risks to democratic governance and the integrity of future elections.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the 20th anniversary of the Inter-American Democratic Charter is an important hallmark in inter-American relations, and democracies in the Western Hemisphere should continue to uphold the democratic electoral norms and standards, principles, and commitments enshrined in the Charter;

(2) member states of the Organization of American States should continuously work to strengthen democratic institutions and practices, as well as economic and political institutions that enable integral development, including by promoting transparency and combating corruption;

(3) free, fair, and transparent elections are the foundation of representative democracy in the Americas;

(4) the separation of powers and the defense of human rights, freedom of expression, and freedom of the press remain fundamental democratic principles in the Americas that must be respected;

(5) member states of the Organization of American States should—

1 (A) strengthen processes for holding free,
2 fair, and transparent elections;

3 (B) defend the right of all of their citizens
4 to peacefully assemble, campaign, participate,
5 and vote in democratic elections; and

6 (C) actively promote the dissemination of
7 fact-based public information while cooperating
8 with private media to identify and discourage
9 the propagation of misinformation and
10 disinformation surrounding civic life; and

11 (6) the Secretary of State should work with the
12 Organization of American States and member states
13 of the Organization of American States—

14 (A) to strengthen the integrity of electoral
15 processes in the Americas, including by modern-
16 izing electoral observation methodologies to bet-
17 ter address the challenges posed by digital elec-
18 tion interference;

19 (B) to promote quality independent jour-
20 nalism and media while strengthening institu-
21 tional capacity in the Americas to monitor and
22 address disinformation and misinformation and
23 the threats they pose to democratic governance,
24 especially by the Russian Federation, the Peo-
25 ple's Republic of China, and Iran, as well as

1 Cuba and the regime of Nicolas Maduro in Ven-
2 ezuela;

3 (C) to address the challenges posed to
4 democratic governance and multilateral institu-
5 tions in the Americas by the activities of non-
6 democratic, nonmember states of the Organiza-
7 tion of American States, including the Russian
8 Federation, the People's Republic of China,
9 Iran, and Cuba;

10 (D) to augment efforts to combat corrup-
11 tion and organized criminal activity, including
12 by using digital tools to increase transparency
13 in public administration, tax collection, and cus-
14 toms management;

15 (E) to support the modernization of judi-
16 cial systems critical to combating corruption in
17 the Americas and efforts to strengthen the
18 transparency, integrity, and independence of
19 those systems;

20 (F) to advance initiatives to strengthen the
21 harmonization of regulatory mechanisms to fa-
22 cilitate increased investment and digital govern-
23 ance throughout the Americas; and

24 (G) to uphold the positive advances that
25 member states of the Organization of American

1 States have made to strengthen the integrity of
2 electoral processes, promote free and inde-
3 pendent journalism, combat corruption, and
4 modernize judicial systems, and to encourage
5 those member states to share their experience
6 with other member states of the Organization
7 of American States through formal and infor-
8 mal mechanisms, including through the forum
9 for democratically elected national legislatures
10 of members states called for in section 4(a)(2)
11 of the Organization of American States Legisla-
12 tive Engagement Act of 2020 (22 U.S.C. 290q
13 note; Public Law 116–343).

14 **SEC. 4. STATEMENT OF POLICY.**

15 It shall be the policy of the United States—

16 (1) to promote continued adherence to the
17 democratic principles and norms of the Inter-Amer-
18 ican Democratic Charter; and

19 (2) to advance diplomatic initiatives in coordi-
20 nation with the Organization of American States
21 and its member states to address threats to the in-
22 tegrity of the Inter-American Democratic Charter
23 and to democratic institutions in the Americas.

1 **SEC. 5. STRATEGY FOR STRENGTHENING THE INTER-AMER-**
2 **ICAN DEMOCRATIC CHARTER.**

3 (a) STRATEGY.—

4 (1) IN GENERAL.—The Secretary of State shall
5 develop and implement a multi-year strategy to up-
6 hold and strengthen the Inter-American Democratic
7 Charter.

8 (2) ELEMENTS.—The strategy required by
9 paragraph (1) shall include—

10 (A) developing diplomatic initiatives to
11 highlight past successes of the Inter-American
12 Democratic Charter and its ongoing relevance;

13 (B) documenting threats to democratic
14 governance in the Western Hemisphere, includ-
15 ing efforts to undermine civil society, the rule
16 of law, free and fair elections, presidential term
17 limits, or the separation of powers, and con-
18 vening diplomatic forums to review and address
19 those threats;

20 (C) developing and implementing the plans
21 required by sections 6, 7, and 8; and

22 (D) fully implementing provisions of the
23 Organization of American States Legislative
24 Engagement Act of 2020 (22 U.S.C. 290q note;
25 Public Law 116–343) to advance efforts to en-
26 hance the participation of democratically elected

