

COMPREHENSIVE PEACE IN SUDAN
ACT

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5061) to provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in Sudan, as amended.

The Clerk read as follows:

H.R. 5061

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 "Comprehensive Peace in Sudan Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) **JEM.**—The term "JEM" means the Justice and Equality Movement.

(3) **SPLM.**—The term "SPLM" means the Sudan People's Liberation Movement.

(4) **SLA.**—The term "SLA" means the Sudan Liberation Army.

(5) **GOVERNMENT OF SUDAN.**—The term "Government of Sudan" means the National Islamic Front-led government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan).

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Since seizing power through a military coup in 1989, the Government of Sudan repeatedly has attacked and dislocated civilian populations in southern Sudan in a coordinated policy of ethnic cleansing that has cost the lives of over 2,000,000 people and displaced more than 4,000,000 people.

(2) The Governments of the United States, the United Kingdom, and Norway each have committed significant resources to promote an internationally supported peace process between the Government of Sudan and the Sudan People's Liberation Movement (SPLM), under the auspices of the Inter-Governmental Authority on Development.

(3) Following the signing of the Machakos Agreement in July 2002, the Government of Sudan and the SPLM reached a number of important agreements on issues such as self-determination, security arrangements, and wealth and power sharing, culminating in a final framework agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan, signed on June 5, 2004.

(4) In early 2003, while the Government of Sudan and the SPLM were negotiating for a final, country-wide peace, armed conflict between forces of the Government of Sudan, including militia forces backed by the Government, and rebel forces, including the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM), began in the Darfur region of western Sudan.

(5) Evidence collected by international observers in the Darfur region between February 2003 and September 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, similar to that which was employed in southern Sudan, that has destroyed African Sudanese villages, killing and driving away its people, while Arab Sudanese villages have been left unscathed.

(6) As a result of this campaign, which the United States Congress and executive branch

have declared to be genocide, an estimated 50,000 people have been killed, 1,200,000 people have been internally displaced, and 200,000 people have been forced to flee to neighboring Chad.

(7) Reports further indicate the systematic rape of thousands of women and girls, the abduction of women and children, and the destruction of hundreds of ethnically African villages, including the poisoning of their wells and the plunder of their crops and cattle upon which the people of such villages sustain themselves.

(8) The Government of Sudan conducted aerial attack missions and deadly raids across the international border between Sudan and Chad in an illegal effort to pursue Sudanese civilians seeking refuge in Chad.

(9) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government sponsored militia attacks in the Darfur region, the Government of Sudan has restricted humanitarian access to the region, primarily through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those individuals displaced from their villages and homes without any means of sustenance or shelter.

(10) The Government of Sudan's continued support for the Janjaweed militias and their obstruction of the delivery of food, shelter, and medical care to the Darfur region is estimated by the World Health Organization to be resulting in up to 10,000 deaths per month and, should current trends continue, is projected to escalate to thousands of deaths each day by December 2004.

(11) The United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions stated in a recent report to the United Nations Sub-Commission on Human Rights that "[i]t is beyond doubt that the [G]overnment of Sudan is responsible for extrajudicial and summary executions of large numbers of people over the last several months in the Darfur region", and that "[t]he current humanitarian disaster unfolding in Darfur, for which the government is largely responsible, has put millions of civilians at risk".

(12) Attacks on civilians in the Darfur region continue despite an April 8, 2004, temporary cease-fire agreement reached between the Government of Sudan and the JEM and SLA rebel groups in N'Djamena, Chad.

(13) The United Nations High Commissioner for Human Rights identified "massive human rights violations in Darfur perpetrated by the Government of Sudan and the Janjaweed, which may constitute war crimes and/or crimes against humanity".

(14) On July 22, 2004, the United States House of Representatives and Senate both declared that the atrocities unfolding in Darfur, Sudan are genocide.

(15) On September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate: "When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring."

(16) On July 30, 2004, the United Nations Security Council passed Resolution 1556, calling upon the Government of Sudan to disarm the Janjaweed militias, apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and international humanitarian law, as well as other atrocities in the Darfur region.

(17) On September 18, 2004, the United Nations Security Council passed Resolution 1564, determining that the Government of

Sudan had failed to meet its obligations under Resolution 1556, calling for a military flight ban in and over the Darfur region, demanding the names of Janjaweed militiamen disarmed and arrested for verification, establishing an International Commission of Inquiry into violations of international humanitarian and human rights laws, and threatening sanctions should the Government of Sudan fail to fully comply with Security Council Resolutions 1556 and 1564.

(18) The African Union's commitment to conflict resolution and peacekeeping on the continent, and its mandate to prevent genocide, has led the organization to engage in both political and military action in an effort to end the conflict in the Darfur region.

(19) The SPLM should seek to play a constructive role in bringing about a political settlement between the Government of Sudan, the SLA, and the JEM.

(20) Practical implementation of a comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note), and in the Machakos Protocol of 2002, is hampered by the ongoing violence in the Darfur region and by the Government of Sudan's complicity in the violence.

