

JAMES E. RISCH, IDAHO, CHAIRMAN

MARCO RUBIO, FLORIDA  
RON JOHNSON, WISCONSIN  
CORY GARDNER, COLORADO  
MITT ROMNEY, UTAH  
LINDSEY GRAHAM, SOUTH CAROLINA  
JOHN BARRASSO, WYOMING  
ROB PORTMAN, OHIO  
RAND PAUL, KENTUCKY  
TODD YOUNG, INDIANA  
TED CRUZ, TEXAS  
DAVID PERDUE, GEORGIA

ROBERT MENENDEZ, NEW JERSEY  
BENJAMIN L. CARDIN, MARYLAND  
JEANNE SHAHEEN, NEW HAMPSHIRE  
CHRISTOPHER A. COONS, DELAWARE  
TOM UDALL, NEW MEXICO  
CHRISTOPHER MURPHY, CONNECTICUT  
TIM KAINE, VIRGINIA  
EDWARD J. MARKEY, MASSACHUSETTS  
JEFF MERKLEY, OREGON  
CORY A. BOOKER, NEW JERSEY

## United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

August 17, 2020

The Honorable Steven T. Mnuchin  
Secretary of the Treasury  
U.S. Department of Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, DC 20220

The Honorable Michael R. Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, DC 20520

Dear Secretaries Mnuchin and Pompeo:

Almost 18 months after Felix Tshisekedi assumed the presidency of the Democratic Republic of Congo (DRC) following the combined 22 year rule of Laurent and Joseph Kabila, the country's new leadership has yet to meaningfully curb high-level corruption, continuing state capture by former President Joseph Kabila and his acolytes, and systematic violence perpetuated by state security forces and their armed proxies in the east.

The United States has a historic opportunity to help address structural challenges in DRC by working with partners to build strong democratic institutions with particular emphasis on those that combat corruption and build the rule of law. In particular, U.S. efforts should focus on dismantling the kleptocratic system of former President Kabila such that DRC's vast natural wealth benefits the Congolese people. Without tackling corruption and its impact on governance issues, from violent conflict to elections and human rights, this brief moment of promise will be lost to the same forces that have contributed to a history of exploitation in DRC.

Change is possible. President Tshisekedi has opened political space to allow for greater public dialogue on transparency and good governance, and has pledged to crack down on official corruption. The Tshisekedi administration must now make good on its commitments. The ongoing investigation of former Gécamines chairman Albert Yuma (a key figure in Kabila's inner circle) and conviction of President Tshisekedi's chief of staff Vital Kamerhe for corruption and embezzlement are promising signs of progress. However, more can be done. For example, the government could take advantage of some of the reforms made in the Mining Code of 2018 that aim to improve transparency in the areas of revenues and contracts in the extractive sector. The United States should press the Tshisekedi administration to take further actions along these lines, and use available tools to isolate the spoilers to reforms.

Specifically, we urge the State and Treasury Departments, along with other interagency partners, to work together to do the following:

- **Advance electoral reform.** Preparations for the 2023 presidential and parliamentary elections, and decision-making about long overdue local elections, must begin in earnest if we are to avoid the numerous delays and serious shortcomings of the 2015-2018 process, many of which stemmed from pervasive corruption in election administration. Three members of the National Independent Electoral Commission (CENI) leadership, including President Corneille Nangaa, were sanctioned by OFAC last year for their role in obstructing democratic electoral processes, including embezzlement of CENI operational funds and fraud in procurement processes for personal enrichment and to benefit campaigns of Kabila-backed candidates. We were pleased to see that efforts are underway to identify new CENI leadership, including a replacement for Nangaa, a critical first step. We must be vigilant in monitoring developments regarding the CENI, as it is susceptible to capture by undemocratic interests and depends on the National Assembly, which maintains a majority aligned with former President Kabila, to approve new members. We must be clear that any future administration (including a Tshisekedi second term) that comes to power by means other than a credible democratic election will not enjoy friendly relations with the U.S.
- **Expand targeted sanctions:** The U.S. should designate additional officials and companies responsible for or complicit in high-level corruption, including the misappropriation of state assets, for targeted financial and travel sanctions. A key way to deter high-level corruption is to establish a credible threat that potential perpetrators will face consequences. Sanctions have proven to be effective in DRC in recent years: DRC's financial system is largely dollarized, and many elites regularly travel to Western countries and maintain assets in the global financial system. The U.S. should also consider measures to address already-designated individuals who are circumventing sanctions through the establishment of new companies. The U.S. should continue to urge the DRC government to remove generals who have been sanctioned by the U.S. for their involvement in gross human rights abuses from office, and to establish an accountability mechanism for high-level military officers who have committed grave crimes.
- **Undertake anti-money laundering measures:** The Financial Crimes Enforcement Network (FinCEN) of the Treasury Department should consider whether it is appropriate to issue a money laundering advisory about the risks of doing business with certain parts of DRC's banking and mining sectors, particularly highlighting connections to individuals and entities associated with corruption. A robust use of anti-money laundering measures could disrupt the ability of Congolese officials to launder the proceeds of corruption abroad, including through the U.S. and European financial systems. In addition, Treasury should provide technical support to the DRC government to revise its anti-money laundering/countering the financing of terrorism (AML/CFT) framework to meet international standards.

August 17, 2020

Page 3

- **Make anti-corruption reforms a condition of IMF non-emergency lending:** The U.S. IMF Executive Director should insist on anti-corruption reforms, particularly regarding mining sector transparency, as a condition for a future International Monetary Fund (IMF) Extended Credit Facility loan to the DRC government. In particular, the DRC government should be required to ensure that state-owned companies publish annual financial reports, undergo and publish the results of independent audits, and replace officials in their upper management who have been implicated in large-scale corruption. The DRC government should also be required to ensure that mining contracts and addenda are published.
- **Address conflict gold:** As gold reportedly continues to be among the biggest sources of finance for armed groups in eastern DRC, the U.S. should take action to disrupt illicit supply chains. Doing so, however, requires a regional approach. The U.S. should consider sanctions against companies and middlemen, including in Rwanda, Uganda and United Arab Emirates, which facilitate the illicit export of gold while also working with partners to pursue prosecutions for money laundering and other violations of law related to these issues. Additionally, the State Department should work with the International Conference on the Great Lakes Region (ICGLR) to facilitate negotiations among the governments of DRC, Uganda and Rwanda to harmonize their export taxes on gold. In addition to being a human rights issue in its own right, we saw the tragic consequences of armed groups in mining areas in the ongoing fight against Ebola in eastern DRC.

If the Tshisekedi administration can demonstrate progress in countering corruption and advancing reforms to meet the needs of the Congolese people, it will weaken the predatory system that has plagued the country and left too many of its citizens living in poverty and vulnerable to violence.

We look forward to working with you to support a reformed governance system in DRC that prioritizes the well-being of the Congolese people.

Sincerely,



JAMES E. RISCH  
Chairman



ROBERT MENENDEZ  
Ranking Member



MARCO RUBIO  
United States Senator



BENJAMIN L. CARDIN  
United States Senator

The Honorable Steven T. Mnuchin and the Honorable Michael R. Pompeo

August 17, 2020

Page 4



TED CRUZ  
United States Senator



CHRISTOPHER A. COONS  
United States Senator



DAVID A. PERDUE  
United States Senator

/s/ Tim Kaine

TIM Kaine  
United States Senator



CORY A. BOOKER  
United States Senator

Cc: The Honorable Michael A. Hammer, American Ambassador to the Democratic Republic of the Congo