1 national legislatures in the Organization of
2 American States, including—

3 (i) promoting involvement by those
4 legislatures in activities that advance the
5 principles of the Inter-American Demo-
6 cratic Charter and the core values of the
7 Organization of American States, as de-
8 scribed in section 4(a)(1) of that Act;

9 (ii) creating and supporting an annual
10 forum to discuss issues of hemispheric im-
11 portance, including corruption, as de-
12 scribed in section 4(a)(2) of that Act; and

13 (iii) strengthening the ability of those
14 legislatures to make presentations, con-
15 tribute information, and provide expert ad-
16 vice to entities of the Organization of
17 American States, as described in section
18 4(a)(3) of that Act.

19 (b) ANNUAL REPORT.—Not later than 180 days after
20 the date of the enactment of this Act, and annually there-
21 after, the Secretary of State shall submit to the Com-
22 mittee on Foreign Relations of the Senate and the Com-
23 mittee on Foreign Affairs of the House of Representatives
24 a report describing in detail—

1 (1) the strategy required by subsection (a)(1)
 2 and efforts to implement the strategy, including the
 3 plans required by sections 6, 7, and 8 and efforts to
 4 implement the plans;

5 (2) progress made by the United States Govern-
 6 ment toward achieving the goals of the strategy of
 7 upholding and strengthening the Inter-American
 8 Democratic Charter;

9 (3) challenges to efforts by the United States
 10 Government and the Organization of American
 11 States to uphold and strengthen the Inter-American
 12 Democratic Charter; and

13 (4) progress made in implementing the Organi-
 14 zation of American States Revitalization and Reform
 15 Act of 2013 (Public Law 113–41; 127 Stat. 548)
 16 and the Organization of American States Legislative
 17 Engagement Act of 2020 (22 U.S.C. 290q note;
 18 Public Law 116–343).

19 **SEC. 6. STRENGTHENING THE INTEGRITY OF ELECTORAL**
 20 **PROCESSES IN THE AMERICAS.**

21 (a) IN GENERAL.—As part of the strategy required
 22 by section 5(a)(1), the Secretary of State shall develop and
 23 implement a plan for strengthening the integrity of elec-
 24 toral processes in the Americas.

1 (b) ELEMENTS.—The plan required by subsection (a)
2 shall include—

3 (1) an assessment of emerging challenges and
4 risks to democratic elections in the Americas, includ-
5 ing the unique threats posed by digital election in-
6 terference; and

7 (2) initiatives, in coordination with the Organi-
8 zation of American States and member states of the
9 Organization of American States—

10 (A) to ensure the integrity of elections,
11 preserve the credibility and objectivity of elec-
12 toral observation missions of the Organization
13 of American States, and strengthen the tech-
14 nical capacity of those missions to investigate
15 electoral irregularities in electoral processes;
16 and

17 (B) to improve election observation meth-
18 odologies of the Organization of American
19 States and strengthen the training provided to
20 electoral observation missions of the Organiza-
21 tion of American States to effectively monitor,
22 report, and address the emerging threat of dig-
23 ital election interference.

1 **SEC. 7. COUNTERING DISINFORMATION AND MISINFORMA-**
2 **TION IN THE AMERICAS.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that Congress supports—

5 (1) efforts by the Secretary General of the Or-
6 ganization of American States to strengthen public
7 interest media on traditional and digital media plat-
8 forms, promote investigative journalism, fortify the
9 integrity of media environments, and counter
10 disinformation and misinformation across the Amer-
11 icas; and

12 (2) plans by the Secretary General of the Orga-
13 nization of American States to announce the cre-
14 ation of the Center for Media Integrity of the Amer-
15 icas at the Ninth Summit of the Americas.

16 (b) IN GENERAL.—As part of the strategy required
17 by section 5(a)(1), the Secretary of State shall develop and
18 implement a plan for countering the spread and amplifi-
19 cation of disinformation and misinformation in the Amer-
20 icas and strengthening vulnerable information environ-
21 ments.

