

Record votes on postponed questions will be taken later.

SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2271) to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2271

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 Accountability and Divestment Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) BUSINESS OPERATIONS.—The term "business operations" means engaging in commerce in any form in Sudan, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(3) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(4) GOVERNMENT OF SUDAN.—The term "Government of Sudan"—

(A) means the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front) or any successor government formed on or after October 13, 2006 (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan); and

(B) does not include the regional government of southern Sudan.

(5) MARGINALIZED POPULATIONS OF SUDAN.—The term "marginalized populations of Sudan" refers to—

(A) adversely affected groups in regions authorized to receive assistance under section 8(c) of the Darfur Peace and Accountability Act (Public Law 109-344; 50 U.S.C. 1701 note); and

(B) marginalized areas in Northern Sudan described in section 4(9) of such Act.

(6) MILITARY EQUIPMENT.—The term "military equipment" means—

(A) weapons, arms, military supplies, and equipment that readily may be used for military purposes, including radar systems or military-grade transport vehicles; or

(B) supplies or services sold or provided directly or indirectly to any force actively participating in armed conflict in Sudan.

(7) MINERAL EXTRACTION ACTIVITIES.—The term "mineral extraction activities" means

exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

(8) OIL-RELATED ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "oil-related activities" means—

(i) exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading oil; and

(ii) constructing, maintaining, or operating a pipeline, refinery, or other oilfield infrastructure.

(B) EXCLUSIONS.—A person shall not be considered to be involved in an oil-related activity if—

(i) the person is involved in the retail sale of gasoline or related consumer products in Sudan but is not involved in any other activity described in subparagraph (A); or

(ii) the person is involved in leasing, or owns, rights to an oil block in Sudan but is not involved in any other activity described in subparagraph (A).

(9) PERSON.—

The term "person" means—

(A) a natural person, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent company or subsidiary of any entity described in subparagraph (A) or (B).

(10) POWER PRODUCTION ACTIVITIES.—The term "power production activities" means any business operation that involves a project commissioned by the National Electricity Corporation of Sudan or other similar entity of the Government of Sudan whose purpose is to facilitate power generation and delivery, including establishing power-generating plants or hydroelectric dams, selling or installing components for the project, or providing service contracts related to the installation or maintenance of the project.

(11) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(12) STATE OR LOCAL GOVERNMENT.—The term "State or local government" includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES DIRECTLY INVESTED IN CERTAIN SUDANESE SECATORS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should support the decision of any State or local government to divest from, or to prohibit the investment of assets of the State or local government in, a person that the State or local government determines poses a financial or reputational risk.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (e) to divest the assets of the State

or local government from, or prohibit investment of the assets of the State or local government in, persons that the State or local government determines, using credible information available to the public, are conducting or have direct investments in business operations described in subsection (d).

(c) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(d) BUSINESS OPERATIONS DESCRIBED.—

(1) IN GENERAL.—Business operations described in this subsection are business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment.

(2) EXCEPTIONS.—Business operations described in this subsection do not include business operations that the person conducting the business operations can demonstrate—

(A) are conducted under contract directly and exclusively with the regional government of southern Sudan;

(B) are conducted under a license from the Office of Foreign Assets Control, or are expressly exempted under Federal law from the requirement to be conducted under such a license;

(C) consist of providing goods or services to marginalized populations of Sudan;

(D) consist of providing goods or services to an internationally recognized peace-keeping force or humanitarian organization;

(E) consist of providing goods or services that are used only to promote health or education; or

(F) have been voluntarily suspended.

(e) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice and an opportunity to comment in writing to each person to whom a measure is to be applied.

(2) TIMING.—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

(3) APPLICABILITY.—The measure shall not apply to a person that demonstrates to the State or local government that the person does not conduct or have direct investments in business operations described in subsection (d).

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person conducts or has direct investments in business operations described in subsection (d).

(f) DEFINITIONS.—

In this section:

(1) INVESTMENT.—The "investment" of assets, with respect to a State or local government, includes—

(A) a commitment or contribution of assets;

(B) a loan or other extension of credit of assets; and

(C) the entry into or renewal of a contract for goods or services.

(2) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "assets" refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term “assets” does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(g) NONPREEMPTION.—A measure of a State or local government authorized under subsection (b) is not preempted by any Federal law or regulation.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Subsections (c) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

SEC. 4. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a-13) is amended by adding at the end the following:

“(c) LIMITATION ON ACTIONS.—

“(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information that is available to the public, conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007.

“(2) APPLICABILITY.—

“(A) ACTIONS FOR BREACHES OF FIDUCIARY DUTIES.—Paragraph (1) does not prevent a person from bringing an action based on a breach of a fiduciary duty owed to that person with respect to a divestment or non-investment decision, other than as described in paragraph (1).

“(B) DISCLOSURES.—Paragraph (1) shall not apply to a registered investment company, or any employee, officer, director, or investment adviser thereof, unless the investment company makes disclosures in accordance with regulations prescribed by the Commission.

“(3) PERSON DEFINED.—For purposes of this subsection the term ‘person’ includes the Federal Government and any State or political subdivision of a State.”.

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall prescribe regulations, in the public interest and for the protection of investors, to require disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940. Such rules shall require the disclosure to be included in the next periodic report filed with the Commission under section 30 of such Act (15 U.S.C. 80a-29) following such divestiture.

SEC. 5. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines is conducting or has direct investments in business operations in Sudan described in section 3(d) of this Act, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) such divestment or avoidance of investment is conducted in accordance with section 2509.94-1 of title 29, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

SEC. 6. PROHIBITION ON UNITED STATES GOVERNMENT CONTRACTS.

(a) CERTIFICATION REQUIREMENT.—The head of each executive agency shall ensure that each contract entered into by such executive agency for the procurement of goods or services includes a clause that requires the contractor to certify to the contracting officer that the contractor does not conduct business operations in Sudan described in section 3(d).

