

this resolution establishes that the American people are humane and compassionate.

Mr. Speaker, I am again happy to support this resolution, and encourage all members to further its goals of a stable, healthy, and hunger-free Africa.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 102, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ZIMBABWE DEMOCRACY AND ECONOMIC RECOVERY ACT OF 2001

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 494) to provide for a transition to democracy and to promote economic recovery in Zimbabwe, as amended.

The Clerk read as follows:

S. 494

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 Act of 2001".

SEC. 2. STATEMENT OF POLICY.

It is the policy of the United States to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

SEC. 3. DEFINITIONS.

In this Act:

(1) **INTERNATIONAL FINANCIAL INSTITUTIONS.**—The term "international financial institutions" means the multilateral development banks and the International Monetary Fund.

(2) **MULTILATERAL DEVELOPMENT BANKS.**—The term "multilateral development banks" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

SEC. 4. SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Through economic mismanagement, undemocratic practices, and the costly deployment of troops to the Democratic Republic of the Congo, the Government of Zimbabwe has rendered itself ineligible to participate in International Bank for Reconstruction and Development and International Monetary Fund programs, which would otherwise be providing substantial resources to assist in the recovery and

modernization of Zimbabwe's economy. The people of Zimbabwe have thus been denied the economic and democratic benefits envisioned by the donors to such programs, including the United States.

(2) In September 1999 the IMF suspended its support under a "Stand By Arrangement", approved the previous month, for economic adjustment and reform in Zimbabwe.

(3) In October 1999, the International Development Association (in this section referred to as the "IDA") suspended all structural adjustment loans, credits, and guarantees to the Government of Zimbabwe.

(4) In May 2000, the IDA suspended all other new lending to the Government of Zimbabwe.

(5) In September 2000, the IDA suspended disbursement of funds for ongoing projects under previously-approved loans, credits, and guarantees to the Government of Zimbabwe.

(b) **SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.**—

(1) **BILATERAL DEBT RELIEF.**—Upon receipt by the appropriate congressional committees of a certification described in subsection (d), the Secretary of the Treasury shall undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by any agency of the United States Government.

(2) **MULTILATERAL DEBT RELIEF AND OTHER FINANCIAL ASSISTANCE.**—It is the sense of Congress that, upon receipt by the appropriate congressional committees of a certification described in subsection (d), the Secretary of the Treasury should—

(A) direct the United States executive director of each multilateral development bank to propose that the bank should undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that bank; and

(B) direct the United States executive director of each international financial institution to which the United States is a member to propose to undertake financial and technical support for Zimbabwe, especially support that is intended to promote Zimbabwe's economic recovery and development, the stabilization of the Zimbabwean dollar, and the viability of Zimbabwe's democratic institutions.

(c) **MULTILATERAL FINANCING RESTRICTION.**—Until the President makes the certification described in subsection (d), and except as may be required to meet basic human needs or for good governance, the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to oppose and vote against—

(1) any extension by the respective institution of any loan, credit, or guarantee to the Government of Zimbabwe; or

(2) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to the United States or any international financial institution.

(d) **PRESIDENTIAL CERTIFICATION THAT CERTAIN CONDITIONS ARE SATISFIED.**—A certification under this subsection is a certification transmitted to the appropriate congressional committees of a determination made by the President that the following conditions are satisfied:

(1) **RESTORATION OF THE RULE OF LAW.**—The rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association, and an end to the lawlessness, violence, and intimidation sponsored, condoned, or tolerated by the Government of Zimbabwe, the ruling party, and their supporters or entities.

(2) **ELECTION OR PRE-ELECTION CONDITIONS.**—Either of the following two conditions is satisfied:

(A) **PRESIDENTIAL ELECTION.**—Zimbabwe has held a presidential election that is widely accepted as free and fair by independent international monitors, and the president-elect is free to assume the duties of the office.

(B) **PRE-ELECTION CONDITIONS.**—In the event the certification is made before the presidential election takes place, the Government of Zimbabwe has sufficiently improved the pre-election environment to a degree consistent with accepted international standards for security and freedom of movement and association.

(3) **COMMITMENT TO EQUITABLE, LEGAL, AND TRANSPARENT LAND REFORM.**—The Government of Zimbabwe has demonstrated a commitment to an equitable, legal, and transparent land reform program consistent with agreements reached at the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare, Zimbabwe, in September 1998.

(4) **FULFILLMENT OF AGREEMENT ENDING WAR IN DEMOCRATIC REPUBLIC OF CONGO.**—The Government of Zimbabwe is making a good faith effort to fulfill the terms of the Lusaka, Zambia, agreement on ending the war in the Democratic Republic of Congo.

