

117TH CONGRESS
1ST 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

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”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 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 certain funds.
- Sec. 6. Roles and responsibilities.
- Sec. 7. Coordinators for democracy programs.
- Sec. 8. 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) **DEMOCRACY PROGRAMS.**—For purposes of
15 funds authorized to be appropriated by this Act, the
16 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et
17 seq.), or appropriated under any Act making appro-
18 priations for the Department of State, foreign oper-
19 ations, and related programs, the term “democracy
20 programs” means programs that—

21 (A) support democratic governance con-
22 sistent with section 133(b) of the Foreign As-

1 sistance Act of 1961 (22 U.S.C. 2152c(b)),
2 and—

3 (i) transparent, accountable, and
4 democratic governance (including com-
5 bating corruption);

6 (ii) credible and competitive elections;

7 (iii) freedom of expression (including
8 countering disinformation and misinforma-
9 tion), association, assembly, and religion;

10 (iv) human rights and labor rights;

11 (v) independent media;

12 (vi) internet freedom and digital
13 rights and responsibilities; and

14 (vii) the rule of law; or

15 (B) otherwise strengthen the capacity of
16 democratic political parties, nongovernmental
17 organizations and institutions, and citizens to
18 support the development of democratic states
19 and institutions that are responsive and ac-
20 countable to citizens.

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

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

25 (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 (5) 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) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) Democracy has weakened around the world
14 for at least 15 consecutive years. In some places, au-
15 thoritarian leaders have deliberately chipped away at
16 the pillars of democracy; in others, rampant par-
17 tisanship and disinformation have pitted democratic
18 electorates against themselves. In many places, the
19 People’s Republic of China (PRC), the Federation of
20 Russia, and other states have found ways to encour-
21 age or amplify these trends, including through the
22 strategic use of corruption.

23 (2) The erosion of global democracy fundamen-
24 tally undermines the national security of the United
25 States. Democracies consistently prove to be the

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

15 (3) More generally, the competition between de-
16 mocracies and autocracies has again become an ani-
17 mating feature of global politics, with authoritarian
18 powers (often with support from the PRC or Russia)
19 using their resources, influence, and technology to
20 undermine and interfere in democratic processes and
21 co-opt public officials.

22 (4) The current approach of the United States
23 Government to supporting global democracy must be
24 updated to meet today's challenges. The survival of
25 the democratic project will always depend on free

1 and fair elections, strong democratic institutions, the
2 rule of law, and an empowered civil society. The
3 United States Government must also establish new
4 authorities and resources to address contemporary
5 threats to democracy, including malign foreign inter-
6 ference, transnational corruption, and digital
7 authoritarianism.

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

10 (1) advance democracy worldwide, including
11 during a country’s transition to democracy, a con-
12 solidation of democracy following such a transition,
13 and democratic backsliding in a country;

14 (2) support democracy and democratic activists
15 in closed and repressive societies, including defend-
16 ing their human rights;

17 (3) counter the malign influence of the PRC,
18 the Federation of Russia, and other authoritarian
19 governments;

20 (4) counter corruption and kleptocracy, includ-
21 ing by enhancing transparent, accountable, and re-
22 sponsive governance;

23 (5) promote and protect independent media,
24 civil society activists, writers, artists, and intellec-
25 tuals;

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

3 (7) counter authoritarian abuse of technology,
4 and prevent manipulation—especially through digital
5 means—of elections, electoral data, and critical in-
6 frastructure;

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

10 (9) promote internet freedom and the use of
11 technology that furthers democracy and human
12 rights;

13 (10) counter transnational repression and the
14 extra-territorial extension of repressive measures, as
15 well as the increasing use of arbitrary detention;

16 (11) respond rapidly to democratic openings or
17 backsliding;

18 (12) promote civic education, voter education,
19 and enhanced citizen participation in democratic
20 processes;

21 (13) seek to ensure the integrity of elections
22 abroad; and

23 (14) establish and promote democracy partner-
24 ships to maximize support to a country where a
25 democratic opening is underway or the respective

1 government is a genuine partner for democratic re-
2 form.

3 (c) STRATEGY.—Not later than 120 days after the
4 date of the enactment of this Act, the President shall sub-
5 mit to Congress a comprehensive strategy to promote de-
6 mocracy abroad. The strategy shall encompass a whole of
7 government approach to such efforts, and include detailed
8 information on funding, goals and objectives, and over-
9 sight.