(b) REMEDIES.—

(1) IN GENERAL.—The head of an executive agency may impose remedies as provided in this subsection if the head of the executive agency determines that the contractor has submitted a false certification under subsection (a) after the date the Federal Acquisition Regulation is amended under subsection (e) to implement the requirements of this section.

(2) TERMINATION.—The head of an executive agency may terminate a covered contract upon the determination of a false certification under paragraph (1).

(3) SUSPENSION AND DEBARMENT.—The head of an executive agency may debar or suspend a contractor from eligibility for Federal contracts upon the determination of a false certification under paragraph (1). The debarment period may not exceed 3 years.

(4) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NON-PROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) each contractor that is debarred, suspended, proposed for debarment or suspension, or declared ineligible by the head of an executive agency on the basis of a determination of a false certification under paragraph (1).

(5) RULE OF CONSTRUCTION.—This section shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under paragraph (1).

(c) WAIVER.—

(1) IN GENERAL.—The President may waive the requirement of subsection (a) on a case-by-case basis if the President determines and certifies in writing to the appropriate congressional committees that it is in the national interest to do so.

(2) REPORTING REQUIREMENT.—Not later than April 15, 2008, and semi-annually thereafter, the Administrator for Federal Procurement Policy shall submit to the appropriate congressional committees a report on waivers granted under paragraph (1).

(d) IMPLEMENTATION THROUGH THE FEDERAL ACQUISITION REGULATION.—Not later than 120 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) to provide for the implementation of the requirements of this section.

(e) REPORT.—Not later than one year after the date the Federal Acquisition Regulation is amended under subsection (e) to implement the requirements of this section, the

Administrator of General Services, with the assistance of other executive agencies, shall submit to the Office of Management and Budget and the appropriate congressional committees a report on the actions taken under this section.

SEC. 7. SENSE OF CONGRESS ON EFFORTS BY OTHER COUNTRIES.

It is the sense of Congress that the governments of all other countries should adopt measures, similar to those contained in this Act, to publicize the activities of all persons that, through their financial dealings, knowingly or unknowingly enable the Government of Sudan to continue to oppress and commit genocide against people in the Darfur region and other regions of Sudan, and to authorize divestment from, and the avoidance of further investment in, such persons.

SEC. 8. SENSE OF CONGRESS ON PEACEKEEPING EFFORTS IN SUDAN.

It is the sense of Congress that the President should—

(1) continue to work with other members of the international community, including the Permanent Members of the United Nations Security Council, the African Union, the European Union, the Arab League, and the Government of Sudan to facilitate the urgent deployment of a peacekeeping force to Sudan; and

(2) bring before the United Nations Security Council, and call for a vote on, a resolution requiring meaningful multilateral sanctions against the Government of Sudan in response to its acts of genocide against the people of Darfur and its continued refusal to allow the implementation of a peacekeeping force in Sudan.

SEC. 9. SENSE OF CONGRESS ON THE INTERNATIONAL OBLIGATIONS OF THE UNITED STATES.

It is the sense of Congress that nothing in this Act—

(1) conflicts with the international obligations or commitments of the United States; or

(2) affects article VI, clause 2, of the Constitution of the United States.

SEC. 10. REPORTS ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) IN GENERAL.—The Secretary of State and the Secretary of the Treasury shall submit to the appropriate congressional committees a report assessing the effectiveness of sanctions imposed with respect to Sudan at the time the Secretary of State and the Secretary of the Treasury submits reports required under—

(1) the Sudan Peace Act (Public Law 107-245; 50 U.S.C. 1701 note);

(2) the Comprehensive Peace in Sudan Act of 2004 (Public Law 108-497; 50 U.S.C. 1701 note); and

(3) the Darfur Peace and Accountability Act of 2006 (Public Law 109-344; 50 U.S.C. 1701 note).

(b) ADDITIONAL REPORT BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall submit to the appropriate congressional committees a report assessing the effectiveness of sanctions imposed with respect to Sudan under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) at the time the President submits the reports required by section 204(c) of such Act (50 U.S.C. 1703(c)) with respect to Executive Order 13,067 (50 U.S.C. 1701 note; relating to blocking property of persons in connection with the conflict in Sudan’s region of Darfur).

(c) CONTENTS.—The reports required by subsections (a) and (b) shall include—

(1) a description of each sanction imposed under a law or executive order described in subsection (a) or (b);

(2) the name of the person subject to the sanction, if any; and

(3) whether or not the person subject to the sanction is also subject to sanctions imposed by the United Nations.

SEC. 11. REPEAL OF REPORTING REQUIREMENT.

Section 6305 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28; 121 Stat. 172) is repealed.

SEC. 12. TERMINATION.

The provisions of sections 3, 4, 5, 6, and 10 shall terminate 30 days after the date on which the President has certified to Congress that the Government of Sudan has honored its commitments to—

- (1) abide by United Nations Security Council Resolution 1769 (2007);
- (2) cease attacks on civilians;
- (3) demobilize and demilitarize the Janjaweed and associated militias;
- (4) grant free and unfettered access for delivery of humanitarian assistance; and
- (5) allow for the safe and voluntary return of refugees and internally displaced persons.

Passed the Senate December 12, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of this legislation, and I thank Congresswoman BARBARA LEE for all of her work, as well as everyone on the committee, for bringing this bill to the floor of the Congress today.

I rise in support of this bill to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, as well as to prohibit United States Government contracts with any such companies.

Several years ago I traveled with a bipartisan Congressional delegation to see firsthand the site of the ongoing genocide in Darfur, and to meet in person with the refugees—people displaced from their homes because of targeted political violence. At that time, 250,000 people had already been murdered or had died from subsequent malnutrition and disease. Another 2 million people had already been displaced.

I returned from that trip outraged with the conduct of the Government of Sudan. Not only did the Sudanese Government refuse to protect the innocent people caught between the rebels and the government, but it was also actively involved in the raping, maiming and killing of these refugees.