(5) **MILITARY AND NATIONAL POLICE SUBORDINATE TO CIVILIAN GOVERNMENT.**—The Zimbabwean Armed Forces, the National Police of Zimbabwe, and other state security forces are responsible to and serve the elected civilian government.

(e) **WAIVER.**—The President may waive the provisions of subsection (b)(1) or subsection (c), if the President determines that it is in the national interest of the United States to do so.

SEC. 5. SUPPORT FOR DEMOCRATIC INSTITUTIONS, THE FREE PRESS AND INDEPENDENT MEDIA, AND THE RULE OF LAW.

(a) **IN GENERAL.**—The President is authorized to provide assistance under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 to—

(1) support an independent and free press and electronic media in Zimbabwe;

(2) support equitable, legal, and transparent mechanisms of land reform in Zimbabwe, including the payment of costs related to the acquisition of land and the resettlement of individuals, consistent with the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare, Zimbabwe, in September 1998, or any subsequent agreement relating thereto; and

(3) provide for democracy and governance programs in Zimbabwe.

(b) **FUNDING.**—Of the funds authorized to be appropriated to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2002—

(1) \$20,000,000 is authorized to be available to provide the assistance described in subsection (a)(2); and

(2) \$6,000,000 is authorized to be available to provide the assistance described in subsection (a)(3).

(c) **SUPERSEDES OTHER LAWS.**—The authority in this section supersedes any other provision of law.

SEC. 6. SENSE OF CONGRESS ON THE ACTIONS TO BE TAKEN AGAINST INDIVIDUALS RESPONSIBLE FOR VIOLENCE AND THE BREAKDOWN OF THE RULE OF LAW IN ZIMBABWE.

It is the sense of Congress that the President should begin immediate consultation with the governments of European Union member states, Canada, and other appropriate foreign countries on ways in which to—

(1) identify and share information regarding individuals responsible for the deliberate breakdown of the rule of law, politically motivated violence, and intimidation in Zimbabwe;

(2) identify assets of those individuals held outside Zimbabwe;

(3) implement travel and economic sanctions against those individuals and their associates and families; and

(4) provide for the eventual removal or amendment of those sanctions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. ROYCE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 494.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by expressing my appreciation to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, for moving this important legislation. I would also like to express my appreciation to the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, and the gentleman from New Jersey (Mr. PAYNE), the ranking member of the Subcommittee on Africa that I chair, for their support of this bill. With elections approaching in Zimbabwe, and the conditions on the ground deteriorating, it is important that we pass the Zimbabwe Democracy and Economic Recovery Act of 2001 before this Congress adjourns.

In Zimbabwe we are sadly seeing a dictator there literally burning his country down. I feel that he is very desperate there to keep his perks and avoid accountability for his crimes. As a consequence of that, he has sanctioned utter anarchy in his homeland in an attempt to win an election that he has been pressured by Zimbabweans into holding. I think that if he had his way, Mr. Mugabe would undoubtedly run Zimbabwe as a one-party State as he did run it during the 1980s, but Mugabe has spared no means in his attempt to suppress democratic expression in Zimbabwe. His ZANU-PF Party thugs have employed murder, mass beatings, systematic torture, gang rape, house burning, death threats, and every type of police brutality. And while Zimbabwe police are quick to crack down on peaceful political protests, violent ZANU-PF operatives are rarely brought to justice. The Zimbabwe Lawyers for Human Rights group has observed that it is "outraged by the continued brutality, lack of respect for fundamental human rights and political partisanship of the Zimbabwe Republic Police." Offices of the political opposition there are routinely fire-bombed. Dozens of political opponents have been murdered in State-sanctioned violence, yet Mr. Mugabe does not speak out against those doing the violence. Instead, President Mugabe calls the peaceful political opposition "terrorists" and vows to crush them.

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For Zimbabweans, it is a sad irony that the Mugabe Government represses political opponents with the same Law and Order Maintenance Act which Ian Smith's Rhodesian repressive government pioneered to prevent majority rule there.

Having led a congressional delegation to Saudi Arabia some years back, I saw then the climate of fear the Zimbabwe Government long ago created. This legislation provides reasonable guidelines for U.S. engagement with Zimbabwe. It expresses the United States' interest in assisting the Zimbabwean people with economic development; and it provides funding for such efforts, but only when the climate is right, that is, when the rule of law has been established and when free and fair elections are possible.

We must be realistic, though. The prospects are increasingly remote that the presidential elections, which must be held by March, will be free and fair. The U.S.-based International Foundation for Electoral Systems has been chased from the country.

The government rejected a call by the European Union to allow for election monitors. While it recently relented on its decision, it is likely to reverse course. The government is likely to again prohibit those observers from coming in for the elections.

I was scheduled to lead an election observation team for the 2000 parliamentary elections there, but the Zimbabwean Government pulled the visas at the last minute.

