

115TH CONGRESS  
2D SESSION

# H. R. 6207

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

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## 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

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## 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—

8 (1) the Democratic Republic of Congo has his-  
9 torically faced election-related political instability,  
10 endemic corruption, armed conflict, gross human

1 rights abuses, and humanitarian crises, which desta-  
2 bilizes the region and causes massive human suf-  
3 fering;

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

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

16 (4) United States policy with respect to the  
17 Democratic Republic of Congo should focus on help-  
18 ing the country become more stable and democratic,  
19 including through supporting legitimate state au-  
20 thority, such that the Government of the Democratic  
21 Republic of Congo is better able to respond to and  
22 provide for the basic needs of its citizens and live in  
23 peaceful coexistence with its neighbors;

24 (5) the Government of the Democratic Republic  
25 of Congo should comply with all obligations under

1 its Constitution, the International Covenant on Civil  
2 and Political Rights ratified on November 1, 1976,  
3 and the December 2016 Saint Sylvestre agreement  
4 brokered by the Congolese Conference of Catholic  
5 Bishops, by—

6 (A) immediately lifting restrictions on the  
7 freedoms of assembly, expression, and associa-  
8 tion;

9 (B) releasing all political prisoners, includ-  
10 ing those detained for peacefully exercising  
11 their rights;

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

14 (D) bringing to justice security force per-  
15 sonnel accused of serious abuses against citi-  
16 zens, including against protesters or opposition  
17 supporters; and

18 (E) allowing private media outlets to oper-  
19 ate freely;

20 (6) the United States should continue to sup-  
21 port efforts to hold free, fair, and democratic elec-  
22 tions in the Democratic Republic of the Congo, in-  
23 cluding by supporting the completion of an inclusive,  
24 transparent voter registration process and civic edu-  
25 cation, preventing or mitigating violence, and facili-

1 tating credible election observation by the African  
2 Union, the Southern African Development Commu-  
3 nity, and other appropriate civil society entities.

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

16 (1) promoting partnerships with organizations  
17 that have had a long-term presence in the country  
18 and have achieved measurable impact, including by  
19 building the capacity of local partners, human rights  
20 organizations, women-led organizations, or faith-  
21 based or non-faith-based organizations to address  
22 local needs;

23 (A) placing the country on a trajectory to-  
24 ward ending the need for foreign assistance;  
25 and

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

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

10           (1) continue to—

11                   (A) support long-term peace and stability  
12                   in the Democratic Republic of the Congo by  
13                   strengthening democratic institutions and pro-  
14                   moting respect for the rule of law at the na-  
15                   tional, provincial, and local levels;

16                   (B) support the capacity of civil society ac-  
17                   tors to promote transparency, accountability,  
18                   freedom of expression, and anti-corruption ef-  
19                   forts;

20                   (C) support conflict prevention and mitiga-  
21                   tion activities where appropriate, particularly in  
22                   the Kasai region of the Tanganyika Province,  
23                   the North and South Kivu Provinces, and the  
24                   Ituri Province; and

1 (D) work to address the root causes of  
2 chronic violence and fragility, with a focus on  
3 youth empowerment, education, and the pro-  
4 motion of justice and accountability mecha-  
5 nisms; and

6 (2) seek to work directly with and through  
7 credible, independent, nongovernmental organiza-  
8 tions, including local partners, human rights organi-  
9 zations, women-led organizations, and faith-based or  
10 non-faith-based organizations, to—

11 (A) defend internationally recognized dem-  
12 ocratic rights;

13 (B) support freedom of expression, includ-  
14 ing through media broadcasting;

15 (C) combat public corruption; and

16 (D) improve the transparency and account-  
17 ability of governing institutions in the Demo-  
18 cratic Republic of the Congo.

19 **SEC. 3. SUPPORT FOR EFFORTS AT THE UNITED NATIONS**  
20 **ON THE DEMOCRATIC REPUBLIC OF THE**  
21 **CONGO.**

22 The President should instruct the Permanent Rep-  
23 resentative of the United States to the United Nations to  
24 use the voice, vote, and influence of the United States at  
25 the United Nations to—

1           (1) emphasize the importance of implementing  
2           the December 2016 Saint Sylvestre agreement to the  
3           Government of the Democratic Republic of the  
4           Congo, including the need to lift restrictions on the  
5           freedoms of assembly, expression, and association,  
6           and the need to conduct free, fair, and democratic  
7           elections;

8           (2) keep the humanitarian and political crisis in  
9           the Democratic Republic of the Congo on the regular  
10          agenda of the United Nations Security Council until  
11          the completion of a peaceful transfer of power  
12          through free, fair, and democratic elections;

13          (3) ensure that the United Nations Organiza-  
14          tion Stabilization Mission in the Democratic Repub-  
15          lic of the Congo has an appropriately focused man-  
16          date tailored to security and governance conditions  
17          on the ground with a particular focus on civilian  
18          protection, and that the mission has sufficient  
19          means, including specialized personnel and effective  
20          leadership, to execute its mandate; and

21          (4) improve Member states' implementation of  
22          United Nations Security Council-imposed sanctions  
23          on individuals and entities violating the United Na-  
24          tions arms embargo, threatening the peace and secu-  
25          rity of the Democratic Republic of the Congo, engag-

1       ing in human or resource trafficking, or perpetrating  
2       gross human rights violations in the Democratic Re-  
3       public of the Congo.