I returned with the hope that our Nation would do everything possible to bring this nightmare to an end. But not enough has been done. The murders and the rapes continue in Darfur, and in response, the American people want us to do more to help bring this genocide to an end.

Therefore, we in Congress must pass this bill today so that State and local governments

will be able to divest from companies that continue their financial ties with Sudan. We must also ensure that the Federal Government is not complicit in the horrendous conduct of the Sudanese Government through our use of government contracts.

By passing this resolution, we will stand with the thousands of religious groups, churches, humanitarian and community organization, and State and local governments—all of whom are coming together to send a message about the ongoing genocide in Darfur—not on our watch.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a very important piece of legislation on one of the gravest subjects facing the world: the terrible genocide in Darfur.

Mr. Speaker, I want to begin by yielding such time as she may consume to a former member of our committee, the gentlewoman from California (Ms. LEE), who was from the beginning the major force behind this legislation.

Ms. LEE. Mr. Speaker, I rise in support of S. 2271, the Sudan Accountability and Divestment Act. First, let me thank Chairman FRANK.

As Chair of the Financial Services Committee, I have just got to say you didn't have to do this, but you did.

This took many, many months to negotiate. Chairman FRANK understands very clearly that this bill will put the United States on the right side of history in our efforts to end this genocide in Darfur.

So I just want to thank the Financial Services Committee under your leadership. I want to thank Ranking Member SPENCER BACHUS, Mr. GUTIERREZ, and all of those who really made sure that this happened in a bipartisan way. So thank you again, Congressman FRANK and Ranking Member BACHUS, for your leadership but also for your commitment. Your moral commitment, your intellectual resources have been put on the table to get this done. So thank you so much.

I want to also take a few minutes just to thank a few more people because this is a bill that has been a bipartisan bill, and it has been tough to negotiate; but it happened finally. First, I have to say that my colleagues in the other body, Senator DODD, Senator DURBIN, Ranking Member SHELBY of the Senate Banking Committee, I have to congratulate them and thank them for working together in a bipartisan fashion on this bill. Initially it was actually, when it left this House, H.R. 180, the Darfur Accountability and Divestment Act, better known as DADA. And for the most part, 90 percent of DADA remains intact thanks to our negotiators and thanks to our staff.

The staff has been phenomenal. Daniel McGlinchey, Jim Segel, Katie Lavelle, and I want to thank all of our staff for their efforts and I have to especially acknowledge Christos Tsentos on my staff who has gone way beyond the call of duty to make sure that this bill came out in the form that it came out where we all could support it.

Also, a former staffer, Aysha House-Moshi, her tireless effort, her inspira-

tion and her pushing, pushing, pushing helped us draft the original DADA bill.

And I must acknowledge Congressman DON PAYNE, Chair of the Africa Subcommittee. I've got to say that his leadership on Sudan has been phenomenal. He authored the initial legislation over 3 years ago that declared the genocide taking place was a genocide in Darfur. Representative WOLF, Senator BROWNBACK, in a bipartisan way Members in both bodies have come together to not only declare that genocide is taking place but also to do the things that we need to do to make sure that it ended. So I want to thank you also for your leadership.

Also, let me just say to Speaker PELOSI and Majority Leader STENY HOYER, they have been such phenomenal leaders, as leadership in this body and as great human beings. I have visited the refugee camps on three occasions, once also with Speaker PELOSI and once with Majority Leader HOYER. They saw the devastation. They saw the tragedy. They saw the glare in the refugees' eyes. They heard the stories of men, women, and children being run out of their villages. They saw the pictures that children painted of bombs coming down into their villages and the janjaweed on horseback coming through burning their villages. So Speaker PELOSI and Majority Leader HOYER saw this firsthand with so many Members of this body. So I just want to thank them for following up and for making sure that we were able to bring this bill to the floor.

The religious community, the students, the Save Darfur Coalition, STAND, the NAACP, the American Jewish World Service, the National Association of Evangelicals, and the Genocide Intervention Network and the Sudan Divestment Task Force, I cannot say enough about these outside organizations because they have been the wind beneath our wings here. They got it early. They got it early. So I just have to thank them, including Sam Bell, Adam Sterling, Allyson Neville, and Nina McMurry with the Sudan Divestment Task Force for their work because sometimes these negotiations got very difficult, but they hung in there and they were very realistic and yet very principled in how they moved forward.

With each decision to divest, our constituents send a very loud and clear message to Khartoum that they won't fund genocide, not on our dime, not on our watch. Already in our Nation there have been 58 universities, 22 States, and 11 cities. All of these have divested. So this bill allows these divestment movements to move on. This is an impressive track record, Mr. Speaker, and it really deserves our recognition.

Briefly, this bill, one, authorizes States and local governments and universities to divest from companies doing business in the military, the power production, the oil-related, and

mineral extraction industries in partnership with the Khartoum Government of Sudan. It also authorizes States, local governments, and universities to prohibit new contracts with such companies. It provides safe harbor to mutual funds and pension plans choosing to divest their assets in such companies and also prohibits the Federal Government from entering into new Federal contracts with these offending companies.

Let me be very clear. This bill does not require anyone to divest. Even when it comes to Federal contracts, we provide the President with waiver authority in the event of a national security emergency. Further, this bill is designed to protect and encourage our Governors, State legislators, our mayors, our provosts, and our deans to divest their assets from Sudan and express their outrage with the ongoing genocide in Darfur.

No one should have to worry that their pension or retirement funds are supporting genocide. So by passing this legislation today, we can help achieve that goal and at the same time send a message to Khartoum and to the companies that are enabling, enabling the genocidal regime. Not on our watch, not on our dime. Taken together with the over \$1 billion in humanitarian assistance and peacekeeping money we passed last night and the diplomacy efforts of this administration, divestment is one part of a comprehensive bipartisan strategy that we are pursuing to end the genocide.

