

115TH CONGRESS
2D SESSION

S. 2779

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

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2018

Mr. FLAKE (for himself and Mr. COONS) introduced the following bill; which
was read twice and referred to the Committee on Foreign Relations

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. RECONSTRUCTION AND REBUILDING OF ZIM-**
7 **BABWE.**

8 Section 2 of the Zimbabwe Democracy and Economic
9 Recovery Act of 2001 (Public Law 107–99; 22 U.S.C.
10 2151 note) is amended by striking “and restore the rule
11 of law” and inserting “restore the rule of law, reconstruct

1 and rebuild Zimbabwe, and come to terms with the past
 2 through a process of genuine reconciliation in which past
 3 human rights abuses are acknowledged and inquiries into
 4 the disappearance of prominent human rights activists, in-
 5 cluding Patrick Nabanyama, Itai Dzamara, and Paul
 6 Chizuze, are ordered”.

7 **SEC. 3. FINDINGS.**

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

10 (1) in paragraph (1)—

11 (A) by striking “the costly deployment of
 12 troops to the Democratic Republic of the
 13 Congo” and inserting “private appropriation of
 14 public assets”; and

15 (B) by striking “Development and” and in-
 16 serting “Development, International Develop-
 17 ment Association, and, until recently,”; and

18 (2) by adding at the end the following new
 19 paragraph:

20 “(6) In October 2016, the Government of
 21 Zimbabwe cleared its longstanding arrears with the
 22 IMF.”.

1 **SEC. 4. REMOVAL OF PROVISIONS RELATED TO MULTILAT-**
 2 **ERAL DEBT RELIEF AND OTHER FINANCIAL**
 3 **ASSISTANCE.**

4 Section 4(b) of the Zimbabwe Democracy and Eco-
 5 nomic Recovery Act of 2001 is amended—

6 (1) by striking “RECOVERY.—” and all that fol-
 7 lows through “Upon receipt” and inserting “RECOV-
 8 ERY.—Upon receipt”; and

9 (2) by striking paragraph (2).

10 **SEC. 5. ADDITIONAL CERTIFICATION REQUIREMENTS FOR**
 11 **ASSISTANCE.**

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

14 (1) by amending paragraph (2) to read as fol-
 15 lows:

16 “(2) PRE- AND POST-ELECTION CONDITIONS.—
 17 The following pre- and post-election conditions are
 18 met:

19 “(A) Establishment and public release,
 20 without cost, in digital format, of a provisional
 21 and final biometric voter registration roll that is
 22 endorsed by all political parties represented in
 23 the parliament of Zimbabwe and those parties
 24 contesting the elections.

25 “(B) The Zimbabwe Electoral Commission
 26 is permitted to entirely carry out the functions

1 assigned to it in section 239 of Zimbabwe's
2 2013 constitution in an entirely independent
3 manner, and the chairperson continues to meet
4 with and consults regularly with representatives
5 of political parties represented in the par-
6 liament of Zimbabwe and those parties con-
7 testing the elections.

8 “(C) Consistent with Zimbabwe’s constitu-
9 tion, the Defense Forces of Zimbabwe are nei-
10 ther permitted to actively participate in cam-
11 paigning for any candidate nor to intimidate
12 voters, and must verifiably and credibly uphold
13 their constitutionally mandated duty to respect
14 the fundamental rights and freedoms of all per-
15 sons and be non-partisan in character, and are
16 not permitted to print, transfer, or control bal-
17 lots or transmit the results of elections.

18 “(D) International observers, including
19 from the United States, the African Union, the
20 Southern African Development Community, the
21 European Union, and others who apply are per-
22 mitted to observe the entire electoral process
23 prior to, on, and following voting day, including
24 by monitoring polling stations and tabulation
25 centers and are able to independently operate in

1 a manner enabling them to access and analyze
 2 vote tallying tabulation and the transmission
 3 and content of voting results.

4 “(E) Candidates are allowed free and full
 5 access to state media during the election period
 6 as defined in Zimbabwe’s Electoral Act, and
 7 must afford time and coverage to all parties
 8 contesting the elections in an impartial manner,
 9 and candidates are able to campaign in an envi-
 10 ronment that is free from intimidation and vio-
 11 lence.

