

115TH CONGRESS
2D SESSION

S. 2779

AN ACT

To amend the Zimbabwe Democracy and Economic Recovery
Act of 2001.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Zimbabwe Democracy
3 and Economic Recovery Amendment Act of 2018”.

4 **SEC. 2. RECONSTRUCTION AND REBUILDING OF**
5 **ZIMBABWE.**

6 Section 2 of the Zimbabwe Democracy and Economic
7 Recovery Act of 2001 (22 U.S.C. 2151 note; Public Law
8 107–99) is amended by striking “and restore the rule of
9 law” and inserting “restore the rule of law, reconstruct
10 and rebuild Zimbabwe, and come to terms with the past
11 through a process of genuine reconciliation that acknowl-
12 edges past human rights abuses and orders inquiries into
13 disappearances, including the disappearance of human
14 rights activists, such as Patrick Nabanyama, Itai
15 Dzamara, and Paul Chizuze”.

16 **SEC. 3. FINDINGS.**

17 Section 4(a) of the Zimbabwe Democracy and Eco-
18 nomic Recovery Act of 2001 is amended—

19 (1) in paragraph (1), by striking “costly deploy-
20 ment of troops to the Democratic Republic of the
21 Congo” and inserting “private appropriation of pub-
22 lic assets”; and

23 (2) by adding at the end the following:

24 “(6) In October 2016, the Government of
25 Zimbabwe cleared a small hurdle in its longstanding
26 public sector arrears with the IMF.”.

1 **SEC. 4. PROVISIONS RELATED TO MULTILATERAL DEBT RE-**
 2 **LIEF AND OTHER FINANCIAL ASSISTANCE.**

3 Section 4(b)(2) of the Zimbabwe Democracy and
 4 Economic Recovery Act of 2001 is amended—

5 (1) in subparagraph (A), by striking “to pro-
 6 pose that the bank should undertake a review of the
 7 feasibility of restructuring, rescheduling, or elimi-
 8 nating the sovereign debt of Zimbabwe held by that
 9 bank” and inserting “to support efforts to reeval-
 10 ate plans to restructure, rebuild, reschedule, or
 11 eliminate Zimbabwe’s sovereign debt held by that
 12 bank and provide an analysis based on reasonable fi-
 13 nancial options to achieve those goals”; and

14 (2) in subparagraph (B), by striking “dollar”
 15 and inserting “currency”.

16 **SEC. 5. SENSE OF CONGRESS ON THE UNITED STATES-**
 17 **ZIMBABWE BILATERAL RELATIONSHIP.**

18 It is the sense of Congress that the United States
 19 should seek to forge a stronger bilateral relationship with
 20 Zimbabwe, including in the areas of trade and investment,
 21 if the following conditions are satisfied:

22 (1) The Government of Zimbabwe takes the
 23 concrete, tangible steps outlined in paragraphs (1)
 24 through (4) of section 4(d) of the Zimbabwe Democ-
 25 racy and Economic Recovery Act of 2001, as amend-
 26 ed by section 6 of this Act.

1 (2) The Government of Zimbabwe takes con-
2 crete, tangible steps towards—

3 (A) good governance, including respect for
4 the opposition, rule of law, and human rights;

5 (B) economic reforms that promote
6 growth, address unemployment and under-
7 development, restore livelihoods, ensure respect
8 for contracts and private property rights, and
9 promote significant progress toward monetary
10 policy reforms, particularly with the Reserve
11 Bank of Zimbabwe, and currency exchange re-
12 forms; and

13 (C) identification and recovery of stolen
14 private and public assets within Zimbabwe and
15 in other countries.

16 (3) The Government of Zimbabwe holds an
17 election that is widely accepted as free and fair,
18 based on the following pre- and post-election criteria
19 or conditions:

20 (A) Establishment and public release, with-
21 out cost, of a provisional and a final voter reg-
22 istration roll.

23 (B) The Zimbabwe Electoral Commission
24 is permitted to entirely carry out the functions
25 assigned to it under section 239 of Zimbabwe's

2013 Constitution in an independent manner,
and the chairperson meets and consults regularly with representatives of political parties represented in the parliament of Zimbabwe and the parties contesting the elections.