A U.S. District Court judge in New York recently ruled that Zimbabwe's governing political party, ZANU-PF, was liable for murdering and torturing its political opponents in the run-up to those elections. The court found that ZANU-PF, in its organized violence and methodological terror, worked in tandem with Zimbabwean Government officials. That was in the year 2000. The current Mugabe Government has never changed its *modus operandi*.

Mugabe is doing all that he can to see that the world is not watching him. The Washington Post and the New York Times reporters have been denied visas to cover the chaos there. The BBC was booted out in July. Foreign journalists are routinely harassed and intimidated.

It is Zimbabwean journalists, though, that have borne the brunt of it. Newspaper offices have been bombed. Against this, we have seen many profiles in courage. Jeff Nyarota, editor of the Daily News, Zimbabwe's only independent newspaper, recently won the New York-based Committee to Protect Journalists Press Freedom Award for his courageous work uncovering government corruption.

I am certain that this legislation is a morale boost to brave Zimbabwean journalists who fear that the world ignores them. Let me just say a word about the economy there.

Predictably, the Zimbabwean economy is now in ruins. With farmland

under government siege, half a million Zimbabweans face starvation in a country that traditionally produces enough food to export. The current government is oblivious to the suffering of the people there.

ZANU-PF leadership, though, is not hurting. The U.N. recently reported how Zimbabwean troops are clear-cutting invaluable forests in the Democratic Republic of Congo, and proceeds from this environmental crime assuredly are going to supporting the luxurious lifestyle of Zimbabwe's ruling elite.

This legislation, importantly, asks the administration to begin a process of identifying the assets of those involved, those military personnel involved in just that effort, and to impose personal economic sanctions against them for breaking down the rule of law in Zimbabwe. It does not affect trade, however.

This legislation provides aid for lawful and transparent land resettlement, and I believe that this will have to come after there is a new government. We should not lose sight of the fact that President Mugabe has created the current land crisis. He has sanctioned the violent land invasions and the murders of Zimbabweans, black and white, precisely because it serves his political interests. That is why many attempts by the international community to aid a lawful land reform program have gone for naught.

The latest attempt, the Abuja Agreement, has fallen apart, with the Mugabe Government intensifying farm invasions and violence. President Mugabe's land reform program has been to take land and give it to the generals and to give it to his political associates. Recent reports have him now giving land to Libyan business partners.

The Mugabe Government has shown little interest in the welfare of the people of Zimbabwe, and that is why we need to move this legislation.

Mr. Speaker, I include for the RECORD an exchange of letters between the gentleman from Ohio (Chairman OXLEY) of the Committee on Financial Services and Chairman HYDE concerning the Senate bill, S. 494:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,

Washington, DC, November 30, 2001.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Washington, DC.

DEAR MR. CHAIRMAN: I understand that on November 28, 2001, the Committee on International Relations ordered S. 494, the Zimbabwe Democracy and Economic Recovery Act of 2001, reported to the House. As you know, the Committee on Financial Services was granted the primary referral of the bill upon its introduction pursuant to the Committee's jurisdiction over debt relief and other financial assistance under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter and your commitment to address this Committee's concerns, I recognize your desire to bring this legislation before the House in an

expeditious manner and will waive consideration of the bill by the Financial Services Committee. By agreeing to waive its consideration of the bill, the Financial Services Committee does not waive its jurisdiction over S. 494. In addition, the Committee on Financial Services reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Financial Services for conferees on S. 494 or related legislation.

I request that you include this letter and your response as part of the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 29, 2001.

Hon. MICHAEL OXLEY,
Chairman, Committee on Financial Services,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing you concerning the bill S. 494, Zimbabwe Democracy and Economic Recovery Act of 2001, which this Committee ordered reported yesterday. I recognize that the bill was jointly referred to the Committee on Financial Services based on your Committee's jurisdiction over language relating to debt relief and other financial assistance.

It is my intention to take this matter up under suspension of the rules. While recognizing your jurisdiction over this subject matter, I would appreciate your willingness to waive your right to consider this bill without waiving your jurisdiction over the general subject matter. I will support the Speaker's naming Members of your Committee as conferees on the matter should it get to conference.

As you have requested, I will include this exchange of letters in the Record during consideration of the resolution.

I appreciate your assistance in getting this important bill to the floor.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 494, the Zimbabwe Democracy and Economic Recovery Act.

First, I would like to commend the distinguished chairman of the Subcommittee on Africa, my good friend and fellow Californian, the gentleman from California (Mr. ROYCE), and the ranking minority member, our distinguished colleague, the gentleman from New Jersey (Mr. PAYNE), for their active pursuit of human rights, democracy, and decency in Zimbabwe, and for their strong support for this legislation.

I also want to thank the gentleman from Illinois (Mr. HYDE), the chairman, for expediting the consideration of this important legislation.

