

Calendar No. 442

109TH CONGRESS
2^D SESSION**S. 2125**

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, Mr. DEWINE, Mr.
INHOFE, and Mr. LEAHY) introduced the following bill; which was read
twice and referred to the Committee on Foreign Relations

MAY 23, 2006

Reported by Mr. LUGAR, without amendment

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
5 of the Congo Relief, Security, and Democracy Promotion
6 Act of 2005”.

1 **TITLE I—BILATERAL ACTION ON**
2 **ADDRESSING URGENT NEEDS**
3 **IN THE DEMOCRATIC REPUB-**
4 **LIC OF THE CONGO**

5 **SEC. 101. FINDINGS.**

6 Congress makes the following findings:

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

18 (2) On February 16, 2005, the Director of the
19 Central Intelligence Agency testified, “In Africa,
20 chronic instability will continue to hamper
21 counterterrorism efforts and pose heavy humani-
22 tarian and peacekeeping burdens.”

23 (3) According to the United States Agency for
24 International Development, “Given its size, popu-
25 lation, and resources, the Congo is an important

1 player in Africa and of long-term interest to the
2 United States.”

3 (4) The Democratic Republic of Congo is
4 2,345,410 square miles (approximately $\frac{1}{4}$ the size of
5 the United States), lies at the heart of Africa, and
6 touches every major region of sub-Saharan Africa.
7 Therefore, promoting security, peace, and prosperity
8 in the Democratic Republic of the Congo would have
9 a profound impact on progress throughout Africa.

10 (5) A mortality study completed in December
11 2004 by the International Rescue Committee found
12 that 31,000 people were dying monthly and
13 3,800,000 people had died in the previous 6 years
14 because of the conflict in the Democratic Republic of
15 the Congo and resulting disintegration of the social
16 service infrastructure and that “improving and
17 maintaining security and increasing simple, proven
18 and cost-effective interventions such as basic medical
19 care, immunizations and clean water would save
20 hundreds of thousands of lives in the Congo. There’s
21 no shortage of evidence. It’s sustained compassion
22 and political will that’s lacking.”

23 (6) The International Crisis Group concluded,
24 “The conflict in the Democratic Republic of the
25 Congo remains one of the deadliest conflicts since

1 World War II and has resulted in the loss of nearly
2 4 million lives since 1998.... The international com-
3 munity, and the United Nations Security Council in
4 particular, must take strong and urgent action to
5 support the transition, establish a national army and
6 secure lasting peace in the Democratic Republic of
7 the Congo, if it is to live up to its responsibility to
8 protect those in need.”

9 (7) According to the Department of State, “re-
10 turning one of Africa’s largest countries [the Demo-
11 cratic Republic of the Congo] to full peace and sta-
12 bility will require significant United States invest-
13 ments in support of national elections, the reintegra-
14 tion of former combatants, the return and reintegra-
15 tion of refugees and [internally displaced persons],
16 establishment of central government control over
17 vast territories, and promotion of national reconcili-
18 ation and good governance”.

19 (8) A recent assessment completed by 4 well-
20 known nongovernmental organizations concluded
21 that “[r]ecent fighting in North Kivu which dis-
22 placed over 150,000 people, as well as fighting in
23 Ituri and other areas, is potent evidence that states
24 in the Great Lakes region, particularly Rwanda and
25 Uganda, and members of the transitional govern-

1 ment still harbor different and conflicting interests
2 and concerns which place the entire transition pro-
3 gram in jeopardy”.

