

Calendar No. 589

106TH CONGRESS
2D SESSION**S. 2677**

To restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2000

Mr. FRIST (for himself, Mr. FEINGOLD, and Mr. HELMS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JUNE 12, 2000

Reported by Mr. HELMS, without amendment

A BILL

To restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe.

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 Act of 2000”.

1 **SEC. 2. FINDINGS AND POLICY.**

2 (a) FINDINGS.—Congress finds as follows:

3 (1) Deliberate and systematic violence, intimi-
4 dation, and killings have been orchestrated and sup-
5 ported by the Government of Zimbabwe and the rul-
6 ing ZANU–PF party against members, sympa-
7 thizers, and supporters of the democratic opposition,
8 farmers, and employees. The violence has resulted in
9 death, a breakdown in the rule of law, and further
10 collapse of Zimbabwe’s economy.

11 (2) The lawlessness, harassment, violence, in-
12 timidation, and killings directed at the opposition
13 and their supporters, farmers and farm employees
14 continues at President Mugabe’s explicit and public
15 urging despite two court rulings that the occupations
16 are illegal and must be ended.

17 (3) The breakdown in the rule of law has jeop-
18 ardized Zimbabwe’s future, including international
19 support for programs which provide land ownership
20 for the large number of poor and landless
21 Zimbabweans, other donor programs, economic sta-
22 bility, and direct investment.

23 (4) The orchestrated violence and intimidation
24 directed at opposition supporters has created and
25 fostered an environment which seriously com-
26 promises the possibility of free and fair elections.

1 (5) The crisis in Zimbabwe is further exacer-
2 bated by the fact that Zimbabwe is spending millions
3 of dollars each month on its involvement in the civil
4 war in the Democratic Republic of Congo. Those re-
5 sources could finance equitable and transparent land
6 reform, other programs to promote economic growth
7 and alleviate poverty, and programs to combat the
8 spread and effects of the world's highest HIV infec-
9 tion rate.

10 (b) STATEMENT OF POLICY.—It is therefore the pol-
11 icy of the United States to support the people of
12 Zimbabwe in their struggles to effect peaceful, democratic
13 change, achieve broad-based and equitable economic
14 growth, and restore the rule of law.

15 **SEC. 3. PROHIBITION ON PROVISION OF ASSISTANCE OR**
16 **DEBT RELIEF.**

17 (a) PROHIBITION ON ASSISTANCE.—Except as pro-
18 vided in subsection (b)—

19 (1) no United States assistance may be pro-
20 vided for the Government of Zimbabwe;

21 (2) no indebtedness owed by the Government of
22 Zimbabwe to the United States Government may be
23 canceled or reduced; and

24 (3) the Secretary of the Treasury shall instruct
25 the United States Executive Director to each inter-

1 national financial institution to oppose and vote
2 against—

3 (A) any extension by the respective institu-
4 tion of any assistance of any kind to the Gov-
5 ernment of Zimbabwe, except for assistance to
6 meet basic human needs and for good govern-
7 ance; and

8 (B) any cancellation or reduction of in-
9 debtedness owed by the Government of
10 Zimbabwe to that institution.

11 (b) CONDITIONS FOR RESTORATION OF ELIGIBILITY
12 FOR ASSISTANCE AND DEBT RELIEF.—The provisions of
13 subsection (a) shall apply until the President certifies to
14 the appropriate congressional committees that—

15 (1) the rule of law has been restored in
16 Zimbabwe, including respect for ownership and title
17 to property held prior to January 1, 2000, freedom
18 of speech and association, and an end to the lawless-
19 ness, violence, and intimidation sponsored, condoned,
20 or tolerated by the Government of Zimbabwe, the
21 ruling party, and their supporters or entities;

22 (2) Zimbabwe has held parliamentary elections
23 which are widely accepted by the participating par-
24 ties and the duly elected are free to assume their of-
25 fices;

1 (3)(A) Zimbabwe has held a presidential elec-
2 tion which is widely accepted by the participating
3 parties and the president-elect is free to assume the
4 duties of the office; or

5 (B) the government has sufficiently improved
6 the pre-election environment to a degree consistent
7 with accepted international standards for security
8 and freedom of movement and association;

9 (4) the Government of Zimbabwe has dem-
10 onstrated a commitment to an equitable, legal, and
11 transparent land reform program which should—

12 (A) respect existing ownership of and title
13 to property by providing fair, market-based
14 compensation to sellers;

15 (B) benefit the truly needy and landless;

16 (C) be based on the principle of ownership
17 and title to all land, including communal areas;

18 (D) be managed and administered by an
19 independent, nongovernmental body; and

20 (E) be consistent with agreements reached
21 at the International Donors' Conference on
22 Land Reform and Resettlement in Zimbabwe
23 held in Harare in September, 1998;

24 (5) the Government of Zimbabwe is making a
25 good faith effort toward an expeditious removal of

1 its forces from the Democratic Republic of Congo
2 and ending all other support for any of the parties
3 to the conflict in that country; and

4 (6) the Zimbabwean Armed Forces and the Na-
5 tional Police of Zimbabwe are responsible to and
6 serve the elected civilian government.

