

Calendar No. 426

111TH CONGRESS
2^D SESSION**S. 3087****[Report No. 111-205]**

To support revitalization and reform of the Organization of American States,
and for other purposes.

 IN THE SENATE OF THE UNITED STATES

MARCH 8, 2010

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

JUNE 10, 2010

Reported by Mr. KERRY, with an amendment

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

A BILL

To support revitalization and reform of the Organization
of American States, 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.**

4 This Act may be cited as the “Organization of Amer-
5 ican States Revitalization and Reform Act of 2010”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The Charter of the Organization of Amer-
4 ican States recognizes that—

5 (A) representative democracy is indispen-
6 sable for the stability, peace, and development
7 of the Western Hemisphere; and

8 (B) a purpose of the Organization of
9 American States is to promote and consolidate
10 representative democracy, with due respect for
11 the principle of nonintervention;

12 (2) The United States supports the purposes
13 and principles enshrined in—

14 (A) the Charter of the Organization of
15 American States;

16 (B) the Inter-American Democratic Char-
17 ter; and

18 (C) the American Declaration on the
19 Rights and Duties of Man.

20 (3) The United States supports the Organiza-
21 tion of American States in its efforts with member
22 states to meet their commitments under the docu-
23 ments set forth in paragraph (2).

24 (4) Congress supports the Organization of
25 American States as it operates in a manner con-
26 sistent with its Charter and Articles 1, 3, and 7 of

1 the Inter-American Democratic Charter, which
2 state—

3 (A) “[t]he peoples of the Americas have a
4 right to democracy and their governments have
5 an obligation to promote and defend it”, and
6 that “[d]emocracy is essential for the social, po-
7 litical, and economic development of the peoples
8 of the Americas”;

9 (B) “[e]ssential elements of representative
10 democracy include, inter alia, respect for human
11 rights and fundamental freedoms, access to and
12 the exercise of power in accordance with the
13 rule of law, the holding of periodic, free, and
14 fair elections based on secret balloting and uni-
15 versal suffrage as an expression of the sov-
16 ereignty of the people, the pluralistic system of
17 political parties and organizations, and the sep-
18 aration of powers and independence of the
19 branches of government”;

20 (C) “[d]emocracy is indispensable for the
21 effective exercise of fundamental freedoms and
22 human rights in their universality, indivisibility
23 and interdependence, embodied in the respective
24 constitutions of states and in inter-American
25 and international human rights instruments”.

1 **SEC. 3. STATEMENT OF POLICY.**

2 It is the policy of the United States—

3 (1) to promote democracy and the rule of law
4 throughout the Western Hemisphere;

5 (2) to promote and protect human rights and
6 fundamental freedoms in the Western Hemisphere;
7 and

8 (3) to support the practices, purposes, and prin-
9 ciples expressed in the Charter of the Organization
10 of American States, the American Declaration on
11 the Rights and Duties of Man, the Inter-American
12 Democratic Charter, and other fundamental instru-
13 ments of democracy.

14 **SEC. 4. SENSE OF CONGRESS.**

15 It is the sense of Congress that—

16 (1) the Organization of American States (here-
17 after referred to as the “OAS”) should be the pri-
18 mary multi-lateral diplomatic entity for regional dis-
19 pute resolution and promotion of democratic govern-
20 ance and institutions;

21 (2) the Summit of the Americas institution and
22 process embodies a valuable complement to regional
23 dialogue and cooperation;

24 (3) the Summit of the Americas process should
25 be formally and more effectively integrated into the
26 work of the OAS, and the OAS should play a central

1 role in overseeing and managing the Summit pro-
2 cess;

3 (4) the OAS General Assembly and the Summit
4 of the Americas events should be combined geo-
5 graphically and chronologically in the years in which
6 they coincide;

7 (5) all contributing member states to the OAS
8 would benefit from and should adopt a transparent,
9 results-based, and deliberative budget process that is
10 guided by International Public Sector Accounting
11 Standards;

12 (6) to ensure an appropriate balance of prior-
13 ities, the OAS should review its core functions at
14 least annually and seek opportunities to reduce the
15 number of other mandates;

16 (7) any changes to OAS mandates should only
17 be accepted by the member states after the financial
18 costs have been calculated and formally presented,
19 and any new mandates should include a calculation
20 of the financial costs and an identification of the
21 source of funding, including if such funding is inter-
22 nal or external to the OAS;

23 (8) key OAS strengths lie in strengthening
24 peace and security, promoting and consolidating rep-
25 resentative democracy, regional dispute resolution,

1 election assistance and monitoring; development pro-
2 motion; and stewardship of the Inter-American
3 Human Rights System;

4 (9) the core competencies referred to in para-
5 graph (8) should remain central to the strategic
6 planning process of the OAS and the consideration
7 of future mandates;

8 (10) OAS member states would benefit from
9 the OAS Permanent Council's implementation of a
10 framework to establish—

11 (A) standard reporting requirements for
12 each project and grant agreement, such as
13 measurable goals and clear roles and respon-
14 sibilities; and

15 (B) a process to ensure that agreements
16 adhere to such requirements;

17 (11) all contributing OAS member states would
18 benefit from the implementation of—

19 (A) transparent and merit-based human
20 resource standards and processes; and

21 (B) transparent hiring standards and pro-
22 cesses; including with respect to factors such as
23 gender; national origin; and citizenship;

1 (12) the OAS is a valuable platform from which
2 to launch initiatives aimed to benefit the countries
3 of the Western Hemisphere;

4 (13) multi-lateral diplomacy is a critical compo-
5 nent of United States foreign policy; and

6 (14) in order to foster a corps of diplomats
7 skilled in this environment, service in multilateral
8 assignments should be encouraged for and sought
9 after by the best talent possible at the Department
10 of State.

