

In the House of Representatives, U. S.,

October 24, 2000.

Resolved, That the bill from the Senate (S. 1453) entitled “An Act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Sudan Peace Act”.*

3 ***SEC. 2. FINDINGS.***

4 *Congress makes the following findings:*

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

1 (2) *A viable, comprehensive, and internationally*
2 *sponsored peace process, protected from manipulation,*
3 *presents the best chance for a permanent resolution of*
4 *the war, protection of human rights, and a self-sus-*
5 *taining Sudan.*

6 (3) *Continued strengthening of humanitarian re-*
7 *lief operations in Sudan is an essential element in the*
8 *effort to bring an end to the war.*

9 (4) *Continued leadership by the United States is*
10 *critical.*

11 (5) *Regardless of the future political status of the*
12 *areas of Sudan outside of the control of the Govern-*
13 *ment of Sudan, the absence of credible civil authority*
14 *and institutions is a major impediment to achieving*
15 *self-sustenance by the Sudanese people and to mean-*
16 *ingful progress toward a viable peace process.*

17 (6) *Through manipulation of traditional rival-*
18 *ries among peoples in areas outside their full control,*
19 *the Government of Sudan has effectively used divide*
20 *and conquer techniques to subjugate their population,*
21 *and Congress finds that internationally sponsored*
22 *reconciliation efforts have played a critical role in re-*
23 *ducing the tactic's effectiveness and human suffering.*

24 (7) *The Government of Sudan is increasingly*
25 *utilizing and organizing militias, Popular Defense*

1 *Forces, and other irregular troops for raiding and*
2 *slaving parties in areas outside of the control of the*
3 *Government of Sudan in an effort to severely disrupt*
4 *the ability of those populations to sustain themselves.*
5 *The tactic is in addition to the overt use of bans on*
6 *air transport relief flights in prosecuting the war*
7 *through selective starvation and to minimize the Gov-*
8 *ernment of Sudan's accountability internationally.*

9 *(8) The Government of Sudan has repeatedly*
10 *stated that it intends to use the expected proceeds*
11 *from future oil sales to increase the tempo and*
12 *lethality of the war against the areas outside its con-*
13 *trol.*

14 *(9) Through its power to veto plans for air*
15 *transport flights under the United Nations relief oper-*
16 *ation, Operation Lifeline Sudan (OLS), the Govern-*
17 *ment of Sudan has been able to manipulate the re-*
18 *ceipt of food aid by the Sudanese people from the*
19 *United States and other donor countries as a dev-*
20 *astating weapon of war in the ongoing effort by the*
21 *Government of Sudan to subdue areas of Sudan out-*
22 *side of the Government's control.*

23 *(10) The efforts of the United States and other*
24 *donors in delivering relief and assistance through*
25 *means outside OLS have played a critical role in ad-*

1 *addressing the deficiencies in OLS and offset the Gov-*
 2 *ernment of Sudan's manipulation of food donations*
 3 *to advantage in the civil war in Sudan.*

4 (11) *While the immediate needs of selected areas*
 5 *in Sudan facing starvation have been addressed in*
 6 *the near term, the population in areas of Sudan out-*
 7 *side of the control of the Government of Sudan are*
 8 *still in danger of extreme disruption of their ability*
 9 *to sustain themselves.*

10 (12) *The Nuba Mountains and many areas in*
 11 *Bahr al Ghazal, Upper Nile, and Blue Nile regions*
 12 *have been excluded completely from relief distribution*
 13 *by OLS, consequently placing their populations at in-*
 14 *creased risk of famine.*

15 (13) *At a cost which can exceed \$1,000,000 per*
 16 *day, and with a primary focus on providing only for*
 17 *the immediate food needs of the recipients, the current*
 18 *international relief operations are neither sustainable*
 19 *nor desirable in the long term.*

20 (14) *The ability of populations to defend them-*
 21 *selves against attack in areas outside the Government*
 22 *of Sudan's control has been severely compromised by*
 23 *the disengagement of the front-line sponsor states, fos-*
 24 *tering the belief within officials of the Government of*
 25 *Sudan that success on the battlefield can be achieved.*

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

4 (A) *the maintenance and*
5 *multilateralization of sanctions against the Gov-*
6 *ernment of Sudan with explicit linkage of those*
7 *sanctions to peace;*

8 (B) *the support or creation of viable demo-*
9 *cratic civil authority and institutions in areas of*
10 *Sudan outside government control;*