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

19 **SEC. 102. STATEMENT OF POLICY.**

20 It is the policy of the United States—

21 (1) to promote, reinvigorate, and support the
22 political process in the Democratic Republic of the
23 Congo in order to press all parties in the Transi-
24 tional National Government to move forward with
25 approval of an electoral law and put in place mecha-

1 nisms, including national and international election
2 observers, fair and transparent voter registration
3 procedures, and a significant civic awareness and
4 public education campaign, to ensure fair and demo-
5 cratic elections within the timeframe provided by the
6 Sun City Peace Accords;

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

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

21 (4) to engage in security sector reform by help-
22 ing the Government of the Democratic Republic of
23 the Congo establish a viable and professional na-
24 tional army and police force that respects human
25 rights and the rule of law, is under effective civilian

1 control, and possesses a viable presence throughout
2 the entire country, including by contributing to the
3 provision of necessary equipment and training;

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

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

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

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

21 (B) takes active measures—

22 (i) to promote economic development;
23 (ii) to hold accountable individuals
24 who misuse the country's natural resources
25 for personal gain; and

1 (iii) to implement the Extractive In-
2 dustries Transparency Initiative by enact-
3 ing laws requiring disclosure and inde-
4 pendent auditing of company payments
5 and government receipts for natural re-
6 source extraction;

7 (8) to promote a viable civil society and to en-
8 hance nongovernmental organizations and institu-
9 tions, including religious organizations, the media,
10 political parties, trade unions, and trade and busi-
11 ness associations, that can act as a stabilizing force
12 and effective check on the government;

13 (9) to rebuild and enhance infrastructure, com-
14 munications, and other mechanisms that will in-
15 crease the ability of the central government to man-
16 age internal affairs, encourage economic develop-
17 ment, and facilitate relief efforts of humanitarian or-
18 ganizations;

19 (10) to halt the high prevalence of sexual abuse
20 and violence perpetrated against women and children
21 in the Democratic Republic of the Congo and miti-
22 gate the detrimental effects from acts of this type of
23 violence by undertaking a number of health, edu-
24 cation, and financial support measures, including
25 psycho-social programs, counseling, and HIV/AIDS

1 testing and treatment, and providing financial sup-
2 port;

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

14 (12) to undertake steps that—

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

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

24 (C) assess the magnitude of the problem in
25 the Democratic Republic of the Congo of or-

1 phans from conflict and HIV/AIDS, and work
2 to establish a program of national support;

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

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

13 **SEC. 103. BILATERAL ASSISTANCE TO THE DEMOCRATIC**
14 **REPUBLIC OF THE CONGO.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—In addition to amounts oth-
17 erwise available for such purposes, including
18 amounts from regional funds, there is authorized to
19 be appropriated \$52,000,000 for fiscal year 2006 for
20 bilateral assistance programs in the Democratic Re-
21 public of the Congo under the Foreign Assistance
22 Act of 1961 (22 U.S.C. 2151 et seq.), the Agricul-
23 tural Trade Development and Assistance Act of
24 1954 (68 Stat. 454, chapter 469), and the Arms Ex-
25 port Control Act (22 U.S.C. 2751 et seq.).

1 (2) AVAILABILITY OF FUNDS.—Amounts appro-
2 priated pursuant to paragraph (1) are authorized to
3 remain available until expended.

4 (b) USES OF ASSISTANCE.—Amounts appropriated
5 pursuant to subsection (a) shall be used to accomplish the
6 policy objectives in section 102.

7 (c) FUTURE YEAR FUNDING.—The Department of
8 State should submit budget requests in fiscal years 2007,
9 2008, and 2009 that contain increases in bilateral assist-
10 ance for the Democratic Republic of the Congo that are
11 appropriate and similar to the increase authorized under
12 subsection (a) for fiscal year 2006 if progress is being
13 made, particularly cooperation by the Government of the
14 Democratic Republic of the Congo, toward accomplishing
15 the objectives in section 102.

16 (d) OFFSETS.—Not later than 30 days after the date
17 of the enactment of this Act, the Secretary of State should
18 consult with the Chairmen and Ranking Members of the
19 Committee on Foreign Relations, the Committee on Ap-
20 propriations, and the Committee on the Budget of the
21 Senate and the Committee on International Relations, the
22 Committee on Appropriations, and the Committee on the
23 Budget of the House of Representatives to determine ap-
24 propriate reductions in funding, especially redundant or

1 duplicative programs, to offset the increase in funding au-
 2 thorized in subsection (a).

