

Suspend the Rules and Pass the Bill, H.R. 6207, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
2^D SESSION

H. R. 6207

To support democracy and accountability in the Democratic Republic of the Congo, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2018

Mr. SMITH of New Jersey (for himself, Ms. BASS, Mr. ROYCE of California, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To support democracy and accountability in the Democratic Republic of the Congo, 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 “Democratic Republic
5 of the Congo Democracy and Accountability Act of 2018”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 (a) IN GENERAL.—It is the sense of Congress that—

1 (1) the Democratic Republic of Congo has his-
2 torically faced election-related political instability,
3 endemic corruption, armed conflict, gross human
4 rights abuses, and humanitarian crises, which desta-
5 bilizes the region and causes massive human suf-
6 fering;

7 (2) the United States has provided billions of
8 dollars to help stabilize the Democratic Republic of
9 the Congo, including through humanitarian aid, de-
10 velopment assistance, and support for peacekeeping
11 operations, since the end of the civil and regional
12 war in 2003;

13 (3) the stability of the Democratic Republic of
14 the Congo is a strategic priority for the United
15 States on the African continent and it is in the na-
16 tional security interest of the United States to sup-
17 port accountable governance in the Democratic Re-
18 public of Congo;

19 (4) United States policy with respect to the
20 Democratic Republic of Congo should focus on help-
21 ing the country become more stable and democratic,
22 including through supporting legitimate state au-
23 thority, such that the Government of the Democratic
24 Republic of Congo is better able to respond to and

1 provide for the basic needs of its citizens and live in
2 peaceful coexistence with its neighbors;

3 (5) the Government of the Democratic Republic
4 of Congo should comply with all obligations under
5 its Constitution, the International Covenant on Civil
6 and Political Rights ratified on November 1, 1976,
7 and the December 2016 Saint Sylvestre agreement
8 brokered by the Congolese Conference of Catholic
9 Bishops, by—

10 (A) immediately lifting restrictions on the
11 freedoms of assembly, expression, and associa-
12 tion;

13 (B) releasing all political prisoners, includ-
14 ing those detained for peacefully exercising
15 their rights;

16 (C) ensuring that state security forces pro-
17 tect the rights of peaceful demonstrators;

18 (D) bringing to justice security force per-
19 sonnel accused of serious abuses against citi-
20 zens, including against protesters or opposition
21 supporters; and

22 (E) allowing private media outlets to oper-
23 ate freely;

24 (6) the United States should continue to sup-
25 port efforts to hold free, fair, and democratic elec-

1 tions in the Democratic Republic of the Congo, in-
2 cluding by supporting the completion of an inclusive,
3 transparent voter registration process and civic edu-
4 cation, preventing or mitigating violence, and facili-
5 tating credible election observation by the African
6 Union, the Southern African Development Commu-
7 nity, and other appropriate civil society entities.

8 (b) SENSE OF CONGRESS ON HUMANITARIAN ASSIST-
9 ANCE FOR THE PEOPLE OF THE DEMOCRATIC REPUBLIC
10 OF THE CONGO.—It is the sense of Congress that the Sec-
11 retary of State, in coordination with the Administrator of
12 the United States Agency for International Development,
13 should continue to provide humanitarian and development
14 assistance to the people of the Democratic Republic of the
15 Congo through credible and independent nongovernmental
16 organizations, including local partners, human rights or-
17 ganizations, women-led organizations, and faith-based or
18 non-faith-based organizations. In providing such assist-
19 ance, the Secretary and Administrator should prioritize—

20 (1) promoting partnerships with organizations
21 that have had a long-term presence in the country
22 and have achieved measurable impact, including by
23 building the capacity of local partners, human rights
24 organizations, women-led organizations, or faith-

1 based or non-faith-based organizations to address
2 local needs;

3 (A) placing the country on a trajectory to-
4 ward ending the need for foreign assistance;
5 and

6 (2) evaluating the comparative merits of grants,
7 cooperative agreements, contracts, and other meth-
8 ods for providing foreign assistance.