11 (C) *continued active support of people-to-*
12 *people reconciliation mechanisms and efforts in*
13 *areas outside of government control;*

14 (D) *the strengthening of the mechanisms to*
15 *provide humanitarian relief to those areas;*

16 (E) *cooperation among the trading partners*
17 *of the United States and within multilateral in-*
18 *stitutions toward those ends; and*

19 (F) *the use of any and all possible unilat-*
20 *eral and multilateral economic and diplomatic*
21 *tools to compel Ethiopia and Eritrea to end*
22 *their hostilities and again assume a constructive*
23 *stance toward facilitating a comprehensive solu-*
24 *tion to the ongoing war in Sudan.*

1 **SEC. 3. DEFINITIONS.**

2 *In this Act:*

3 (1) *GOVERNMENT OF SUDAN.*—The term “Gov-
4 *ernment of Sudan*” means the National Islamic Front
5 *government in Khartoum, Sudan.*

6 (2) *IGAD.*—The term “IGAD” means the Inter-
7 *Governmental Authority on Development.*

8 (3) *OLS.*—The term “OLS” means the United
9 *Nations relief operation carried out by UNICEF, the*
10 *World Food Program, and participating relief orga-*
11 *nizations known as “Operation Lifeline Sudan”.*

12 **SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN**
13 **RIGHTS ABUSES, AND NEW TACTICS BY THE**
14 **GOVERNMENT OF SUDAN.**

15 *Congress hereby—*

16 (1) *condemns—*

17 (A) *violations of human rights on all sides*
18 *of the conflict in Sudan;*

19 (B) *the Government of Sudan’s overall*
20 *human rights record, with regard to both the*
21 *prosecution of the war and the denial of basic*
22 *human and political rights to all Sudanese;*

23 (C) *the ongoing slave trade in Sudan and*
24 *the role of the Government of Sudan in abetting*
25 *and tolerating the practice; and*

(D) the Government of Sudan’s increasing use and organization of “muraHalliin” or “mujahadeen”, Popular Defense Forces (PDF), and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, Upper Nile, and Blue Nile regions; and

(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

SEC. 5. SUPPORT FOR THE IGAD PEACE PROCESS.

(a) SENSE OF CONGRESS.—Congress hereby—

(1) declares its support for the efforts by executive branch officials of the United States and the President’s Special Envoy for Sudan to lead in a reinvigoration of the IGAD-sponsored peace process;

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

(3) urges Kenya’s leadership in the implementation of the process.

1 **(b) UNITED STATES DIPLOMATIC SUPPORT.**—*The Sec-*
2 *retary of State is authorized to utilize the personnel of the*
3 *Department of State for the support of—*

4 *(1) the secretariat of IGAD;*

5 *(2) the ongoing negotiations between the Govern-*
6 *ment of Sudan and opposition forces;*

7 *(3) any peace settlement planning to be carried*
8 *out by the National Democratic Alliance and IGAD*
9 *Partners' Forum (IPF); and*

10 *(4) other United States diplomatic efforts sup-*
11 *porting a peace process in Sudan.*

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

13 *It is the sense of Congress that the President, acting*
14 *through the United States Permanent Representative to the*
15 *United Nations, should—*

16 *(1) sponsor a resolution in the United Nations*
17 *Security Council to investigate the practice of slavery*
18 *in Sudan and provide recommendations on measures*
19 *for its eventual elimination;*

20 *(2) sponsor a condemnation of the human rights*
21 *practices of the Government of Sudan at the United*
22 *Nations conference on human rights in Geneva in*
23 *2000;*

24 *(3) press for implementation of the recommenda-*
25 *tions of the United Nations Special Rapporteur for*

1 *Sudan with respect to human rights monitors in*
2 *areas of conflict in Sudan;*

3 *(4) press for UNICEF, International Committee*
4 *of the Red Cross, or the International Federation of*
5 *Red Cross and Red Crescent Societies, or other appro-*
6 *priate international organizations or agencies to*
7 *maintain a registry of those individuals who have*
8 *been abducted or are otherwise held in bondage or ser-*
9 *vitute in Sudan;*

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

13 *(6) sponsor a resolution in the United Nations*
14 *General Assembly condemning the human rights prac-*
15 *tices of the Government of Sudan.*

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

17 *(a) SANCTIONS.—Until the President determines, and*
18 *so certifies to Congress, that the Government of Sudan*
19 *has—*

