

Calendar No. 102

116TH CONGRESS
1ST SESSION**S. 1340**

To authorize activities to combat the Ebola outbreak in the Democratic Republic of the Congo, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2019

Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. COONS, and Mr. ISAKSON) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JUNE 3, 2019

Reported by Mr. RISCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To authorize activities to combat the Ebola outbreak in the Democratic Republic of the Congo, and for other purposes.

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 “Ebola Eradication Act
5 of 2019”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The current Ebola outbreak in the Demo-
4 cratic Republic of the Congo, which began in August
5 2018 in eastern Congo, has resulted in 1,554 total
6 cases, and 1,029 deaths.

7 (2) Despite the use of preventive tools and new
8 therapeutics, insecurity and community resistance to
9 response efforts remain major obstacles to ending
10 the current Ebola outbreak in the Democratic Re-
11 public of the Congo, and the outbreak continues to
12 spread.

13 (3) Hospitals, health clinics, and Ebola clinics
14 have been repeatedly attacked by armed actors.

15 (4) On February 28, 2019, Doctors Without
16 Borders suspended its work in Ebola epicenters after
17 two treatment centers were attacked.

18 (5) On April 19, 2019, Dr. Richard Valery
19 Mouzoko Kiboung, an epidemiologist from Cameroon
20 deployed by the World Health Organization to east-
21 ern Congo to help stop the outbreak, was killed in
22 an attack on Butembo University Hospital.

23 (6) In the wake of Dr. Kiboung's death,
24 healthcare workers responding to Ebola have threat-
25 ened to go on strike unless the Government of the

1 Democratic Republic of the Congo takes steps to im-
2 prove security.

3 ~~(7) The Administration released a November~~
4 ~~29, 2018, Presidential Memorandum implementing~~
5 ~~aid restrictions to most countries on Tier 3 of the~~
6 ~~2018 Trafficking In Persons (TIP) report that fully~~
7 ~~restricted non-humanitarian, non-trade related aid to~~
8 ~~the Democratic Republic of the Congo.~~

9 ~~(8) Section 110(d)(5)(B) of the Trafficking Vie-~~
10 ~~tims Protection Act of 2000 (22 U.S.C.~~
11 ~~7107(d)(5)(B)) states, “The President shall exercise~~
12 ~~the [waiver] authority under paragraph (4) when~~
13 ~~necessary to avoid significant adverse effects on vul-~~
14 ~~nerable populations, including women and children.”.~~

15 ~~(9) The President has not exercised the waiver~~
16 ~~authority provided for in section 110(d)(5)(B) of the~~
17 ~~Trafficking in Victims Protection Act of 2000 in re-~~
18 ~~lation to health, education, or community outreach~~
19 ~~activities essential to the success of the Ebola re-~~
20 ~~sponse in the Democratic Republic of the Congo.~~

21 ~~(10) The United States is a critical partner in~~
22 ~~helping the Government of the Democratic Republic~~
23 ~~of the Congo end the current outbreak.~~

1 **SEC. 3. AUTHORIZATION TO ADDRESS THE EBOLA OUT-**
2 **BREAK IN THE DEMOCRATIC REPUBLIC OF**
3 **THE CONGO.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, the Administrator of the United States Agency
6 for International Development is authorized to provide as-
7 sistance for efforts to combat the Ebola outbreak in the
8 Democratic Republic of the Congo and, to the extent nec-
9 essary, in other countries, including assistance intended
10 to lower community resistance to interventions that the
11 Administrator assesses will facilitate efforts to combat the
12 Ebola outbreak.

13 (b) REPORT TO CONGRESS.—Not later than 30 days
14 after the date of the enactment of this Act, the Adminis-
15 trator of the United States Agency for International De-
16 velopment shall submit to the Committee on Foreign Rela-
17 tions of the Senate and the Committee on Foreign Affairs
18 of the House of Representatives a report—

19 (1) describing the actions the Administrator has
20 taken and plans to take under section 3(a) to end
21 the Ebola outbreak in eastern Democratic Republic
22 of the Congo; and

23 (2) proposing any additional legal authorities
24 required to improve the response to the Ebola out-
25 break in eastern Democratic Republic of the Congo.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Ebola Eradication Act*
3 *of 2019”.*

4 **SEC. 2. FINDINGS.**

5 *Congress makes the following findings:*

6 *(1) The current Ebola outbreak in the Demo-*
7 *cratic Republic of the Congo, which began in August*
8 *2018 in eastern Congo, is the second largest in history*
9 *and has resulted in over 1,600 cases and 1,000 deaths.*