So we must continue also to urge all parties to lay down their arms, come to the table to negotiate a political solution. We must continue support for the rapid and unconditional deployment of a United Nations/AU hybrid force, along with free and unfettered access for humanitarian groups to continue to provide humanitarian assistance.

Mr. Speaker, 13 years ago the world stood by as nearly 1 million people were slaughtered in the genocide of Rwanda. And the best our country could do, the best we could do was apologize, and that was after the fact. Today the people of Darfur who are suffering and dying need this bill. They need it because another genocide is occurring. And, again, as I said, I have witnessed this three times in the camps, and I have heard these stories. I have seen the devastation from the survivors. Nearly 3 million refugees are in the camps now. So I must say there must be no apologies this time because we must sign this bill into law. The President needs to do the right thing. He needs to listen to bipartisan, bicameral support from Congress for divestment and sign this.

This really is, Mr. Speaker, the moment of truth. This is the moment of truth. Let's stop the rhetoric and do something, do something now that we have declared for 3 years genocide taking place. We need to put the United States on the right side of history. Divestment worked in South Africa when

our former colleague and my mayor now, Ron Dellums, when he led the effort in the 1980s. It can work now in Sudan. So I urge the President to join us in saying to the Government of Khartoum not on our watch, not on our dime.

So let me again thank Chairman FRANK for his leadership on this important legislation. Let me thank all those on the other side of the House for their commitment to make sure that this became a bipartisan bill and that we take the right step, put our country on the right side of history and say "no" to the Sudanese Government, "yes" to ending this genocide, and let us urge the President to sign this bill into law.

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

Congresswoman LEE has, I think appropriately, mentioned several Members who have worked hard on this legislation. And historically in this Congress the House has come together to work very hard in a bipartisan way, not always successfully. Several years ago, we passed a capital market sanction unanimously out of the House. It went to the Senate, and unfortunately it died there.

We're voting on legislation that passed the House this last July with a vote of 418-1. It supports the decisions of State and local legislatures and fund managers to divest from companies doing business in Sudan. However, the bill before us today does not require the government to create or be the source of a "black list" for such companies. We all know the SEC had some problems with maintaining such a list, and at times was inaccurate. For this reason, the Senate version is more acceptable to the administration and to many of us in the House.

Some have said today's legislation is too little, too late, but that certainly is not the case for more than 1 million innocent men, women and children who have somehow survived the genocide and slaughter in Sudan. We can't rewrite history or save lives already lost in Darfur; however, we can and we must resolve to do better going forward. This legislation has the potential to give hundreds of thousands of peaceful and unarmed men, women and children in Darfur an increased chance of surviving the genocide.

Economic and financial considerations in the past have halted some of us in the House from using our efforts against the Sudan Government. They've been used to block and water down our Sudan capital markets legislation in the past.

Economic and financial considerations are important, but in a loving Nation, such considerations can never be used as a justification for turning a blind eye to genocide. Closing our financial markets to those who participate directly or indirectly in the slaughter of innocent human beings is

well within our ability and ought to be a bedrock principle of our Nation.

America is a loving Nation, and allowing our financial markets to be utilized by an evil, and that's a strong word, but in this case it fits, an evil regime which conducts religious and racial genocide is inconsistent with our values and our principles.

This legislation will help put strong pressure on the Government of Sudan that has consistently engaged in genocidal actions both directly and as an enabler of paramilitary factions that are harassing and killing people in Darfur and elsewhere in Sudan on a daily basis.

It is vital to keep the pressure on Khartoum, both because of the bait-and-switch games it regularly plays with the rest of the world, and has done so for years, pretending to make strides to end the genocide, and then going back on its word when the world's outrage is temporarily spent. The latest outrage involves refusing to allow the deployment of non-African United Nations peacekeeping troops, due in two weeks, which it previously had agreed to accept.

The objective of this legislation is one that those of us on our side wholeheartedly embrace. In fact, three of our Members who have been to Sudan and have consistently for years worked in the slaughter there will speak in support of the legislation. Their advice and counsel on the legislative proposal has been invaluable.

Passage of this legislation will give a strong expression of Congress' outrage over the continued genocide in Darfur.

At this time, I would like to recognize the gentleman from Virginia (Mr. WOLF), who really has been a passionate crusader against the outrage that we now know as Darfur, and I recognize him for such time as he may consume.

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. I want to begin by thanking the chairman and the ranking member for bringing the bill up, and also to Congresswoman BARBARA LEE for the effort here. And hopefully this bill will be signed certainly before Christmas.

I think as we talk about the bill today, we should remember that genocide did take place, and in a certain respect continues to take place as we now stand here at this time.

Also, keep in mind, when talking about the Sudan Government, Osama bin Laden lived in Sudan from 1991 to 1996. And the same government that is there now invited Osama bin Laden to live there. And Carlos DeJackal and many other evil people have been in that country for a long period of time.

This bill, the Sudan Accountability and Divestment Act, takes a very important step to pressure the Sudanese Government to halt the violent genocide, which continues in many respects. It authorizes State and local

governments to divest assets in companies that conduct business in Sudan. It also prohibits the U.S. Government from contracting with companies which conduct business in Sudan. And there are many companies that are doing business. There are many foreign companies, some American companies, a lot of Chinese companies. So this is not set up to do something for something that may happen. There are companies today that are doing business and prospering there.

Many have asked how to be involved in stopping the genocide. One answer is to pass this bill. Targeted disinvestment is a powerful tool. It is important to understand that targeted disinvestment is the removal of investment money from companies that are directly or indirectly helping the Sudanese Government perpetuate genocide. There are Chinese companies that are actually helping; some have sold weapons, some have sold Hind helicopters, some have sold other equipment that is helping with regard to this.

Since the ultimate intent of Sudan disinvestment is to protect the victims of genocide, it is important to tailor the disinvestment to have the maximum impact on the Government of Sudan's behavior and minimal harm to innocent Sudanese. Such targeted disinvestment excludes companies involved in agriculture, production and distribution of consumer goods or activities intended to relieve human suffering.

