

115TH CONGRESS
2D SESSION

H. R. 6472

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

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2018

Ms. BASS (for herself, Mr. ROYCE of California, Mr. ENGEL, Mr. RUSH, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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”.

1 **SEC. 2. RECONSTRUCTION AND REBUILDING OF**
2 **ZIMBABWE.**

3 Section 2 of the Zimbabwe Democracy and Economic
4 Recovery Act of 2001 (Public Law 107–99; 22 U.S.C.
5 2151 note) is amended—

6 (1) by striking “and restore” and inserting “re-
7 store”; and

8 (2) by inserting “and reconstruct and rebuild
9 Zimbabwe and come to terms with the past through
10 a process of genuine reconciliation that acknowl-
11 edges past human rights abuses and orders inquiries
12 into disappearances, including the disappearance of
13 human rights activists, such as Patrick Nabanyama,
14 Itai Dzamara, and Paul Chizuze” before the period
15 at the end.

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 con-
23 crete, 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 in section 239 of Zimbabwe's

1 2013 Constitution in an independent manner,
2 and the chairperson meets with and consults
3 regularly with representatives of political par-
4 ties represented in the parliament of Zimbabwe
5 and those parties contesting the elections.

6 (C) Consistent with Zimbabwe’s 2013 Con-
7 stitution, the Defence Forces of Zimbabwe—

8 (i) are neither permitted to actively
9 participate in campaigning for any can-
10 didate nor to intimidate voters;

11 (ii) are required to verifiably and
12 credibly uphold their Constitutionally man-
13 dated duty to respect the fundamental
14 rights and freedoms of all persons and to
15 be nonpartisan in character; and

16 (iii) are not permitted to print, trans-
17 fer, or control ballots or transmit the re-
18 sults of elections.

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

23 (i) are permitted to observe the entire
24 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, as provided in Zimbabwe's Electoral Act,
10 and candidates are able to campaign in an envi-
11 ronment that is free from intimidation and vio-
12 lence.

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

21 (4) Laws enacted prior to passage of
22 Zimbabwe's March 2013 Constitution that are in-
23 consistent with the new Constitution are amended or
24 repealed or are subject to a formal process for re-

1 view and correction so that such laws are consistent
2 with the new Constitution.

3 (5) The Government of Zimbabwe—

4 (A) has made significant progress on the
5 implementation of all elements of the new Con-
6 stitution; and

7 (B) has demonstrated its commitment to
8 sustain such efforts in achieving full implemen-
9 tation of the new Constitution.

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

16 **SEC. 6. CERTIFICATION REQUIREMENTS.**

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

19 (1) in paragraph (3), by striking “consistent
20 with” and all that follows through “September
21 1998”;

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

23 (3) by redesignating paragraph (5) as para-
24 graph (4).

1 **SEC. 7. REMOVAL OF AUTHORITY TO PAY LAND ACQUISITION COSTS.**
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3 Section 5(a) of the Zimbabwe Democracy and Eco-
 4 nomic Recovery Act of 2001 is amended—

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

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

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

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

12 **SEC. 8. INCLUSION OF AUSTRALIA, THE UNITED KINGDOM,**
 13 **THE AFRICAN UNION, AND THE SOUTHERN**
 14 **AFRICAN DEVELOPMENT COMMUNITY IN**
 15 **CONSULTATIONS ABOUT ZIMBABWE.**

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

20 **SEC. 9. SENSE OF CONGRESS ON ENFORCEMENT OF**
 21 **SOUTHERN AFRICAN DEVELOPMENT COMMU-**
 22 **NITY TRIBUNAL RULINGS.**

23 It is the sense of Congress that the Government of
 24 Zimbabwe and the Southern African Development Com-
 25 munity (referred to in this section as “SADC”) should en-
 26 force the SADC tribunal rulings from 2007 to 2010, in-

1 cluding 18 disputes involving employment, commercial,
2 and human rights cases surrounding dispossessed
3 Zimbabwean commercial farmers and agricultural compa-
4 nies.

