To promote relief, security, and democracy in the Democratic Republic of the Congo.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2005

Mr. OBAMA (for himself, Mr. BROWNBACK, Mr. DURBIN, and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To promote relief, security, and democracy in the Democratic Republic of the Congo.

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 “Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2005”.
5
6
TITLE I—BILATERAL ACTION ON
ADDRESSING URGENT NEEDS
IN THE DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) The National Security Strategy of the United States, dated September 17, 2002, concludes that “[i]n Africa, promise and opportunity sit side-by-side with disease, war, and desperate poverty. This threatens both a core value of the United States preserving human dignity and our strategic priority combating global terror. American interests and American principles, therefore, lead in the same direction: we will work with others for an African continent that lives in liberty, peace, and growing prosperity.”

(2) On February 16, 2005, the Director of the Central Intelligence Agency testified, “In Africa, chronic instability will continue to hamper counterterrorism efforts and pose heavy humanitarian and peacekeeping burdens.”

(3) According to the United States Agency for International Development, “Given its size, population, and resources, the Congo is an important
player in Africa and of long-term interest to the
United States.”

(4) The Democratic Republic of Congo is
2,345,410 square miles (approximately ¼ the size of
the United States), lies at the heart of Africa, and
touches every major region of sub-Saharan Africa.
Therefore, promoting security, peace, and prosperity
in the Democratic Republic of the Congo would have
a profound impact on progress throughout Africa.

(5) A mortality study completed in December
2004 by the International Rescue Committee found
that 31,000 people were dying monthly and
3,800,000 people had died in the previous 6 years
because of the conflict in the Democratic Republic of
the Congo and resulting disintegration of the social
service infrastructure and that “improving and
maintaining security and increasing simple, proven
and cost-effective interventions such as basic medical
care, immunizations and clean water would save
hundreds of thousands of lives in the Congo. There’s
no shortage of evidence. It’s sustained compassion
and political will that’s lacking.”

(6) The International Crisis Group concluded,
“The conflict in the Democratic Republic of the
Congo remains one of the deadliest conflicts since
World War II and has resulted in the loss of nearly 4 million lives since 1998... The international community, and the United Nations Security Council in particular, must take strong and urgent action to support the transition, establish a national army and secure lasting peace in the Democratic Republic of the Congo, if it is to live up to its responsibility to protect those in need.”

(7) According to the Department of State, “returning one of Africa’s largest countries [the Democratic Republic of the Congo] to full peace and stability will require significant United States investments in support of national elections, the reintegration of former combatants, the return and reintegration of refugees and [internally displaced persons], establishment of central government control over vast territories, and promotion of national reconciliation and good governance”.

(8) A recent assessment completed by 4 well-known nongovernmental organizations concluded that “[r]ecent fighting in North Kivu which displaced over 150,000 people, as well as fighting in Ituri and other areas, is potent evidence that states in the Great Lakes region, particularly Rwanda and Uganda, and members of the transitional govern-
ment still harbor different and conflicting interests and concerns which place the entire transition pro-
gram in jeopardy’’.

(9) According to the 2004 Department of State report on human rights practices in the Democratic Republic of the Congo, “In areas under government control, the human rights record remained poor, and numerous serious abuses occurred.... Government security forces committed unlawful killings, torture, beatings, acts of rape, extortion, and other abuses, such as lootings and interference with citizens’ right to privacy.... In areas under marginal government control, where there were many armed groups, those with weapons controlled the population and extorted money, goods, and services.... These groups often acted independently, were poorly trained, and undisciplined and committed numerous, serious human rights abuses with impunity.”