Many States, and they should be applauded, including California, Connecticut, Illinois, Maine, New Jersey, and Oregon, have already moved to divest from companies doing business in Sudan. More States should act.

In closing, I want to again thank the Disinvestment Task Force. I would hope there would be a rollcall on this as a message so everyone knows. And again, I want to thank Congresswoman BARBARA LEE for her persistence and effort to bring this up and pass this.

Keep in mind, as you're voting today, and hopefully there will be, with the chairman, look up there. This will really send a message to the Sudan Government. And there is genocide taking place today as we now vote.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 30 seconds to the gentlewoman from California.

Ms. LEE. I want to thank the gentleman for yielding, and I want to once again acknowledge the leadership of Congressman WOLF and Congressman BACHUS.

I served for many years on the Financial Services Committee and had the privilege to work with SPENCER BACHUS on many, many bills and legislation, including debt relief. And I just wanted to thank him on this one issue because I know this comes from his values, not only as a legislator, but as a human being who wants to see humankind live, and live in peace and harmony without the devastating effects of genocide in their country. So, I want to thank you again, Congressman BACHUS.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I want to join in thanking the people that have been thanked, particularly members of the staff, Mr. Tsentas, Mr. McGlinchey and Mr. Segel, because this took a great deal of work. This was one of those issues where there was a great deal of agreement in principle, but where a lot of work had to be done to translate that principle here in the House. And it was a case where the House took the lead, the Senate then acted, and some negotiation took place.

There was some resistance, I am sad to say, from the administration. The State Department was busy getting Senators to hold us up for a while. But a good deal of good lobbying took place on a bipartisan basis. And many Republicans in the Senate resisted this effort to hold it up, and as a result we have a bill that does what it should do. And I want to be clear what that is.

We are not here compelling anyone to divest. We ran into a situation in which a large number of Americans, revolted by the massive violation of basic human principle that has gone on in Sudan, engaged in by the Government of Sudan, sadly, protected in some ways by the Government of the People's Republic of China, too little resisted by other African nations, too little resisted, in particular, by some in the Arab world who, sadly, it seemed to me, allowed ethnicity to influence them, and for a variety of reasons there has not been the mobilization of international protection for these innocent victims of genocide that there should have been.

What we have is a situation where a number of Americans said, I cannot in any way be part of this. And they approached those entities who invest money on their behalf. As we know, much of the investment that goes on in this country is done not by individuals directing their own investments, but through third parties, mutual funds, pension funds, other entities. And they were told, those who wanted to divest, Oh, we can't do that. We can't honor your moral conviction because we have an obligation to make as much money for you as possible. And indeed, there were invocations of potential lawsuits if, in fact, a mutual fund or pension fund were to say, Look, we're not going to divest in this way or stay an investment fund. We didn't think that those were real threats, but we figured we had to act.

So, what this bill does is not to compel anybody to do anything. It empowers individuals who want to withdraw their funding from this genocide. It empowers entities that want to withdraw funding to do so without fear of lawsuit. And I think it is a solution that looks at how the marketplace works and uses that set of institutions and the law in a reasonable way.

I cannot understand why we ran into the resistance that we did. And I don't

think bureaucracy is a bad thing. Bureaucracy is an essential part of civilized governance. But bureaucracy in the bad sense, bureaucratic resistance in the bad sense, slowed this bill up. People have said, It's too late. I agree. It should have happened a long time ago. It certainly should have happened earlier this year. There was resistance that shouldn't have come from the State Department. There was some concern by the Treasury. They were excessive.

I am very proud that both Houses have now overwhelmingly said, No, enough is enough. We're going to go forward. And we wish we could do more to stop this mass murder, but we can at least allow Americans to withdraw from any participation. And we hope that the cumulative effect of this and elsewhere would be to force a withdrawal.

And there is one very important point. We have sometimes, when the United States Government expressed its revulsion at violations of human rights, people have tried to say, Well, that's just the government. That's not the people. This empowers the American people. When there are withdrawals as a result of this, it will be coming from State and local governments and individual citizens. So no one will be able to deny the concentrated force of this, and we hope that adds to its moral impact.

So, I do intend to ask for a recorded vote on this because I hope we will have an overwhelming demonstration, once again, virtual unanimity, if not complete unanimity, that will send a message that will help get the bill signed. And particularly to the Government of Sudan and to those governments, and that includes some in the Arab world, it includes the People's Republic of China, they will understand the extent to which, across party lines, across ideological lines, they have instilled in the American people the feeling of revulsion. And they should understand our determination to do whatever we can to put an end to this terrible set of events.

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

Mr. BACHUS. Mr. Speaker, I would like to acknowledge Congresswoman LEE's kind remarks. I very much appreciate the fact that she and I have cooperated so many times on these issues.

Chairman FRANK, on this issue, has been wonderful, and I commend him. Also, a member of his staff, Jim Segel, I would like to acknowledge Jim, and represent all the Democratic staff. And Joe Pinder and our staff, I congratulate them on the fine job they've done.

At this time, I would like to call on two of our Members, both Representative CHRIS SMITH of New Jersey and also Representative ROS-LEHTINEN. ILEANA has been very active and personally involved in this issue.

At this time, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

□ 1415

Mr. SMITH of New Jersey. I thank my good friend for yielding. I am pleased to join my colleagues on both sides of the aisle in supporting S. 2271, the Sudan Accountability and Divestment Act of 2007, which will make yet another contribution and another effort at ending this horrific genocide in Darfur that according to the United Nations as resulted in the deaths of over 200,000 people, while others put the death toll as high as 450,000 with about 2.5 million people displaced. Like many of my colleagues, I have visited Darfur. I have been to Mukjar and Kalma camp.

