

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. Res. 386

Urging the Government of the Democratic Republic of the Congo to fulfill its agreement to hold credible elections, comply with constitutional limits on presidential terms, and fulfill its constitutional mandate for a democratic transition of power by taking concrete and measurable steps towards holding elections not later than December 2018 as outlined in the existing election calendar, and allowing for freedom of expression and association.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. FLAKE

Viz:

1 Strike all after the resolving clause and insert the fol-
2 lowing: “That the Senate—

3 (1) expresses concern that the Government of
4 the Democratic Republic of the Congo failed to hold
5 elections in 2016 as required by its Constitution and
6 later failed to fulfill its political commitment to hold
7 elections in 2017;

8 (2) expresses concern that the growing security,
9 humanitarian, and human rights crisis in the DRC

1 is exacerbated by the lack of a duly elected leader-
2 ship;

3 (3) recognizes that impunity and the lack of ef-
4 fective rule of law undermine democracy, and that
5 the arrest and detention of civil society activists and
6 the harassment of political opponents close political
7 space and repress peaceful dissent;

8 (4) calls on the Government of the Democratic
9 Republic of the Congo to complete concrete steps to-
10 wards holding elections, including—

11 (A) issuance of district-level voter registra-
12 tion data;

13 (B) completion of legislation to enable re-
14 districting;

15 (C) fulfillment of the constitutionally re-
16 quired step of “calling the electorate”;

17 (D) publication of the final list of presi-
18 dential and parliamentary candidates; and

19 (E) holding presidential, parliamentary,
20 and provincial elections by December 23, 2018;

21 (5) calls on the opposition to take all steps pos-
22 sible within the DRC to support and promote imme-
23 diate free, fair, and inclusive elections;

24 (6) welcomes United States Government sanc-
25 tions targeting several senior security officials and

1 other individuals responsible for human rights
2 abuses, impeding democracy, and gross corruption in
3 the DRC;

4 (7) encourages the careful vetting of all planned
5 United States assistance to Congolese state security
6 forces to ensure that its impact and importance to
7 United States national security objectives outweigh
8 the potential damage to United States interests that
9 might result in working with the state security serv-
10 ices of the DRC;

11 (8) notes the importance of continued unity
12 among the international community that untested,
13 un-piloted technology, such as electronic voting ma-
14 chines, given their high cost, risk of failure, and po-
15 tential for manipulation, should not be used if a
16 credible election process is intended to benefit all
17 Congolese citizens;

18 (9) calls on the Government of the Democratic
19 Republic of Congo to cooperate with United States,
20 Swedish, and United Nations officials to enable a
21 credible and independent investigation of the killing
22 of Michael Sharp and Zaida Catalán, and to identify
23 and bring to justice those responsible for their mur-
24 der;

1 (10) calls on the Government of the Democratic
2 Republic of Congo to end political arrests and free
3 political detainees, including youth activists, in sup-
4 port of a credible and inclusive electoral environ-
5 ment; and

6 (11) urges the President of the United States,
7 in close coordination with regional and other inter-
8 national partners, to use appropriate means—

9 (A) to provide appropriate electoral assist-
10 ance to support the organization of credible
11 elections in the DRC by December 23, 2018;
12 and

13 (B) to deter further electoral calendar slip-
14 page and abuses against the people of Congo,
15 including through the consideration of targeted
16 sanctions against high-level DRC officials, in-
17 cluding close associates of President Joseph
18 Kabila responsible for further delay of or im-
19 pediment to elections or otherwise maintaining
20 President Kabila's rule beyond the constitu-
21 tion's two-term limit.