SEC. 102. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to promote, reinvigorate, and support the political process in the Democratic Republic of the Congo in order to press all parties in the Transi-
tional National Government to move forward with approval of an electoral law and put in place mecha-
nisms, including national and international election
observers, fair and transparent voter registration
procedures, and a significant civic awareness and
public education campaign, to ensure fair and demo-
cratic elections within the timeframe provided by the
Sun City Peace Accords;

(2) to ensure that, once a stable national gov-
ernment is established in the Democratic Republic of
the Congo, it is committed to multiparty democracy,
open and transparent governance, respect for human
rights and religious freedom, ending the violence
throughout the country, promoting peace and sta-
bility with its neighbors, rehabilitating the national
judicial system and enhancing the rule of law, and
combating corruption;

(3) to assist the Government of the Democratic
Republic of the Congo in meeting the basic needs of
its citizens, including security, safety, and access to
health care, education, food, shelter, and clean
drinking water;

(4) to engage in security sector reform by help-
ing the Government of the Democratic Republic of
the Congo establish a viable and professional na-
tional army and police force that respects human
rights and the rule of law, is under effective civilian
control, and possesses a viable presence throughout
the entire country, including by contributing to the
provision of necessary equipment and training;

(5) to expedite planning and implementation of
programs associated with the disarmament, demobi-
лизation, repatriation, reintegration, and rehabilita-
tion process in the Democratic Republic of the
Congo;

(6) to support efforts of the Government of the
Democratic Republic of the Congo, the United Na-
tions Peacekeeping Mission in the Democratic Re-
public of the Congo (MONUC), and other entities,
as appropriate, to disarm, demobilize, and repatriate
the Democratic Forces for the Liberation of Rwan-
da;

(7) to ensure that the Government of the
Democratic Republic of the Congo—

(A) is committed to responsible and trans-
parent management of natural resources across
the country; and

(B) takes active measures—

(i) to promote economic development;

(ii) to hold accountable individuals
who misuse the country’s natural resources
for personal gain; and
(iii) to implement the Extractive Industries Transparency Initiative by enacting laws requiring disclosure and independent auditing of company payments and government receipts for natural resource extraction;

(8) to promote a viable civil society and to enhance nongovernmental organizations and institutions, including religious organizations, the media, political parties, trade unions, and trade and business associations, that can act as a stabilizing force and effective check on the government;

(9) to rebuild and enhance infrastructure, communications, and other mechanisms that will increase the ability of the central government to manage internal affairs, encourage economic development, and facilitate relief efforts of humanitarian organizations;

(10) to halt the high prevalence of sexual abuse and violence perpetrated against women and children in the Democratic Republic of the Congo and mitigate the detrimental effects from acts of this type of violence by undertaking a number of health, education, and financial support measures, including psycho-social programs, counseling, and HIV/AIDS
testing and treatment, and providing financial sup-
port;

(11) to work aggressively on a bilateral basis to
urge governments of countries contributing troops to
the United Nations Peacekeeping Mission in the
Democratic Republic of the Congo (MONUC) to
enact and enforce laws on trafficking in persons and
sexual abuse that meet international standards, pro-
mote codes of conduct for troops serving as part of
United Nations peacekeeping missions, and imme-
diately investigate and punish citizens who are re-
sponsible for abuses in the Democratic Republic of
the Congo;

(12) to undertake steps that—

(A) protect internally displaced persons
and refugees in the Democratic Republic of the
Congo and border regions from all forms of vio-
ence, including gender-based violence and other
human rights abuses;

(B) address other basic needs of vulnerable
populations with the goal of allowing these con-
flict-affected individuals to ultimately return to
their homes; and

(C) assess the magnitude of the problem in
the Democratic Republic of the Congo of or-
phans from conflict and HIV/AIDS, and work
to establish a program of national support;

(13) to engage with governments working to
promote peace and security throughout the Demo-
cratic Republic of the Congo and hold accountable
individuals, entities, and countries working to desta-
bilize the country; and

(14) to promote appropriate use of the forests
of the Democratic Republic of the Congo in a man-
ner that benefits the rural population in that coun-
try that depends on the forests for their livelihoods
and protects national and environmental interests.

SEC. 103. BILATERAL ASSISTANCE TO THE DEMOCRATIC
REPUBLIC OF THE CONGO.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts oth-

erwise available for such purposes, including
amounts from regional funds, there is authorized to
be appropriated $52,000,000 for fiscal year 2006 for
bilateral assistance programs in the Democratic Re-
public of the Congo under the Foreign Assistance
Act of 1961 (22 U.S.C. 2151 et seq.), the Agricul-
tural Trade Development and Assistance Act of
1954 (68 Stat. 454, chapter 469), and the Arms Ex-
port Control Act (22 U.S.C. 2751 et seq.).
(2) Availability of Funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) Uses of Assistance.—Amounts appropriated pursuant to subsection (a) shall be used to accomplish the policy objectives in section 102.