12 “(F) Civil society organizations are able to
 13 freely and independently carry out voter and
 14 civic education, and to monitor the entire elec-
 15 toral process, including by observing, recording,
 16 and transmitting public-posted or announced
 17 voting results, including at the ward, constitu-
 18 ency, and all higher levels of the vote tallying
 19 process, including through the conduct of one
 20 or more sample based observation exercises.”;

21 (2) by redesignating paragraphs (3) and (5) as
 22 paragraphs (8) and (9), respectively;

23 (3) by striking paragraph (4);

24 (4) by inserting after paragraph (2) the fol-
 25 lowing new paragraphs:

1 “(3) PRESIDENTIAL ELECTION.—Zimbabwe has
 2 held an election that is widely accepted as free, fair,
 3 and credible by independent international and do-
 4 mestic civil society monitors, and the president-elect
 5 is free to assume the duties of the office.

6 “(4) UPDATING STATUTES.—Laws enacted
 7 prior to passage of Zimbabwe’s new constitution in
 8 March 2013 that are inconsistent with the new con-
 9 stitution are amended or repealed so that they are
 10 consistent with the constitution, especially through
 11 the Electoral Amendments Bill and the repeal of the
 12 Public Order and Security Act, and the Access to
 13 Information and Protection of Privacy Act.

14 “(5) UPHOLDING THE CONSTITUTION.—All ele-
 15 ments of the constitution are being implemented.

16 “(6) ECONOMIC REFORMS.—The Government of
 17 Zimbabwe has demonstrated a sustained commit-
 18 ment to reforming Zimbabwe’s economy in ways that
 19 will promote economic growth, address unemploy-
 20 ment and underdevelopment, and restore livelihoods.

21 “(7) ROLE OF TRADITIONAL LEADERS.—Tradi-
 22 tional leaders of Zimbabwe observe section 281 of
 23 the Constitution and are not using humanitarian as-
 24 sistance provided by outside donor organizations or

1 countries in a politicized manner to intimidate or
 2 pressure voters during the campaign period.”; and
 3 (5) in paragraph (8), as redesignated by para-
 4 graph (2) of this subsection, by striking “consistent
 5 with” and all that follows through “September
 6 1998”.

7 **SEC. 6. REMOVAL OF AUTHORITY TO PAY LAND ACQUISI-**
 8 **TION COSTS.**

9 Section 5(a)(2) of the Zimbabwe Democracy and
 10 Economic Recovery Act of 2001 is amended by striking
 11 “, including the payment of costs” and all that follows
 12 through “thereto”.

13 **SEC. 7. INCLUSION OF AUSTRALIA AND THE UNITED KING-**
 14 **DOM IN CONSULTATIONS ABOUT ZIMBABWE.**

15 Section 6 of the Zimbabwe Democracy and Economic
 16 Recovery Act of 2001 is amended by inserting “Australia,
 17 and the United Kingdom” after “Canada,”.

18 **SEC. 8. SENSE OF CONGRESS ON ENFORCEMENT OF SADC**
 19 **TRIBUNAL RULINGS.**

20 It is the sense of Congress that the Government of
 21 Zimbabwe and the Southern African Development Com-
 22 munity (SADC) should enforce the SADC tribunal rulings
 23 from 2007 to 2010, including 18 disputes involving em-
 24 ployment, commercial, and human rights cases sur-

1 rounding dispossessed Zimbabwean commercial farmers
2 and agricultural companies.

3 **SEC. 9. SENSE OF CONGRESS ON THE UNITED STATES-**
4 **ZIMBABWE BILATERAL RELATIONSHIP.**

5 It is the sense of Congress that the United States
6 Government is optimistic about the possibility for a
7 stronger bilateral relationship with Zimbabwe, including
8 in the areas of trade and investment, if—

9 (1) the Government of Zimbabwe takes con-
10 crete, tangible steps outlined in paragraphs (2)
11 through (6) of section 4(d) of the Zimbabwe Democ-
12 racy and Economic Recovery Act of 2001, as added
13 by section 5 of this Act; and

14 (2) takes concrete, tangible steps towards—

15 (A) good governance, including respect for
16 opposition, rule of law, and human rights; and

17 (B) economic reforms such as respect for
18 contracts and private property rights.

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