(21) The Government of Sudan's complicity in the atrocities in the Darfur region raises fundamental questions about the Government of Sudan's commitment to peace and stability in Sudan.

SEC. 4. SENSE OF CONGRESS REGARDING GENOCIDE AND THE CONFLICT IN DARFUR, SUDAN.

(a) **SUDAN PEACE ACT.**—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) **ACTIONS TO ADDRESS GENOCIDE AND THE CONFLICT IN DARFUR.**—It is the sense of Congress that—

(1) the atrocities unfolding in the Darfur region of Sudan are genocide;

(2) the Government of Sudan has violated the Convention on the Prevention and Punishment of the Crime of Genocide, signed at Paris on December 9, 1948, to which it is a contracting party, as a result of its complicity in the violence in the Darfur region;

(3) a legitimate countrywide peace in Sudan will only be possible if the principles enumerated in the 1948 Universal Declaration of Human Rights, as affirmed in the Machakos Protocol of 2002, and the Nairobi Declaration on the Final Phase of Peace in the Sudan, are applied to all of Sudan, including the Darfur region;

(4) the parties to the Humanitarian Ceasefire on the Conflict in Darfur (the Government of Sudan, the SLA, and the JEM), signed in N'Djamena, Chad, on April 8, 2004, must meet their obligations under that agreement, including—

(A) to give up the use of force as a means of settling the conflict in the Darfur region;

(B) to allow safe and immediate access for the provision of humanitarian assistance throughout the Darfur region;

(C) to allow the deployment of and cooperate with international monitors and security forces; and

(D) to expedite the conclusion of a political agreement to end the conflict in the Darfur region;

(5) the President should impose targeted sanctions on the assets and activities of those Sudanese Government officials and other individuals who are determined to be involved in planning, carrying out, or otherwise involved in the policy of genocide in the Darfur region, as well as on the assets and activities of businesses controlled by the Government of Sudan and the National Congress Party;

(6) the United States Government should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to and takes demonstrable steps to implement a comprehensive peace agreement for all areas of Sudan, including the Darfur region;

(7) the United States and the international community should use all necessary means to assist international monitors and security forces in the Darfur region, particularly the African Union monitoring team, in order to ensure an appropriate international response to the crisis in the Darfur region;

(8) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, implement a plan to provide assistance to the areas of Sudan to which access has been obstructed or denied;

(9) the President should appoint a new Special Presidential Envoy for Peace in the Sudan to complement and continue the work of former Senator John C. Danforth, who shall be tasked with assisting all parties to the conflict in Sudan, including in the Darfur region, to achieve a just, comprehensive, and permanent peace in Sudan;

(10) the member states of the United Nations, particularly the member states from the African Union, the Arab League, and the Organization of the Islamic Conference, should undertake urgent measures to prevent the genocide in the Darfur region from escalating further, including the imposition of targeted sanctions against those responsible for the atrocities; and

(11) the international community, including African, Arab, and Muslim nations, should immediately provide logistical, financial, in-kind, and personnel resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the Darfur crisis.

SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

“SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

“(a) ASSISTANCE TO SUPPORT A COMPREHENSIVE FINAL PEACE AGREEMENT IN SUDAN AND TO RESPOND TO THE HUMANITARIAN CRISIS IN DARFUR.—

“(1) AUTHORITY.—Subject to the requirements of this section, the President is authorized to provide assistance for Sudan—

“(A) to support the implementation of a comprehensive peace agreement that applies to all regions of Sudan, including the Darfur region; and

“(B) to address the humanitarian and human rights crisis in the Darfur region and eastern Chad, including to support the African Union mission in the Darfur region of Sudan.

“(2) REQUIREMENT FOR CERTIFICATION.—Notwithstanding section 501(a) of the Assistance for International Malaria Control Act (Public Law 106-570; 50 U.S.C. 1701 note), assistance authorized under this section may be provided to the Government of Sudan only if the President transmits the certification described in paragraph (3).

“(3) CERTIFICATION FOR THE GOVERNMENT OF SUDAN.—The certification referred to in paragraph (2) is a certification transmitted by the President to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

“(A) ensure that the armed forces of Sudan and any associated militias are not committing atrocities or obstructing human rights

monitors or the provision of humanitarian assistance;

“(B) demobilize and disarm militias supported or created by the Government of Sudan;

“(C) allow full and unfettered humanitarian assistance to all regions of Sudan, including Darfur;

“(D) allow an international commission of inquiry to conduct its investigation of atrocities in the Darfur region and Khartoum, preserve evidence of atrocities and prosecute those responsible for war crimes, crimes against humanity, and genocide;

“(E) cooperate fully with the African Union and all other observer and monitoring missions mandated to operate in Sudan;

“(F) ensure the safe return of displaced persons and refugees to their homes and rebuild the communities destroyed in the violence;

“(G) implement the Nairobi Declaration on the Final Phase of Peace in the Sudan; and

“(H) install a new coalition government based on the agreements reached in the Nairobi Declaration on the Final Phase of Peace in the Sudan.

