

on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 19, 2001, at 2:30 p.m., in open session to receive testimony on Army modernization and transformation, in review of the Defense authorization request for fiscal year 2002.

The PRESIDING OFFICER. Without objection, it is ordered.

#### SUBCOMMITTEE ON WATER AND POWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 19, at 2:30 p.m., to conduct a hearing. The subcommittee will receive testimony on S. 976, the California Ecosystem, Water Supply, and Water Quality Enhancement Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FLOOR PRIVILEGE

Mr. DURBIN. Mr. President, I ask unanimous consent that David Sarokin, a detailee on my staff, be given privileges of the floor today and any subsequent days during which the nomination of John Graham is being considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that on Friday, July 20, at 9:15 a.m. the Senate proceed to executive session to consider en bloc the nominations of Roger Gregory, Sam Haddon, and Richard Cebull; that there be 30 minutes for debate equally divided between Senators LEAHY and HATCH, or their designees; that at 9:45 a.m. the Senate vote on the Gregory nomination to be followed by a vote on the Haddon nomination, to be followed by a vote on the Cebull nomination; that upon the disposition of these nominations the Senate consider and confirm Calendar Nos. 247 and 249; that the motions to reconsider all of the above votes be tabled, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask unanimous consent that after the first vote there be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations, Calendar Nos. 202, 211, 212, 236 through 240, 242, 243, and 244; that the HELP Committee be discharged from consideration of the fol-

lowing nominations: Laurie Rich, Assistant Secretary for Intergovernmental and Interagency Affairs; Robert Pasternak, Assistant Secretary for Special Education; Joanne Wilson, Commissioner for Rehabilitation Services Administration; Carl D'Amico, Assistant Secretary for Vocational and Adult Education; Cari Dominguez, to be a member of the Equal Employment Opportunity Commission; that the nominations be confirmed en bloc, the motions to reconsider be laid on the table, and any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

#### DEPARTMENT OF DEFENSE

Susan Morrisey Livingstone, of Montana, to be Under Secretary of the Navy.

Alberto Jose Mora, of Virginia, to be General Counsel of the Department of the Navy.

Stephen A. Cambone, of Virginia, to be Deputy Under Secretary of Defense for Policy.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kevin Keane, of Wisconsin, to be an Assistant Secretary of Health and Human Services.

#### DEPARTMENT OF COMMERCE

William Henry Lash, III, of Virginia, to be an Assistant Secretary of Commerce.

#### DEPARTMENT OF THE TREASURY

Brian Carlton Roseboro, of New Jersey, to be an Assistant Secretary of the Treasury.

#### EXECUTIVE OFFICE OF THE PRESIDENT

Allen Frederick Johnson of Iowa, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

#### DEPARTMENT OF TRANSPORTATION

Allan Rutter, of Texas, to be Administrator of the Federal Railroad Administration.

#### DEPARTMENT OF COMMERCE

Samuel W. Bodman, of Massachusetts, to be Deputy Secretary of Commerce.

#### EXECUTIVE OFFICE OF THE PRESIDENT

Mark B. McClelland, of California, to be a Member of the Council of Economic Advisers.

#### DEPARTMENT OF THE TREASURY

Sheila C. Blair, of Kansas, to be an Assistant Secretary of the Treasury.

#### DEPARTMENT OF EDUCATION

Laurie Rich, of Texas, to be Assistant Secretary for Intergovernmental and Interagency Affairs, Department of Education.

Robert Pasternack, of New Mexico, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

Joanne M. Wilson, of Louisiana, to be Commissioner of the Rehabilitation Services Administration, Department of Education.

Carol D'Amico, of Indiana, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Cari M. Dominguez, of Maryland, to be a member of the Equal Employment Opportunity Commission for a term expiring July 1, 2006.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 137 submitted earlier today by the majority leader and the Republican leader.

The PRESIDING OFFICER. The clerk will report the resolution by Title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 137) to authorize representation by the Senate Legal Counsel in *John Hoffman, et al. v. James Jeffords*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, two Republican voters in Pennsylvania have commenced a civil action against Senator JEFFORDS in federal district court in the District of Columbia to challenge Senator JEFFORDS' recent decision to become an Independent and to caucus with the Democratic party for organizational purposes within the Senate. Specifically, this lawsuit seeks "to assert the invalidity of Senator JEFFORDS change of party by mere announcement" and requests a court order requiring Senator JEFFORDS "to reinstate his status as a Republican Senator" particularly "during the Senate polling and caucusing of its members."

Through this action, the plaintiffs seek to subject to judicial control a Senator's choice of with which Senators to caucus, as well as the process by which the Senate chooses its officers and the chairs of its committees. This attempt to question a Senator in court about the performance of his legislative responsibilities in the Senate is barred by the Speech or Debate Clause of the Constitution, which commits such oversight of Senators to the electorate, not to the judiciary. This suit also runs afoul of the clauses of the Constitution that commit to each House of Congress the responsibility to elect officers and determine the rules of its proceedings.

