

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

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.

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. CARDIN

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Charter of the Organization of Amer-
9 ican States establishes that “representative democ-

1 racy is an indispensable condition for the stability,
2 peace and development of the region”.

3 (2) Article 2 of the Inter-American Democratic
4 Charter of the Organization of American States af-
5 firms that “the effective exercise of representative
6 democracy is the basis for the rule of law and of the
7 constitutional regimes of the member states of the
8 Organization of American States”.

9 (3) Article 26 of the Inter-American Demo-
10 cratic Charter states that “the OAS will continue to
11 carry out programs and activities designed to pro-
12 mote democratic principles and practices and
13 strengthen a democratic culture in the Hemisphere”.

14 (4) In accordance with the OAS Charter and
15 the Inter-American Democratic Charter, the OAS
16 General Assembly, OAS Permanent Council, and
17 OAS Secretariat have established a wide range of co-
18 operative agreements with domestic and inter-
19 national organizations, including national legislative
20 institutions.

21 (5) In 2004, OAS General Assembly Resolution
22 2044 (XXXIV–O/04) appealed for the “strengthen-
23 ing of legislatures, as well as inter-parliamentary
24 cooperation on key items of the inter-American
25 agenda, with a view, in particular, to generating ini-

1 tiatives to fight corruption, poverty, inequality, and
2 social exclusion”.

3 (6) In 2005, OAS General Assembly Resolution
4 2095 (XXXV–O/05) called on the OAS Secretariat
5 to “invite [. . .] the presidents or speakers of the
6 national legislative institutions of the Americas, i.e.,
7 congresses, parliaments, or national assemblies,
8 [. . .] to attend a special meeting of the Permanent
9 Council [. . .] for the initiation of a dialogue on top-
10 ics on the hemispheric agenda”.

11 (7) In 2014 and 2015, the OAS Secretariat ex-
12 panded its engagement with elected national legisla-
13 tors from OAS member states by convening two
14 meetings of presidents of national legislatures, first
15 in Lima, Peru and subsequently in Santiago, Chile.

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

19 (9) The Organization for Security and Co-oper-
20 ation in Europe (OSCE) Parliamentary Assembly
21 has proven successful at strengthening inter-par-
22 liamentary cooperation among its member states.

23 **SEC. 3. SENSE OF CONGRESS.**

24 It is that sense of Congress that—

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

4 (A) promoting economic freedom and re-
5 spect for property rights;

6 (B) promoting the rule of law and com-
7 bating corruption;

8 (C) defending human rights and funda-
9 mental freedoms; and

10 (D) advancing the principles and practices
11 expressed in the Charter of the Organization of
12 American States, the American Declaration on
13 the Rights and Duties of Man, and the Inter-
14 American Democratic Charter;

15 (2) establishing procedures and mechanisms to
16 facilitate the participation of elected national legisla-
17 tors from OAS member states in OAS activities
18 would contribute to the promotion of democratic
19 principles and practices and strengthen a democratic
20 culture in the Western Hemisphere;

21 (3) increasing and strengthening the participa-
22 tion of elected national legislators from OAS mem-
23 ber states in OAS activities would advance the prin-
24 ciples and proposals expressed in section 4 of the
25 Organization of American States Revitalization and

1 Reform Act of 2013 (Public Law 113–41; 127 Stat.
2 549);

3 (4) the OAS General Assembly, OAS Perma-
4 nent Council, and OAS Secretariat should take steps
5 to facilitate greater participation of elected national
6 legislators from OAS member states in OAS activi-
7 ties;

8 (5) the OAS Permanent Council resolutions ti-
9 tled “Guidelines for the Participation of Civil Society
10 in OAS Activities” and “Strategies for Increasing
11 and Strengthening Participation by Civil Society Or-
12 ganizations in OAS Activities” should serve as im-
13 portant references for efforts to bolster the partici-
14 pation of elected national legislators from OAS
15 member states in OAS activities; and

16 (6) the successful experience of the Organiza-
17 tion for Security and Co-operation in Europe Par-
18 liamentary Assembly should serve as a model to the
19 OAS in creating a similar mechanism.