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

6       (a) IN GENERAL.—United States sanctions provided  
7       for in Executive Order 13671 (79 Fed. Reg. 39947; relat-  
8       ing to taking additional steps to address the national  
9       emergency with respect to the conflict in the Democratic  
10      Republic of the Congo) and Executive Order 13413 (71  
11      Fed. Reg. 64103; relating to blocking property of certain  
12      persons contributing to the conflict in the Democratic Re-  
13      public of the Congo), as in effect on the day before the  
14      date of the enactment of this Act, shall remain in effect  
15      for the 7-year period beginning on such date of enactment  
16      unless the President determines and certifies to the appro-  
17      priate congressional committees that the Government of  
18      the Democratic Republic of the Congo—

19                   (1) is making significant progress towards hold-  
20      ing free and fair elections and respecting the free-  
21      doms of press, expression, and assembly, as de-  
22      scribed in the December 2016 Saint Sylvestre agree-  
23      ment and in United Nations Security Council Reso-  
24      lution 2348 (2017); or



1           (2) has held free and fair presidential elections  
2           in accordance with the Constitution of the Demo-  
3           cratic Republic of the Congo and a democratically  
4           elected President has been sworn in and taken of-  
5           fice.

6           (b) RULE OF CONSTRUCTION.—Subsection (a) may  
7           not be construed to restrict the authority of the President  
8           to impose additional United States sanctions with respect  
9           to the Democratic Republic of the Congo pursuant to the  
10          executive orders listed in that subsection.

11          (c) LIST OF SENIOR POLITICAL FIGURES.—Not later  
12          than 90 days after the date of the enactment of this Act,  
13          the President shall submit to the appropriate congres-  
14          sional committees a list of each senior foreign political fig-  
15          ure, as such term is defined in section 1010.605 of title  
16          31, Code of Federal Regulations (as in effect on the day  
17          before the date of the enactment of this Act), of the Gov-  
18          ernment of the Democratic Republic of the Congo.

19          (d) ADDITIONAL SANCTIONS DETERMINATION RE-  
20          QUIRED.—Not later than 120 days after the date of the  
21          enactment of this Act, the President shall submit to the  
22          appropriate congressional committees a report listing each  
23          person included in the list required by subsection (c) that  
24          the President determines meets the criteria to be  
25          sanctionable pursuant to one or more of the following:

1           (1) Executive Order 13671 (79 Fed. Reg.  
2           39947; relating to taking additional steps to address  
3           the national emergency with respect to the conflict  
4           in the Democratic Republic of the Congo).

5           (2) Executive Order 13413 (71 Fed. Reg.  
6           64103; relating to blocking property of certain per-  
7           sons contributing to the conflict in the Democratic  
8           Republic of the Congo).

9           (3) Executive Order 13818 (82 Fed. Reg.  
10          60839; relating to blocking the property of persons  
11          involved in serious human rights abuse or corrup-  
12          tion).

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

16          (e) REPORT ON HUMAN RIGHTS ABUSES AND COR-  
17          RUPTION IN THE DEMOCRATIC REPUBLIC OF THE  
18          CONGO.—Not later than 120 days after the date of the  
19          enactment of this Act, the Secretary of State, in consulta-  
20          tion with the Secretary of the Treasury, shall submit to  
21          the appropriate congressional committees a report describ-  
22          ing each of the following:

23                (1) The extent to which government officials in  
24                the Democratic Republic of the Congo, including  
25                members of the military and security services, are

1 responsible for or complicit in human rights abuses  
2 against civilians, including by deliberately impeding  
3 humanitarian access to civilians.

4 (2) The methods used to transfer and conceal  
5 financial assets of senior officials of the Government  
6 of the Democratic Republic of the Congo that are  
7 acquired through acts of corruption.

8 (3) United States actions to combat such cor-  
9 ruption, including through the issuance of a  
10 FinCEN Advisory by the Department of the Treas-  
11 ury or the imposition of targeted sanctions.

12 (4) To what extent and in what manner such  
13 corruption threatens the security of the surrounding  
14 region or United States national security interests.

15 (5) Any assistance provided by the United  
16 States to facilitate oversight, transparency, and ad-  
17 herence to due diligence and accountability measures  
18 within the Democratic Republic of the Congo's min-  
19 erals, forestry, and agribusiness sectors.

20 (f) FORM; PUBLIC AVAILABILITY.—

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

1           (2) PUBLIC AVAILABILITY.—The unclassified  
2           portion of the report required by subsection (e) shall  
3           be published on a publicly available website of the  
4           Department of State.

5           (g) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
6           In this section, the term “appropriate congressional com-  
7           mittees” means—

8           (1) the Committee on Foreign Affairs, the  
9           Committee on Appropriations, the Committee on Fi-  
10          nancial Services, and the Committee on Ways and  
11          Means of the House of Representatives; and

12          (2) the Committee on Foreign Relations, the  
13          Committee on Appropriations, and the Committee on  
14          Banking, Housing, and Urban Affairs of the Senate.

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