“(4) SUSPENSION OF ASSISTANCE.—If, on a date after the President transmits the certification described in paragraph (3), the President determines that the Government of Sudan has ceased taking the actions described in such paragraph, the President shall immediately suspend the provision of any assistance to such Government until the date on which the President transmits to the appropriate congressional committees a further certification that the Government of Sudan has resumed taking such actions.

“(5) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—In addition to any other funds otherwise available for such purposes, there are authorized to be appropriated to the President—

“(i) \$100,000,000 for each of the fiscal years 2005, 2006, and 2007 to carry out paragraph (1)(A); and

“(ii) \$150,000,000 for fiscal year 2005 to carry out paragraph (1)(B).

“(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

“(b) GOVERNMENT OF SUDAN DEFINED.—In this section, the term ‘Government of Sudan’ means the National Islamic Front government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of the Comprehensive Peace in Sudan Act (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan).”

(2) CONFORMING AMENDMENT.—Section 3(2) of such Act is amended by striking “The” and inserting “Except as provided in section 12, the”.

(b) REPORTING REQUIREMENT.—Section 8 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended in the first sentence by striking “Sudan” and inserting “Sudan, including the conflict in the Darfur region”.

SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) SANCTIONS.—Beginning on the date of the enactment of this Act, the President shall, notwithstanding paragraph (1) of section 6(b) of the Sudan Peace Act (50 U.S.C. 1701 note), implement the measures set forth in subparagraphs (A) through (D) of paragraph (2) of such section.

(b) SUSPENSION OF SANCTIONS.—The President may suspend the application of subsection (a) if the President transmits to the appropriate congressional committees a certification in accordance with paragraph (3) of section 12(a) of the Sudan Peace Act (as added by section 5(a)(1) of this Act).

(c) REINSTATEMENT OF SANCTIONS.—The President shall reinstate the sanctions listed in subsection (a) that have been suspended under subsection (b) if at any time the President determines and certifies to the appropriate congressional committees that the Government of Sudan is no longer in compliance with any of the criteria listed in subparagraphs (A) through (H) of section 12(a)(3) of the Sudan Peace Act (as added by section 5(a)(1) of this Act).

(d) WAIVER.—The President may waive the application of subsection (a) if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interest of the United States.

(e) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Act, 2004 (division D of Public Law 108-199; 118 Stat. 143), or any other similar provision of law, may not be lifted pursuant to such provisions of law unless the President transmits a certification to the appropriate congressional committees in accordance with paragraph (3) of section 12(a) of the Sudan Peace Act (as added by section 5(a)(1) of this Act).

SEC. 7. DISCLOSURE OF BUSINESS ACTIVITIES IN SUDAN.

(a) ANNUAL REPORT TO CONGRESS.—The Secretary of the Treasury shall, not later than 180 days after the date of the enactment of this Act, and not later than the end of each 1-year period thereafter, submit to Congress a report that includes—

(1) the identity of all entities that are engaged in commercial activity in Sudan;

(2) the nature and extent of that commercial activity in Sudan, including any plans for expansion or diversification;

(3) the identity of all agencies of the Sudanese Government with which any such entity is doing business; and

(4) the relationship of the commercial activity to any violations of religious freedom and other human rights in Sudan.

(b) DISCLOSURE TO THE PUBLIC.—The Secretary of the Treasury shall publish or otherwise make available to the public each report submitted under subsection (a).

SEC. 8. MULTILATERAL EFFORTS.

The President, acting through the United States Permanent Representative to the United Nations, should—

(1) press the United Nations Security Council to pursue accountability for those who are found responsible for orchestrating and carrying out the atrocities in the Darfur region, consistent with United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004);

(2) encourage member states of the United Nations to—

(A) freeze the assets of senior members of the Government of Sudan and their families held in each such member state;

(B) cease to import Sudanese oil;

(C) restrict the entry or transit of senior members of the Government of Sudan and their families through each such member state; and

(D) deny permission for any aircraft registered in Sudan to take off from, land in, or overfly each such member state; and

(3) urge member states of the United Nations to cease selling arms to the Government of Sudan, including by—

(A) taking the necessary measures to prevent the sale or supply to armed elements acting within the territory of Sudan, including the Government of Sudan, the Janjaweed and the Popular Defense Forces, by the nationals of such member states, from the territories of such member states, or through

the use of flag vessels or aircraft of such member states, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts, as well as technical training or assistance related to the provision, manufacture, maintenance or use of such items, whether or not originating in the territories of such member states; and

(B) ensuring that the measures imposed in subparagraph (A) shall not apply to—

(i) supplies and related technical training and assistance to monitoring, verification, or peace support operations, including such operations led by regional organizations, that are authorized by the United Nations or are operating with the consent of the relevant parties;

(ii) supplies of non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use, and related technical training and assistance; and

(iii) supplies of protective clothing, including flak jackets and military helmets, for the personal use of United Nations or African Union personnel, human rights monitors, representatives of the media and humanitarian and development workers and associated personnel.