20 **SEC. 4. STRENGTHENING PARTICIPATION OF ELECTED NA-**
21 **TIONAL LEGISLATORS AT THE OAS.**

22 (a) IN GENERAL.—The Secretary of State, acting
23 through the United States Mission to the Organization of
24 American States, should use the voice and vote of the

1 United States to support the creation of procedures for
2 the Organization of American States that—

3 (1) enhance the participation of elected national
4 legislators from OAS member state countries in
5 OAS activities that—

6 (A) advance the principles of the Inter-
7 American Democratic Charter;

8 (B) support the adoption and implementa-
9 tion of a results-based budgeting process for the
10 OAS;

11 (C) support the adoption and effective im-
12 plementation of transparent and merit-based
13 human resource standards at the OAS;

14 (D) support the adoption and effective im-
15 plementation of practices to solicit member
16 quotas to be paid on a schedule that will im-
17 prove consistency of the operating budget of the
18 OAS; and

19 (E) support the review, streamlining, and
20 prioritization of OAS mandates to focus on core
21 missions and make efficient and effective use of
22 available funding;

23 (2) create an annual forum for the presidents
24 of national legislatures from OAS member states to
25 discuss issues of hemispheric importance, including

1 regional efforts to defend human rights and combat
2 transnational criminal activities, corruption, and im-
3 punity;

4 (3) permit elected national legislators from
5 OAS member states to make presentations, con-
6 tribute information, and provide expert advice, as
7 appropriate, to the OAS Secretariat, OAS Perma-
8 nent Council, and OAS General Assembly about
9 OAS activities on issues of hemispheric importance;

10 (4) lead to the creation of a mechanism to regu-
11 larly facilitate the participation of elected national
12 legislators in OAS activities; and

13 (5) reinforce OAS Secretariat programs that
14 provide technical assistance for the modernization
15 and institutional strengthening of national legisla-
16 tures from OAS member states.

17 (b) EXPENSES.—The Secretary of State, acting
18 through the United States Mission to the Organization of
19 American States, as appropriate, shall seek to ensure that
20 expenses related to the procedures set forth in this Act
21 do not increase member quotas or assessed fees.

22 **SEC. 5. SUPPORT FOR OAS HUMAN RIGHTS AND ANTI-COR-**
23 **RUPTION INITIATIVES.**

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

1 (1) the Organization of American States' Inter-
2 American Commission on Human Rights is the pre-
3 eminent institution for defending human rights in
4 the Americas;

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

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

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

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

1 (1) an assessment of United States programs,
2 activities, and initiatives with the OAS to support
3 anti-corruption and human rights promotion in the
4 Americas;

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

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

15 (4) a detailed plan to facilitate increased OAS
16 collaboration, as appropriate, with relevant stake-
17 holders, including elected national legislators and
18 civil society, in support of a multi-sectoral approach
19 to promote human rights and combat transnational
20 criminal activities, corruption, and impunity in the
21 Americas; and

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

1 **SEC. 6. REPORTING REQUIREMENTS.**

2 (a) IN GENERAL.—Not later than one year after the
3 date of the enactment of this Act, the Secretary of State
4 shall submit to the Committee on Foreign Relations of the
5 Senate and the Committee on Foreign Affairs of the
6 House of Representatives a report on OAS processes, ini-
7 tiatives, and reforms undertaken to implement section 4,
8 actions taken to implement the strategy mandated under
9 section 5(b), and steps taken to implement the Organiza-
10 tion of American States Revitalization and Reform Act of
11 2013 (Public Law 113–41). The report should include—

12 (1) an analysis of the progress made by the
13 OAS to adopt and effectively implement reforms and
14 initiatives to advance human rights and combat cor-
15 ruption and impunity in the Americas; and

16 (2) a detailed assessment of OAS efforts to in-
17 crease multi-sectoral stakeholder engagement to ad-
18 vance human rights and combat corruption and im-
19 punity in the Americas.

20 (b) BRIEFINGS.—Not later than one year after the
21 Secretary of State submits the report required under sub-
22 section (a), and annually thereafter for two additional
23 years, the Secretary shall provide to the Committee on
24 Foreign Relations of the Senate and the Committee on
25 Foreign Affairs of the House of Representatives a briefing
26 on the information required to be included in such report.

1 **SEC. 7. SENSE OF CONGRESS ON ELECTED NATIONAL LEG-**
2 **ISLATOR.**

3 It is the sense of Congress that an elected national
4 legislator participating in the activities outlined in this Act
5 should be an individual that—

6 (1) was elected as a result of periodic, free and
7 fair elections;

8 (2) respects internationally recognized human
9 rights and basic freedoms as set forth in the United
10 Nations Universal Declaration of Human Rights, the
11 International Covenant on Civil and Political Rights,
12 the American Convention on Human Rights, and the
13 principles of the Inter-American Democratic Char-
14 ter; and

15 (3) is not known to be under investigation or
16 convicted for corruption or transnational criminal
17 activities, including trafficking of people, goods, or
18 illicit narcotics, money-laundering, terrorist financ-
19 ing, acts of terrorism, campaign finance violations,
20 bribery, or extortion.