

118TH CONGRESS
1ST SESSION

S. 126

To make individuals responsible for undermining free and fair democratic elections inadmissible to the United States.

IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2023

Mr. DURBIN (for himself, Ms. HIRONO, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To make individuals responsible for undermining free and fair democratic elections inadmissible to the United States.

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 “Fortifying Lawful
5 Elections and Democracy Accountability Act of 2023” or
6 the “FLED Accountability Act of 2023”.

7 **SEC. 2. INADMISSIBILITY OF INDIVIDUALS RESPONSIBLE**
8 **FOR UNDERMINING FREE AND FAIR DEMO-**
9 **CRATIC ELECTIONS.**

10 (a) DETERMINATION.—

1 (1) IN GENERAL.—If the Secretary of State de-
2 termines, on the basis of credible information, that
3 an individual who is not a citizen of the United
4 States knowingly took significant action to inhibit or
5 attempt to inhibit, while serving as an official of the
6 government of a foreign country, the lawful demo-
7 cratic transition of power or the lawful functioning
8 of democratic electoral processes in that country, the
9 Secretary shall designate the individual as inadmis-
10 sible to the United States as described in subsection
11 (b).

12 (2) DESIGNATION.—The Secretary shall pub-
13 licly or privately designate under paragraph (1) an
14 individual about whom the Secretary has made a de-
15 termination under that paragraph without regard to
16 whether the individual has applied for a visa.

17 (b) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

18 (1) INELIGIBILITY FOR VISAS AND ADMISSION
19 TO THE UNITED STATES.—An individual designated
20 under subsection (a) is—

21 (A) inadmissible to the United States;

22 (B) ineligible to receive a visa or other doc-
23 umentation to enter the United States; and

24 (C) otherwise ineligible to be admitted or
25 paroled into the United States or to receive any

1 other benefit under the Immigration and Na-
2 tionality Act (8 U.S.C. 1101 et seq.).

3 (2) CURRENT VISAS REVOKED.—

4 (A) IN GENERAL.—The visa or other entry
5 documentation of any individual designated
6 under subsection (a) is subject to revocation re-
7 gardless of the issue date of the visa or other
8 entry documentation.

9 (B) IMMEDIATE EFFECT.—A revocation
10 under subparagraph (A) shall—

11 (i) take effect immediately; and

12 (ii) cancel any other valid visa or
13 entry documentation that is in the posses-
14 sion of the individual.

15 (3) EXCEPTION TO COMPLY WITH INTER-
16 NATIONAL OBLIGATIONS.—This subsection shall not
17 apply with respect to an individual if admitting or
18 paroling the individual into the United States is nec-
19 essary to permit the United States to comply with
20 the Agreement regarding the Headquarters of the
21 United Nations, signed at Lake Success June 26,
22 1947, and entered into force November 21, 1947,
23 between the United Nations and the United States,
24 or other applicable international obligations.

1 (c) WAIVER.—The Secretary may waive the applica-
2 tion of subsection (b) with respect to an individual des-
3 ignated under subsection (a) if the Secretary determines
4 that such a waiver is in the national interest of the United
5 States.

6 (d) REPORT REQUIRED.—

7 (1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, and an-
9 nually thereafter, the Secretary shall submit to the
10 committees specified in paragraph (3) a report—

11 (A) identifying individuals designated
12 under subsection (a) during the year preceding
13 submission of the report;

14 (B) listing the waivers issued under sub-
15 section (c) during that year; and

16 (C) setting forth a justification for each
17 such waiver.

18 (2) FORM OF REPORT; AVAILABILITY.—

19 (A) FORM.—Each report required by para-
20 graph (1) shall be submitted in unclassified
21 form but may include a classified annex.

22 (B) AVAILABILITY.—The unclassified por-
23 tion of each report required by paragraph (1)
24 shall posted on a publicly accessible website of
25 the Department of State.

1 (3) COMMITTEES SPECIFIED.—The committees
2 specified in this paragraph are—

3 (A) the Committee on the Judiciary and
4 the Committee on Foreign Relations of the Sen-
5 ate; and

6 (B) the Committee on the Judiciary and
7 the Committee on Foreign Affairs of the House
8 of Representatives.

9 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion may be construed to apply to actions taken—

11 (1) to provide assistance to promote democratic
12 elections or public participation in democratic proc-
13 esses; or

14 (2) to support a democratic transition.

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