SEC. 9. REPORT ON UNITED STATES RESPONSE TO A COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.

(a) **REPORT.**—Not later than 60 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the planned United States response to a comprehensive peace agreement for Sudan.

(b) **CONTENT.**—The report required by subsection (a) shall include—

(1) a description of steps taken by the United States to respond to a modified peace process between the Government of Sudan and the SPLM that would account for the implementation of peace in all regions of Sudan, in particular Darfur;

(2) a contingency plan for extraordinary humanitarian assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur, Sudan;

(3) if applicable, a notification and explanation of the President's intention to decline to impose targeted sanctions on the assets and activities of those Sudanese government officials and other individuals that are involved in carrying out the policy of genocide in the Darfur region, as well as on the assets and activities of businesses controlled by the Government of Sudan and the National Congress Party; and

(4) if applicable, a notification and explanation of the Government of the United States' intention to normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to and implements a comprehensive peace agreement for all areas of Sudan, including Darfur.

(c) **FORM OF REPORT.**—The report required by subsection (a) may be transmitted in classified form.

SEC. 10. ADDITIONAL AUTHORITIES; EXCEPTION TO EXPORT PROHIBITIONS.

(a) **ADDITIONAL AUTHORITIES.**—Notwithstanding any other provision of law, the President is authorized to undertake appropriate programs using Federal agencies, grants or contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconcili-

ation efforts, or implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

(b) **EXCEPTION TO EXPORT PROHIBITIONS.**—Notwithstanding any other provision of law, the prohibitions set forth with respect to Sudan in Executive Order No. 13067 of November 3, 1997 (62 Fed. Reg. 59989), shall not apply to any export from an area in Sudan outside of the control of the Government of Sudan, or to any necessary transaction directly related to that export, if the President determines that the export or related transaction, as the case may be, would directly benefit the economic development of that area and its people.

SEC. 11. TECHNICAL AMENDMENT.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by striking "Organization of African Unity" and inserting "African Union".

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. **TANCREDO**) and the gentleman from New Jersey (Mr. **PAYNE**) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. **TANCREDO**).

GENERAL LEAVE

Mr. **TANCREDO**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. **TANCREDO**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a moral responsibility to react to what is happening in the country of Sudan and specifically in the area we know as Darfur; and what is happening there is genocide. This House has spoken on that. This Congress has spoken on that. We have called it what it is. It is genocide. Now we must take action as a result of the fact that this is happening, and we cannot ignore it.

This is the first time that we have ever declared genocide while it is happening. We have always in the past responded to it, but unfortunately, in just responding to its existence, little, if anything, was done to stop it from happening or going on.

Everyone is watching to see how we will respond. Secretary Powell and the United States administration have taken a courageous stand, but it is just the beginning. If we fail to act forcefully now, it will be open season for genocide. If we make empty threats, it will have serious consequences for the future of international peace and security.

Time and time again we have come to this floor both on Special Orders and during debate on resolutions and bills to urge our Members in the Congress of the United States to act forcefully with regard to Sudan in order to stem the horrible events that have been occurring there over the past, really, 25 or more years.

It is a country wracked with pain. It has experienced more than 2 million

dead in a period of a civil war that has lasted, as I say, a quarter of a century. Four million displaced. In Darfur now we are witnessing something again of enormous tragedy. The numbers are staggering. At least 50,000 dead again now in Darfur because of the genocide going on there conducted by the government against the people in that area, and 350,000 or more in camps who are close to perishing simply because of the terrible conditions in which they are forced to exist.

Mr. Speaker, H.R. 5061 includes instructions for the U.S. permanent representative to the U.N. to urge member-states to pursue accountability for those complicit in the genocide in Darfur. It imposes targeted sanctions, including the freezing of assets on senior members of the Government of Sudan. It encourages the Permanent Representative to urge member-states to cease importing Sudanese oil and to impose an arms embargo on the Government of Sudan, the Janjaweed, who are responsible right now for the genocide, and the PDF.

Mr. Speaker, I reserve the balance of my time.

Mr. **PAYNE**. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 5061. Mr. Speaker, let me thank the gentleman from Illinois (Chairman **HYDE**) and the gentleman from California (Mr. **LANTOS**), the ranking member, of the Committee on International Relations for working so hard to bring this bill to the floor. I would especially like to thank the gentleman from Colorado (Mr. **TANCREDO**), whom we just heard a moment ago, for sponsoring this bill and working so diligently towards peace in Sudan for so long. He is extremely dedicated, and it has been a pleasure working with him and other Members, the gentleman from Virginia (Mr. **WOLF**) the gentleman from California (Mr. **ROYCE**), the gentleman from Maryland (Mr. **CUMMINGS**), and others on this issue.

