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(Original Signature of Member)

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

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

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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—

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 of the Tanganyika Province,  
4 the North and South Kivu Provinces, and the  
5 Ituri 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 in effect on the day before the  
21 date of the enactment of this Act, shall remain in effect  
22 for the 7-year period beginning on such date of enactment  
23 unless the President determines and certifies to the appro-  
24 priate congressional committees that the Government of  
25 the Democratic Republic of the Congo—



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

7           (2) has held free and fair presidential elections  
8           in accordance with the Constitution of the Demo-  
9           cratic Republic of the Congo and a democratically-  
10          elected President has been sworn in and taken of-  
11          fice.

12          (b) **RULE OF CONSTRUCTION.**—Subsection (a) may  
13          not be construed to restrict the authority of the President  
14          to impose additional United States sanctions with respect  
15          to the Democratic Republic of the Congo pursuant to the  
16          executive orders listed in that subsection.

17          (c) **LIST OF SENIOR POLITICAL FIGURES.**—Not later  
18          than 90 days after the date of the enactment of this Act,  
19          the President shall submit to the appropriate congres-  
20          sional committees a list of each senior foreign political fig-  
21          ure, as such term is defined in section 1010.605 of title  
22          31, Code of Federal Regulations (as in effect on the day  
23          before the date of the enactment of this Act), of the Gov-  
24          ernment of the Democratic Republic of the Congo.

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

8 (1) Executive Order 13671 (79 Fed. Reg.  
9 39947; relating to taking additional steps to address  
10 the national emergency with respect to the conflict  
11 in the Democratic Republic of the Congo).

12 (2) Executive Order 13413 (71 Fed. Reg.  
13 64103; relating to blocking property of certain per-  
14 sons contributing to the conflict in the Democratic  
15 Republic of the Congo).

16 (3) Executive Order 13818 (82 Fed. Reg.  
17 60839; relating to blocking the property of persons  
18 involved in serious human rights abuse or corrup-  
19 tion).

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

23 (e) REPORT ON HUMAN RIGHTS ABUSES AND COR-  
24 RUPTION IN THE DEMOCRATIC REPUBLIC OF THE  
25 CONGO.—Not later than 120 days after the date of the

1 enactment of this Act, the Secretary of State, in consulta-  
2 tion with the Secretary of the Treasury, shall submit to  
3 the appropriate congressional committees a report describ-  
4 ing each of the following:

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

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

15           (3) United States actions to combat such cor-  
16 ruption, including through the issuance of a  
17 FinCEN Advisory by the Department of the Treas-  
18 ury or the imposition of targeted sanctions.

19           (4) To what extent and in what manner such  
20 corruption threatens the security of the surrounding  
21 region or United States national security interests.

22           (5) Any assistance provided by the United  
23 States to facilitate oversight, transparency, and ad-  
24 herence to due diligence and accountability measures

1 within the Democratic Republic of the Congo’s min-  
2 erals, forestry, and agribusiness sectors.

3 (f) FORM; PUBLIC AVAILABILITY.—

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

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

12 (g) APPROPRIATE CONGRESSIONAL COMMITTEES.—

13 In this section, the term “appropriate congressional com-  
14 mittees” means—

15 (1) the Committee on Foreign Affairs, the  
16 Committee on Appropriations, the Committee on Fi-  
17 nancial Services, and the Committee on Ways and  
18 Means of the House of Representatives; and

19 (2) the Committee on Foreign Relations, the  
20 Committee on Appropriations, and the Committee on  
21 Banking, Housing, and Urban Affairs of the Senate.