

**H.R. 2906, TO FACILITATE FAMINE RELIEF EFFORTS AND A COMPREHENSIVE SOLUTION TO THE WAR IN SUDAN**

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**MARKUP**  
BEFORE THE  
SUBCOMMITTEE ON AFRICA  
OF THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

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JULY 27, 2000  
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**H.R. 2906, TO FACILITATE FAMINE RELIEF EFFORTS AND A COMPREHENSIVE SOLUTION TO THE WAR IN SUDAN**

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**THURSDAY, JULY 27, 2000**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON AFRICA,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Subcommittee met, pursuant to notice, at 2:45 p.m. in Room 2255, Rayburn House Office Building, Hon. Ed Royce (Chairman of the Subcommittee) presiding.

Mr. ROYCE. The Subcommittee on Africa meets in open session, pursuant to notice, to mark up House Resolution 2906, the Sudan Peace Act.

The Chair lays the bill before the Subcommittee.

The Clerk will report the title of the bill.

Ms. ALEXANDER. H.R. 2906, a bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

Mr. ROYCE. Without objection, the first reading of the bill is dispensed with.

The Clerk will read the bill for amendment.

Ms. ALEXANDER. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, section 1, short title.

This act may be cited as the "Sudan Peace Act".

Mr. ROYCE. Without objection, the bill is considered as having been read and is open to amendment at any point.

[H.R. 2906 appears in the appendix.]

Mr. ROYCE. Let me just share with the Committee that this bill was introduced on September 21, 1999, by Mr. Watts of Oklahoma and several co-sponsors, including Mr. Payne on this Committee and Mr. Tancredo, and subsequently referred to our Subcommittee.

The Chair would note for the Members that section 7(a)(4)(A) of the bill, the language of page 11, lines 13 through 16, are in the jurisdiction of the Committee on Ways and Means and are not before the Committee.

This Subcommittee originated and the House passed a resolution last year calling what is going on in Sudan genocide. The National Islamic Front government's battle against the people of southern Sudan continues to take a horrific toll. Over the last 20 years, some 2 million people have lost their lives. That is the measure of the tragedy that we are dealing with.

The government also condones the slave trade in Sudan. Sudan is one of the most catastrophic human rights situations faced in the world today.

House Resolution 2906 calls for the U.S. to play a leading role in trying to resolve this crisis. The scale of the suffering there demands this. It also helps to restructure our food relief efforts. There are some 1.7 million people in need of food assistance in Sudan. Food, as it has been for years, is being used as a weapon by the Sudanese government.

The National Islamic Front announced last week that it would not allow relief planes to enter southern Sudan if they had taken off from outside the country. No tactic, however reprehensible, has been spared. Sudan, which has been a state sponsor of terrorism, is a force of destabilization throughout eastern Africa.

Sudan is a very difficult issue on which this Subcommittee has held several hearings. There are no easy answers. The Senate passed a bill I think last week on this subject, and I look forward to working with the administration, with which we have been in contact, as this bill progresses to address concerns the administration may have.

If there aren't any other Members seeking recognition, I think what we will do at this point is recess for a minute and then reconvene.

[Recess.]

Mr. ROYCE. We are going to reconvene at this time; and I am going to ask our Ranking Member, Mr. Payne, to make an opening statement.

Mr. PAYNE. Mr. Chairman, thank you for calling this important markup of H.R. 2906, the Sudan Peace Act, introduced also by Mr. Watts.

As we all know, the people of Sudan have suffered for many, many years under the brutal dictatorship of the extremist National Islamic Front [NIF] government. Over the past decade, as we know and probably have heard before, an estimated 2 million people have died due to famine and war-related causes. In 1998 alone it is estimated that 100,000 people died because the NIF government denied the United Nations' OLS [Operation Lifeline Sudan] humanitarian assistance, much-needed food aid to be delivered to needy regions in the south of Sudan.

In short, more people have died in Sudan than in Bosnia, Kosovo, Somalia and the Congo combined.

This bill reforms Operation Lifeline Sudan and coordinates its efforts within the United Nations to revise the terms of OLS and to end the veto power of the government of Sudan.

It expresses support for USAID's Sudan Transition Assistance for Rehabilitation, STAR, program for democracy and governance.

It supports planning for air transport and relief flights for women and children living near the Nuba Mountains.

This bill calls on the government of Sudan to end its support of slavery. As we debate this bill, many more people will die due to the NIF government and its deliberative and indiscriminate bombings of civilian targets, including hospitals and schools.

On my several trips there, we saw the destabilization that the bombing has done and the threat of bombs coming at any time. We

were asked to be on our best alertness, because there could be the possibility that the Antonovs, old Russian planes, might come.

I always talk about the fact that the chickens here are first, and the children watch the chickens, and they run and people run for cover. So I certainly would have preferred a stronger bill. I support comprehensive sanctions that were placed in the 1997 bill.

I also would have preferred to give direct assistance to the National Democratic Alliance, which is made up of a number of south Sudanese organizations fighting against the Turabi and Bashir government.

So, with reluctance, I will support this bill, but I do think that we are not tough enough on Sudan. We allowed this pariah government to continue, but I will at least move this forward, and hopefully we can get some tougher language in the bill, so the Sudan knows we are serious. In this new millennium, we still should not have slavery tolerated. We should not have terrorists harbored. We should not have people having food used as a weapon.

But, with that, I will, as I indicated, support this legislation. But hopefully at some point we can really get the Administration and this Congress serious about ending this pariah government.

Mr. ROYCE. I thank you, Mr. Payne.

I think Mr. Tancredo wanted to make an opening statement as well.

Mr. TANCREDO. Mr. Chairman, I want to concur with many things that my colleague, Mr. Payne, has said about this bill. I certainly am glad that we are dealing with the issue because, once again, it seems important for us to try and bring this to the attention of the American public and even to the Administration.

I mean, the one line I noticed quickly as I scanned the bill that someone would perhaps take issue with is parentheses 4 on the first page where we say that this bill is important for continued leadership by the United States. I mean, that certainly is something we can challenge, the use of the word "continued" there.

Some leadership is necessary. It is not just necessary. It is, in fact, as is stated, critical. We are trying, sometimes it feels we have our hands tied behind us, to force this Administration, force this government into providing that leadership.

It is now almost 2 years that I have been dealing with this issue. I know that my colleagues here on the Committee, especially Mr. Payne has been around much longer, and has much greater insight as a result of the length of time he spent both on the Committee and with this issue in particular. But I must say that it seems incredibly frustrating to me that after all that has happened in Sudan, after all the attention that has been focused on it by groups around this country, by television programs, Touched By An Angel, a very popular program that focused one of their entire shows on this issue, this is amazing to me that we have not been able to generate more of a response than this bill.

I also know that oftentimes in the Congress we are encouraged to take a more moderate approach in any particular legislation because there are things happening, on the sidelines or behind the scenes and that sort of thing. It gives us some rationale to take this kind of a step where you say, OK, I know if we go any farther than that we may jeopardize some activity. But I know of no other activ-

ity in the Sudan. I know of nothing happening there that we might jeopardize by taking this sort of a weakened step.