Because this suit seeks to challenge the validity of actions taken by Senator JEFFORDS in his official capacity, representation in this case falls appropriately within the Senator Legal Counsel's statutory responsibility. This resolution would accordingly authorize the Senate Legal Counsel to represent Senator JEFFORDS to present to the Court the constitutional bases for dismissing this suit.

Mr. REID. Mr. President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 137) was agreed to.

The preamble was agreed to.

(The resolution is printed in today's RECORD under "Resolutions Submitted.")

#### SUDAN PEACE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 89, S. 180.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 180) to facilitate famine relief efforts and comprehensive solutions to the war in Sudan.

There being no objection, the Senate proceeded to consider the bill which had been referred to the Committee on Foreign Relations with an amendment in the nature of a substitute.

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

S. 180

*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".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Government of Sudan has intensified its prosecution of the war against areas outside of its control, which has already cost more than 2,000,000 lives and has displaced more than 4,000,000.

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

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

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

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process.

(6) Through manipulation of traditional rivalries among peoples in areas outside their full control, the Government of Sudan has effectively used divide and conquer techniques to subjugate their population, and internationally sponsored reconciliation efforts have played a critical role in reducing the tactic's effectiveness and human suffering.

(7) The Government of Sudan is utilizing and organizing militias, Popular Defense Forces, and other irregular units for raiding and slaving parties in areas outside of the control of the Government of Sudan in an effort to severely disrupt the ability of those populations to sustain themselves. The tactic is in addition to the overt use of bans on air transport relief flights in prosecuting the war through selective starvation and to minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside its control.

(9) Through its power to veto plans for air transport flights under the United Nations relief operation, Operation Lifeline Sudan (OLS), the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to subdue areas of Sudan outside of the Government's control.

(10) The efforts of the United States and other donors in delivering relief and assistance through means outside OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

(11) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

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

(13) At a cost which has sometimes exceeded \$1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

(14) The ability of populations to defend themselves against attack in areas outside the Government of Sudan's control has been severely compromised by the disengagement of the front-line sponsor states, fostering the belief within officials of the Government of Sudan that success on the battlefield can be achieved.

(15) The United States should use all means of pressure available to facilitate a comprehensive solution to the war in Sudan, including—

(A) the multilateralization of economic and diplomatic tools to compel the Government of Sudan to enter into a good faith peace process;

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside government control;

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

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

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) GOVERNMENT OF SUDAN.—The term "Government of Sudan" means the National Islamic Front government in Khartoum, Sudan.

(2) OLS.—The term "OLS" means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as "Operation Lifeline Sudan".

#### SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND TACTICS OF THE GOVERNMENT OF SUDAN.

Congress hereby—

(1) condemns—

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

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

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

(D) the Government of Sudan's use and organization of "murahallin" or "mujahadeen", Popular Defense Forces (PDF), and regular Sudanese Army units into organized and coordi-

nated 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 AN INTERNATIONALLY SANCTIONED PEACE PROCESS.

(a) FINDINGS.—Congress hereby recognizes that—

(1) a single viable, internationally and regionally sanctioned peace process holds the greatest opportunity to promote a negotiated, peaceful settlement to the war in Sudan; and

(2) resolution to the conflict in Sudan is best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya, on July 20, 1994.

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

(1) the ongoing negotiations between the Government of Sudan and opposition forces;

(2) any necessary peace settlement planning or implementation; and

(3) other United States diplomatic efforts supporting a peace process in Sudan.

#### SEC. 6. MULTILATERAL PRESSURE ON COMBATANTS.

It is the sense of Congress that—

(1) the United Nations should be used as a tool to facilitating peace and recovery in Sudan; and

(2) the President, acting through the United States Permanent Representative to the United Nations, should seek to—

(A) revise the terms of Operation Lifeline Sudan to end the veto power of the Government of Sudan over the plans by Operation Lifeline Sudan for air transport of relief flights and, by doing so, to end the manipulation of the delivery of those relief supplies to the advantage of the Government of Sudan on the battlefield;

(B) investigate the practice of slavery in Sudan and provide mechanisms for its elimination; and

(C) sponsor a condemnation of the Government of Sudan each time it subjects civilians to aerial bombardment.

#### SEC. 7. REPORTING REQUIREMENT.

Section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended by adding at the end the following:

"(g) In addition to the requirements of subsections (d) and (f), the report required by subsection (d) shall include—

"(1) a description of the sources and current status of Sudan's financing and construction of oil exploitation infrastructure and pipelines, the effects on the inhabitants of the oil fields regions of such financing and construction, and the Government of Sudan's ability to finance the war in Sudan;

"(2) a description of the extent to which that financing was secured in the United States or with involvement of United States citizens;

"(3) the best estimates of the extent of aerial bombardment by the Government of Sudan forces in areas outside its control, including targets, frequency, and best estimates of damage; and

"(4) a description of the extent to which humanitarian relief has been obstructed or manipulated by the Government of Sudan or other forces for the purposes of the war in Sudan.".

#### SEC. 8. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

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