10 *(2) Despite the use of preventive tools and new*
11 *therapeutics, insecurity and community resistance to*
12 *response efforts remain major obstacles to ending the*
13 *current Ebola outbreak in the Democratic Republic of*
14 *the Congo, and the outbreak continues to spread.*

15 *(3) Hospitals, health clinics, and Ebola clinics*
16 *have been repeatedly attacked by armed actors.*

17 *(4) On February 28, 2019, Doctors Without Bor-*
18 *ders suspended its work in Ebola epicenters after two*
19 *treatment centers were attacked.*

20 *(5) On April 19, 2019, Dr. Richard Valery*
21 *Mouzoko Kiboung, an epidemiologist from Cameroon*
22 *deployed by the World Health Organization to eastern*
23 *Congo to help stop the outbreak, was killed in an at-*
24 *tack on Butembo University Hospital.*

25 *(6) Healthcare workers responding to Ebola have*
26 *expressed concerns about their ability to continue*

1 *working on the response given the complex security*
2 *situation.*

3 *(7) If the outbreak is not brought under control,*
4 *it risks spreading across the border to neighboring*
5 *countries and endangering millions of people.*

6 *(8) The Administration released a November 29,*
7 *2018, Presidential Memorandum implementing aid*
8 *restrictions to most countries on Tier III of the 2018*
9 *Trafficking In Persons (TIP) report that fully re-*
10 *stricted non-humanitarian, non-trade related aid to*
11 *the Democratic Republic of the Congo.*

12 *(9) Paragraphs (4) and (5) of section 110(d) of*
13 *the Trafficking Victims Protection Act of 2000 (22*
14 *U.S.C. 7107(d)(4) and (5)) authorize the continuation*
15 *of assistance in Tier III countries if such assistance*
16 *is determined to be in the national interest of the*
17 *United States.*

18 *(10) Section 110(d)(5)(B) of the Trafficking Vic-*
19 *tims Protection Act of 2000 (22 U.S.C.*
20 *7107(d)(5)(B)) states, “The President shall exercise*
21 *the [waiver] authority under paragraph (4) when*
22 *necessary to avoid significant adverse effects on vul-*
23 *nerable populations, including women and children.”.*

24 *(11) The President has not exercised the waiver*
25 *authority provided for in section 110(d)(5)(B) of the*

1 *Trafficking in Victims Protection Act of 2000 in rela-*
 2 *tion to health, education, or community outreach ac-*
 3 *tivities essential to the success of the Ebola response*
 4 *in the Democratic Republic of the Congo.*

5 *(12) It is in the national interest of the United*
 6 *States to help control and end the current Ebola out-*
 7 *break in the Democratic Republic of the Congo before*
 8 *it spreads.*

9 **SEC. 3. AUTHORIZATION TO ADDRESS THE EBOLA OUT-**
 10 **BREAK IN THE DEMOCRATIC REPUBLIC OF**
 11 **THE CONGO.**

12 *(a) IN GENERAL.—Notwithstanding section 110 of the*
 13 *Trafficking Victims Protection Act of 2000 (22 U.S.C.*
 14 *7107), the Administrator of the United States Agency for*
 15 *International Development shall immediately provide as-*
 16 *sistance, including multi-sectoral, non-humanitarian, and*
 17 *non-trade related foreign assistance, to the Democratic Re-*
 18 *public of the Congo and other vulnerable countries to effec-*
 19 *tively combat the Ebola outbreak that began in August*
 20 *2018. Subject to the availability of appropriations, such as-*
 21 *sistance shall be provided at levels commensurate with both*
 22 *the threat posed by the Ebola outbreak and an effective re-*
 23 *sponse. Activities to expand and improve access to commu-*
 24 *nities heavily affected by the Ebola outbreak should be*
 25 *prioritized under this section.*

1 (b) *REPORT TO CONGRESS.*—Not later than 30 days
2 after the date of the enactment of this Act, the Adminis-
3 trator of the United States Agency for International Devel-
4 opment shall submit to the Committee on Foreign Relations
5 of the Senate and the Committee on Foreign Affairs of the
6 House of Representatives a report—

7 (1) *describing the actions the Administrator has*
8 *taken and plans to take under section 3(a) to end the*
9 *Ebola outbreak in eastern Democratic Republic of the*
10 *Congo; and*

11 (2) *proposing any additional legal authorities*
12 *required to improve the response to the Ebola out-*
13 *break in eastern Democratic Republic of the Congo.*

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