22 (c) ELEMENTS.—The plan required by subsection (b)
23 shall include—

24 (1) an assessment of—

25 (A) the nature and prevalence of
26 disinformation and misinformation activities in

1 traditional, digital, and social media in the
2 Americas, including—

3 (i) the major intra-regional and extra-
4 regional actors involved in spreading or
5 amplifying disinformation and misinforma-
6 tion;

7 (ii) the tactics those actors use;

8 (iii) the major narratives those actors
9 disseminate; and

10 (iv) the extent to which the activities
11 involve or are being coordinated by state
12 entities or government officials;

13 (B) the vulnerability of information envi-
14 ronments within the Americas;

15 (C) which countries are most targeted by
16 campaigns to spread and amplify disinformation
17 and misinformation and the effectiveness of
18 those campaigns; and

19 (D) the nature and magnitude of the
20 threats posed by disinformation and misin-
21 formation activities to democratic governance,
22 human rights, and other United States inter-
23 ests; and

24 (2) efforts, including the multilateral diplomacy
25 described in subsection (d), in coordination with the

1 Organization of American States and member states
2 of the Organization of American States—

3 (A) to monitor and share information
4 about disinformation and misinformation activi-
5 ties and the effects of those activities;

6 (B) to convene regional summits, forums,
7 and multi-stakeholder initiatives with engage-
8 ment from governments, technology companies,
9 media organizations, academia, and civil society
10 groups to address the challenges posed by
11 disinformation and misinformation and other
12 related issues, including data privacy, shared
13 cybersecurity standards, and platform inter-
14 operability;

15 (C) to develop a regional code of best prac-
16 tices and other joint solutions to address
17 disinformation and misinformation, including
18 rapid alert systems and agreements on other re-
19 lated issues;

20 (D) to strengthen the capacity of the Or-
21 ganization of American States, member states
22 of the Organization of American States, and
23 independent media and civil society groups to
24 counter disinformation and misinformation and
25 address vulnerable information environments,

1 including by providing support for media and
2 digital literacy, independent journalism, and
3 fact-checking initiatives; and

4 (E) to support and promote the creation of
5 public interest media and investigative jour-
6 nalism to provide accurate, objective, and reli-
7 able local news.

8 (d) MULTILATERAL DIPLOMACY.—The Secretary of
9 State, acting through the United States Permanent Rep-
10 resentative to the Organization of American States, shall
11 use the voice, vote, and influence of the United States—

12 (1) to establish a working group at the Organi-
13 zation of American States to monitor the deleterious
14 effects that disinformation and misinformation pose
15 to democratic governance and human rights and de-
16 velop regional approaches to address those effects;
17 and

18 (2) to advance a resolution of the Organization
19 of American States on condemning and countering
20 disinformation and misinformation in the Americas.

21 (e) RESOURCES.—The Secretary of State, acting
22 through the United States Mission to the Organization of
23 American States, should use the voice, vote, and influence
24 of the United States to support increased attention and
25 resources for the General Secretariat of the Organization

1 of American States to develop efforts to address the threat
 2 posed by disinformation and misinformation to democratic
 3 governance and human rights, including—

4 (1) by increasing the proportion of United
 5 States voluntary contributions designated for ad-
 6 dressing that threat; and

7 (2) by encouraging similar efforts by other
 8 member states of the Organization of American
 9 States.

10 **SEC. 8. ADDRESSING ADDITIONAL CHALLENGES TO DEMO-**
 11 **CRATIC GOVERNANCE IN THE AMERICAS.**

12 (a) IN GENERAL.—As part of the strategy required
 13 by section 5(a)(1), the Secretary of State shall develop and
 14 implement a plan for addressing threats to democratic
 15 governance posed by—

16 (1) corruption and criminality; and

17 (2) the malign activities of nondemocratic, non-
 18 member states of the Organization of American
 19 States, including the People’s Republic of China, the
 20 Russian Federation, Iran, and Cuba.

21 (b) ELEMENTS.—The plan required by subsection (a)
 22 shall include—

23 (1) an assessment of—

1 (A) the major threats from, and
2 vulnerabilities to, corruption and criminality in
3 the Americas; and

4 (B) how the People's Republic of China
5 and the Russian Federation have sought to ex-
6 ploit regional multilateral institutions to ad-
7 vance their goals and undermine democratic
8 governance; and

9 (2) efforts by the Secretary of State—

10 (A) to propose and develop, in coordination
11 with regional multilateral institutions, digital
12 governance programs—

13 (i) to strengthen transparency in pub-
14 lic administration, tax collection, and cus-
15 toms management; and

16 (ii) to reduce corruption; and

17 (B) to use the voice, vote, and influence of
18 the United States—

19 (i) to diminish the influence of the
20 People's Republic of China and the Rus-
21 sian Federation in regional multilateral in-
22 stitutions and call attention to how those
23 states undermine the principles of the
24 Inter-American Democratic Charter; and

1 (ii) to support the creation of a spe-
2 cial rapporteur on anti-corruption at the
3 Inter-American Commission on Human
4 Rights with the mandate to monitor
5 threats from, and vulnerabilities to, cor-
6 ruption among member states of the Orga-
7 nization of American States and promote
8 the adoption of measures to address such
9 threats, including minimum standards for
10 transparency and access to public records.

11 **SEC. 9. SUNSET.**

12 This Act shall terminate on the date that is 10 years
13 after the date of the enactment of this Act.

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