So, again, I just must say I am frustrated by our—I do not want to say unwillingness, because I know there are a lot of people desiring to do something, but our inability to do more. It just seems incredible to me that something more can't be done for these people and to bring peace in the region.

Because what this bill does, Mr. Chairman, I think, frankly, is perhaps make the best of a bad situation, but it does not change the situation; and we will have to revisit it. I know, you all know, everybody knows that this does not mean that we now can turn away. I am afraid, to a certain extent, that this is exactly what may happen. We have "the Sudan Peace Act," and then we walk away from the table saying, well, we passed the Sudan Peace Act, for heavens sake. Why isn't there peace? I just don't understand that.

Of course, there isn't peace, because this does so little in terms of actually enforcing it. It gives the President all the power that he already has. It says, over and over again, we approve of this, we encourage you to do that. But, of course, we approved of this, we encouraged him to do these things time and time and time again. There's nothing that really stops him. There's no congressional position that stops the President from taking the kind of action we give him in this document—nothing—absolutely nothing. He could have done it at any time.

I keep going back—and I absolutely do not mean that this is a partisan issue, the fact that Mr. Payne and I, see eye to eye on this as an example of that. But I keep going back to the comment made by Madeleine Albright when confronted with this. She said, in a moment of candor, that perhaps was unsurpassed, she said, this is not marketable in the United States. Sudan is not marketable in the United States.

I recognize the political problems that come about as a result of trying to identify support for a nation in Africa that is the poorest nation on the continent. Perhaps that is it. Perhaps that is really it. It is too poor. What can it really offer us? What can we really expect?

Can there be any major corporations wanting to rush in to Sudan if peace breaks out? Probably not. As a result, there isn't the pressure to do what we did in many other countries, many other areas of the world. It is not profitable enough in Sudan. How much can we make off of it if we bring peace there? If we can't make enough. Why should we push it?

I mean, that is the kind of mentality I think that underlies the lethargy with which we have—I do not want to say dealt with the Sudan, because we have not dealt with Sudan. It is the best of a bad situation. But it doesn't change the situation. For that, I am very, very sorry.

But I also want to say, Mr. Chairman, Members, I recognize fully well that if there is any Member of this Committee that could have done more, they would have. It is not because anyone sitting here has a desire to keep us from ending this situation in a positive way. I know that is true. It is—I guess you are just hearing the

rantings of a freshman Congressman who is trying to deal with the frustrations that this place presents him with.

Mr. ROYCE. Let me say I appreciate the frustration of the gentleman from Colorado. As a matter of fact, I share that frustration. I think many of us on this Committee do. We have had a string of hearings on Sudan where we have witnessed schoolchildren in the audience who have bought slaves back in order to try to buy them their freedom.

I am myself absolutely appalled and astounded that things like genocide and slavery can continue as we speak in this world today, and so I share your angst over what is happening in the Sudan. I think that one of the questions we have, one of the tough decisions we have, is whether to move legislation which can make it out of the Senate and get to the President's desk in order to leverage as much as possible.

So we are faced with a tough choice, but one choice that we can make, that we can move to take up the Senate-passed bill, S. 1453, and if we do that, if we do that without objection, we can basically set aside H.R. 2906, the House measure, bring up the Senate-passed bill, get it from this Committee to the Full Committee and to the Floor and to the President's desk and, thus, have some impact.

So that is the tough choice we are faced with, but, if there is no objection, that is what I am going to recommend at this time, putting aside H.R. 2906.

Before I do that, I want to recognize my colleague from California, Mr. Campbell, if I could, at this time.

Mr. CAMPBELL. I thank the Chairman.

I will be supportive of your effort. I want to thank you for your leadership. I mean, you have tremendously. You have not dropped this ball.

Second, I want to applaud the passion and depth of commitment of all Members of this Committee, but particularly of Don Payne and Tom Tancredo. I know you wanted something else. That is a fact.

There will, I think, be a debate in the Full Committee on whether we should do that "something else." I want to just say that I came to this whole debate late, but there was a serious jurisdictional issue Ways and Means might have presented keeping us from doing anything.

So by Mr. Payne's kindness as the representative of the minority party on this Committee, we are allowed to advance, which, but for his kindness we would not. But when we have that debate—and I simply want to say this because, in this one respect, possibly, my views are different, I don't want to hide them, I am not convinced that embargoes are the right way to go.

I say that having visited Haiti three times in my life. I really do wonder whether the embargo we had then during the Cedras regime helped or hurt the people we were trying to help, got eventually Haiti at least from that tyranny. But when we go there afterwards, we see a devastated economy. I wonder, did it really affect the powerful? Did it affect the oligarchs? Did it affect the families that were running things? I am not sure it did.

But I would take a little bit of convincing embargo is the way to go, and I will express that view when we will have full debate in Full Committee, and I thank you for your kindness in both respects.

Mr. ROYCE. I would now, without objection, set aside H.R. 2906 and call up instead S. 1453.

The Clerk will report the title.

Ms. ALEXANDER. S. 1453, an act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

Mr. ROYCE. Without objection, the first reading of the bill is dispensed with.

The Clerk will read the bill for amendment.

Ms. ALEXANDER. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, section 1, short title.

This act may be cited as the "Sudan Peace Act."

Mr. ROYCE. Without objection, the bill is considered as having been read and is open to amendment at any point.

[S. 1453 appears in the appendix.]

Mr. ROYCE. I would ask if there are any other Members seeking recognition or seeking to offer amendments or wanting to make additional comments on the legislation.

Mr. TANCREDO. Mr. Chairman, just that one thing. Let me make an initial comment, in order to clear up something else that my colleague, Mr. Campbell, mentioned here, my concern doesn't rest only with the fact that we do not have sanctions in this bill or embargoes. I would go much farther than that.

I may actually agree with you that embargoes may not be the solution. There are things I would like to do much more dramatic than even the original bill had in store for it. I do want to have the debate when we get to the Full Committee, but it will be hopefully with issues even beyond embargoes. It wasn't just that thing that I was concerned about.

Mr. ROYCE. I would ask now if there is a motion.

Mr. CAMPBELL. Mr. Chairman.

Mr. ROYCE. I recognize the gentleman from California.

Mr. CAMPBELL. I move the Subcommittee report the bill S. 1453 favorably to the Full Committee.

Mr. ROYCE. Without objection, the motion is agreed to, and the question is now on the ayes and noes.

Mr. PAYNE. Mr. Chairman, after the bill is passed—I guess the meeting is over, but I, too, would like to associate my remarks with the gentleman from California. He has indicated and I also feel that if there was some way to get a stronger piece of legislation at this point through that you certainly have demonstrated a very strong interest in trying to be a progressive Chairman, and I want to think of a term so that I don't hurt you in your district, but I do want to indicate that.

[Laughter.]

I know that if there was some way to get around this, that perhaps you would also want to see it. I know that you want to see the situation in Sudan changed just as much as we do. I just wanted to put that on the record.

Mr. ROYCE. Progressive is deemed a positive term in Orange County, CA, Mr. Payne.

[Laughter.]

Mr. PAYNE. OK.

Mr. ROYCE. I thank you for those remarks.