Mr. Speaker, the Zimbabwe Democracy and Economic Recovery Act of 2001 is designed to support the people of Zimbabwe, and provides a clear strategy for the United States and

Zimbabwe to reengage in normal political and economic activity. This is an incentives bill, not a sanctions bill, Mr. Speaker.

Our legislation provides that the United States will initiate a plan to promote Zimbabwe's economic recovery, but only after certain political conditions will have been met. These conditions include restoring the rule of law, ensuring a positive pre-election environment, pursuing equitable legal and transparent land reform, and ensuring civilian control of both the military and the police.

The House is acting on this legislation today because, unfortunately, the situation in Zimbabwe is increasingly grim. Partisan political violence condoned and encouraged by Mugabe has crippled a once prosperous economy. Once an exporter of maize, Zimbabwe is set to run out by February of this coming year. Without emergency humanitarian assistance, thousands of Zimbabweans will go hungry, fall prey to disease, and starve.

Mugabe has made the so-called land question central to his political campaign and used it to justify pervasive violence. He has unleashed so-called war veterans and party militants on black farm workers, white farmers, journalists, professionals, academics, and indeed, anyone who opposes his land seizure policy.

His policy has not unified the country behind him. To the contrary, according to the most recent opinion poll, his criminal practice is turning the people of Zimbabwe against him.

Mr. Speaker, Zimbabwe's economic and political disaster threatens the whole of southern Africa. The Presidents of Africa's three largest economies, South Africa, Nigeria, and Algeria, recently launched a new Partnership for Africa's Development. This plan calls for a new relationship between Africa and the international community; and it is premised on the African states making commitments to good government, democracy, and human rights. Zimbabwe, under Mugabe, is the antithesis of this vision.

Mr. Speaker, our bill provides a set of incentives for Mugabe and his government to move in the right direction, away from intimidation, violence, corruption, and Draconian economic policies towards land reform that reflects the rule of law, policies that restore an independent judiciary, allow political competition, and support a free and independent media.

Mr. Speaker, I urge all of our colleagues to vote for this bill. It will send a strong signal to Mugabe that the people of America reject the violent situation he has created and that we support the people of Zimbabwe.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to thank the Committee on International Relations, and particularly the gentleman from California (Mr. ROYCE), for bringing this issue to the fore, Mr. Speaker, and for fighting for its adoption. I want to applaud the committee for improving the document as it went forward into a bill that we can all support.

Mr. Speaker, I had the great privilege in the early 1980s of spending time in Zimbabwe just soon after the transition to independence. There was great hope at that point. The people had hoped that the rule of law and democracy would flourish and take hold.

Twenty years later, that has not been the case. We have a brutal dictator there who simply does not want to give up power. He does not want to assent to the rule and to the will of the people.

That is unfortunate. With this legislation we hope, and the purpose of it is, to help those forces in Zimbabwe who want to bring back democracy and the rule of law.

Mr. Speaker, I want to caution my colleagues, all of us, to avoid the kind of drive-by diplomacy that often characterizes our action in Africa and other third world countries, when we will pay attention when the issue is hot; and then after a successor regime comes in, we forget about the country and move on, sometimes leaving sanctions in place or other items that the successor regime has to work out of.

I hope we do not do that. I am pleased that this bill is not a sanction bill; that it seeks to target individuals, rather than target trade in general.

Mr. Speaker, I look forward one day soon to saying to the people of Zimbabwe, *coda ko tu*, which means in Shona, congratulations; congratulations on a return to free and fair elections and on their return to the rule of law.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to our distinguished colleague, the gentleman from New Jersey (Mr. PAYNE), who probably has more experience in this part of the world than any of us, and has been a leader on this issue.

Mr. PAYNE. I thank the gentleman for yielding time to me, Mr. Speaker.

Let me once again commend the gentleman from California (Mr. ROYCE), the chairman of the subcommittee, and the gentleman from Illinois (Mr. HYDE), who brought this before the full committee, and as I indicated, the leadership of the gentleman from California (Mr. LANTOS) on Committee on International Relations, on which he has served for so many years.

Mr. Speaker, Zimbabwe is one of the most important countries in Africa. Many of us remember the people of Zimbabwe's courageous struggle for independence that took many years of fighting with Mr. Nkomo and Mr. Mugabe and others.

As I recently said in a letter to President Mugabe, indeed, post-independence Zimbabwe clearly demonstrates

much of the best of Africa and what Africans are capable of doing, despite decades of repressive white rule, as we saw in Rhodesia, by Ian Smith's government.

After independence, white Zimbabweans were embraced, not chased out of the country, nor mistreated, as many cynics predicted would happen. Human rights were largely respected and the rule of law prevailed across the country.