In just the last 12 months, the Government of Sudan and its allied Arab militia, the Janjaweed, have displaced more than 1 million people, as we heard, in the Darfur region, an additional 200,000 people into Chad, and has killed more than 50,000 innocent civilians, many more at risk today. Government troops and their allied Janjaweed militia have raped, tortured, maimed, and burned entire villages in a deliberate and systematic manner to cleanse the area of African Muslims.

They have used Antonov bombers and helicopter gunships to destroy the villages and then encourage the Janjaweed on camel and on horseback to finish the job. Men have been murdered, many times forced into huts and burned alive to death. Women and girls have been raped, many branded so it will be known publicly that they have been raped; therefore, they will be outcasts in the Muslim religion. They have been beaten.

Women have been abducted. Men have been killed. They have killed the

animals. They have destroyed the crops. They have taken bodies and thrown them into the wells in order to contaminate the water so the people would never return.

In August, I had the opportunity to travel to eastern Chad and to meet with the foreign refugees in Camp Iridimi, 32 miles from the Sudanese border, and we heard firsthand of these horrors that I have just talked about that had been seen by these people and experienced by them. It was really a horrific situation to see.

H.R. 5061 is the culmination of a bipartisan effort to first call the Darfur situation in western Sudan exactly what it is, genocide, and then to follow up that genocide declaration with swift and strong action, as we have heard already some of the provisions of the legislation.

Mr. Speaker, as the Members know, both Chambers of the Congress declared genocide was occurring in Darfur on July 22, 422 to zero in the House and without a dissenting vote in the U.S. Senate just before we adjourned for summer recess. This is the first time, as it has been indicated, that genocide has been declared as it is going on. Normally it is after the fact that a study is done and then it is declared that genocide is happening.

So we can stop and prevent the genocide from continuing. And through the response from the administration, although the response of the administration lagged a bit, we were pleased that Secretary Powell made the determination before the Senate Foreign Relations Committee on September 9.

Mr. Speaker, this is an historic step. The United States Congress takes the word "genocide" very seriously. So in the wake of the genocide declaration, we must be careful that we follow up with a clear action that sends the right message to the Government of Sudan and to other would-be architects of genocide. It is crucial at this juncture that we show we will not sit idly by and allow a government to exterminate its own people, as is happening in Sudan.

Mr. Speaker, H.R. 5061 is a response to genocide. H.R. 5061 amends the Sudan Peace Act and restates the congressional declaration of genocide. It requires an annual report from the Treasury to tell us of all commercial activities in Sudan. It provides \$450 million, \$150 million of which would go towards the humanitarian crisis in Darfur and Chad, including support of the African Union peacekeeping mission, currently suggested at 5,000, although I believe there should be more. And \$300 million to go towards development in southern Sudan over the next 3 years starting in fiscal year 2005. We must not forget about southern Sudanese. Southern Sudanese have been waiting for peace for a long time, for the last 25 years.

As has already been mentioned, more than 2 million have died as a result of the conflict between the north and the

south, and an estimated 5 million people have been displaced over these years. They all certainly know too well what genocide is and what this government has done. This government which gave safe haven to Osama bin Laden from 1991 to 1996, where al Qaeda was created and built up and strengthened during that time.

We are also hopeful that funds will be made available in the current supplemental bill so that immediate funds could go to assist the AU to have immediate access to be able to start to get the troops that they need there immediately.

As I conclude, let me say that it is of the utmost importance that we support the African Union mission, logistically, financially, and to give them the proper mandate that they need. In order to protect civilians, they will often have to come face to face with the Janjaweed fighters. So, therefore, I hope that they will be able to use Chapter 7 and fight back, if necessary. It is critical that we save the lives of the Darfurians. We were hoping that we could have visa restrictions and capital market sanctions; however, at this time we are not able to do this. But if this government continues, I would urge my colleagues to then do the capital market sanctions and visa restrictions and continue to push.

But I hope that this will prove a first step after genocide has been declared that we are serious and that we will not tolerate this.

Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

□ 0230

Ms. WOOLSEY. Mr. Speaker, I rise today to talk about Sudan, where the world's gravest humanitarian crisis is taking place. Nothing like this has happened since the tragedy that occurred in Rwanda in 1994. I want to thank the gentleman from New Jersey for yielding me time to speak.

Already, tens of thousands of Sudanese Africans have needlessly been killed and as many as 1.5 million more have been forced to seek refuge in neighboring countries. I am thankful that Members like the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Colorado (Mr. TANCREDO) have worked so tirelessly to prevent the deaths of even more innocent lives and bring the picture to us here in the Congress so we can work with them also.

H.R. 5061 is vitally important legislation. This bill affirms that the atrocities occurring in Sudan are in fact genocide. It also imposes economic sanctions upon the government of Sudan until its leaders demonstrate that they are going to take every possible step to alleviate this situation.

Mr. Speaker, it is vitally important for the United States to lead the rest of

the world in preventing the further loss of life in Sudan.