(C) Consistent with Zimbabwe's 2013 Constitution, the Defence Forces of Zimbabwe—

(i) are neither permitted to actively participate in campaigning for any candidate nor to intimidate voters;

(ii) are required to verifiably and credibly uphold their constitutionally-mandated duty to respect the fundamental rights and freedoms of all persons and to be nonpartisan in character; and

(iii) are not permitted to print, transfer, or control ballots or transmit the results of elections.

(D) International observers, including observers from the United States, the African Union, the Southern African Development Community, and the European Union—

(i) are permitted to observe the entire electoral process prior to, on, and following

1 voting day, including by monitoring polling
2 stations and tabulation centers; and

3 (ii) are able to independently access
4 and analyze vote tallying tabulation and
5 the transmission and content of voting re-
6 sults.

7 (E) Candidates are allowed access to pub-
8 lic broadcasting media during the election pe-
9 riod, consistent with Zimbabwe's Electoral Act
10 and are able to campaign in an environment
11 that is free from intimidation and violence.

12 (F) Civil society organizations are able to
13 freely and independently carry out voter and
14 civic education and monitor the entire electoral
15 process, including by observing, recording, and
16 transmitting publicly-posted or announced vot-
17 ing results at the ward, constituency, and all
18 higher levels of the vote tallying process.

19 (4) Laws enacted prior to the passage of
20 Zimbabwe's March 2013 Constitution that are in-
21 consistent with the new Constitution are amended,
22 repealed, or subjected to a formal process for review
23 and correction so that such laws are consistent with
24 the new Constitution.

25 (5) The Government of Zimbabwe—

1 (A) has made significant progress on the
 2 implementation of all elements of the new Con-
 3 stitution; and

4 (B) has demonstrated its commitment to
 5 sustain such efforts in achieving full implemen-
 6 tation of the new Constitution.

7 (6) Traditional leaders of Zimbabwe observe
 8 section 281 of the 2013 Constitution and are not
 9 using humanitarian assistance provided by outside
 10 donor organizations or countries in a politicized
 11 manner to intimidate or pressure voters during the
 12 campaign period.

13 **SEC. 6. CERTIFICATION REQUIREMENTS.**

14 Section 4(d) of the Zimbabwe Democracy and Eco-
 15 nomic Recovery Act of 2001 is amended—

16 (1) in paragraph (3), by striking “consistent
 17 with” and all that follows through “September
 18 1998”;

19 (2) by striking paragraph (4); and

20 (3) by redesignating paragraph (5) as para-
 21 graph (4).

22 **SEC. 7. REMOVAL OF AUTHORITY TO PAY LAND ACQUISI-** 23 **TION COSTS.**

24 Section 5(a) of the Zimbabwe Democracy and Eco-
 25 nomic Recovery Act of 2001 is amended—

1 (1) in paragraph (2), by striking “, including
2 the payment of costs” and all that follows through
3 “thereto; and” and inserting a semicolon;

4 (2) in paragraph (3), by striking the period at
5 the end and inserting “; and”; and

6 (3) by adding at the end the following:

7 “(4) identify and recover stolen public assets.”.

8 **SEC. 8. INCLUSION OF AUSTRALIA, THE UNITED KINGDOM,**
9 **THE AFRICAN UNION, AND THE SOUTHERN**
10 **AFRICAN DEVELOPMENT COMMUNITY IN**
11 **CONSULTATIONS ABOUT ZIMBABWE.**

12 Section 6 of the Zimbabwe Democracy and Economic
13 Recovery Act of 2001 is amended by inserting “Australia,
14 the United Kingdom, the African Union, the Southern Af-
15 rican Development Community,” after “Canada,”.

16 **SEC. 9. SENSE OF CONGRESS ON ENFORCEMENT OF**
17 **SOUTHERN AFRICAN DEVELOPMENT COMMU-**
18 **NITY TRIBUNAL RULINGS.**

19 It is the sense of Congress that the Government of
20 Zimbabwe and the Southern African Development Com-
21 munity (referred to in this section as “SADC”) should en-
22 force the SADC tribunal rulings issued between 2007 to
23 2010, including 18 disputes involving employment, com-
24 mercial, and human rights cases surrounding dispossessed

- 1 Zimbabwean commercial farmers and agricultural compa-
- 2 nies.

Passed the Senate July 25, 2018.

Attest:

Secretary.

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