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

11 (a) AVAILABILITY.—Funds that are authorized to be
12 appropriated pursuant to the National Endowment for
13 Democracy Act (22 U.S.C. 4412) or appropriated under
14 any Act making appropriations for the Department of
15 State, foreign operations, and related programs for the
16 National Endowment for Democracy may be made avail-
17 able notwithstanding any other provision of law and any
18 regulation.

19 (b) BENEFICIARIES.—Funds that are made available
20 by this Act for the NED are made available pursuant to
21 the authority of the National Endowment for Democracy
22 Act (title V of Public Law 98–164), including all decisions
23 regarding the selection of beneficiaries.

24 (c) RESTRICTIONS ON FOREIGN GOVERNMENT IN-
25 TERFERENCE.—

1 (1) PRIOR APPROVAL.—With respect to the pro-
2 vision of assistance for democracy programs by rel-
3 evant Federal agencies, the organizations imple-
4 menting such assistance, the specific nature of that
5 assistance, and the participants in such programs
6 shall not be subject to the prior approval by the gov-
7 ernment of any foreign country.

8 (2) DISCLOSURE OF IMPLEMENTING PARTNER
9 INFORMATION.—If the Secretary of State, in con-
10 sultation with the Administrator of the United
11 States Agency for International Development, deter-
12 mines that the government of a country is undemo-
13 cratic or has engaged in gross violations of human
14 rights, any new bilateral agreement governing the
15 terms and conditions under which assistance is pro-
16 vided to such a country shall not require the disclo-
17 sure of the names of implementing partners of de-
18 mocracy programs, and the Secretary of State and
19 the Administrator of the United States Agency for
20 International Development shall expeditiously seek
21 to negotiate amendments to existing bilateral agree-
22 ments, as necessary, to conform to this requirement.

23 (3) REPORTING REQUIREMENT.—The Secretary
24 of State, in coordination with the USAID Adminis-
25 trator, shall submit a report to the appropriate con-

1 gressional committees, not later than January 31,
2 2022, and annually thereafter until September 30,
3 2026, detailing steps taken by the Department of
4 State and USAID to comply with the requirements
5 of this subsection.

6 (d) INFORMATION SHARING.—The Assistant Sec-
7 retary for Democracy, Human Rights, and Labor of the
8 Department of State and the Assistant Administrator for
9 Development, Democracy, and Innovation of USAID shall
10 regularly inform the NED of democracy programs that are
11 planned and supported by such agencies, and the NED
12 President shall regularly inform such Secretary and Ad-
13 ministrator of programs that are planned and supported
14 by the NED, consistent with the requirements of section
15 505 of the National Endowment for Democracy Act (22
16 U.S.C. 4414).

17 (e) DIGITAL SECURITY.—Democracy programs sup-
18 ported by funds authorized to be appropriated pursuant
19 to section 8 should include a component on digital security
20 to enhance the security and safety of implementers and
21 beneficiaries, including, as appropriate, assistance for civil
22 society organizations to counter government surveillance,
23 censorship, and repression by digital means.

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

25 (a) FUND TO DEFEND DEMOCRACY GLOBALLY.—

1 (1) ESTABLISHMENT.—The Secretary of State
2 and the Administrator of the United States Agency
3 for International Development, following consulta-
4 tion with the appropriate congressional committees,
5 may each establish a Fund to Defend Democracy
6 Globally, which may accept contributions from other
7 international donors and the private sector. The Sec-
8 retary and the Administrator shall regularly coordi-
9 nate programs and activities supported by each re-
10 spective Fund.

11 (2) PURPOSE.—The purpose of such Funds is
12 to support programs that—

13 (A) strengthen and enhance the Depart-
14 ment of State and USAID’s ability to respond
15 quickly and flexibly to democratic openings and
16 backsliding;

17 (B) assist fledgling or struggling democ-
18 racies deliver services and meet expectations for
19 their populations through a full range of devel-
20 opment assistance from the United States and
21 other international donors, in consultation and
22 coordination with the governments of such de-
23 mocracies, in order to further reforms and
24 strategies identified by such governments

1 through consultation with respective civil soci-
2 eties;

