

107TH CONGRESS  
1ST SESSION

**S. 494**

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**AMENDMENT**



# ***In the House of Representatives, U. S.,***

*December 4, 2001.*

*Resolved*, That the bill from the Senate (S. 494) entitled “An Act to provide for a transition to democracy and to promote economic recovery in Zimbabwe”, do pass with the following

## **AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Zimbabwe Democracy*  
3 *and Economic Recovery Act of 2001”.*

4 ***SEC. 2. STATEMENT OF POLICY.***

5 *It is the policy of the United States to support the peo-*  
6 *ple of Zimbabwe in their struggle to effect peaceful, demo-*  
7 *cratic change, achieve broad-based and equitable economic*  
8 *growth, and restore the rule of law.*

9 ***SEC. 3. DEFINITIONS.***

10 *In this Act:*

11 (1) *INTERNATIONAL FINANCIAL INSTITUTIONS.—*

12 *The term “international financial institutions”*  
13 *means the multilateral development banks and the*  
14 *International Monetary Fund.*

1           (2) *MULTILATERAL DEVELOPMENT BANKS.*—The  
 2       term “multilateral development banks” means the  
 3       *International Bank for Reconstruction and Develop-*  
 4       *ment, the International Development Association, the*  
 5       *International Finance Corporation, the Inter-Amer-*  
 6       *ican Development Bank, the Asian Development*  
 7       *Bank, the Inter-American Investment Corporation,*  
 8       *the African Development Bank, the African Develop-*  
 9       *ment Fund, the European Bank for Reconstruction*  
 10      *and Development, and the Multilateral Investment*  
 11      *Guaranty Agency.*

12 **SEC. 4. SUPPORT FOR DEMOCRATIC TRANSITION AND ECO-**  
 13       **NOMIC RECOVERY.**

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

15           (1) *Through economic mismanagement, undemo-*  
 16       *cratic practices, and the costly deployment of troops*  
 17       *to the Democratic Republic of the Congo, the Govern-*  
 18       *ment of Zimbabwe has rendered itself ineligible to*  
 19       *participate in International Bank for Reconstruction*  
 20       *and Development and International Monetary Fund*  
 21       *programs, which would otherwise be providing sub-*  
 22       *stantial resources to assist in the recovery and mod-*  
 23       *ernization of Zimbabwe’s economy. The people of*  
 24       *Zimbabwe have thus been denied the economic and*

1        *democratic benefits envisioned by the donors to such*  
 2        *programs, including the United States.*

3            (2) *In September 1999 the IMF suspended its*  
 4        *support under a “Stand By Arrangement”, approved*  
 5        *the previous month, for economic adjustment and re-*  
 6        *form in Zimbabwe.*

7            (3) *In October 1999, the International Develop-*  
 8        *ment Association (in this section referred to as the*  
 9        *“IDA”) suspended all structural adjustment loans,*  
 10       *credits, and guarantees to the Government of*  
 11       *Zimbabwe.*

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

14           (5) *In September 2000, the IDA suspended dis-*  
 15        *bursement of funds for ongoing projects under pre-*  
 16        *viously-approved loans, credits, and guarantees to the*  
 17        *Government of Zimbabwe.*

18        (b) *SUPPORT FOR DEMOCRATIC TRANSITION AND ECO-*  
 19        *NOMIC RECOVERY.—*

20           (1) *BILATERAL DEBT RELIEF.—Upon receipt by*  
 21        *the appropriate congressional committees of a certifi-*  
 22        *cation described in subsection (d), the Secretary of the*  
 23        *Treasury shall undertake a review of the feasibility of*  
 24        *restructuring, rescheduling, or eliminating the sov-*

1        *ereign debt of Zimbabwe held by any agency of the*  
 2        *United States Government.*

3                (2) *MULTILATERAL DEBT RELIEF AND OTHER FI-*  
 4        *NANCIAL ASSISTANCE.—It is the sense of Congress*  
 5        *that, upon receipt by the appropriate congressional*  
 6        *committees of a certification described in subsection*  
 7        *(d), the Secretary of the Treasury should—*

8                (A) *direct the United States executive direc-*  
 9        *tor of each multilateral development bank to pro-*  
 10        *pose that the bank should undertake a review of*  
 11        *the feasibility of restructuring, rescheduling, or*  
 12        *eliminating the sovereign debt of Zimbabwe held*  
 13        *by that bank; and*

14                (B) *direct the United States executive direc-*  
 15        *tor of each international financial institution to*  
 16        *which the United States is a member to propose*  
 17        *to undertake financial and technical support for*  
 18        *Zimbabwe, especially support that is intended to*  
 19        *promote Zimbabwe’s economic recovery and de-*  
 20        *velopment, the stabilization of the Zimbabwean*  
 21        *dollar, and the viability of Zimbabwe’s demo-*  
 22        *cratic institutions.*

23                (c) *MULTILATERAL FINANCING RESTRICTION.—Until*  
 24        *the President makes the certification described in subsection*  
 25        *(d), and except as may be required to meet basic human*

1 *needs or for good governance, the Secretary of the Treasury*  
 2 *shall instruct the United States executive director to each*  
 3 *international financial institution to oppose and vote*  
 4 *against—*

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

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

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

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

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

1           (A) *PRESIDENTIAL ELECTION.*—*Zimbabwe*  
 2           *has held a presidential election that is widely ac-*  
 3           *cepted as free and fair by independent inter-*  
 4           *national monitors, and the president-elect is free*  
 5           *to assume the duties of the office.*

6           (B) *PRE-ELECTION CONDITIONS.*—*In the*  
 7           *event the certification is made before the presi-*  
 8           *dential election takes place, the Government of*  
 9           *Zimbabwe has sufficiently improved the pre-elec-*  
 10          *tion environment to a degree consistent with ac-*  
 11          *cepted international standards for security and*  
 12          *freedom of movement and association.*

13          (3) *COMMITMENT TO EQUITABLE, LEGAL, AND*  
 14          *TRANSPARENT LAND REFORM.*—*The Government of*  
 15          *Zimbabwe has demonstrated a commitment to an eq-*  
 16          *uitable, legal, and transparent land reform program*  
 17          *consistent with agreements reached at the Inter-*  
 18          *national Donors' Conference on Land Reform and Re-*  
 19          *settlement in Zimbabwe held in Harare, Zimbabwe,*  
 20          *in September 1998.*

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



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

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

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

13           (a) *IN GENERAL.—The President is authorized to pro-*  
 14           *vide assistance under part I and chapter 4 of part II of*  
 15           *the Foreign Assistance Act of 1961 to—*

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

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

1           (3) *provide for democracy and governance pro-*  
 2           *grams in Zimbabwe.*

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

6           (1) *\$20,000,000 is authorized to be available to*  
 7           *provide the assistance described in subsection (a)(2);*  
 8           *and*

9           (2) *\$6,000,000 is authorized to be available to*  
 10          *provide the assistance described in subsection (a)(3).*

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

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

17          *It is the sense of Congress that the President should*  
 18          *begin immediate consultation with the governments of Eu-*  
 19          *ropean Union member states, Canada, and other appro-*  
 20          *priate foreign countries on ways in which to—*

21          (1) *identify and share information regarding in-*  
 22          *dividuals responsible for the deliberate breakdown of*  
 23          *the rule of law, politically motivated violence, and in-*  
 24          *timidation in Zimbabwe;*

1           (2) *identify assets of those individuals held out-*  
2       *side Zimbabwe;*

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

6           (4) *provide for the eventual removal or amend-*  
7       *ment of those sanctions.*

Attest:

*Clerk.*