11 **SEC. 5. ORGANIZATION OF AMERICAN STATES REVITALIZA-**
12 **TION AND REFORM STRATEGY.**

13 (a) STRATEGY.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of the Organization
16 of the American States Revitalization and Reform
17 Strategy, the Secretary of State shall submit a
18 multiyear strategy to the Committee on Foreign Re-
19 lations of the Senate and the Committee on Foreign
20 Affairs of the House of Representatives that—

21 (A) outlines a recommended approach to
22 the OAS to encourage the adoption of—

23 (i) International Public Sector Ac-
24 counting Standards;

1 (ii) a results-based budgeting process
 2 in order to strategically prioritize current
 3 and future mandates; and

4 (iii) transparent hiring practices; and

5 (B) reflects the inputs and coordination
 6 from other Executive Branch agencies, as ap-
 7 propriate.

8 (2) NOTIFICATION AND COORDINATION.—The
 9 Secretary of State shall—

10 (A) proactively inform Executive Branch
 11 agencies about the role and importance of the
 12 OAS and encourage increased use of the OAS
 13 as a forum through which to publicize hemi-
 14 spheric initiatives and encourage increased use
 15 of the OAS as a forum through which to pub-
 16 licize hemispheric initiatives;

17 (B) promote donor coordination among
 18 OAS member states; and

19 (C) help set priorities for the OAS.

20 (b) REPORT.—Not later than 1 year after the date
 21 on which the strategy is submitted under subsection (a),
 22 the Secretary of State shall submit a report to the commit-
 23 tees referred to in subsection (a)(1) that analyzes the
 24 progress made by the Organization of American States—

1 (1) to adopt and implement International Pub-
 2 lic Sector Accounting Standards, a results-based
 3 budgeting process in order to strategically prioritize
 4 future mandates;

5 (2) to adopt and implement transparent and
 6 merit-based human resource standards and practices
 7 and transparent hiring standards and processes, in-
 8 cluding with respect to factors such as gender, na-
 9 tional origin, and citizenship; and

10 (3) to adopt the practice of soliciting member
 11 quotas to be paid on a quarterly basis, without dis-
 12 counts, to improve the consistency of its operating
 13 budget.

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Organization of Amer-*
 16 *ican States Revitalization and Reform Act of 2010”.*

17 **SEC. 2. FINDINGS.**

18 *Congress makes the following findings:*

19 (1) *The Charter of the Organization of American*
 20 *States recognizes that—*

21 (A) *representative democracy is indispen-*
 22 *sable for the stability, peace, and development of*
 23 *the Western Hemisphere; and*

24 (B) *a purpose of the Organization of Amer-*
 25 *ican States is to promote and consolidate rep-*

1 *representative democracy, with due respect for the*
2 *principle of nonintervention;*

3 *(2) The United States supports the purposes and*
4 *principles enshrined in—*

5 *(A) the Charter of the Organization of*
6 *American States;*

7 *(B) the Inter-American Democratic Charter;*
8 *and*

9 *(C) the American Declaration on the Rights*
10 *and Duties of Man.*

11 *(3) The United States supports the Organization*
12 *of American States in its efforts with member states*
13 *to meet their commitments under the documents set*
14 *forth in paragraph (2).*

15 *(4) Congress supports the Organization of Amer-*
16 *ican States as it operates in a manner consistent*
17 *with its Charter and Articles 1, 3, and 7 of the Inter-*
18 *American Democratic Charter, which state—*

19 *(A) “[t]he peoples of the Americas have a*
20 *right to democracy and their governments have*
21 *an obligation to promote and defend it”, and*
22 *that “[d]emocracy is essential for the social, po-*
23 *litical, and economic development of the peoples*
24 *of the Americas”;*

1 (B) “[e]ssential elements of representative
2 democracy include, *inter alia*, respect for human
3 rights and fundamental freedoms, access to and
4 the exercise of power in accordance with the rule
5 of law, the holding of periodic, free, and fair
6 elections based on secret balloting and universal
7 suffrage as an expression of the sovereignty of the
8 people, the pluralistic system of political parties
9 and organizations, and the separation of powers
10 and independence of the branches of govern-
11 ment”; and

12 (C) “[d]emocracy is indispensable for the ef-
13 fective exercise of fundamental freedoms and
14 human rights in their universality, indivisibility
15 and interdependence, embodied in the respective
16 constitutions of states and in inter-American
17 and international human rights instruments”.