I think we should move to a vote of the ayes and noes. All those in favor, say aye. Those opposed.

The motion is agreed to, and it will advance to Full Committee.

This Subcommittee stands adjourned.

[Whereupon, at 3:10 p.m., the Subcommittee was adjourned.]



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**A P P E N D I X**

JULY 27, 2000

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106TH CONGRESS  
1ST SESSION

# H. R. 2906

To facilitate famine relief efforts and a comprehensive solution to the war  
in Sudan.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1999

Mr. WATTS of Oklahoma (for himself, Mr. PAYNE, Mr. TANCREDO, Mr. MARKEY, and Mr. WOLF) introduced the following bill: which was referred to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To facilitate famine relief efforts and a comprehensive  
solution to the war in Sudan.

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 "Sudan Peace Act".

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) With clear indications that the Government  
8 of Sudan intends to intensify its prosecution of the

1 war against areas outside of its control, which has  
2 already cost nearly 2,000,000 lives and has displaced  
3 more than 4,000,000, a sustained and coordinated  
4 international effort to pressure combatants to end  
5 hostilities and to address the roots of the conflict of-  
6 fers the best opportunity for a comprehensive solu-  
7 tion to the continuing war in Sudan.

8 (2) A viable, comprehensive, and internationally  
9 sponsored peace process, protected from manipula-  
10 tion, presents the best chance for a permanent reso-  
11 lution of the war, protection of human rights, and  
12 a self-sustaining Sudan.

13 (3) Continued strengthening of humanitarian  
14 relief operations in Sudan is an essential element in  
15 the effort to bring an end to the war.

16 (4) Continued leadership by the United States  
17 is critical.

18 (5) Regardless of the future political status of  
19 the areas of Sudan outside of the control of the Gov-  
20 ernment of Sudan, the absence of credible civil au-  
21 thority and institutions is a major impediment to  
22 achieving self-sustenance by the Sudanese people  
23 and to meaningful progress toward a viable peace  
24 process.

1           (6) Through manipulation of traditional rival-  
2           ries among peoples in areas outside their full con-  
3           trol, the Government of Sudan has effectively used  
4           divide and conquer techniques to subjugate their  
5           population, and Congress finds that internationally  
6           sponsored reconciliation efforts have played a critical  
7           role in reducing the tactic's effectiveness and human  
8           suffering.

9           (7) The Government of Sudan is increasingly  
10          utilizing and organizing militias, Popular Defense  
11          Forces, and other irregular troops for raiding and  
12          slaving parties in areas outside of the control of the  
13          Government of Sudan in an effort to severely disrupt  
14          the ability of those populations to sustain them-  
15          selves. The tactic is in addition to the overt use of  
16          bans on air transport relief flights in prosecuting the  
17          war through selective starvation and to minimize the  
18          Government of Sudan's accountability internation-  
19          ally.

20          (8) The Government of Sudan has repeatedly  
21          stated that it intends to use the expected proceeds  
22          from future oil sales to increase the tempo and  
23          lethality of the war against the areas outside its con-  
24          trol.

1           (9) Through its power to veto plans for air  
2 transport flights under the United Nations relief op-  
3 eration, Operation Lifeline Sudan (OLS), the Gov-  
4 ernment of Sudan has been able to manipulate the  
5 receipt of food aid by the Sudanese people from the  
6 United States and other donor countries as a dev-  
7 astating weapon of war in the ongoing effort by the  
8 Government of Sudan to subdue areas of Sudan out-  
9 side of the Government's control.

10           (10) The United States and other donors' ef-  
11 forts in delivering relief and assistance through  
12 means outside OLS have played a critical role in ad-  
13 dressing the deficiencies in OLS and offset the Gov-  
14 ernment of Sudan's manipulation of food donations  
15 to advantage in the civil war in Sudan.

16           (11) While the immediate needs of selected  
17 areas in Sudan facing starvation have been ad-  
18 dressed in the near term, the population in areas of  
19 Sudan outside of the control of the Government of  
20 Sudan are still in danger of extreme disruption of  
21 their ability to sustain themselves.

22           (12) The Nuba Mountains and many areas in  
23 Bahr al Ghazal, Upper Nile, and Blue Nile regions  
24 have been excluded completely from relief distribu-

1 tion by OLS, consequently placing their populations  
2 at increased risk of famine.

3 (13) At a cost which can exceed \$1,000,000 per  
4 day, and with a primary focus on providing only for  
5 the immediate food needs of the recipients, the cur-  
6 rent international relief operations are neither sus-  
7 tainable nor desirable in the long term.

8 (14) The ability of populations to defend them-  
9 selves against attack in areas outside the Govern-  
10 ment of Sudan's control has been severely com-  
11 promised by the disengagement of the front-line  
12 sponsor states, fostering the belief within officials of  
13 the Government of Sudan that success on the battle-  
14 field will be achieved.

15 (15) The United States should use all means of  
16 pressure available to facilitate a comprehensive solu-  
17 tion to the war, including—

18 (A) the maintenance or strengthening of  
19 sanctions against the Government of Sudan;

20 (B) the support or creation of viable demo-  
21 cratic civil authority and institutions in areas of  
22 Sudan outside government control;

23 (C) continued active support of people-to-  
24 people reconciliation mechanisms and efforts in  
25 areas outside of government control;

1 (D) the strengthening of the mechanisms  
2 to provide relief to those areas;

3 (E) cooperation among the trading part-  
4 ners of the United States and within multilat-  
5 eral institutions toward those ends; and

6 (F) the use of any and all possible unilat-  
7 eral and multilateral economic and diplomatic  
8 means to compel Ethiopia and Eritrea to end  
9 their hostilities and again assume a constructive  
10 stance toward facilitating a comprehensive solu-  
11 tion to the ongoing war in Sudan.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) GOVERNMENT OF SUDAN.—The term “Gov-  
15 ernment of Sudan” means the National Islamic  
16 Front government in Khartoum, Sudan.

17 (2) IGAD.—The term “IGAD” means the  
18 Inter-Governmental Authority on Development.

19 (3) OLS.—The term “OLS” means the United  
20 Nations relief operation carried out by UNICEF, the  
21 World Food Program, and participating NGOs  
22 known as “Operation Lifeline Sudan”.

1 **SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN**  
2 **RIGHTS ABUSES, AND NEW TACTICS BY THE**  
3 **GOVERNMENT OF SUDAN.**

4 Congress hereby—

5 (1) condemns—

6 (A) violations of human rights on all sides  
7 of the conflict in Sudan;

8 (B) the Government of Sudan's overall  
9 human rights record, with regard to both the  
10 prosecution of the war and the denial of basic  
11 human and political rights to all Sudanese;

12 (C) the ongoing slave trade in Sudan and  
13 the role of the Government of Sudan in abet-  
14 ting and tolerating the practice; and

15 (D) the Government of Sudan's increasing  
16 use and organization of "muraHalliin", Popular  
17 Defense Forces (PDF), and regular Sudanese  
18 Army units into organized and coordinated  
19 raiding and slaving parties in Bahr al Ghazal,  
20 the Nuba Mountains, Upper Nile, and Blue  
21 Nile regions; and

22 (2) recognizes that, along with selective bans on  
23 air transport relief flights by the Government of  
24 Sudan, the use of raiding and slaving parties is a  
25 tool for creating food shortages and is used as a sys-  
26 tematic means to destroy the societies, culture, and

1 economies of the Dinka and Nuba peoples in a policy  
2 of low-intensity ethnic cleansing.