20 *(1) fully committed to and has made verifiable*
21 *progress toward a comprehensive, peaceful solution to*
22 *the war or has otherwise committed to and made*
23 *verifiable progress in a good faith effort with both*
24 *northern and southern opposition toward a com-*
25 *prehensive solution to the conflict based on the Dec-*

1 *laration of Principles reached in Nairobi Kenya, on*
2 *July 20, 1994,*

3 *(2) made substantial and verifiable progress in*
4 *controlling the raiding and slaving activities of all*
5 *regular and irregular forces, including Popular De-*
6 *fense Forces and other militias and murahalliin,*

7 *(3) instituted credible reforms with regard to*
8 *providing basic human and civil rights to all Suda-*
9 *nese, and*

10 *(4) ceased aerial bombardment of civilian tar-*
11 *gets,*

12 *the following are prohibited, except to the extent provided*
13 *in section 203(b) of the International Emergency Economic*
14 *Powers Act (50 U.S.C. 1702(b)) and in regulations, orders,*
15 *directives, or licenses that may be issued pursuant to this*
16 *section:*

17 *(A) The facilitation by a United States per-*
18 *son, including but not limited to brokering ac-*
19 *tivities of the exportation or reexportation of*
20 *goods, technology, or services from Sudan to any*
21 *destination, or to Sudan from any location.*

22 *(B) The performance by any United States*
23 *person of any contract, including a financing*
24 *contract, or use of any other financial instru-*

1 *ment, in support of an industrial, commercial,*
2 *public utility, or governmental project in Sudan.*

3 *(C) Any transaction by any United States*
4 *person or within the United States that evades*
5 *or avoids, or has the purpose of evading or*
6 *avoiding, or attempts to violate, any of the pro-*
7 *hibitions set forth in this section.*

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

16 *(c) NATIONAL SECURITY WAIVER.—The President may*
17 *waive the application of any of the sanctions described in*
18 *subsection (a) if he determines and certifies to Congress that*
19 *it is important to the national security of the United States*
20 *to do so.*

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

1 (1) *the specific sources and current status of Su-*
 2 *dan’s financing and construction of oil exploitation*
 3 *infrastructure and pipelines;*

4 (2) *the extent to which that financing was se-*
 5 *cured in the United States or with involvement of*
 6 *United States citizens;*

7 (3) *such financing’s relation to the sanctions de-*
 8 *scribed in subsection (a) and the Executive Order of*
 9 *November 4, 1997;*

10 (4) *the extent of aerial bombardment by the Gov-*
 11 *ernment of Sudan forces in areas outside its control,*
 12 *including targets, frequency, and best estimates of*
 13 *damage;*

14 (5) *the number, duration, and locations of air*
 15 *strips or other humanitarian relief facilities to which*
 16 *access is denied by any party to the conflict; and*

17 (6) *the status of the IGAD-sponsored peace proc-*
 18 *ess or any other ongoing efforts to end the conflict, in-*
 19 *cluding the specific and verifiable steps taken by par-*
 20 *ties to the conflict, the members of the IGAD Partners*
 21 *Forum, and the members of IGAD toward a com-*
 22 *prehensive solution to the war.*

23 (e) *STATUTORY CONSTRUCTION.—Nothing in this sec-*
 24 *tion shall prohibit—*

1 (1) *transactions for the conduct of the official*
 2 *business of the Federal Government or the United Na-*
 3 *tions by employees thereof;*

4 (2) *transactions in Sudan for journalistic activ-*
 5 *ity by persons regularly employed in such capacity*
 6 *by a news-gathering organization; or*

7 (3) *legitimate humanitarian operations.*

8 (f) *DEFINITIONS.—In this section—*

9 (1) *the term “entity” means a partnership, asso-*
 10 *ciation, trust, joint venture, corporation, or other or-*
 11 *ganization;*

12 (2) *the term “Government of Sudan” includes*
 13 *the Government of Sudan, its agencies, instrumental-*
 14 *ities and controlled entities, and the Central Bank of*
 15 *Sudan;*

16 (3) *the term “person” means an individual or*
 17 *entity; and*

18 (4) *the term “United States person” means any*
 19 *United States citizen, permanent resident alien, enti-*
 20 *ty organized under the laws of the United States (in-*
 21 *cluding foreign branches), or any person in the*
 22 *United States.*

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

24 *It is the sense of Congress that the President should*
 25 *organize and maintain a formal consultative process with*

1 *the European Union, its member states, the members of the*
 2 *United Nations Security Council, and other relevant par-*
 3 *ties on coordinating an effort within the United Nations*
 4 *to revise the terms of OLS to end the veto power of the Gov-*
 5 *ernment of Sudan over the plans by OLS for air transport*
 6 *relief flights.*

7 **SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR**
 8 **RELIEF EFFORTS.**

9 (a) *FINDING.*—Congress recognizes the progress made
 10 by officials of the executive branch of Government toward
 11 greater utilization of non-OLS agencies for more effective
 12 distribution of United States relief contributions.