3 (C) support, in cooperation with other
4 international donors and in consultation with
5 nongovernmental organizations, independent
6 and public interest media worldwide to help
7 such media resist the overlapping challenges of
8 authoritarian encroachment, threats to their fi-
9 nancial viability, and litigation and regulatory
10 environments meant to undercut their ability to
11 operate;

12 (D) center democratic values and human
13 rights in current and emerging technologies,
14 and counter efforts by authoritarian govern-
15 ments to surveil, censor, or otherwise repress
16 populations by digital means, including through
17 programs that—

18 (i) counter disinformation;

19 (ii) establish an initiative to be housed
20 at USAID to help countries around the
21 world implement governing regulations for
22 the procurement and use of technology
23 consistent with democratic and human
24 rights norms and standards;

1 (iii) provide “digital public goods” to
2 reduce the appeal of authoritarian-leaning
3 technologies to cash-strapped countries;

4 (iv) provide education on digital lit-
5 eracy to key populations; and

6 (v) support the ongoing prioritization
7 of democratic values in technological devel-
8 opment in the years to come; and

9 (E) establish an international coalition of
10 governmental and nongovernmental actors dedi-
11 cated to preserving election integrity by pro-
12 viding funds to deter or combat external influ-
13 ence in elections abroad, including cyber intru-
14 sion, disinformation, and other threats, and as-
15 sist elections to meet coalition-defined stand-
16 ards of electoral integrity.

17 (3) AUTHORIZATION OF APPROPRIATIONS.—Of
18 the funds authorized to be appropriated pursuant to
19 section 8, not less than \$20,000,000, to remain
20 available until expended, should be made available
21 for each Fund established under this subsection.

22 (b) FUND TO COMBAT CORRUPTION AND
23 KLEPTOCRACY.—

24 (1) ESTABLISHMENT.—The USAID Adminis-
25 trator, following consultation with the appropriate

1 congressional committees, may establish a Fund to
2 Combat Corruption and Kleptocracy abroad.

3 (2) CONTRIBUTIONS.—The Fund may accept
4 contributions from other international donors and
5 the private sector, and provide contributions to mul-
6 tilateral organizations.

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

11 (A) enhance government transparency, ac-
12 countability, and responsiveness across develop-
13 ment sectors;

14 (B) improve detection and exposure of cor-
15 ruption crimes, including those that cross bor-
16 ders;

17 (C) expand investigations and prosecutions
18 of corrupt acts and hold corrupt actors account-
19 able;

20 (D) strengthen norms and standards at the
21 local, national, regional, and international lev-
22 els; and

23 (E) augment cooperation with the private
24 sector and key industries to root out corruption
25 that harms competitiveness, economic growth,

1 and development and taints critical supply
2 chains.

3 (4) AUTHORIZATION OF APPROPRIATIONS.—Of
4 the funds authorized to be appropriated pursuant to
5 section 8, not less than \$20,000,000, to remain
6 available until expended, should be made available
7 for the Fund.

8 (c) DEMOCRACY RESEARCH AND DEVELOPMENT
9 FUND.—

10 (1) ESTABLISHMENT.—The Administrator of
11 the United States Agency for International Develop-
12 ment, following consultation with the appropriate
13 congressional committees, may establish a Democ-
14 racy Research and Development Fund.

15 (2) CONTRIBUTIONS.—The Fund may accept
16 contributions from other international donors and
17 the private sector, and provide contributions to mul-
18 tilateral organizations.

19 (3) PURPOSES.—The purposes of the Fund are
20 to—

21 (A) support research and development by
22 the Department of State, USAID, and NED on
23 policies, programs, and technologies relating to
24 democracy promotion abroad;

1 (B) drive innovation within those entities
2 regarding the response to democratic back-
3 sliding; and

4 (C) incentivize collaboration among govern-
5 ment, nongovernmental organizations, and the
6 private sector with the objective of identifying
7 and mitigating the threats to global democracy.

8 (4) REPORTS FROM THE COORDINATORS FOR
9 DEMOCRACY PROGRAMS AND THE NATIONAL ENDOW-
10 MENT FOR DEMOCRACY.—Not later than 180 days
11 after enactment of this Act, and annually thereafter
12 until September 30, 2026, the Coordinators for De-
13 mocracy Programs established pursuant to section 7
14 and the President of the National Endowment for
15 Democracy shall each submit to the appropriate con-
16 gressional committees a report detailing research
17 and development programs supported by the Depart-
18 ment of State, USAID, and NED during the prior
19 fiscal year. The report may be accompanied by a
20 classified annex, if necessary.