3 (e) USES OF SECURITY ASSISTANCE.—Security as-
 4 sistance that is authorized to be appropriated under this
 5 section shall be made available consistent with section 551
 6 of the Foreign Operations, Export Financing, and Related
 7 Programs Appropriations Act, 2005 (division D of the
 8 Consolidated Appropriations Act, 2005; Public Law 108–
 9 447; 118 Stat. 3015) and other provisions of law related
 10 to eligibility.

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

17 **SEC. 104. ACCOUNTABILITY FOR THE GOVERNMENT OF**
 18 **THE DEMOCRATIC REPUBLIC OF THE CONGO.**

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

21 (1) the Government of the Democratic Republic
 22 of the Congo must be committed to achieving the
 23 policy objectives described in this Act if the efforts
 24 of the United States and other members of the
 25 international community are to be effective in bring-

1 ing relief, security, and democracy to the country;
2 and

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

12 (b) REPORT ON PROGRESS.—

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

19 (2) CONTENT.—The report required under
20 paragraph (1) shall include—

21 (A) a description of any major impedi-
22 ments that prevent the accomplishment of the
23 policy objectives described in section 102;

1 (B) an evaluation of United States policies
2 and foreign assistance programs designed to ac-
3 complish such policy objectives; and

4 (C) recommendations for—

5 (i) improving these policies and pro-
6 grams; and

7 (ii) any additional bilateral or multi-
8 lateral actions necessary to promote peace
9 and prosperity in the Democratic Republic
10 of the Congo.

11 (c) TERMINATION OF ASSISTANCE.—The Secretary
12 of State may withhold assistance otherwise available under
13 this Act if the Secretary determines and reports to Con-
14 gress that the Government of the Democratic Republic of
15 the Congo is not making sufficient progress towards ac-
16 complishing the policy objectives described in section 102.

17 **SEC. 105. STRATEGY ON PROMOTING HUMANITARIAN RE-**
18 **LIEF, SECURITY, AND DEMOCRACY IN THE**
19 **DEMOCRATIC REPUBLIC OF THE CONGO.**

20 Not later than 60 days after the date of the enact-
21 ment of this Act, the President shall submit to the Com-
22 mittee on Foreign Relations and the Committee on Appro-
23 priations of the Senate and the Committee on Inter-
24 national Relations and the Committee on Appropriations
25 of the House of Representatives a report setting forth a

1 strategy for achieving the policy objectives described in
2 section 102, including a description of an effective mecha-
3 nism for coordination of United States Government efforts
4 to implement this strategy.

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

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

13 (b) CONSULTATION.—In appointing the Special
14 Envoy, the President should consult with the Majority
15 Leader and Minority Leader of the Senate, the Speaker
16 and Minority Leader of the House of Representatives, and
17 the Chairmen and Ranking Members of the Committee on
18 Foreign Relations of the Senate and the Committee on
19 International Relations of the House of Representatives.

1 **TITLE II—MULTILATERAL AC-**
2 **TIONS TO ADDRESS URGENT**
3 **NEEDS IN THE DEMOCRATIC**
4 **REPUBLIC OF THE CONGO**

5 **SEC. 201. PROMOTION OF UNITED STATES POLICY TOWARD**
6 **THE DEMOCRATIC REPUBLIC OF THE CONGO**
7 **IN THE UNITED NATIONS SECURITY COUN-**
8 **CIL.**

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

11 (1) to address exploitation at the United Na-
12 tions Peacekeeping Mission in the Democratic Re-
13 public of the Congo (MONUC) by urging, when
14 credible allegations exist, appropriate investigation
15 of alleged perpetrators and, as necessary, prosecu-
16 tion of United Nations personnel responsible for sex-
17 ual abuses in the Democratic Republic of the Congo;