3 **SEC. 5. SUPPORT FOR THE IGAD PEACE PROCESS.**

4 (a) SENSE OF CONGRESS.—Congress hereby—

5 (1) declares its support for the efforts by execu-  
6 tive branch officials of the United States to lead in  
7 a reinvigoration of the IGAD-sponsored peace proc-  
8 ess;

9 (2) calls on IGAD member states, the European  
10 Union, the Organization of African Unity, Egypt,  
11 and other key states to support the peace process;  
12 and

13 (3) urges Kenya's leadership in the implementa-  
14 tion of the process.

15 (b) RELATION TO UNITED STATES DIPLOMACY.—It  
16 is the sense of Congress that any such diplomatic efforts  
17 toward resolution of the conflict in Sudan are best made  
18 through IGAD and that the President must not create any  
19 process or diplomatic facility or office which could be  
20 viewed as a parallel or competing diplomatic track.

21 (c) UNITED STATES DIPLOMATIC SUPPORT.—The  
22 Secretary of State is authorized to utilize the personnel  
23 of the Department of State for the support of—

24 (1) the secretariat of IGAD;

1           (2) the ongoing negotiations between the Gov-  
2           ernment of Sudan and opposition forces;

3           (3) any peace settlement planning to be carried  
4           out by the National Democratic Alliance and IGAD  
5           Partners' Forum (IPF); and

6           (4) other United States diplomatic efforts with  
7           respect to Sudan.

8   **SEC. 6. INCREASED PRESSURE ON COMBATANTS.**

9           It is the sense of Congress that the President, acting  
10          through the United States Permanent Representative to  
11          the United Nations, should—

12          (1) sponsor a resolution in the United Nations  
13          Security Council to investigate the practice of slav-  
14          ery in Sudan and provide recommendations on meas-  
15          ures for its eventual elimination;

16          (2) sponsor a condemnation of the human  
17          rights practices of the Government of Sudan at the  
18          United Nations conference on human rights in Gene-  
19          va in 2000;

20          (3) press for implementation of the rec-  
21          ommendations of the United Nations Special  
22          Rapporteur for Sudan with respect to human rights  
23          monitors in Sudan;

24          (4) press for UNICEF, International Com-  
25          mittee of the Red Cross, or the International Fed-

1       eration of Red Cross and Red Creseent Societies, or  
2       other appropriate international organizations or  
3       agencies to maintain a registry of those individuals  
4       who have been abducted or are otherwise held in  
5       bondage or servitude in Sudan;

6           (5) sponsor a resolution in the United Nations  
7       General Assembly condemning the human rights vio-  
8       lations of the Government of Sudan; and

9           (6) sponsor a resolution of condemnation in the  
10       United Nations each time the Government of Sudan  
11       conducts an aerial bombardment of a civilian target.

12 **SEC. 7. SUPPORTING SANCTIONS AGAINST SUDAN.**

13       (a) SANCTIONS.—Until the President determines,  
14       and so certifies to Congress, that the Government of  
15       Sudan has—

16           (1) fully committed to and has made verifiable  
17       progress toward a comprehensive, peaceful solution  
18       to the war or has otherwise committed to and made  
19       verifiable progress in a good faith effort with both  
20       northern and southern opposition toward a com-  
21       prehensive solution to the conflict based on the Dec-  
22       laration of Principles reached in Nairobi Kenya, on  
23       July 20, 1994,

24           (2) made substantial and verifiable progress in  
25       controlling the raiding and slaving activities of all

1 regular and irregular forces, including Popular De-  
2 fense Forces and other militias and murahallin,

3 (3) instituted credible reforms with regard to  
4 providing basic human and civil rights to all Suda-  
5 nese, and

6 (4) ceased aerial bombardment of civilian tar-  
7 gets,

8 the following are prohibited, except to the extent provided  
9 in section 203(b) of the International Emergency Eco-  
10 nomic Powers Act (50 U.S.C. 1702(b)) and in regulations,  
11 orders, directives, or licenses that may be issued pursuant  
12 to this section:

13 (A) The importation into the United States  
14 of any goods or services of Sudanese origin,  
15 other than information or informational mate-  
16 rials.

17 (B) The exportation or reexportation, di-  
18 rectly or indirectly, to Sudan of any goods,  
19 technology (including technical data, software,  
20 or other information), or services from the  
21 United States or by a United States person,  
22 wherever located, or requiring the issuance of a  
23 license by a Federal agency, except for dona-  
24 tions of articles intended to relieve human suf-  
25 fering, such as food, clothing, and medicine.

1           (C) The facilitation by a United States  
2 person, including but not limited to brokering  
3 activities of the exportation or reexportation of  
4 goods, technology, or services from Sudan to  
5 any destination, or to Sudan from any location.

6           (D) The performance by any United States  
7 person of any contract, including a financing  
8 contract, or use of any other financial instru-  
9 ment, in support of an industrial, commercial,  
10 public utility, or governmental project in Sudan.

11           (E) The grant or extension of credits or  
12 loans by any United States person to the Gov-  
13 ernment of Sudan.

14           (F) Any transaction by a United States  
15 person relating to transportation of cargo to or  
16 from Sudan; the provision of transportation of  
17 cargo to or from the United States by any Su-  
18 danese person or any vessel or aircraft of Suda-  
19 nese registration; or the sale in the United  
20 States by any person holding authority under  
21 subtitle 7 of title 49, United States Code, of  
22 any transportation of cargo by air that includes  
23 any stop in Sudan.

24           (G) Any transaction by any United States  
25 person or within the United States that evades

1           or avoids, or has the purpose of evading or  
2           avoiding, or attempts to violate, any of the pro-  
3           hibitions set forth in this section.

4           (b) SENSE OF CONGRESS.—It is the sense of Con-  
5           gress that the sanctions in subsection (a), and in the  
6           President’s Executive Order of November 4, 1997, should  
7           be applied to include the sale of stocks in the United  
8           States or to any United States person, wherever located,  
9           or any other form of financial instruments or derivatives,  
10          in support of a commercial, industrial, public utility, or  
11          government project or transaction in or with Sudan.

12          (c) NATIONAL SECURITY WAIVER.—The President  
13          may waive the application of any of the sanctions de-  
14          scribed in subsection (a) if he determines and certifies to  
15          Congress that it is important to the national security of  
16          the United States to do so.