The true moral test of our government is not the strength of our economy or the size of our military; it is our compassion for those in the world who are less fortunate than we are. I urge passage of H.R. 5061 to help those who are less fortunate, and they certainly are in Sudan.

Mr. PAYNE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in closing, let me say it is my pleasure to be here on the floor with my dear friend and colleague the gentleman from (Mr. PAYNE), who has been a leader on this issue for long before I even came to the Congress of the United States. Although he was laudatory in his comments about my efforts, his certainly precede mine and deserve all of our thanks. I certainly give it to him. He has been a wonderful, wonderful leader on this and a great man to work with.

Mr. HYDE. Mr. Speaker, I submit for inclusion in the CONGRESSIONAL RECORD an exchange of letters between Chairman THOMAS of the Ways and Means Committee and me as Chairman of the International Relations Committee concerning H.R. 5061.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 6, 2004.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations,
Rayburn House Office Building,
Washington, DC

DEAR CHAIRMAN HYDE: I am writing concerning H.R. 5061, the "Comprehensive Peace in Sudan Act."

As you know, the Committee on Ways and Means has jurisdiction over revenue matters, including any legislation relating to imports. There are three provisions within the bill that may relate to imports and thus fall within the jurisdiction of the Committee on Ways and Means. Section 4(b)(6) expresses the Sense of Congress that "the United States Government should not normalize relations with Sudan, including through the lifting of any sanctions, until the government of Sudan agrees to and implements a comprehensive peace agreement." Section 7(a)(1) requires the President to impose certain sanctions outlined in the Sudan Peace Act (P.L. 107-245), including the requirement to "take all necessary and appropriate steps, including through multilateral efforts, to deny the Government of Sudan access to oil revenues," which could be interpreted to direct the President to impose an import ban on oil. Section 11(b) lifts the prohibition on exports from Sudan with respect to areas outside of control of the Government of Sudan.

However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to exercising its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 5061, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 6, 2004.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means,
Longworth House Office Building, Wash-
ington, DC

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 5061, the Comprehensive Peace in Sudan Act.

Clearly, under House Rule X, the Committee on Ways and Means has jurisdiction over revenue matters, including any legislation relating to imports. I concur with your assessment of the matters in H.R. 5061 which fall within the jurisdiction of the Committee on Ways and Means. I would note that section 11(b) of the bill, which lifts the prohibition on exports from Sudan with respect to areas outside of control of the Government of Sudan, is identical to language that was enacted into law as part of the International Malaria Control Act of 2000, P.L. 106-570.

I appreciate your willingness to permit this important bill to proceed to the floor without the necessity of your Committee formally considering it. I understand that it does not in any way prejudice the Committee with respect to exercising its jurisdictional prerogatives on this or similar legislation.

As you have requested, I will ensure that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD during floor consideration.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. HONDA. Mr. Speaker, I rise in support of H.R. 5061, the Comprehensive Peace in Sudan Act, which seeks to provide humanitarian assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in the region. This bill calls for a series of actions to be taken by our government as well as the international community to bring about a comprehensive peace in Sudan. The violent conflict between the Government of Sudan, including militia forces backed by the Government, and rebel forces (the Sudan Liberation Army and the Justice and Equality Movement) has resulted in horrific humanitarian abuses, and the passage and implementation of H.R. 5061 is a critical step in ending this crisis.

The Government of Sudan is in direct violation of the Humanitarian Ceasefire on the Conflict in Darfur, signed in N'Djamena, Chad, on April 8, 2004. This ceasefire agreement calls for the Government of Sudan and other signatories "to give up the use of force as a means of settling the conflict in the Darfur region; to allow safe and immediate access of all humanitarian assistance throughout the Darfur region; to allow the deployment of and cooperate with international monitors and security forces; and to expedite the conclusion of a political agreement to end the conflict in the Darfur region."

Secretary of State Colin Powell in his recent remarks before the Senate Foreign Relations Committee officially labeled the atrocities in Darfur as genocide and urged the international community to respond to this crisis, saying, "When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the Janjaweed bear responsibility—and genocide may still be occurring." Since seizing power through a military coup in 1989, the Government of Sudan has repeatedly attacked and dislocated civilian populations in southern

Sudan in a coordinated policy of ethnic cleansing that cost the lives of over 2,000,000 people and displaced more than 4,000,000 people. Hundreds of villages have been damaged or destroyed, resulting in massive refugee flows into Chad and internally displaced persons in western Sudan. Additionally, innocent civilians have reportedly been sold into slavery, used as forced labor, or drafted into the military. The Janjaweed and Sudanese military forces have also engaged in the abduction of children, rape of innocent civilians, and the destruction of food and water sources. Widespread hunger and malnutrition continue to endanger the lives of innocent civilians.