And I have actually had a face-to-face with General Bashir, the President, the dictator in Khartoum, pushing for peace, pushing for an end to this slaughter. And I have seen firsthand, like many of my colleagues, the unspeakable agony and the devastation, whole families exterminated, entire villages killed, women raped. It is beyond words how much sufferings has been endured—you can see it on the survivors' faces. I would also point out to my colleagues that the United States has not been lax or underengaged. Can we do more, you bet. Nevertheless USAID, the U.S. Department of State and President Bush himself, our special envoy Andrew Natsios have been very robust in their efforts to try to mitigate the suffering and hopefully to this crisis as well.

The Bush administration took the lead at the U.N.; I would remind my colleagues, in arguing for deployment of a peacekeep force which yielded fruit on July 31 with the authorization of a United Nations-African Union hybrid peacekeeping force that hopefully will begin to get some significant deployment beginning on January 1 to replace the AU force of about 7,000. About 20,000 military, 6,000 police, will form the core of that force; and the sooner they get in there to protect, the better.

Let me also point out to my colleagues that on May 29, 2007, the President ordered the U.S. Treasury to block the assets of three Sudanese individuals involved in the violence and to sanction 31 companies owned and controlled by the Government of Sudan. This legislation builds on this bipartisan effort to say, enough is enough. As Ms. LEE said a moment ago, we looked askance when the Rwandan genocide accrued—killing by the Hutus of the Tutsis and it was Bill Clinton who did apologize, and the Secretary of the United Nations Kofi Annan also had to apologize because we sat idly by and did nothing even though General Dallaire gave us a clear and compelling heads-up, he was, you will recall, the U.N. peacekeeping leader at the time in Rwanda, and we did nothing.

And we also did nothing for years in the Balkans, another genocide that killed innocent people in Bosnia and Croatia. Hopefully, we have learned from that. As a matter of fact, one of

the AU peacekeepers that I had met with, who served in Sarajevo and was also serving in Darfur, saw the parallels of nonaction and was very much concerned that it was *deja vu* all over again. Hopefully, this legislation pushes the ball further down the court so we can protect innocent lives.

As my colleagues know, the bill today prohibits the U.S. Government from entering into or renewing any contract for the procurement of goods and services with any company conducting business operations in Sudan, directs the Security and Exchange Commission to require that all companies trading securities that directly or through a parent or a subsidiary company conducting business in Sudan must disclose the nature of their business operations in Sudan and does some very other important things.

Let me point out to my colleagues, too, that just last week, the Human Rights Council, which was supposed to replace the egregiously flawed Human Rights Commission, has now disbanded a very important working group of experts that had chronicled compelling evidence and testimony about the genocide. The U.N. failed to renew the group's mandate and just did away with it under pressure. The Council continued their special rapporteurs mandate, but they got rid of this very important working group.

Mr. FRANK of Massachusetts. Mr. Speaker, how much time is there remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 5 minutes remaining. The gentleman from Alabama has 7½ minutes remaining.

Mr. BACHUS. I recognize the gentleman from New Jersey (Mr. SMITH) for an additional 2 minutes.

Mr. SMITH of New Jersey. I thank Mr. BACHUS for yielding further, Mr. Speaker. I just want to read one witness's comment regarding the Human Rights Council. He testified and said: "We, the victims of Darfur, were hoping so much that this new Human Rights Council would give us a voice and make a difference in our lives. Yet the genocide continues. Time is running out. We need action. Our humanitarian situation is critical. Our security situation worsens every day. The janjaweed are killing and raping us. The innocent civilians of Darfur are in desperate need of protection. We need action, and we need it now."

Finally, I call on each Member to support this bill—this has to be a strong bipartisan vote. You know, we are often criticized for the excessive partisanship of this Congress which is largely true. This is one area where we can close ranks and do what is right on behalf of a very, very much-suffering people. I thank my friend for yielding that extra time.

Mr. BACHUS. Mr. Speaker, at this time I would like to yield all additional time to Ranking Member ROS-LEHTINEN of the International Relations Committee for her knowledge and her fine work.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 6 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank Mr. BACHUS and Mr. FRANK for their leadership on this critical issue. And I am proud to rise in strong support of the bill before us, Senate bill 2271, the Darfur Accountability and Divestment Act. The timing of this bill is critical, Mr. Speaker, because as we speak, the United Nations is engaged in yet another effort to convince the regime in Khartoum to stop its foot-dragging and finally facilitate the deployment of a robust United Nations-African Union hybrid peacekeeping force in Darfur. It has been 4 months since this force was approved by the United Nations Security Council, 4 months. And according to the timeline set by Security Council Resolution 1769, the hybrid mission is expected to take over full operational control from the overextended and underresourced African Union peacekeeping mission at the end of this month. But here we are more than halfway through this month, and the chances of this happening appear bleaker than ever.

True to form, Khartoum has reneged on its promises and effectively blocked international efforts to get a credible peacekeeping mission deployed to Darfur. First, they rejected the deployment of non-African forces into Darfur. Then they failed to provide land for bases. Then they imposed onerous restrictions on air travel for the mission. And, finally, they resorted to impounding critical U.N. communications equipment and insisted that they have the right to jam the peacekeeping mission's communications for what they called "security purposes."

Never before have I seen a country being given ostensibly a veto over the selection of peacekeeping troops to be deployed pursuant to a binding chapter 7 resolution. Never before have I encountered a regime with the audacity to suggest that it has the right to jam U.N. communications so that it can continue conducting attacks in violation of a cease-fire agreement against the very people the peacekeeping mission has been sent to protect. This is completely unacceptable.

In response to the Khartoum regime's continued games, the United States representative to the U.N. has once again referenced the need for the imposition of broader Security Council sanctions against Sudan. This is a welcome development, and I urge all members of the Security Council, including China, to follow suit and to finally impose crippling sanctions against the murderous regime in Khartoum.