21 (5) AUTHORIZATION OF APPROPRIATIONS.—Of
22 the funds authorized to be appropriated by section
23 8, \$15,000,000, to remain available until expended,
24 should be made available for the Fund.

1 **SEC. 6. ROLES AND RESPONSIBILITIES.**

2 Funds authorized to be appropriated pursuant to sec-
3 tion 8 should be made available as follows, consistent with
4 the overall strategic direction and capabilities of the De-
5 partment of State and USAID:

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

13 (A) current human rights abuses and de-
14 mocracy deficiencies as documented in the an-
15 nual Country Report on Human Rights Prac-
16 tices required by sections 116(d) and 502B(b)
17 of the Foreign Assistance Act of 1961 (22
18 U.S.C. 2151n(d), 2304(b)); and

19 (B) emerging opportunities and sudden cri-
20 ses.

21 (2) For USAID, such funds should have as
22 their primary purpose flexible, innovative, and re-
23 sponsive democracy programs that are develop-
24 ment-oriented, often coordinated through a Country De-
25 velopment Cooperation Strategy, and conducted in
26 countries where a USAID Mission is present or

1 where a USAID Mission in a neighboring country
2 can run such programs effectively. Such programs
3 should, as appropriate, build local capacity with an
4 eye to persistent multi-year efforts, incorporate de-
5 mocracy programming into a larger development
6 strategy, and emphasize locally led programs when
7 possible. Funds made available for civil society and
8 political competition and consensus building pro-
9 grams abroad shall be provided in a manner that
10 recognizes the benefits of grants and cooperative
11 agreements in implementing such programs.

12 (3) In cases where both the Department of
13 State and USAID are able to respond to emerging
14 opportunities and sudden crises, including in closed
15 and repressive societies, the Coordinators of Democ-
16 racy Programs established pursuant to section 7
17 shall coordinate their respective programs, including
18 at the country level, to ensure complementarity and
19 prevent waste or redundancy.

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

21 The Assistant Secretary of State for Democracy,
22 Human Rights, and Labor of the Department of State and
23 the Assistant Administrator for Development, Democracy,
24 and Innovation shall serve concurrently as the Coordina-

1 tors for Democracy Programs, and as Coordinators
2 shall—

3 (1) coordinate democracy policy and programs
4 across relevant Federal agencies, at diplomatic facili-
5 ties abroad, and with the NED regarding the safety,
6 efficacy, and best practices of democracy programs
7 abroad;

8 (2) engage international partners, including for-
9 eign governments, civil society, and democracy activ-
10 ists, in addressing the advancement of democracy
11 abroad; and

12 (3) serve as the primary United States rep-
13 resentatives at international fora on matters relating
14 to democracy programs.

15 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) DEMOCRACY PROGRAMS.—There are authorized
17 to be appropriated for democracy programs in each of fis-
18 cal years 2022, 2023, 2024, 2025, and 2026, to remain
19 available until expended, \$3,000,000,000, including for
20 new Presidential initiatives regarding democracy pro-
21 motion abroad.

22 (b) ADMINISTRATION OF DEPARTMENT OF STATE
23 DEMOCRACY PROGRAMS.—Of the funds authorized to be
24 appropriated by this section that are made available for
25 the Bureau of Democracy, Human Rights, and Labor of

1 the Department of State, up to 15 percent may be made
2 available for the administration of democracy programs by
3 such Bureau in each of fiscal years 2022, 2023, 2024,
4 2025, and 2026, including for the hiring of additional per-
5 sonnel following consultation with the appropriate con-
6 gressional committees. Such funds are in addition to funds
7 otherwise made available for such purposes.

8 (c) ADMINISTRATION OF USAID DEMOCRACY PRO-
9 GRAMS.—Of the funds authorized to be appropriated by
10 this section that are made available for the Bureau for
11 Development, Democracy, and Innovation, USAID, up to
12 15 percent may be made available for the administration
13 of democracy programs by such Bureau in each of fiscal
14 years 2022, 2023, 2024, 2025, and 2026, including for
15 the hiring of additional personnel following consultation
16 with the appropriate congressional committees. Such
17 funds are in addition to funds otherwise made available
18 for such purposes.

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