17          (d) REPORT.—Beginning 3 months after the date of  
18          enactment of this Act, and every 3 months thereafter, the  
19          President shall submit a report to Congress on—

20                 (1) the specific sources and current status of  
21                 Sudan’s financing and construction of oil exploi-  
22                 tation infrastructure and pipelines;

23                 (2) the extent to which that financing was se-  
24                 cured in the United States or with involvement of  
25                 United States citizens;

1           (3) such financing's relation to the sanctions  
2 described in subsection (a) and the Executive Order  
3 of November 4, 1997;

4           (4) the extent of aerial bombardment by the  
5 Government of Sudan forces in areas outside its con-  
6 trol, including targets, frequency, and best estimates  
7 of damage;

8           (5) the number, duration, and locations of air  
9 strips or other humanitarian relief facilities to which  
10 access is denied by any party to the conflict; and

11           (6) the status of the IGAD-sponsored peace  
12 process or any other ongoing efforts to end the con-  
13 flict, including the specific and verifiable steps taken  
14 by parties to the conflict, the members of the IGAD  
15 Partners Forum, and the members of IGAD toward  
16 a comprehensive solution to the war.

17           (e) STATUTORY CONSTRUCTION.—Nothing in this  
18 section shall prohibit—

19           (1) transactions for the conduct of the official  
20 business of the Federal Government or the United  
21 Nations by employees thereof;

22           (2) transactions in Sudan for journalistic activ-  
23 ity by persons regularly employed in such capacity  
24 by a news-gathering organization; or

25           (3) legitimate humanitarian operations.

1 (f) DEFINITIONS.—In this section—

2 (1) the term “entity” means a partnership, as-  
3 sociation, trust, joint venture, corporation, or other  
4 organization;

5 (2) the term “Government of Sudan” includes  
6 the Government of Sudan, its agencies, instrumen-  
7 talities and controlled entities, and the Central Bank  
8 of Sudan;

9 (3) the term “person” means an individual or  
10 entity; and

11 (4) the term “United States person” means any  
12 United States citizen, permanent resident alien, enti-  
13 ty organized under the laws of the United States  
14 (including foreign branches), or any person in the  
15 United States.

16 **SEC. 8. REFORM OF OPERATION LIFELINE SUDAN (OLS).**

17 It is the sense of Congress that the President should  
18 organize and maintain a formal consultative process with  
19 the European Union, its member states, the members of  
20 the United Nations Security Council, and other relevant  
21 parties on coordinating an effort within the United Na-  
22 tions to revise the terms of OLS to end the veto power  
23 of the Government of Sudan over the plans by OLS for  
24 air transport relief flights.

1 **SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR**  
2 **RELIEF EFFORTS.**

3 (a) FINDING.—Congress recognizes the progress  
4 made by officials of the executive branch of Government  
5 toward greater utilization of non-OLS agencies for more  
6 effective distribution of United States relief contributions.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that the President should continue to increase the  
9 use of non-OLS agencies in the distribution of relief sup-  
10 plies in southern Sudan.

11 (c) REPORT.—Not later than 90 days after the date  
12 of enactment of this Act, the President shall submit a de-  
13 tailed report to Congress describing the progress made to-  
14 ward carrying out subsection (b).

15 **SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANS-**  
16 **PORT RELIEF FLIGHTS.**

17 (a) PLAN.—The President shall develop a detailed  
18 and implementable contingency plan to provide, outside  
19 United Nations auspices, the greatest possible amount of  
20 United States Government and privately donated relief to  
21 all affected areas in Sudan, including the Nuba Moun-  
22 tains, Upper Nile, and Blue Nile, in the event the Govern-  
23 ment of Sudan imposes a total, partial, or incremental ban  
24 on OLS air transport relief flights.

25 (b) ELEMENT OF PLAN.—The plan developed under  
26 subsection (a) shall include coordination of other donors

1 in addition to the United States Government and private  
2 institutions.

3 (c) REPORT.—Not later than 2 months after the date  
4 of enactment of this Act, the President shall submit a clas-  
5 sified report to Congress on the costs and startup time  
6 such a plan would require in the event of a total ban on  
7 air transport relief flights or in the event of a partial or  
8 incremental ban on such flights if the President has made  
9 the determination required by subsection (a)(2).

10 (d) REPROGRAMMING AUTHORITY.—Notwith-  
11 standing any other provision of law, in carrying out the  
12 plan developed under subsection (a), the President may  
13 reprogram up to 100 percent of the funds available for  
14 support of OLS operations (but for this subsection) for  
15 the purposes of the plan.

16 **SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION**  
17 **ASSISTANCE FOR REHABILITATION (STAR)**  
18 **PROGRAM.**

19 (a) SENSE OF CONGRESS.—Congress hereby ex-  
20 presses its support for the President's ongoing efforts to  
21 diversify and increase effectiveness of United States as-  
22 sistance to populations in areas of Sudan outside of the  
23 control of the Government of Sudan, especially the long-  
24 term focus shown in the Sudan Transition Assistance for  
25 Rehabilitation (STAR) program with its emphasis on pro-

1 moting future democratic governance, rule of law, building  
 2 indigenous institutional capacity, promoting and enhance-  
 3 ing self-reliance, and actively supporting people-to-people  
 4 reconciliation efforts.

5 (b) ALLOCATION OF FUNDS.—Of the amounts made  
 6 available to carry out chapter 1 of part I of the Foreign  
 7 Assistance Act of 1961 (22 U.S.C. 2151 et seq., relating  
 8 to development assistance) for the period beginning on Oc-  
 9 tober 1, 1999, and ending on September 30, 2002,  
 10 \$16,000,000 shall be available for development of a viable  
 11 civil authority, and civil and commercial institutions, in  
 12 Sudan, including the provision of technical assistance, and  
 13 for people-to-people reconciliation efforts.

14 **SEC. 12. ASSESSMENT AND PLANNING FOR NUBA MOUN-**  
 15 **TAINS AND OTHER AREAS SUBJECT TO BANS**  
 16 **ON AIR TRANSPORT RELIEF FLIGHTS.**

17 (a) FINDING.—Congress recognizes that civilians in  
 18 the Nuba Mountains, Red Sea Hills, and Blue Nile regions  
 19 of Sudan are not receiving assistance through OLS due  
 20 to restrictions by the Government of Sudan.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-  
 22 gress that the President should—

23 (1) conduct comprehensive assessment of the  
 24 humanitarian needs in the Nuba Mountains, Red  
 25 Sea Hills and Blue Nile regions of Sudan:

1           (2) respond appropriately to those needs based  
2           on such assessment; and

3           (3) report to Congress on an annual basis on  
4           efforts made under paragraph (2).

5 **SEC. 13. PROTECTING HUMANITARIAN OPERATIONS, SEPA-**  
6           **RATING CIVILIANS FROM COMBATANTS, AND**  
7           **REDUCING FOOD DIVERSION.**

8           (a) FINDINGS.—Congress finds that—

9           (1) diversion of food assistance from civilians to  
10          combatants is a hindrance to an effective and com-  
11          prehensive relief effort;

12          (2) the proximity of combatants to humani-  
13          tarian operations for noncombatants poses a security  
14          risk for both humanitarian relief personnel and for  
15          those they serve;

16          (3) the lack of a reliable and adequate means  
17          of securing food is a major factor in the ability of  
18          populations in areas outside of the control of the  
19          Government of Sudan to defend themselves from ag-  
20          gression by Government of Sudan forces and related  
21          militias or paramilitary groups, thus resulting in di-  
22          versions of food; and

23          (4) options to address the situation are very  
24          limited.