Mr. Speaker, Zimbabwe has long been a model country with a stable government, a good educational system, and a modern economy. But in recent years, conditions have gone from bad to worse, in large part due to poor leadership. The economy is in shambles, human rights abuses are extensive, and there seems to be little respect for the rule of law. The once vibrant independent press is under intense pressure, and the independence of the judiciary has been compromised due to intrusive government actions.

The United States is not the only government concerned about the deteriorating situation in Zimbabwe. According to an article in today's New York Times, several neighboring countries, including South Africa and Botswana, have expressed their frustrations with the government of Zimbabwe's obstructionist behavior.

The Zimbabwe Democracy and Economic Recovery Act is a small effort on our part to help bring much needed stability to Zimbabwe. Why this legislation now and why Zimbabwe? Simple: Zimbabwe is too important to ignore, and the legislation offers a credible policy option to deal with the challenges that face Zimbabwe today.

Unfortunately, the situation in Zimbabwe is deteriorating by the day. Dozens of people have been killed, the rule of law is nonexistent, and authoritarian tendencies have reached a very dangerous level.

I strongly believe it is in our interests and in the interests of Zimbabwe and Africa not to allow another African country to go down this way.

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Instability in Zimbabwe threatens the entire sub-region of southern Africa. We cannot afford to have another Somalia in southern Africa.

Mr. Speaker, some people have deliberately portrayed this legislation as punitive, and sanction legislation. They are dead wrong. What are the key objectives? Simply put, Zimbabwe Democracy and Economic Recovery Act has three key objectives. One, a just and equitable land reform, consistent with the rule of law. Two, a conducive environment for free and fair elections. And, three, the respect for human rights and the rule of law.

Mr. Speaker, if the above conditions are met by the Government of Zimbabwe, the legislation, one, authorizes \$20 million for land reform, and an additional \$6 million to promote democracy. Two, it will assist in debt re-

lief. Three, it will support lifting of restrictions by the IMF and the World Bank. Fourth, we would urge our country to have AGOA, the Africa Growth and Opportunity Act, introduced in Zimbabwe.

So this is a bill to say let us have transparent elections. Let us allow the rule of law. Let us let the independent parties have their platform told. And by doing that we will embrace and we will move Zimbabwe back.

Mr. Speaker, this is a good bill that will go a long way in strengthening our ties with the people of Zimbabwe who truly deserve our support. We must be steadfast in our commitment to the people of Zimbabwe. We should not and must not turn a blind eye to abuses in Zimbabwe, and therefore I urge all of my colleagues to support this legislation.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. COOKSEY).

Mr. COOKSEY. Mr. Speaker, I would like to echo the remarks of my friend, the gentleman from New Jersey (Mr. PAYNE). I feel that he knows more and has done more than probably most anyone else in this body for the people of Africa. He has been there many times. He knows it well and he has worked hard.

The chairman of the subcommittee, the gentleman from California (Mr. ROYCE) has worked equally hard and, I feel, been equally effective.

What does this bill call for? This bill calls for support of democratic institutions. It calls for a free press and independent media. And yes, it calls for the rule of law, including private property rights. These seem like simple expectations, but yet they would be major, major advances for the people of Zimbabwe.

What does this bill offer? What does it threaten? First, there are no sanctions involved. There is the offer of debt relief and there is the offer of aid for land reform if the people of Zimbabwe, if the Government of Zimbabwe is able to carry out these changes.

Land reform seems to be the major issue. I appreciate those calling for land reform and I agree that land reform is the key to Zimbabwe's future. But why has land reform not worked in Zimbabwe? Basically Mugabe has essentially stolen the money that he had that had been given to this country to carry out land reform. He distributes the land that has already been purchased, purchased with international money in many cases, a major portion of it from the U.K., and there were countries lined up in 1998 to give a major amount of money to this country. But Zimbabwe under the leadership of Mugabe has given this land, the money, to his political cronies, to the fat cats, to the generals, to his political supporters. He distributes the land that has already been purchased to his allies and not to the people of Zimbabwe who need it. Even Mugabe's

fellow African leaders recognize that Mugabe's policies are the reason that land reform has not worked.

Mugabe was an important leader but he stayed too long. He now cares solely for his own power, not for the welfare of his people. But he is resorting to violence to hold onto his own power. The time for such dictators has passed.

There are neighboring countries, Botswana, South Africa, Malawi, all of whom have democratic institutions, free press and the rule of law.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, what a depressing contrast between Zimbabwe's Robert Mugabe and South Africa's Nelson Mandela. President Mandela prized democracy. He prized the rule of law. He stepped down from power when people were telling him he was a king. He brought races together. And we contrast that with the situation where President Mugabe threatens his political opponents with death.