13 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
 14 that the President should continue to increase the use of
 15 non-OLS agencies in the distribution of relief supplies in
 16 southern Sudan.

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

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

23 (a) *PLAN.*—The President shall develop a detailed and
 24 implementable contingency plan to provide, outside United
 25 Nations auspices, the greatest possible amount of United

1 *States Government and privately donated relief to all af-*
 2 *ected areas in Sudan, including the Nuba Mountains,*
 3 *Upper Nile, and Blue Nile, in the event the Government*
 4 *of Sudan imposes a total, partial, or incremental ban on*
 5 *OLS air transport relief flights.*

6 (b) *ELEMENT OF PLAN.*—*The plan developed under*
 7 *subsection (a) shall include coordination of other donors in*
 8 *addition to the United States Government and private in-*
 9 *stitutions.*

10 (c) *REPORT.*—*Not later than 2 months after the date*
 11 *of enactment of this Act, the President shall submit a classi-*
 12 *fied report to Congress on the costs and startup time such*
 13 *a plan would require.*

14 (d) *REPROGRAMMING AUTHORITY.*—*Notwithstanding*
 15 *any other provision of law, in carrying out the plan devel-*
 16 *oped under subsection (a), the President may reprogram up*
 17 *to 100 percent of the funds available for support of OLS*
 18 *operations (but for this subsection) for the purposes of the*
 19 *plan.*

20 **SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION**
 21 **ASSISTANCE FOR REHABILITATION (STAR)**
 22 **PROGRAM.**

23 (a) *SENSE OF CONGRESS.*—*Congress hereby expresses*
 24 *its support for the President's ongoing efforts to diversify*
 25 *and increase effectiveness of United States assistance to*

1 *populations in areas of Sudan outside of the control of the*
2 *Government of Sudan, especially the long-term focus shown*
3 *in the Sudan Transition Assistance for Rehabilitation*
4 *(STAR) program with its emphasis on promoting future*
5 *democratic governance, rule of law, building indigenous in-*
6 *stitutional capacity, promoting and enhancing self-reliance,*
7 *and actively supporting people-to-people reconciliation ef-*
8 *forts.*

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

18 (c) *ADDITIONAL AUTHORITIES.—Notwithstanding any*
19 *other provision of law, the President is granted authority*
20 *to undertake any appropriate programs using Federal*
21 *agencies, contractual arrangements, or direct support of in-*
22 *igenous groups, agencies, or organizations in areas outside*
23 *of control of the Government of Sudan in an effort to pro-*
24 *vide emergency relief, promote economic self-sufficiency,*
25 *build civil authority, provide education, enhance rule of law*

1 *and the development of judicial and legal frameworks, sup-*
 2 *port people-to-people reconciliation efforts, or implementa-*
 3 *tion of any programs in support of any viable peace agree-*
 4 *ment at the local, regional, or national level.*

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

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

1 (f) *PROGRAMS IN AREAS OUTSIDE GOVERNMENT CON-*
 2 *TROL.*—Congress also intends that such programs include
 3 *cooperation and work with indigenous groups in areas out-*
 4 *side of government control in all of Sudan, to include north-*
 5 *ern, 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 to*
 12 *restrictions by the Government of Sudan.*

13 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
 14 *that the President should—*

15 (1) *conduct a comprehensive assessment of the*
 16 *humanitarian needs in the Nuba Mountains, Red Sea*
 17 *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 ef-*
 21 *forts 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 the
 6 appropriate congressional committees a report, in classified
 7 form if necessary, detailing possible options or plans of the
 8 United States Government for the provision of nonlethal as-
 9 sistance to participants of the National Democratic Alli-
 10 ance.

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 appro-
 14 priate congressional committees regarding the findings of
 15 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 of
 19 the Senate and the Committee on International Relations
 20 and the Committee on Appropriations of the House of Rep-
 21 resentatives.

Attest:

Clerk.

106TH CONGRESS
2D SESSION

S. 1453

AMENDMENT