1 (b) AUTHORITY TO PROVIDE DIRECT FOOD ASSIST-  
2 ANCE.—

3 (1) AUTHORITY.—For the purpose of mini-  
4 mizing diversions of food assistance and to insulate  
5 noncombatants and the relief operations which serve  
6 them from combatants in areas outside the control  
7 of the Government of Sudan, the President is au-  
8 thorized to provide food assistance directly to the  
9 National Democratic Alliance participants or other  
10 groups engaged in the protection of civilian popu-  
11 lations from attacks from regular government forces,  
12 associated militias, or other paramilitary groups sup-  
13 ported by the Government of Sudan.

14 (2) SUPERSEDES EXISTING LAW.—The author-  
15 ity of paragraph (1) supersedes any other provision  
16 of law.

17 (c) LIMITATION.—The assistance described in sub-  
18 section (b) may only be provided in such a way that—

19 (1) does not endanger, compromise, or other-  
20 wise reduce the United States support for existing  
21 unilateral, multilateral, or private humanitarian op-  
22 erations or the beneficiaries of those operations; or

23 (2) compromise any ongoing or future people-  
24 to-people reconciliation efforts in Sudan.

1 (d) RELATION TO CURRENT OR FUTURE HUMANI-  
2 TARIAN OPERATIONS.—The assistance described in sub-  
3 section (b) shall be implemented separate from and not  
4 in proximity to current humanitarian efforts, both within  
5 Operation Lifeline Sudan or outside of Operation Lifeline  
6 Sudan, or any other current or future humanitarian oper-  
7 ations which serve noncombatants.

8 (e) DETERMINATIONS OF ELIGIBILITY.—In deter-  
9 mining the eligibility of potential recipients described in  
10 subsection (b), the President shall take into account the  
11 groups' respect for human rights, civil authority, civil in-  
12 stitutions, and the integrity of ongoing humanitarian oper-  
13 ations.

14 (f) REPORT.—The President shall submit a report to  
15 Congress, in classified form if necessary—

16 (1) describing the effectiveness in preventing di-  
17 versions of such food assistance;

18 (2) whether or not the provision of such food  
19 assistance has resulted in or has the potential to in-  
20 advertently allow for the enrichment of any indi-  
21 vidual or organization by the resale or other transfer  
22 of the assistance for other purposes, either to the in-  
23 tended recipients or other parties;

1           (3) whether such operations have affected ongoing humanitarian operations described in subsections  
2           (e) or operations described in subsection (d); and

3           (4) the extent to which the provision of assistance in subsection (b) has impacted respect for  
4           human rights and rule of law.  
5  
6

○

106TH CONGRESS  
1ST SESSION

# S. 1453

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## AN ACT

To facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

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 “Sudan Peace Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) With clear indications that the Government  
4 of Sudan intends to intensify its prosecution of the  
5 war against areas outside of its control, which has  
6 already cost nearly 2,000,000 lives and has displaced  
7 more than 4,000,000, a sustained and coordinated  
8 international effort to pressure combatants to end  
9 hostilities and to address the roots of the conflict of-  
10 fers the best opportunity for a comprehensive solu-  
11 tion to the continuing war in Sudan.

12 (2) A viable, comprehensive, and internationally  
13 sponsored peace process, protected from manipula-  
14 tion, presents the best chance for a permanent reso-  
15 lution of the war, protection of human rights, and  
16 a self-sustaining Sudan.

17 (3) Continued strengthening of humanitarian  
18 relief operations in Sudan is an essential element in  
19 the effort to bring an end to the war.

20 (4) Continued leadership by the United States  
21 is critical.

22 (5) Regardless of the future political status of  
23 the areas of Sudan outside of the control of the Gov-  
24 ernment of Sudan, the absence of credible civil au-  
25 thority and institutions is a major impediment to  
26 achieving self-sustenance by the Sudanese people

1 and to meaningful progress toward a viable peace  
2 process.

3 (6) Through manipulation of traditional rival-  
4 ries among peoples in areas outside their full con-  
5 trol, the Government of Sudan has effectively used  
6 divide and conquer techniques to subjugate their  
7 population, and Congress finds that internationally  
8 sponsored reconciliation efforts have played a critical  
9 role in reducing the tactic's effectiveness and human  
10 suffering.

11 (7) The Government of Sudan is increasingly  
12 utilizing and organizing militias, Popular Defense  
13 Forces, and other irregular troops for raiding and  
14 slaving parties in areas outside of the control of the  
15 Government of Sudan in an effort to severely disrupt  
16 the ability of those populations to sustain them-  
17 selves. The tactic is in addition to the overt use of  
18 bans on air transport relief flights in prosecuting the  
19 war through selective starvation and to minimize the  
20 Government of Sudan's accountability internation-  
21 ally.

22 (8) The Government of Sudan has repeatedly  
23 stated that it intends to use the expected proceeds  
24 from future oil sales to increase the tempo and

1 lethality of the war against the areas outside its con-  
2 trol.

3 (9) Through its power to veto plans for air  
4 transport flights under the United Nations relief op-  
5 eration, Operation Lifeline Sudan (OLS), the Gov-  
6 ernment of Sudan has been able to manipulate the  
7 receipt of food aid by the Sudanese people from the  
8 United States and other donor countries as a dev-  
9 astating weapon of war in the ongoing effort by the  
10 Government of Sudan to subdue areas of Sudan out-  
11 side of the Government's control.

12 (10) The efforts of the United States and other  
13 donors in delivering relief and assistance through  
14 means outside OLS have played a critical role in ad-  
15 dressing the deficiencies in OLS and offset the Gov-  
16 ernment of Sudan's manipulation of food donations  
17 to advantage in the civil war in Sudan.

18 (11) While the immediate needs of selected  
19 areas in Sudan facing starvation have been ad-  
20 dressed in the near term, the population in areas of  
21 Sudan outside of the control of the Government of  
22 Sudan are still in danger of extreme disruption of  
23 their ability to sustain themselves.

24 (12) The Nuba Mountains and many areas in  
25 Bahr al Ghazal, Upper Nile, and Blue Nile regions

1 have been excluded completely from relief distribu-  
2 tion by OLS, consequently placing their populations  
3 at increased risk of famine.

4 (13) At a cost which can exceed \$1,000,000 per  
5 day, and with a primary focus on providing only for  
6 the immediate food needs of the recipients, the cur-  
7 rent international relief operations are neither sus-  
8 tainable nor desirable in the long term.

9 (14) The ability of populations to defend them-  
10 selves against attack in areas outside the Govern-  
11 ment of Sudan's control has been severely com-  
12 promised by the disengagement of the front-line  
13 sponsor states, fostering the belief within officials of  
14 the Government of Sudan that success on the battle-  
15 field can be achieved.