But given the inability of the U.N. to take effective action against Khartoum, I am not holding my breath. Instead, let's encourage our colleagues today to join us in an effort to inflict real financial pain upon the genocidal regime by supporting the bill before us, Senate bill 2271, the Darfur Accountability and Divestment Act. It allows

State and local governments to divest from companies whose business dealings directly benefit Khartoum while providing safe harbor for fund managers who choose to divest.

I thank Mr. BACHUS and Mr. FRANK again for their leadership on this issue, and I urge all of my colleagues to vote "yes" on this important bill before us.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, before yielding to my last two speakers, I do ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on S. 2271.

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

There was no objection.

Mr. FRANK of Massachusetts. I yield 3 minutes to a very hardworking member of our committee who has a great deal of concern for this issue, the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Thank you, Mr. Chairman. I appreciate the fact that this Congress is taking some action. And if this cause is just, it will eventually triumph, in spite of all of the deaths, disease, doubts and disappointments. If this cause is just, and I believe that it is, it will eventually triumph, in spite of all of the rapes, all of the apathy, all of the cynicism, and all of the "look the other way" by nations in the region and, in fact, around the world.

This tragedy in Darfur shows that genocide is better at abolishing people than people are at abolishing genocide. One speaker earlier mentioned the Balkans. And so genocide is not new. This is not new. The main reason history repeats itself is because the world didn't pay attention the first time. And it seems to me that this provides us with an opportunity to stand up any time we begin to see that genocide is occurring anywhere around this planet.

In the war of right and wrong, the United States of America, and certainly this Congress, cannot afford to be neutral. Some businesses in the United States and around the world are probably like a catsup bottle. We may need to slap them on the bottoms a few times to get them moving. I think this legislation will, in fact, do that; and I commend the sponsors and the chairman and the ranking member of our committee, as well as Ms. LEE from California, for standing up and making sure that when the United States can make an impact in the world, we, in fact, do.

Mr. FRANK of Massachusetts. Mr. Speaker, I didn't want to just echo what my friend has said, and so I yield myself 30 seconds. My appreciation for the fact that we on both sides here, the majority and minority on the committee, were able to work so well together, and I mentioned some staffers, Mr. Pinder of the minority staff working well with Mr. Segel, Mr. McGlinchey and Mr. Tsentas and this

is very well drafted legislation. I am very proud of it. It achieves a moral purpose in a very thoughtful way.

Mr. Speaker, I submit the following exchange of letters on S. 2271:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, December 14, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill, S. 2271, the Sudan Accountability and Divestment Act of 2007. I understand that are certain provisions of this legislation as passed by the Senate that fall within the Rule X jurisdiction of the Committee on Foreign Affairs. Provisions within the jurisdiction of the Committee include sections 7, 8, 9 and 10 of the Senate passed bill.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important legislation and clear it for the President, I am willing to waive this Committee's right to an additional referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

I would ask that you place this letter into the Congressional Record when the Committee has S. 2271 under consideration.

Sincerely,

TOM LANTOS,
Chairman.

—
HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, December 14, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning S. 2271, the Sudan Accountability and Divestment Act of 2007. The Senate passed this bill on December 12, 2007, and it is my expectation that this legislation will be scheduled for floor consideration shortly.

I recognize that certain provisions in the bill fall within the jurisdiction of the Committee on Foreign Affairs under Rule X of the Rules of the House of Representatives. These provisions include sections 7, 8, 9, and 10. However, I appreciate your willingness to forego action on S. 2271 in order to allow the bill to come to the floor expeditiously. I agree that your decision will not prejudice the Committee on Foreign Affairs with respect to its jurisdictional prerogatives on this or similar legislation.

I will include this exchange of correspondence in the Congressional Record when S. 2271 is considered by the House. Thank you again for your cooperation in this important matter.

BARNEY FRANK,
Chairman.

I yield the remainder of my time to the gentlewoman from Ohio, an alumna of our committee.

Mrs. JONES of Ohio. Thank you, Mr. Chairman, for yielding the time. We who believe in freedom cannot rest. We who believe in freedom cannot rest. And today we who believe in freedom must stand up on behalf of the people of Darfur.

It is a wonderful opportunity that we have through Senate 2271 authorizing State and local governments to divest

assets in companies that conduct business operations in Sudan. While I want to celebrate the work of the Senate, I must celebrate the work of my colleagues here in the House who have been really carrying this heavy load and pushing folks to move forward on this legislation, to the Chair, to the ranking member, to my good friend, BARBARA LEE, who is always stepping up and saying, if we believe in freedom we must step out and make a difference in our communities across the world.

As we fight terrorism, and make no mistake about it, the violence in Sudan is akin to what happened in Rwanda and Serbia in recent decades, this is a form of terrorism and genocide. We turned our backs on those populations then, but we must assume responsibility now.

The bill would prohibit the United States Government from contracting with companies that engage in business in Sudan. The American dollar should not be put to use to enforce instability and slaughter of civilians. This legislation also authorizes States, local government and universities to prohibit new contracts with such companies.

□ 1430

It provides safe harbor to mutual funds and pension plans choosing to divest their assets and prohibits the Federal Government from entering into new contracts. I have already said that. But I really want also to take the time to thank many of the organizations across this country who have stood up on our behalf. Specifically, the work of the Save Darfur Coalition, STAND, the NAACP, American Jewish World Service, the National Association of Evangelicals, and especially the Genocide Intervention Network and the Sudan Divestment Task Force.

Lastly, I want to say that all 43 members of the Congressional Black Caucus were signatories to this legislation. This is a piece of legislation that was a priority for the Congressional Black Caucus under the leadership of our Chair, CAROLYN CHEEKS KILPATRICK, and we are so proud we have stood so tall and fought this good fight. And, as I said at the beginning: We who believe in freedom cannot rest. We who believe in freedom cannot rest, and we cannot rest until the people of Darfur are taken care of and we are looking out for them and their babies just like we look after our own.