(e) Future Year Funding.—The Department of State should submit budget requests in fiscal years 2007, 2008, and 2009 that contain increases in bilateral assistance for the Democratic Republic of the Congo that are appropriate and similar to the increase authorized under subsection (a) for fiscal year 2006 if progress is being made, particularly cooperation by the Government of the Democratic Republic of the Congo, toward accomplishing the objectives in section 102.

(d) Offsets.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State should consult with the Chairmen and Ranking Members of the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on the Budget of the Senate and the Committee on International Relations, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives to determine appropriate reductions in funding, especially redundant or
 duplicative programs, to offset the increase in funding au-

thorized in subsection (a).

(c) USES OF SECURITY ASSISTANCE.—Security as-
sistance that is authorized to be appropriated under this
section shall be made available consistent with section 551
of the Foreign Operations, Export Financing, and Related
Programs Appropriations Act, 2005 (division D of the
Consolidated Appropriations Act, 2005; Public Law 108–
447; 118 Stat. 3015) and other provisions of law related
to eligibility.

(f) COORDINATION WITH OTHER DONOR NA-
tions.—The United States should work with other donor
nations, on a bilateral and multilateral basis, to increase
international contributions to the Democratic Republic of
the Congo and accomplish the policy objectives described
in section 102.

SEC. 104. ACCOUNTABILITY FOR THE GOVERNMENT OF
THE DEMOCRATIC REPUBLIC OF THE CONGO.

(a) SENSE OF CONGRESS.—It is the sense of Con-
gress that—

(1) the Government of the Democratic Republic
of the Congo must be committed to achieving the
policy objectives described in this Act if the efforts
of the United States and other members of the
international community are to be effective in bring-
ing relief, security, and democracy to the country;
and

(2) the international community, through the
United Nations peacekeeping mission, humanitarian
and development relief, and other forms of assist-
ance, is providing a substantial amount of funding
that is giving the Government of the Democratic Re-
public of the Congo an opportunity to make progress
towards accomplishing the policy objectives in sec-
tion 102, but this assistance cannot continue in per-
petuity.

(b) Report on Progress.—

(1) Report Required.—Not later than one
year after the date of the enactment of this Act, the
Comptroller General of the United States shall sub-
mit to Congress a report on the progress made to-
ward accomplishing the policy objectives described in
section 102.

(2) Content.—The report required under
paragraph (1) shall include—

(A) a description of any major impedi-
ments that prevent the accomplishment of the
policy objectives described in section 102;
(B) an evaluation of United States policies and foreign assistance programs designed to accomplish such policy objectives; and

(C) recommendations for—

(i) improving these policies and programs; and

(ii) any additional bilateral or multilateral actions necessary to promote peace and prosperity in the Democratic Republic of the Congo.

(c) TERMINATION OF ASSISTANCE.—The Secretary of State may withhold assistance otherwise available under this Act if the Secretary determines and reports to Congress that the Government of the Democratic Republic of the Congo is not making sufficient progress towards accomplishing the policy objectives described in section 102.

SEC. 105. STRATEGY ON PROMOTING HUMANITARIAN RELIEF, SECURITY, AND DEMOCRACY IN THE DEMOCRATIC REPUBLIC OF THE CONGO.

Not later than 60 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives a report setting forth a
strategy for achieving the policy objectives described in section 102, including a description of an effective mechanism for coordination of United States Government efforts to implement this strategy.

SEC. 106. SPECIAL ENVOY FOR THE GREAT LAKES REGION.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President should appoint a Special Envoy for the Great Lakes Region to resolve the instability and insecurity in Eastern Congo, which is the result of multiple international and domestic factors, and to enhance the regional harmonization of United States policies and assistance programs.

(b) CONSULTATION.—In appointing the Special Envoy, the President should consult with the Majority Leader and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the Chairmen and Ranking Members of the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.
TITLE II—MULTILATERAL ACTIONS TO ADDRESS URGENT NEEDS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 201. PROMOTION OF UNITED STATES POLICY TOWARD THE DEMOCRATIC REPUBLIC OF THE CONGO IN THE UNITED NATIONS SECURITY COUNCIL.