16 (15) The United States should use all means of  
17 pressure available to facilitate a comprehensive solu-  
18 tion to the war, including—

19 (A) the maintenance and  
20 multilateralization of sanctions against the Gov-  
21 ernment of Sudan with explicit linkage of those  
22 sanctions to peace;

23 (B) the support or creation of viable demo-  
24 cratic civil authority and institutions in areas of  
25 Sudan outside government control;

1 (C) continued active support of people-to-  
2 people reconciliation mechanisms and efforts in  
3 areas outside of government control;

4 (D) the strengthening of the mechanisms  
5 to provide humanitarian relief to those areas;

6 (E) cooperation among the trading part-  
7 ners of the United States and within multilat-  
8 eral institutions toward those ends; and

9 (F) the use of any and all possible unilat-  
10 eral and multilateral economic and diplomatic  
11 tools to compel Ethiopia and Eritrea to end  
12 their hostilities and again assume a constructive  
13 stance toward facilitating a comprehensive solu-  
14 tion to the ongoing war in Sudan.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) GOVERNMENT OF SUDAN.—The term “Gov-  
18 ernment of Sudan” means the National Islamic  
19 Front government in Khartoum, Sudan.

20 (2) IGAD.—The term “IGAD” means the  
21 Inter-Governmental Authority on Development.

22 (3) OLS.—The term “OLS” means the United  
23 Nations relief operation carried out by UNICEF, the  
24 World Food Program, and participating relief orga-  
25 nizations known as “Operation Lifeline Sudan”.

1 **SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN**  
2 **RIGHTS ABUSES, AND NEW TACTICS BY THE**  
3 **GOVERNMENT OF SUDAN.**

4 Congress hereby—

5 (1) condemns—

6 (A) violations of human rights on all sides  
7 of the conflict in Sudan;

8 (B) the Government of Sudan's overall  
9 human rights record, with regard to both the  
10 prosecution of the war and the denial of basic  
11 human and political rights to all Sudanese;

12 (C) the ongoing slave trade in Sudan and  
13 the role of the Government of Sudan in abet-  
14 ting and tolerating the practice; and

15 (D) the Government of Sudan's increasing  
16 use and organization of "murahalliin" or  
17 "mujahadeen", Popular Defense Forces (PDF),  
18 and regular Sudanese Army units into orga-  
19 nized and coordinated raiding and slaving par-  
20 ties in Bahr al Ghazal, the Nuba Mountains,  
21 Upper Nile, and Blue Nile regions; and

22 (2) recognizes that, along with selective bans on  
23 air transport relief flights by the Government of  
24 Sudan, the use of raiding and slaving parties is a  
25 tool for creating food shortages and is used as a sys-  
26 tematic means to destroy the societies, culture, and

1 economies of the Dinka, Nuer, and Nuba peoples in  
2 a policy of low-intensity ethnic cleansing.

3 **SEC. 5. SUPPORT FOR THE IGAD PEACE PROCESS.**

4 (a) SENSE OF CONGRESS.—Congress hereby—

5 (1) declares its support for the efforts by execu-  
6 tive branch officials of the United States and the  
7 President's Special Envoy for Sudan to lead in a re-  
8 invigoration of the IGAD-sponsored peace process;

9 (2) calls on IGAD member states, the European  
10 Union, the Organization of African Unity, Egypt,  
11 and other key states to support the peace process;  
12 and

13 (3) urges Kenya's leadership in the implementa-  
14 tion of the process.

15 (b) RELATION TO UNITED STATES DIPLOMACY.—It  
16 is the sense of Congress that any such diplomatic efforts  
17 toward resolution of the conflict in Sudan are best made  
18 through a peace process based on the Declaration of Prin-  
19 ciples reached in Nairobi, Kenya, on July 20, 1994, and  
20 that the President should not create any process or diplo-  
21 matic facility or office which could be viewed as a parallel  
22 or competing diplomatic track.

23 (c) UNITED STATES DIPLOMATIC SUPPORT.—The  
24 Secretary of State is authorized to utilize the personnel  
25 of the Department of State for the support of—

- 1 (1) the secretariat of IGAD;
- 2 (2) the ongoing negotiations between the Gov-  
3 ernment of Sudan and opposition forces;
- 4 (3) any peace settlement planning to be carried  
5 out by the National Democratic Alliance and IGAD  
6 Partners' Forum (IPF); and
- 7 (4) other United States diplomatic efforts sup-  
8 porting a peace process in Sudan.

9 **SEC. 6. INCREASED PRESSURE ON COMBATANTS.**

10 It is the sense of Congress that the President, acting  
11 through the United States Permanent Representative to  
12 the United Nations, should—

- 13 (1) sponsor a resolution in the United Nations  
14 Security Council to investigate the practice of slav-  
15 ery in Sudan and provide recommendations on meas-  
16 ures for its eventual elimination;
- 17 (2) sponsor a condemnation of the human  
18 rights practices of the Government of Sudan at the  
19 United Nations conference on human rights in Gene-  
20 va in 2000;
- 21 (3) press for implementation of the rec-  
22 ommendations of the United Nations Special  
23 Rapporteur for Sudan with respect to human rights  
24 monitors in areas of conflict in Sudan;

1           (4) press for UNICEF, International Com-  
2           mittee of the Red Cross, or the International Fed-  
3           eration of Red Cross and Red Crescent Societies, or  
4           other appropriate international organizations or  
5           agencies to maintain a registry of those individuals  
6           who have been abducted or are otherwise held in  
7           bondage or servitude in Sudan;

8           (5) sponsor a condemnation of the Government  
9           of Sudan each time it subjects civilian populations to  
10          aerial bombardment; and

11          (6) sponsor a resolution in the United Nations  
12          General Assembly condemning the human rights  
13          practices of the Government of Sudan.

14 **SEC. 7. REPORTING REQUIREMENT.**

15          Beginning 3 months after the date of enactment of  
16          this Act, and every 3 months thereafter, the President  
17          shall submit a report to Congress on—

18               (1) the specific sources and current status of  
19               Sudan's financing and construction of oil exploi-  
20               tation infrastructure and pipelines;

21               (2) the extent to which that financing was se-  
22               cured in the United States or with involvement of  
23               United States citizens;

1           (3) such financing's relation to the sanctions  
2 described in subsection (a) and the Executive Order  
3 of November 3, 1997;

4           (4) the extent of aerial bombardment by the  
5 Government of Sudan forces in areas outside its con-  
6 trol, including targets, frequency, and best estimates  
7 of damage;

8           (5) the number, duration, and locations of air  
9 strips or other humanitarian relief facilities to which  
10 access is denied by any party to the conflict; and

11           (6) the status of the IGAD-sponsored peace  
12 process and any other ongoing effort to end the con-  
13 flict, including the specific and verifiable steps taken  
14 by parties to the conflict, the members of the IGAD  
15 Partners Forum, and the members of IGAD toward  
16 a comprehensive solution to the war.

17 **SEC. 8. REFORM OF OPERATION LIFELINE SUDAN (OLS).**

18       It is the sense of Congress that the President should  
19 organize and maintain a formal consultative process with  
20 the European Union, its member states, the members of  
21 the United Nations Security Council, and other relevant  
22 parties on coordinating an effort within the United Na-  
23 tions to revise the terms of OLS to end the veto power  
24 of the Government of Sudan over the plans by OLS for  
25 air transport relief flights.

1 **SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR**  
2 **RELIEF EFFORTS.**

3 (a) FINDING.—Congress recognizes the progress  
4 made by officials of the executive branch of Government  
5 toward greater utilization of non-OLS agencies for more  
6 effective distribution of United States relief contributions.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that the President should continue to increase the  
9 use of non-OLS agencies in the distribution of relief sup-  
10 plies in southern Sudan.