18 (2) to ensure that appropriate guidelines, codes
19 of conduct, and programs for the prevention of sex-
20 ual abuse and trafficking in persons are undertaken
21 by the United Nations;

22 (3) to strengthen the authority and capacity of
23 MONUC by—

1 (A) providing specific authority and obliga-
2 tion to prevent and effectively counter imminent
3 threats;

4 (B) clarifying and strengthening
5 MONUC's rules of engagement to enhance the
6 protection of vulnerable civilian populations;

7 (C) enhancing the surveillance and intel-
8 ligence-gathering capabilities available to
9 MONUC;

10 (D) where consistent with United States
11 policy, making available personnel, communica-
12 tions, and military assets that improve the ef-
13 fectiveness of robust peacekeeping, mobility,
14 and command and control capabilities of
15 MONUC; and

16 (E) providing MONUC with the authority
17 and resources needed to support efforts sur-
18 rounding national elections and the referendum
19 on the constitution, and to monitor arms traf-
20 ficking and natural resource exploitation at key
21 border posts and airfields in the eastern part of
22 the Democratic Republic of the Congo;

23 (4) to encourage regular visits of the United
24 Nations Security Council to monitor the situation in
25 the Democratic Republic of the Congo;

1 (5) to ensure that the practice of recruiting and
2 arming children in the Democratic Republic of the
3 Congo is immediately halted pursuant to Security
4 Council Resolutions 1460 (2003) and 1539 (2004);

5 (6) to strengthen the arms embargo imposed
6 pursuant to Security Council Resolution 1493
7 (2003) and ensure that violators are held account-
8 able through appropriate measures, including the
9 possible imposition of sanctions;

10 (7) to allow for the more effective protection
11 and monitoring of natural resources in the Demo-
12 cratic Republic of the Congo, especially in the east-
13 ern part of the country, and for public disclosure
14 and independent auditing of natural resource reve-
15 nues to help ensure transparent and accountable
16 management of these revenues;

17 (8) to press countries in the Congo region to
18 help facilitate an end to the violence in the Demo-
19 cratic Republic of the Congo and promote relief, se-
20 curity, and democracy throughout the region; and

21 (9) to encourage the United Nations Secretary-
22 General to become more involved in completing the
23 policy objectives described in paragraphs (1) and (2)
24 of section 102 and ensure that recent fighting in
25 North Kivu, which displaced over 150,000 people, as

1 well as fighting in Ituri and other areas, does not
 2 create widespread instability throughout the country.

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

12 **SEC. 202. INCREASING CONTRIBUTIONS AND OTHER HU-**
 13 **MANITARIAN AND DEVELOPMENT ASSIST-**
 14 **ANCE THROUGH INTERNATIONAL ORGANIZA-**
 15 **TIONS.**

16 (a) IN GENERAL.—The President shall instruct the
 17 United States permanent representative or executive direc-
 18 tor, as the case may be, to the United Nations voluntary
 19 agencies, including the World Food Program, the United
 20 Nations Development Program, and the United Nations
 21 High Commissioner for Refugees, international financial
 22 institutions, and other appropriate international organiza-
 23 tions to use the voice and vote of the United States to
 24 support additional humanitarian and development assist-

1 ance for the Democratic Republic of the Congo in order
2 to accomplish the objectives described in section 102.

3 (b) SUPPORT CONTINGENT ON PROGRESS.—

4 (1) REPORT ON LACK OF PROGRESS.—If the
5 Secretary of State determines that the Government
6 of the Democratic Republic of the Congo is not mak-
7 ing sufficient progress towards accomplishing the
8 policy objectives in section 102, the Secretary shall
9 submit to the President and Congress a report on
10 such determination.

11 (2) WITHDRAWAL OF SUPPORT.—Upon receiv-
12 ing a report under paragraph (1), the President
13 shall consider withdrawing United States support for
14 the assistance described in subsection (a) when fu-
15 ture funding decisions are considered.

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