7 (c) UNITED STATES ASSISTANCE DEFINED.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), in this section, the term “United States
10 assistance” means—

11 (A) any assistance under the Foreign As-
12 sistance Act of 1961 (including programs under
13 title IV of chapter 2 of part I, relating to the
14 Overseas Private Investment Corporation);

15 (B) sales, or financing on any terms, under
16 the Arms Export Control Act;

17 (C) the licensing of exports under section
18 38 of the Arms Export Control Act;

19 (D) the provision of agricultural commod-
20 ities, other than food, under the Agricultural
21 Trade Development and Assistance Act of
22 1954; and

23 (E) financing under the Export-Import
24 Bank Act of 1945.

1 (2) EXCEPTIONS.—The term “United States
2 assistance” does not include—

3 (A) humanitarian assistance, including
4 food, medicine, medical supplies;

5 (B) health assistance, including health as-
6 sistance for the prevention, treatment, and con-
7 trol of HIV/AIDS and other infectious diseases;

8 (C) support for democratic governance and
9 the rule of law;

10 (D) support for land reform programs con-
11 sistent with subsection (b)(4);

12 (E) support for conservation programs;
13 and

14 (F) support for de-mining programs.

15 **SEC. 4. SUPPORT FOR DEMOCRATIC INSTITUTIONS AND**
16 **THE RULE OF LAW.**

17 (a) ASSISTANCE FOR LEGAL EXPENSES.—As one
18 component of a comprehensive approach towards sup-
19 porting democratic institutions and the rule of law in
20 Zimbabwe, the President is authorized to use funds appro-
21 priated to carry out the provisions of part I and chapter
22 4 of part II of the Foreign Assistance Act of 1961 to fi-
23 nance the legal and related expenses of—

24 (1) individuals and democratic institutions chal-
25 lenging restrictions to free speech and association in

1 Zimbabwe, including challenges to licensing fees, re-
2 strictions, and other charges and penalties imposed
3 on the media or on individuals exercising their right
4 of free speech and association;

5 (2) individuals and democratic institutions and
6 organizations challenging electoral outcomes or re-
7 strictions to their pursuit of elective office or demo-
8 cratic reforms, including fees or other costs imposed
9 by the Government on those individuals or institu-
10 tions; and

11 (3) individuals who are the victims of torture or
12 otherwise victimized by political violence.

13 (b) AUTHORITY FOR RADIO BROADCASTING.—

14 (1) IN GENERAL.—The Broadcasting Board of
15 Governors shall further the communication of infor-
16 mation and ideas through the increased use of radio
17 broadcasting to Zimbabwe to ensure that radio
18 broadcasting to that country serves as a consistently
19 reliable and authoritative source of accurate, objec-
20 tive and comprehensive news.

21 (2) TERMINATION.—The authority of this sub-
22 section shall terminate upon a certification by the
23 President under section 3(b) that the conditions
24 specified in that section have been satisfied.

1 (c) ASSISTANCE FOR DEMOCRACY TRAINING.—Dur-
2 ing fiscal year 2001, the President is authorized to use
3 not less than \$6,000,000 of the funds made available to
4 carry out the provisions of part I and chapter 4 of part
5 II of the Foreign Assistance Act of 1961 for democracy
6 and governance programs in Zimbabwe.

7 (d) ELECTION OBSERVERS.—It is the sense of Con-
8 gress that the President should provide support, including
9 through the National Endowment for Democracy, for
10 international election observers to the Zimbabwean par-
11 liamentary elections in 2000 and the presidential election
12 scheduled for 2002, including assessments of the pre-elec-
13 toral environment in each case and the electoral laws of
14 Zimbabwe.

15 **SEC. 5. SUPPORT FOR DEMOCRATIC TRANSITION AND ECO-**
16 **NOMIC RECOVERY.**

17 Upon the certification made by the President under
18 section 3(b)—

19 (1) up to \$16,000,000 of funds appropriated to
20 carry out the provisions of chapter 4 of part II of
21 the Foreign Assistance Act of 1961, is authorized to
22 be made available, notwithstanding any other provi-
23 sion of law, for support for alternative schemes
24 under the Inception Phase of the Land Reform and
25 Resettlement Program, including costs related to ac-

1 quisition of land and resettlement, meeting the
2 standards in section 3(b)(4); and

3 (2) the Secretary of the Treasury shall—

4 (A) undertake a review of the feasibility of
5 restructuring, rescheduling, or eliminating the
6 sovereign debt of Zimbabwe held by any agency
7 of the United States Government;

8 (B) direct the United States Executive Di-
9 rector of each international financial institution
10 to which the United States is a member to pro-
11 pose that such institution undertake a review of
12 the feasibility of restructuring, rescheduling, or
13 eliminating the sovereign debt of Zimbabwe
14 held by that institution; and

15 (C) direct the United States Executive Di-
16 rector of each international financial institution
17 to which the United States is a member to pro-
18 pose to undertake financial and technical sup-
19 port for Zimbabwe, especially that intended to
20 promote Zimbabwe's economic recovery and de-
21 velopment, the stabilization of the Zimbabwean
22 dollar, and the viability of Zimbabwe's demo-
23 cratic institutions; and

24 (3) there shall be established a Southern Africa
25 Finance Center located in Zimbabwe that will co-lo-

1 cate regional offices of the Overseas Private Invest-
2 ment Corporation, the Export-Import Bank of the
3 United States, and the Trade and Development
4 Agency for the purpose of facilitating the develop-
5 ment of commercial projects in Zimbabwe and the
6 southern Africa region.

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