Such inhumane violence and manipulation must end, and the Comprehensive Peace in Sudan Act that the House considers today is a critical first step in this effort. This legislation explicitly reaffirms Secretary Powell's assertion that genocide has and is continuing to take place in Sudan, and it imposes U.S. sanctions. But this bill is not merely punitive; it authorizes \$450 million in needed humanitarian assistance, including \$150 million for Sudanese refugees in Darfur and eastern Chad.

The Comprehensive Peace in Sudan Act seeks to rally international support for a strong response to the genocide in Sudan. The Sudanese government has already failed to comply with the April 8, 2004, ceasefire agreement. Because the Sudanese government has been given the opportunity to voluntarily end this violence but has continued to support the Janjaweed and orchestrate an extensive ethnic cleansing campaign in Darfur, the international community not only has a right, but also an obligation to intervene in this conflict to prevent further destruction.

The Comprehensive Peace in Sudan Act calls on the U.S. permanent representative to urge the Security Council and member states to pursue accountability for those complicit in the violence in Darfur. Specifically, this legislation recognizes the need for the creation of an international tribunal to try the offenders of war crimes, crimes against humanity, and genocide.

The legislation also calls on the U.S. permanent representative to the UN to seek the imposition of targeted sanctions (including the freezing of assets) on senior members of the Government of Sudan, to cease to import Sudanese oil, and to impose an arms embargo on the Government of Sudan, Janjaweed and Popular Defense Forces (PDF). These sanctions must be accompanied by a renewed commitment to international humanitarian assistance. Basic necessities such as food, water, shelter, medicine and clothing need to be sent to the region and distributed effectively. The resolution of the crisis in Sudan depends on international cooperation in providing humanitarian aid to this region to help restore, promote, and protect regional stability and security.

The international community must recognize this genocide not only as a brutal attempt at ethnic cleansing and a deliberate disregard for human rights, but also as a threat to international stability and security. Let us not delay intervention as we did during the 1994 Rwanda Genocide, when the international community watched as over 800,000 Tutsi men, women, and children were slaughtered by Hutu extremists in one of the most gruesome and appalling chapters in our history. We must learn from this horrific experience and actively

work to end the violence in Sudan before it escalates even further. I condemn the genocide in the Sudan and I call on my colleagues to support H.R. 5061.

Mr. BLUMENAUER. Mr. Speaker, the good news is that Congress is again showing bipartisan leadership in addressing the ongoing genocide in Darfur. The bad news is that there is much more to be done.

I thank my friends, Mr. TANCREDO and Mr. PAYNE, for continuing to ensure that this issue is in front of us. It is important that tonight we are taking specific action to pressure the Government of Sudan to end the genocide.

This bill will place sanctions on Khartoum and on companies that continue to do business with this genocidal regime and authorizes assistance to address the humanitarian crisis. The Scope of that crisis is vast: 50,000 Darfurians have already been murdered, a million and a half people have been internally displaced, hundreds of thousands have sought refuge in Chad and close to 1 million people are still beyond the reach of relief agencies. International aid agencies such as MercyCorps and CARE are actively working to provide emergency lifesaving assistance in Darfur and deserve our highest gratitude.

However, this crisis goes beyond the humanitarian. This genocide has a political basis and will require a political solution—either diplomatic or military or, more likely, a combination of both.

The President should move the international community to action, supporting international efforts at sanctions, and ensuring that the African Union mission has the mandate and logistical support they will need to be effective at protecting the civilians in Darfur. I strongly support H.R. 5061, the Comprehensive Peace in Sudan Act, and am proud to have been a co-sponsor of it.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 5061, the Comprehensive Peace in Sudan. The bill expands the Sudan Peace Act by authorizing a total of \$450 million in humanitarian assistance over the FY 2005 to FY 2007 period, including at least \$150 million for humanitarian assistance for Sudanese refugees in Darfur and eastern Chad. The \$150 million could also be used to support an African Union peacekeeping mission in Darfur.

However this bill alone will not be enough and authorization alone is not enough. The situation in Sudan is dire. The statistics are alarming and depressing. The numbers of casualties, deaths, rapes, injuries and displaced refugees beg the question, how can the world, the U.N., the United States and other civilized nations witness the murder of 30,000 innocent civilians, the forced removal of 130,000 people from their homes to Chad, and the displacement of more than one million people and do nothing.

Mr. Speaker, we cannot afford to allow this genocide that is occurring in Sudan to continue. We must rise to the occasion. We must forget about those partisan things that divide us. We must come together as a body, as a Congress, indeed, as a nation; and we must show the world the way to eliminate the kind of racial and religious hatred that exists in this world and we cannot afford to wait.

Mr. TANCREDO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Colorado

(Mr. TANCREDO) that the House suspend the rules and pass the bill, H.R. 5061, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TANCREDO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CELEBRATING 50TH ANNIVERSARY OF FALCON INTERNATIONAL DAM

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 818) celebrating the 50th anniversary of the opening of the Falcon International Dam, recognizing the dam's importance as a source of water and power and as a symbol of friendship and cooperation between the United States and the United Mexican States, and urging Mexico to honor all of its obligations under the 1944 Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande.