9 (c) SENSE OF CONGRESS ON SUPPORT FOR DEMO-
10 CRATIC GOVERNANCE AND CONFLICT MITIGATION MECH-
11 ANISMS IN THE DEMOCRATIC REPUBLIC OF THE
12 CONGO.—It is the sense of Congress that the Secretary
13 of State and the Administrator of the United States Agen-
14 cy for International Development should—

15 (1) continue to—

16 (A) support long-term peace and stability
17 in the Democratic Republic of the Congo by
18 strengthening democratic institutions and pro-
19 moting respect for the rule of law at the na-
20 tional, provincial, and local levels;

21 (B) support the capacity of civil society ac-
22 tors to promote transparency, accountability,
23 freedom of expression, and anti-corruption ef-
24 forts;

1 (C) support conflict prevention and mitiga-
2 tion activities where appropriate, particularly in
3 the Kasai region, the Tanganyika Province, the
4 North and South Kivu Provinces, and the Ituri
5 Province; and

6 (D) work to address the root causes of
7 chronic violence and fragility, with a focus on
8 youth empowerment, education, and the pro-
9 motion of justice and accountability mecha-
10 nisms; and

11 (2) seek to work directly with and through
12 credible, independent, nongovernmental organiza-
13 tions, including local partners, human rights organi-
14 zations, women-led organizations, and faith-based or
15 non-faith-based organizations, to—

16 (A) defend internationally recognized
17 democratic rights;

18 (B) support freedom of expression, includ-
19 ing through media broadcasting;

20 (C) combat public corruption; and

21 (D) improve the transparency and account-
22 ability of governing institutions in the Demo-
23 cratic Republic of the Congo.

1 **SEC. 3. SUPPORT FOR EFFORTS AT THE UNITED NATIONS**
2 **ON THE DEMOCRATIC REPUBLIC OF THE**
3 **CONGO.**

4 The President should instruct the Permanent Rep-
5 resentative of the United States to the United Nations to
6 use the voice, vote, and influence of the United States at
7 the United Nations to—

8 (1) emphasize the importance of implementing
9 the December 2016 Saint Sylvestre agreement to the
10 Government of the Democratic Republic of the
11 Congo, including the need to lift restrictions on the
12 freedoms of assembly, expression, and association,
13 and the need to conduct free, fair, and democratic
14 elections;

15 (2) keep the humanitarian and political crisis in
16 the Democratic Republic of the Congo on the regular
17 agenda of the United Nations Security Council until
18 the completion of a peaceful transfer of power
19 through free, fair, and democratic elections;

20 (3) ensure that the United Nations Organiza-
21 tion Stabilization Mission in the Democratic Repub-
22 lic of the Congo has an appropriately focused man-
23 date tailored to security and governance conditions
24 on the ground with a particular focus on civilian
25 protection, and that the mission has sufficient

1 means, including specialized personnel and effective
2 leadership, to execute its mandate; and

3 (4) improve Member states' implementation of
4 United Nations Security Council-imposed sanctions
5 on individuals and entities violating the United Na-
6 tions arms embargo, threatening the peace and secu-
7 rity of the Democratic Republic of the Congo, engag-
8 ing in human or resource trafficking, or perpetrating
9 gross human rights violations in the Democratic Re-
10 public of the Congo.

11 **SEC. 4. CODIFICATION OF SANCTIONS RELATING TO THE**
12 **DEMOCRATIC REPUBLIC OF THE CONGO.**

13 (a) IN GENERAL.—United States sanctions provided
14 for in Executive Order 13671 (79 Fed. Reg. 39947; relat-
15 ing to taking additional steps to address the national
16 emergency with respect to the conflict in the Democratic
17 Republic of the Congo) and Executive Order 13413 (71
18 Fed. Reg. 64103; relating to blocking property of certain
19 persons contributing to the conflict in the Democratic Re-
20 public of the Congo), as amended by Executive Order
21 13671 (79 Fed. Reg. 39947; relating to taking additional
22 steps to address the national emergency with respect to
23 the conflict in the Democratic Republic of the Congo), as
24 in effect on the day before the date of the enactment of
25 this Act, shall remain in effect for the 5-year period begin-

1 ning on such date of enactment unless the President deter-
2 mines and certifies to the appropriate congressional com-
3 mittees that the Government of the Democratic Republic
4 of the Congo—

5 (1) is making significant progress towards hold-
6 ing free and fair elections and respecting the free-
7 doms of press, expression, and assembly, as de-
8 scribed in the December 2016 Saint Sylvestre agree-
9 ment and in United Nations Security Council Reso-
10 lution 2348 (2017); or

11 (2) has held free and fair presidential elections
12 in accordance with the Constitution of the Demo-
13 cratic Republic of the Congo and a democratically
14 elected President has been sworn in and taken of-
15 fice.