What we have in Zimbabwe is a man who sends his operatives to terrorize teachers, to terrorize teachers because they are the poll guards basically, they are the individuals who do the monitoring of the elections; to terrorize the doctors, and to terrorize others working for a better future.

A recent Zimbabwe Catholic Bishops' Conference Pastoral letter noted, "Violence, intimidation, and threats are the tools of failed politicians." They are the dastardly tools of the men now ruling Zimbabwe.

The political opposition in Zimbabwe deserves credit for remaining peaceful in the face of violence. For years now, its members have been beaten, they have been tortured, they have been killed; and they have resisted going on an offensive throughout this. Their discipline will be further tested in the coming months as the Mugabe regime provokes unrest to legitimize canceling the elections.

I hope that the political opposition remain steadfastly committed to non-violence. I have great confidence in the brave Zimbabweans who are struggling against tyranny so that their country can begin to reach its potential.

The legislation we are considering today lays a foundation for the U.S. to contribute to that future, and I ask that my colleagues support Senate bill 494.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of S. 494, the Zimbabwe Democracy and Economic Recovery Act of 2001. This Member would like to thank the Chairman of the House International Relations Committee, the distinguished gentleman from Illinois (Mr. HYDE), for bringing this measure to the Floor expeditiously after the Committee's consideration of it. In addition, this Member would like to thank the Chairman of the House Financial Services Committee, the distinguished gentleman from Ohio (Mr. OXLEY) for his supportive role in this legislation. This Member also appreciates the

Chairman of the International Relations Subcommittee on Africa, the distinguished gentleman from California (Mr. ROYCE), for his longstanding dedication to following U.S. foreign policy toward Africa. Indeed, there are few Members in this Body who can have so convincingly outlined the horrific atrocities which Zimbabwe's President Robert Mugabe has committed against the people of Zimbabwe.

The Zimbabwe Democracy and Economic Recovery Act of 2001 sets up a Presidential certification process for Zimbabwe which is contingent upon the following: restoration of the rule of law; certain electoral and land ownership reforms; fulfillment of agreement ending war in the Democratic Republic of Congo; and military and national police subordination to the civilian government in Zimbabwe. Until this Presidential certification is made, and except as may be required to meet basic human needs or for good governance, this legislation would require the Secretary of the Treasury to instruct the United States Executive Director to each international financial institution (IFI) to oppose and vote against both of the following: (1) any extension by the respective institution of any loan, credit, or guarantee to the Government of Zimbabwe; or (2) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to the United States or any international financial institution. This Member is pleased that it is currently the Administration's policy for U.S. representatives to the IFIs to oppose and vote against loans and debt restructuring for Zimbabwe.

It is important to note that, in September 1999, the International Monetary Fund suspended its "Stand By Arrangement," which had been approved the prior month, for economic adjustment and reform in Zimbabwe. In addition, the International Development Association, which is the concessional window of the World Bank, suspended all structural adjustment loans, credits, and guarantee to the Government of Zimbabwe in October of 1999.

Furthermore, during the International Relations Committee's consideration of S. 494, this Member offered an amendment which struck from the legislation a provision which would have created a Southern Africa Finance Center to be located in Zimbabwe. The center was to have included regional offices for the Overseas Private Investment Corporation (OPIC), the Export-Import Bank (Ex-Im), and the Trade and Development Agency (TDA).

While it is important for the U.S. to offer incentives to Zimbabwe to encourage political and economic reform, it is critical that those carrots be appropriate for the conditions. Even with significant changes in Zimbabwe's political climate, the country simply will not have the infrastructure in the near future to support such a center for the entire region. Additionally, this center would be a completely new endeavor for two of the U.S. agencies—namely OPIC and the Ex-Im Bank—neither of which currently have offices outside of the U.S.

However, that is not to say that the agencies cannot or should not play a critical role in stabilizing the region's economic health. Indeed, this Member would like to commend the Ex-Im Bank for developing a Sub-Saharan Africa Advisory Committee which has facilitated a dramatic increase in Ex-Im's investment in Africa. As the Chairman of the House Financial Services Subcommittee on International Monetary Policy and Trade, this Member intro-

duced H.R. 2871, the Export-Import Bank Reauthorization Act of 2001, which, among other things, would reauthorize this Sub-Saharan Africa Advisory Committee for four years until FY2005. This legislation, which passed the House Financial Services Committee on October 31, 2001, would also create an Office on Africa to further enhance the Ex-Im Bank's emphasis on Africa.

Additionally, this Member is very pleased that in lieu of the Southern Africa Finance Center originally included in S. 494, the Bush administration has announced the creation of an Africa Regional Trade and Development Office which will be located in Johannesburg, South Africa, and will serve all of Sub-Saharan Africa. This announcement was made after the Senate considered and passed S. 494.

