115TH CONGRESS
2D SESSION

S. ______


IN THE SENATE OF THE UNITED STATES

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

A BILL


Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. RECONSTRUCTION AND REBUILDING OF ZIMBABWE.

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

SEC. 3. FINDINGS.

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

(1) in paragraph (1)—

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

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

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

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

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

Section 4(b) of the Zimbabwe Democracy and Eco-nomic Recovery Act of 2001 is amended—
SEC. 5. WITHHOLDING OF FUNDING FOR AFRICAN DEVELOPMENT FUND.

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

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, two ems to the right;

(2) by striking “RESTRICTION.—Until” and inserting the following: “RESTRICTION.—

“(1) IN GENERAL.—Until”; and

(3) by adding at the end the following new paragraph:

“(2) WITHHOLDING OF FUNDING FOR AFRICAN DEVELOPMENT FUND.—The United States Government shall withhold funding for the African Development Fund equivalent to any funding provided to Zimbabwe through Pillar II for arrears clearance.”.

(1) by striking “RECOVERY.—” and all that follows through “Upon receipt” and inserting “RECOVERY.—Upon receipt”; and

(2) by striking paragraph (2).
SEC. 6. ADDITIONAL CERTIFICATION REQUIREMENTS FOR ASSISTANCE.

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

(1) by amending paragraph (2) to read as follows:

“(2) PRE-ELECTION CONDITIONS.—The following pre-election conditions are met:

“(A) Establishment and public release, without cost, in both paper and digital formats, of a biometric voter registration roll that is endorsed by all registered political parties.

“(B) An independent electoral management body is selected, the members of which should be nominated by all political parties represented in the parliament of Zimbabwe, and permitted to entirely carry out the functions assigned to it in section 239 of Zimbabwe’s 2013 constitution in an entirely independent manner.

“(C) The Defense Forces of Zimbabwe are neither permitted to actively participate in campaigning for any candidate nor to intimidate voters, and must verifiably and credibly uphold their constitutionally mandated duty to respect the fundamental rights and freedoms of all persons and be non-partisan in character.
“(D) International observers, including from the United States, the African Union, the Southern African Development Community, and the European Union are permitted to observe the entire electoral process, both prior to, on, and following voting day, including by monitoring polling stations and counting centers, and are able to independently operate in a manner enabling them to access and analyze vote tallying, tabulation, and the transmission and content of voting results.

“(E) Candidates are allowed free and full access to state media, which must afford equal time and coverage to all registered parties, in an impartial manner, and must be able to campaign in an environment that is free from intimidation and violence.

“(F) Civil society organizations must freely and independently be able to carry out voter and civic education, and to monitor the entire electoral process, including by observing, recording, and transmitting public-posted or announced voting results, including at the ward, constituency, and all higher levels of the vote tallying process, including through the conduct
of one or more parallel vote tabulation exercises.”;

(2) by redesignating paragraphs (3) and (5) as paragraphs (7) and (8), respectively;

(3) by striking paragraph (4);

(4) by inserting after paragraph (2) the following new paragraphs:

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

“(4) UPDATING STATUTES.—Laws enacted prior to passage of Zimbabwe’s new Constitution in March 2013 that are inconsistent with the new Constitution are amended or repealed so that they are consistent with the Constitution.

“(5) UPHOLDING THE CONSTITUTION.—The Secretary of State has certified that all elements of the Constitution, including devolution, are being implemented.

“(6) ECONOMIC REFORMS.—The Government of Zimbabwe has demonstrated a sustained commitment to reforming Zimbabwe’s economy in ways that
will promote economic growth, address unemployment and underdevelopment, and restore livelihoods.

“(7) DIAMOND REVENUES.—The Secretary of State has certified that a transparent and credible accounting for all diamond revenues since 2000 has taken place.”; and

(5) in paragraph (7), as redesignated by paragraph (2) of this subsection, by striking “consistent with” and all that follows through “September 1998”.

SEC. 7. REMOVAL OF AUTHORITY TO PAY LAND ACQUISITION COSTS.

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

SEC. 8. INCLUSION OF AUSTRALIA IN CONSULTATIONS ABOUT ZIMBABWE.

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

SEC. 9. SENSE OF CONGRESS ON PAST ATROCITIES AND HUMAN RIGHTS ABUSES.

It is the sense of Congress that the Government of Zimbabwe should take immediate action to—
(1) unify the people of Zimbabwe by—

(A) acknowledging that human rights have been abused, including during the urban land clearances of Operation Murambatsvina, and the violence perpetrated in the wake of the 2008 election against the opposition and citizens of Zimbabwe;

(B) undertaking a genuine process of national reconciliation up to and including acknowledging and apologizing for atrocities in Matabeleland (Gukurahundi); and

(C) taking steps to offer redress or compensation to victims of abuses identified in subparagraphs (A) and (B), in a manner recommended by the Zimbabwe Human Rights Commission and the National Peace and Reconciliation Commission; and

(2) order an immediate inquiry into the disappearance of prominent human rights activists, including Patrick Nabanyama, Itai Dzamara, and Paul Chizuze.

SEC. 10. SENSE OF CONGRESS ON ENFORCEMENT OF SADC TRIBUNAL RULINGS.

It is the sense of Congress that the Government of Zimbabwe and the Southern African Development Com-
munity (SADC) should enforce the SADC tribunal rulings from 2007 to 2010, including 18 disputes involving employment, commercial, and human rights cases surrounding dispossessed Zimbabwean commercial farmers and agricultural companies.

SEC. 11. SENSE OF CONGRESS ON STEPS THAT MIGHT INCREASE POSSIBILITY OF INCREASED TIES.

It is the sense of Congress that the United States Government would be more optimistic about the possibility for increased ties with Zimbabwe, including in the areas of trade and investment, if—

(1) the government of Zimbabwe takes the steps outlined in section 6 and takes concrete, tangible steps outlined in paragraphs (2) through (7) of section 4(d) of the Zimbabwe Democracy and Economic Recovery Act of 2001, as added by section 6 of this Act; and

(2) takes concrete, tangible steps towards—

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

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