16 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
17 tion may be construed to limit the authorities of the Presi-
18 dent under the International Emergency Economic Powers
19 Act (50 U.S.C. 1701 et seq.) or any other provision of
20 law.

21 (c) **LIST OF SENIOR POLITICAL FIGURES.**—Not later
22 than 90 days after the date of the enactment of this Act,
23 the President shall submit to the appropriate congress-
24 sional committees a list of each senior foreign political fig-
25 ure, as such term is defined in section 1010.605 of title

1 31, Code of Federal Regulations (as in effect on the day
2 before the date of the enactment of this Act), of the Gov-
3 ernment of the Democratic Republic of the Congo.

4 (d) ADDITIONAL SANCTIONS DETERMINATION RE-
5 QUIRED.—Not later than 120 days after the date of the
6 enactment of this Act, the President shall submit to the
7 appropriate congressional committees a report listing each
8 person included in the list required by subsection (c) that
9 the President determines meets the criteria to be
10 sanctionable pursuant to one or more of the following:

11 (1) Executive Order 13671 (79 Fed. Reg.
12 39947; relating to taking additional steps to address
13 the national emergency with respect to the conflict
14 in the Democratic Republic of the Congo).

15 (2) Executive Order 13413 (71 Fed. Reg.
16 64103; relating to blocking property of certain per-
17 sons contributing to the conflict in the Democratic
18 Republic of the Congo).

19 (3) Executive Order 13818 (82 Fed. Reg.
20 60839; relating to blocking the property of persons
21 involved in serious human rights abuse or corrup-
22 tion).

23 (4) Paragraph (3) or (4) of section 1263(a) of
24 the National Defense Authorization Act for fiscal
25 year 2016 (22 U.S.C. 2656 note).

1 (e) REPORT ON HUMAN RIGHTS ABUSES AND COR-
2 RUPTION IN THE DEMOCRATIC REPUBLIC OF THE
3 CONGO.—Not later than 120 days after the date of the
4 enactment of this Act, the Secretary of State, in consulta-
5 tion with the Secretary of the Treasury, shall submit to
6 the appropriate congressional committees a report describ-
7 ing each of the following:

8 (1) The extent to which government officials in
9 the Democratic Republic of the Congo, including
10 members of the military and security services, are
11 responsible for or complicit in human rights abuses
12 against civilians, including by deliberately impeding
13 humanitarian access to civilians.

14 (2) The methods used to transfer and conceal
15 financial assets of senior officials of the Government
16 of the Democratic Republic of the Congo that are
17 acquired through acts of corruption.

18 (3) United States actions to combat such cor-
19 ruption, which could include the issuance of a
20 FinCEN Advisory by the Department of the Treas-
21 ury or the imposition of targeted sanctions.

22 (4) To what extent and in what manner such
23 corruption threatens the security of the surrounding
24 region or United States national security interests.

1 (5) Any assistance provided by the United
2 States to facilitate oversight, transparency, and ad-
3 herence to due diligence and accountability measures
4 within the Democratic Republic of the Congo’s min-
5 erals, forestry, and agribusiness sectors.

6 (f) FORM; PUBLIC AVAILABILITY.—

7 (1) FORM.—The list required by subsection (c)
8 and the reports required by subsections (d) and (e)
9 shall be submitted in unclassified form but may con-
10 tain a classified annex.

11 (2) PUBLIC AVAILABILITY.—The unclassified
12 portion of the report required by subsection (e) shall
13 be published on a publicly available website of the
14 Department of State.

15 (g) APPROPRIATE CONGRESSIONAL COMMITTEES.—

16 In this section, the term “appropriate congressional com-
17 mittees” means—

18 (1) the Committee on Foreign Affairs, the
19 Committee on Appropriations, the Committee on Fi-
20 nancial Services, and the Committee on Ways and
21 Means of the House of Representatives; and

22 (2) the Committee on Foreign Relations, the
23 Committee on Appropriations, and the Committee on
24 Banking, Housing, and Urban Affairs of the Senate.