Through this office, the TDA, which will serve as the lead agency at the center, can more closely coordinate its trade development and promotion activities in the region with local governments and with U.S. representatives already on the ground. Perhaps some day Zimbabwe might serve as an appropriate location for a branch office of the Africa Regional Trade and Development Office. Until then, the Administration's proposal appears to be the most viable option to provide Sub-Saharan Africa with the access to economic development and trade promotion tools which the region desperately needs to build economic stability.

Mr. Speaker, this Member encourages his colleagues to vote for S. 494.

Mr. RANGEL. Mr. Speaker, I rise today in support of important legislation, S. 494, the Zimbabwe Democracy and Recovery Act. First and foremost, I want to thank Mr. ROYCE and Mr. PAYNE, for bringing this important piece of legislation to the floor. Unlike previous bills that sought to penalize the people of Zimbabwe, this bill offers incentives to help guide their nation on a path of political and economic reform with United States assistance.

I have watched the Zimbabwe crisis unfold over the past several years and am deeply concerned about the increasing repression and violence which has created deepening concern over the manner in which the upcoming elections will be conducted. Our hope in the Congress is that Zimbabwe will become a model for other democracies around the world by ensuring that the upcoming elections are executed in a free and fair manner which assures full participation by all its citizens and manifests the will of the people.

The challenges that the nation of Zimbabwe faces are great. Zimbabwe is plagued with a horrific economic crisis that is characterized by extreme poverty, food shortages, and widespread loss of jobs and negative economic growth. These problems must be seriously addressed and dealt with in this nation's recovery efforts, but they cannot be unless political stability is achieved.

It is of the utmost importance that stability and economic viability are restored to the people of Zimbabwe. I believe that this bill, the Zimbabwe Democracy and Recovery Act of 2001, is the first step in achieving this end goal. Through the passage of this bill, not only will Zimbabwe benefit, but the entire southern region of Africa that has been impacted by this crisis will also stand to benefit from the passage of this legislation.

The Zimbabwe Democracy and Recovery Act of 2001 provides that when imperative po-

litical conditions are met, such as, restoring the rule of law, conducting fair political elections, and providing for equitable and legal land reform, that the U.S. will initiate an economic recovery policy. It also provides financial incentives, which include bilateral debt relief and U.S. support for similar action with the International Financial Institutions.

This bill offers an opportunity for the U.S. and Zimbabwe to re-engage on the road to democracy and economic recovery. It recognizes the need for land reform and for the first time provides tangible U.S. support for its achievement. It authorizes \$20m for land reform efforts and \$6m for democracy and governance.

This piece of legislation is very important to the friends of Africa who are dedicated to stopping civil conflict which impedes development and who continue to work on increasing trade opportunities and promoting economic growth for African nations.

I stand today in support of this bill and urge all of my colleagues to also show their support for a democratic and prosperous future in Zimbabwe and the southern region of Africa.

Mr. GILMAN. Mr. Speaker, I rise to voice my support for S. 494, which declares that it is U.S. policy to support the Zimbabwean people in their struggles to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and to restore the rule of law to that troubled country. Furthermore, I fully support the bill's authorization of additional funding to non-governmental organizations working with the people of Zimbabwe to promote good governance and the rule of law.

Today, Zimbabwe continues to face difficult social, economic and political problems. The goal of U.S. policy toward Zimbabwe must be to assist its development into a stable, free-market democracy, both as a goal in itself and as a bulwark against regional instability and conflict. However, this cannot be achieved until the government of Zimbabwe undertakes comprehensive reforms to enfranchise its people politically and economically.

The essential foundations of freedom and democracy are free and fair elections, a free and open press, and the development of democratic institutions based on the rule of law. However, all evidence points to the conclusion that these institutions do not currently exist in Zimbabwe, and that respect for the rule of law is seriously lacking. I regret that a sense of Congress is necessary to express our view that sanctions must be necessary to bring about the necessary reforms and democracy to Zimbabwe. Let me be clear: our goal is not to harm the people of Zimbabwe but rather to send a clear signal to its government that an expeditious transition to democracy is imperative. The people of Zimbabwe have waited much too long and endured far too many hardships, and clearly deserve better.

I also want to voice my concern with regards to Libya's attempts to establish military ties with the government of Zimbabwe. I hope that the Zimbabwe government sees its future in an alignment with Western democracies and not with state-sponsors of terrorism such as Libya.

We truly hope the government of Zimbabwe takes advantage of the opportunities presented by this legislation, and will seek to build better relations with the United States. Should the government of Zimbabwe choose

to improve its democratic record, and establish good governance and the rule of law, its success will serve as a model for other countries in the region.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this legislation, which renews our commitment to the stabilization of the Zimbabwean democracy and reaffirms our commitment to the establishment of democratic principles throughout the African sub-continent.