18 **SEC. 3. STATEMENT OF POLICY.**

19 *It is the policy of the United States—*

20 (1) *to promote democracy and the rule of law*
21 *throughout the Western Hemisphere;*

22 (2) *to promote and protect human rights and*
23 *fundamental freedoms in the Western Hemisphere;*
24 *and*

1 (3) to support the practices, purposes, and prin-
2 ciples expressed in the Charter of the Organization of
3 American States, the American Declaration on the
4 Rights and Duties of Man, the Inter-American Demo-
5 cratic Charter, and other fundamental instruments of
6 democracy.

7 **SEC. 4. SENSE OF CONGRESS.**

8 *It is the sense of Congress that—*

9 (1) the Organization of American States (here-
10 after referred to as the “OAS”) should be the primary
11 multi-lateral diplomatic entity for regional dispute
12 resolution and promotion of democratic governance
13 and institutions;

14 (2) the Summit of the Americas institution and
15 process embodies a valuable complement to regional
16 dialogue and cooperation;

17 (3) the Summit of the Americas process should
18 be formally and more effectively integrated into the
19 work of the OAS, the Inter-American Development
20 Bank, and the Members of the Joint Summit Working
21 Group, and the OAS should play a central role in
22 overseeing and managing the Summit process;

23 (4) the OAS General Assembly and the Summit
24 of the Americas events should be combined geographi-

1 *cally and chronologically in the years in which they*
2 *coincide;*

3 *(5) the OAS General Assembly and the Summit*
4 *of the Americas that relate specifically to economic*
5 *development should be coordinated with similar ef-*
6 *forts by the Inter-American Development Bank;*

7 *(6) all contributing member states to the OAS*
8 *would benefit from and should adopt a transparent,*
9 *results-based, and deliberative budget process that is*
10 *guided by International Public Sector Accounting*
11 *Standards;*

12 *(7) to ensure an appropriate balance of prior-*
13 *ities, the OAS should review its core functions at least*
14 *annually and seek opportunities to reduce the number*
15 *of other mandates;*

16 *(8) any changes to OAS mandates should only be*
17 *accepted by the member states after the financial costs*
18 *have been calculated and formally presented, and any*
19 *new mandates should include a calculation of the fi-*
20 *nancial costs and an identification of the source of*
21 *funding, including if such funding is internal or ex-*
22 *ternal to the OAS;*

23 *(9) key OAS strengths lie in strengthening peace*
24 *and security, promoting and consolidating represent-*
25 *ative democracy, regional dispute resolution, election*

1 *assistance and monitoring, development promotion,*
2 *and stewardship of the Inter-American Human*
3 *Rights System;*

4 *(10) the core competencies referred to in para-*
5 *graph (9) should remain central to the strategic plan-*
6 *ning process of the OAS and the consideration of fu-*
7 *ture mandates;*

8 *(11) OAS member states would benefit from en-*
9 *hanced coordination between the OAS and the Inter-*
10 *American Development Bank on issues that relate to*
11 *economic development;*

12 *(12) OAS member states would benefit from the*
13 *OAS Permanent Council's implementation of a*
14 *framework to establish—*

15 *(A) standard reporting requirements for*
16 *each project and grant agreement, such as meas-*
17 *urable goals and clear roles and responsibilities;*
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19 *(B) a process to ensure that agreements ad-*
20 *here to such requirements;*

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22 *benefit from the implementation of—*

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24 *source standards and processes; and*

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 2 esses, including with respect to factors such as
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 5 to launch initiatives aimed to benefit the countries of
 6 the Western Hemisphere;

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 8 nent of United States foreign policy; and

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 10 skilled in this environment, service in multilateral as-
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4 *in order to strategically prioritize current*
5 *and future mandates; and*

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7 (B) *reflects the inputs and coordination*
8 *from other Executive Branch agencies, as appro-*
9 *priate.*

10 (2) *NOTIFICATION AND COORDINATION.—The*
11 *Secretary of State shall—*

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13 *agencies about the role and importance of the*
14 *OAS and encourage increased use of the OAS as*
15 *a forum through which to publicize hemispheric*
16 *initiatives and encourage increased use of the*
17 *OAS as a forum through which to publicize hem-*
18 *ispheric initiatives;*

19 (B) *promote donor coordination among*
20 *OAS member states; and*

21 (C) *help set priorities for the OAS.*

22 (b) *REPORT.—Not later than 1 year after the date on*
23 *which the strategy is submitted under subsection (a), the*
24 *Secretary of State shall submit a report to the committees*

1 *referred to in subsection (a)(1) that analyzes the progress*
2 *made by the Organization of American States—*

3 *(1) to adopt and implement International Public*
4 *Sector Accounting Standards, a results-based budg-*
5 *eting process in order to strategically prioritize future*
6 *mandates;*

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8 *merit-based human resource standards and practices*
9 *and transparent hiring standards and processes, in-*
10 *cluding with respect to factors such as gender, na-*
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15 *budget.*

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