11 (c) REPORT.—Not later than 90 days after the date  
12 of enactment of this Act, the President shall submit a de-  
13 tailed report to Congress describing the progress made to-  
14 ward carrying out subsection (b).

15 **SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANS-**  
16 **PORT RELIEF FLIGHTS.**

17 (a) PLAN.—The President shall develop a detailed  
18 and implementable contingency plan to provide, outside  
19 United Nations auspices, the greatest possible amount of  
20 United States Government and privately donated relief to  
21 all affected areas in Sudan, including the Nuba Moun-  
22 tains, Upper Nile, and Blue Nile, in the event the Govern-  
23 ment of Sudan imposes a total, partial, or incremental ban  
24 on OLS air transport relief flights.

25 (b) ELEMENT OF PLAN.—The plan developed under  
26 subsection (a) shall include coordination of other donors

1 in addition to the United States Government and private  
2 institutions.

3 (c) REPORT.—Not later than 2 months after the date  
4 of enactment of this Act, the President shall submit a clas-  
5 sified report to Congress on the costs and startup time  
6 such a plan would require in the event of a total ban on  
7 air transport relief flights or in the event of a partial or  
8 incremental ban on such flights if the President has made  
9 the determination required by subsection (a)(2).

10 (d) REPROGRAMMING AUTHORITY.—Notwith-  
11 standing any other provision of law, in carrying out the  
12 plan developed under subsection (a), the President may  
13 reprogram up to 100 percent of the funds available for  
14 support of OLS operations (but for this subsection) for  
15 the purposes of the plan.

16 **SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION**  
17 **ASSISTANCE FOR REHABILITATION (STAR)**  
18 **PROGRAM.**

19 (a) SENSE OF CONGRESS.—Congress hereby ex-  
20 presses its support for the President's ongoing efforts to  
21 diversify and increase effectiveness of United States as-  
22 sistance to populations in areas of Sudan outside of the  
23 control of the Government of Sudan, especially the long-  
24 term focus shown in the Sudan Transition Assistance for  
25 Rehabilitation (STAR) program with its emphasis on pro-

1 moting future democratic governance, rule of law, building  
2 indigenous institutional capacity, promoting and enhanc-  
3 ing self-reliance, and actively supporting people-to-people  
4 reconciliation efforts.

5 (b) ALLOCATION OF FUNDS.—Of the amounts made  
6 available to carry out chapter 1 of part I of the Foreign  
7 Assistance Act of 1961 (22 U.S.C. 2151 et seq., relating  
8 to development assistance) for the period beginning on Oc-  
9 tober 1, 2000, and ending on September 30, 2003,  
10 \$16,000,000 shall be available for development of a viable  
11 civil authority, and civil and commercial institutions, in  
12 Sudan, including the provision of technical assistance, and  
13 for people-to-people reconciliation efforts.

14 (c) ADDITIONAL AUTHORITIES.—Notwithstanding  
15 any other provision of law, the President is granted au-  
16 thority to undertake any appropriate programs using Fed-  
17 eral agencies, contractual arrangements, or direct support  
18 of indigenous groups, agencies, or organizations in areas  
19 outside of control of the Government of Sudan in an effort  
20 to provide emergency relief, promote economic self-suffi-  
21 ciency, build civil authority, provide education, enhance  
22 rule of law and the development of judicial and legal  
23 frameworks, support people-to-people reconciliation ef-  
24 forts, or implementation of any programs in support of

1 any viable peace agreement at the local, regional, or na-  
2 tional level.

3 (d) IMPLEMENTATION.—It is the sense of Congress  
4 that the President should immediately and to the fullest  
5 extent possible utilize the Office of Transition Initiatives  
6 at the Agency for International Development in an effort  
7 to pursue the type of programs described in subsection  
8 (c).

9 (e) SENSE OF CONGRESS.—It is the sense of Con-  
10 gress that enhancing and supporting education and the  
11 development of rule of law are critical elements in the  
12 long-term success of United States efforts to promote a  
13 viable economic, political, social, and legal basis for devel-  
14 opment in Sudan. Congress recognizes that the gap of 13-  
15 16 years without secondary educational opportunities in  
16 southern Sudan is an especially important problem to ad-  
17 dress with respect to rebuilding and sustaining leaders and  
18 educators for the next generation of Sudanese. Congress  
19 recognizes the unusually important role the secondary  
20 school in Rumbek has played in producing the current  
21 generation of leaders in southern Sudan, and that priority  
22 should be given in current and future development or tran-  
23 sition programs undertaken by the United States Govern-  
24 ment to rebuilding and supporting the Rumbek Secondary  
25 School.

1 (f) PROGRAMS IN AREAS OUTSIDE GOVERNMENT  
2 CONTROL.—Congress also intends that such programs in-  
3 clude cooperation and work with indigenous groups in  
4 areas outside of government control in all of Sudan, to  
5 include northern, southern, and eastern regions of Sudan.

6 **SEC. 12. ASSESSMENT AND PLANNING FOR NUBA MOUN-**  
7 **TAINS AND OTHER AREAS SUBJECT TO BANS**  
8 **ON AIR TRANSPORT RELIEF FLIGHTS.**

9 (a) FINDING.—Congress recognizes that civilians in  
10 the Nuba Mountains, Red Sea Hills, and Blue Nile regions  
11 of Sudan are not receiving assistance through OLS due  
12 to restrictions by the Government of Sudan.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that the President should—

15 (1) conduct comprehensive assessment of the  
16 humanitarian needs in the Nuba Mountains, Red  
17 Sea Hills, and Blue Nile regions of Sudan;

18 (2) respond appropriately to those needs based  
19 on such assessment; and

20 (3) report to Congress on an annual basis on  
21 efforts made under paragraph (2).

1 **SEC. 13. OPTIONS OR PLANS FOR NONLETHAL ASSISTANCE**  
2 **FOR NATIONAL DEMOCRATIC ALLIANCE PAR-**  
3 **TICIPANTS.**

4 (a) REPORT.—Not later than 90 days after the date  
5 of enactment of this Act, the President shall submit to  
6 the appropriate congressional committees a report, in clas-  
7 sified form if necessary, detailing possible options or plans  
8 of the United States Government for the provision of non-  
9 lethal assistance to participants of the National Demo-  
10 cratic Alliance.

11 (b) CONSULTATIONS.—Not later than 30 days after  
12 submission of the report required by subsection (a), the  
13 President should begin formal consultations with the ap-  
14 propriate congressional committees regarding the findings  
15 of the report.

16 (c) DEFINITION.—In this section, the term “appro-  
17 priate congressional committees” means the Committee on  
18 Foreign Relations and the Committee on Appropriations  
19 of the Senate and the Committee on International Rela-  
20 tions and the Committee on Appropriations of the House  
21 of Representatives.

Passed the Senate November 19, 1999.

Attest:

*Secretary.*

106TH CONGRESS  
1st Session

**S. 1453**

**AN ACT**

To facilitate famine relief efforts and a comprehensive solution to the war in Sudan.