(a) IN GENERAL.—The United States shall use its voice and vote in the United Nations Security Council—

(1) to address exploitation at the United Nations Peacekeeping Mission in the Democratic Republic of the Congo (MONUC) by urging, when credible allegations exist, appropriate investigation of alleged perpetrators and, as necessary, prosecution of United Nations personnel responsible for sexual abuses in the Democratic Republic of the Congo;

(2) to ensure that appropriate guidelines, codes of conduct, and programs for the prevention of sexual abuse and trafficking in persons are undertaken by the United Nations;

(3) to strengthen the authority and capacity of MONUC by—
(A) providing specific authority and obligation to prevent and effectively counter imminent threats;

(B) clarifying and strengthening MONUC’s rules of engagement to enhance the protection of vulnerable civilian populations;

(C) enhancing the surveillance and intelligence-gathering capabilities available to MONUC;

(D) where consistent with United States policy, making available personnel, communications, and military assets that improve the effectiveness of robust peacekeeping, mobility, and command and control capabilities of MONUC; and

(E) providing MONUC with the authority and resources needed to support efforts surrounding national elections and the referendum on the constitution, and to monitor arms trafficking and natural resource exploitation at key border posts and airfields in the eastern part of the Democratic Republic of the Congo;

(4) to encourage regular visits of the United Nations Security Council to monitor the situation in the Democratic Republic of the Congo;
(5) to ensure that the practice of recruiting and arming children in the Democratic Republic of the Congo is immediately halted pursuant to Security Council Resolutions 1460 (2003) and 1539 (2004);

(6) to strengthen the arms embargo imposed pursuant to Security Council Resolution 1493 (2003) and ensure that violators are held accountable through appropriate measures, including the possible imposition of sanctions;

(7) to allow for the more effective protection and monitoring of natural resources in the Democratic Republic of the Congo, especially in the eastern part of the country, and for public disclosure and independent auditing of natural resource revenues to help ensure transparent and accountable management of these revenues;

(8) to press countries in the Congo region to help facilitate an end to the violence in the Democratic Republic of the Congo and promote relief, security, and democracy throughout the region; and

(9) to encourage the United Nations Secretary-General to become more involved in completing the policy objectives described in paragraphs (1) and (2) of section 102 and ensure that recent fighting in North Kivu, which displaced over 150,000 people, as
well as fighting in Ituri and other areas, does not
create widespread instability throughout the country.

(b) REPORT.—Not later than 90 days after the date
of the enactment of this Act, the Secretary of State shall
submit to the Committee on Foreign Relations and Com-
mittee on Appropriations of the Senate and the Committee
on International Relations and the Committee on Approp-
riations of the House of Representatives a report on the
feasibility and desirability of increasing the size and scope
of MONUC to more effectively achieve the objectives de-
scribed in subsection (a).

SEC. 202. INCREASING CONTRIBUTIONS AND OTHER HU-
MANITARIAN AND DEVELOPMENT ASSIST-
ANCE THROUGH INTERNATIONAL ORGANIZA-
TIONS.

(a) IN GENERAL.—The President shall instruct the
United States permanent representative or executive direc-
tor, as the case may be, to the United Nations voluntary
agencies, including the World Food Program, the United
Nations Development Program, and the United Nations
High Commissioner for Refugees, international financial
institutions, and other appropriate international organiza-
tions to use the voice and vote of the United States to
support additional humanitarian and development assist-
ance for the Democratic Republic of the Congo in order

to accomplish the objectives described in section 102.

(b) Support Contingent on Progress.—

(1) Report on Lack of Progress.—If the
Secretary of State determines that the Government
of the Democratic Republic of the Congo is not mak-
ing sufficient progress towards accomplishing the
policy objectives in section 102, the Secretary shall
submit to the President and Congress a report on
such determination.

(2) Withdrawal of Support.—Upon receiv-
ing a report under paragraph (1), the President
shall consider withdrawing United States support for
the assistance described in subsection (a) when fu-
ture funding decisions are considered.