This legislation sends a strong message to the rest of the world regarding our intentions toward Zimbabwe with its opening language: "It is the policy of the United States to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law."

The need for such a forthright statement from this nation has been pressing for some time. International news agencies have chronicled the descent into political anarchy within Zimbabwe over the last year, as armed bands of "veterans" attacked homesteads and other economic and farming interests with the support of the Mugabe regime. These interests claim an unfair distribution of resources in the nation, and highlight the need for positive action by the United States.

Mr. Speaker, Zimbabwe is a nation of many needs. HIV/AIDS is ravaging the population at a rate of 25%, and the current average life expectancy of her citizens is only 37 years. The nation had a protracted role in the war in the Democratic Republic of Congo, and this action and other budgetary mismanagement issues have resulted in Zimbabwe being ineligible for IMF and International Bank for Reconstruction and Development programs, further stressing the people of this nation.

Mr. Speaker, this legislation allows the U.S. to acknowledge both the dire economic and social needs of the Zimbabweans while seeking a positive resolution of the political crisis that animates this struggle. This legislation directs the U.S. government to restructure or forgive loans contributing to the sovereign debt of Zimbabwe by any agency of the U.S. government. This act also creates a Southern Africa Finance Center to be located within Zimbabwe that will coordinate the regional offices of OPIC, Eximbank, and TDA in order to help with the economic stabilization of Zimbabwe.

Thus, Mr. Speaker, Congress has provided good incentives for the political leaders in Zimbabwe to work towards reestablishing the rule of law for their people. These benefits will only accrue to Zimbabwe if the President certifies that the rule of law and respect for ownership, property, and freedom of speech has been restored; that the next Zimbabwean election is a free and fair contest; that transparent land reform procedures are enacted; that Zimbabwe contributes a good faith effort to the Lusaka Accords ending the war in the Democratic Republic of Congo; and that the military and national police in the nation are "responsible to and serve the elected civilian government. These requirements can be waived, however, if the President deems it in the national interest to do so.

Fulfillment of these requirements will be a hard task, and thus this legislation includes monies for the land reform and democracy and governance programs in Zimbabwe.

Mr. Speaker, in these times of global uncertainty, the ever present goal of the U.S. is the

widespread development of democratic principle that place the benefits of good governance in the hands of citizens and not politicians. This legislation demonstrates to the rest of the world that we stand for the principles of freedom and democracy above all.

Mr. ROYCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the Senate bill, S. 494, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2299) "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes."

KNOW YOUR CALLER ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 90) to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes, as amended.

The Clerk read as follows:

H.R. 90

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 "Know Your Caller Act of 2001".

SEC. 2. PROHIBITION OF INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) PROHIBITION ON INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.—

"(1) IN GENERAL.—It shall be unlawful for any person within the United States, in making any telephone solicitation—

"(A) to interfere with or circumvent the capability of a caller identification service to access or provide to the recipient of the telephone call involved in the solicitation

any information regarding the call that such service is capable of providing; and

"(B) to fail to provide caller identification information in a manner that is accessible by a caller identification service, if such person has capability to provide such information in such a manner.

For purposes of this section, the use of a telecommunications service or equipment that is incapable of transmitting caller identification information shall not, of itself, constitute interference with or circumvention of the capability of a caller identification service to access or provide such information.

"(2) REGULATIONS.—Not later than 6 months after the enactment of the Know Your Caller Act of 2001, the Commission shall prescribe regulations to implement this subsection, which shall—

"(A) specify that the information regarding a call that the prohibition under paragraph (1) applies to includes—

"(i) the name of the person or entity who makes the telephone call involved in the solicitation;

"(ii) the name of the person or entity on whose behalf the solicitation is made; and

"(iii) a valid and working telephone number at which the person or entity on whose behalf the telephone solicitation is made may be reached during regular business hours for the purpose of requesting that the recipient of the solicitation be placed on the do-not-call list required under section 64.1200 of the Commission's regulations (47 CFR 64.1200) to be maintained by such person or entity; and

"(B) provide that a person or entity may not use such a do-not-call list for any purpose (including transfer or sale to any other person or entity for marketing use) other than enforcement of such list.

"(3) PRIVATE RIGHT OF ACTION.—A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

"(A) an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation;

"(B) an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater; or

"(C) both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of an incoming telephone call.

"(B) TELEPHONE CALL.—The term 'telephone call' means any telephone call or other transmission which is made to or received at a telephone number of any type of telephone service and includes telephone calls made using the Internet (irrespective of the type of customer premises equipment used in connection with such services). Such term also includes calls made by an automatic telephone dialing system, an integrated services digital network, and a commercial mobile radio source."

SEC. 3. EFFECT ON STATE LAW AND STATE ACTIONS.

(a) EFFECT ON STATE LAW.—Subsection (f)(1) of section 227 of the Communications