The Clerk read as follows:

H. RES. 818

Whereas the 1944 Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande between the United States and the United Mexican States provided for the construction of the Falcon International Dam on the Rio Grande River to provide flood control, water conservation, and hydroelectric power for the benefit of communities on both sides of the border;

Whereas on October 19, 1953, as construction on the dam neared completion, President Dwight D. Eisenhower and President Adolfo Ruiz Cortines of Mexico met at the center of the Falcon International Dam to dedicate it to the well-being of the residents of both countries;

Whereas the dam was completed on April 8, 1954, and the Falcon Power Plant generated power for commercial use for the first time on October 11, 1954;

Whereas the Falcon International Dam is 26,394 feet long, and its construction created a beautiful 60-mile-long reservoir known as Falcon Lake;

Whereas the construction of the dam and reservoir resulted in the submersion and relocation of 5 townships in the United States and Mexico, including the town of Zapata, Texas;

Whereas the Falcon International Dam and the adjacent United States Falcon State Park now serve as a valued community resource and source of pride for the residents of Zapata County, Texas and neighboring Starr County, Texas;

Whereas Falcon Lake is considered one of the best fishing lakes in Texas and supports an emerging recreational tourism industry;

Whereas the Falcon International Dam is an important source of water and power for irrigation and household use;

Whereas operations at the Falcon International Dam require a coordinated binational effort among numerous agencies, including the International Boundary and Water Commission, the United States Border

Patrol, the Texas Parks and Wildlife Department, Zapata County, and their Mexican counterparts;

Whereas the Mexican government has incurred a deficit in its water delivery obligations, and this has lowered the water level in the reservoir and hurt the communities on the United States side of the border;

Whereas the Falcon International Dam serves as an important shared resource between the 2 countries and the continued success of the project requires mutual adherence to the terms of the Treaty;

Whereas the Falcon International Dam serves as a symbol of friendship and cooperation between the United States and Mexico; and

Whereas October 11, 2004 marks the 50th anniversary of the opening of the Falcon International Dam: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the 50th anniversary of the opening of the Falcon International Dam;

(2) recognizes that building of the Falcon International Dam was an extraordinary project and that operating its facilities continues to represent a substantial undertaking;

(3) acknowledges recent payments by the United Mexican States under the 1944 Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande between the United States and Mexico and urges Mexico to honor all of its obligations under the Treaty;

(4) recognizes that the Falcon International Dam has been both an important source of water and power and a symbol of friendship and cooperation between the United States and Mexico for 50 years; and

(5) recommits itself to the binational effort and spirit in which the Falcon International Dam was constructed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

GENERAL LEAVE

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 818.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consider.

Mr. Speaker, I rise in support of the resolution offered by the gentleman from Texas (Mr. RODRIGUEZ). It is fitting we should recognize the importance of the Falcon International Dam. For 50 years this dam has benefited people on both sides of our shared border with Mexico.

This resolution notes that Mexico under President Fox has made its water payments to the United States under its 1944 Treaty Relating to the Utilization of Water of the Colorado and Tijuana Rivers and of the Rio Grande. I note the United States has never failed to make a water payment to Mexico, even in drought years, under the 1944 treaty. While we appre-

ciate President Fox's efforts to meet these treaty obligations, Mexico still owes our States water from past years.

I want to thank the gentleman from Texas for working with our committee in preparing this resolution and urge my colleagues to join with me in support of it.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I rise in strong support of H. Res. 818 and yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS) of the Committee on International Relations for expediting consideration of this important resolution which recognizes once again the close relationship between our country and the United Mexican States.

I would also like to recognize my friend and colleague, the gentleman from Texas (Mr. RODRIGUEZ), the Chairman of the Congressional Hispanic Caucus, for the outstanding work that he does in general and for this particular resolution as he is the author of it.

Mr. Speaker, H. Res. 818 acknowledges the 50th anniversary of the opening of the Falcon International Dam and the importance of this public infrastructure to the people both of the United States and of the United Mexican States. It is no coincidence that water, a vital element of life, is the medium through which the bonds of our two countries are continually nourished.

I strongly encourage all of my Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. RODRIGUEZ), the author of the resolution.

Mr. RODRIGUEZ. Mr. Speaker, let me take this opportunity to thank the gentleman from New Jersey (Mr. PAYNE) personally for allowing me the opportunity to say a few words and for his hard work on this particular piece of legislation.

In addition, I would like to thank the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from Colorado (Mr. TANCREDO), as well as the gentleman from Illinois (Chairman HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their efforts.

I also want to take the opportunity to thank the Chairman of the Democratic Caucus, the gentleman from New Jersey (Mr. MENENDEZ) and Jessica Lewis of his staff, who worked on this issue and helped make it happen.

Mr. Speaker, I rise today in support of H. Res. 818, a resolution commemorating the 50th anniversary of the opening of the Falcon International Dam. Like all large scale dams, the