Mr. HOYER. Mr. Speaker, today the House is considering one of the most important human rights measures we have dealt with all year—a bill related to the world's worst ongoing humanitarian disaster, the genocide in Darfur, Sudan. This measure is about changing direction, showing the world that the United States will not stand idly by—as the international community shamefully did in Rwanda in 1994. This measure is inspired by the apartheid-era legislation that this Congress proudly initiated, which helped bring about the end of one of the most cruel, racist, violent regimes in modern history.

Next year marks the fifth anniversary of the genocide in Darfur. That is five years of raping

and pillaging, of displacement of millions of innocent men, women and children. Today, the question that we must ask ourselves as Americans, and as human beings, is this: Will we respond with apathy or with action to stop this ongoing tragedy? I submit that there can be only one answer: We—and by “we” I mean the international community—cannot and must not turn a blind eye to the Darfurians’ suffering and plight.

Today’s measure—the Sudan Accountability and Divestment Act of 2007—is a call to action. It authorizes states, local governments and universities to divest from companies doing business in the military, power production, oil-related, or mineral extraction industries in partnership with the government of Sudan. Further, it provides safe harbor to mutual funds and pension plans choosing to divest their assets in such companies. And finally, it prohibits the federal government from entering into new federal contracts with these offending companies. No longer will Americans have to worry that their tax dollars are going to companies that support the inhumane regime in Khartoum.

The bill we will pass today and send to the President is just one piece of a multi-faceted effort to address the crisis in Darfur. This solution must include not only full and speedy implementation of the United Nations/African Union hybrid peacekeeping force, but also international support for a single, unified peacemaking process. I have been extremely disappointed in both the rebel leaders and government officials who continue to choose violence over peace and have declined to participate in peace talks. However, we must continue to push for progress toward a ceasefire and a viable political solution for this ravaged land. Finally, and equally importantly, a solution in Darfur must include a sustained and secure role for the courageous humanitarian workers, who risk their lives daily because they are so committed to alleviating the suffering of their fellow human beings.

I want to express my sincere gratitude to Congresswoman BARBARA LEE, who has been a leader in this Congress on the issue of Darfur, who traveled with me to Darfur in April, and who sponsored the original Darfur Divestment measure, H.R. 180—which I was so pleased to cosponsor and which passed the House 418 to 1. I urge Members on both sides of the aisle to support this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the Senate bill, S. 2271.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANK. 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.

TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Terrorism Risk Insurance Program Reauthorization Act of 2007”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of act of terrorism.

Sec. 3. Reauthorization of the Program.

Sec. 4. Annual liability cap.

Sec. 5. Enhanced reports to Congress.

SEC. 2. DEFINITION OF ACT OF TERRORISM.

Section 102(1)(A)(iv) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking “acting on behalf of any foreign person or foreign interest”.

SEC. 3. REAUTHORIZATION OF THE PROGRAM.

(a) **TERMINATION DATE.**—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking “2007” and inserting “2014”.

(b) **ADDITIONAL PROGRAM YEARS.**—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

“(G) **ADDITIONAL PROGRAM YEARS.**—Except when used as provided in subparagraphs (B) through (F), the term ‘Program Year’ means, as the context requires, any of Program Year 1, Program Year 2, Program Year 3, Program Year 4, Program Year 5, or any of calendar years 2008 through 2014.”.

(c) **CONFORMING AMENDMENTS.**—The Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in section 102(7)(F)—

(A) by inserting “and each Program Year thereafter” before “, the value”; and

(B) by striking “preceding Program Year 5” and inserting “preceding that Program Year”;

(2) in section 103(e)(1)(A), by inserting “and each Program Year thereafter” after “Year 5”;

(3) in section 103(e)(1)(B)(ii), by inserting before the period at the end “and any Program Year thereafter”;

(4) in section 103(e)(2)(A), by striking “of Program Years 2 through 5” and inserting “Program Year thereafter”;

(5) in section 103(e)(3), by striking “of Program Years 2 through 5,” and inserting “other Program Year”; and

(6) in section 103(e)(6)(E), by inserting “and any Program Year thereafter” after “Year 5”.

SEC. 4. ANNUAL LIABILITY CAP.

(a) **IN GENERAL.**—Section 103(e)(2) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in subparagraph (A)—

(A) by striking “(until such time as the Congress may act otherwise with respect to such losses)”; and

(B) in clause (ii), by striking “that amount” and inserting “the amount of such losses”; and

(2) in subparagraph (B), by inserting before the period at the end “, except that, notwithstanding paragraph (1) or any other provision of Federal or State law, no insurer may be required to make any payment for insured losses in excess of its deductible under section 102(7)

combined with its share of insured losses under paragraph (1)(A) of this subsection”.

(b) **NOTICE TO CONGRESS.**—Section 103(e)(3) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by adding at the end the following: “The Secretary shall provide an initial notice to Congress not later than 15 days after the date of an act of terrorism, stating whether the Secretary estimates that aggregate insured losses will exceed \$100,000,000,000.”; and

(2) by striking “and the Congress shall” and all that follows through the end of the paragraph and inserting a period.

(c) **REGULATIONS FOR PRO RATA PAYMENTS; REPORT TO CONGRESS.**—Section 103(e)(2)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by striking “For purposes” and inserting the following:

“(i) **IN GENERAL.**—For purposes”; and

(2) by adding at the end the following:

“(ii) **REGULATIONS.**—Not later than 240 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Secretary shall issue final regulations for determining the pro rata share of insured losses under the Program when insured losses exceed \$100,000,000,000, in accordance with clause (i).

“(iii) **REPORT TO CONGRESS.**—Not later than 120 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Secretary shall provide a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the process to be used by the Secretary for determining the allocation of pro rata payments for insured losses under the Program when such losses exceed \$100,000,000,000.”.

(d) **DISCLOSURE.**—Section 103(b) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) in the case of any policy that is issued after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the insurer provides clear and conspicuous disclosure to the policyholder of the existence of the \$100,000,000,000 cap under subsection (e)(2), at the time of offer, purchase, and renewal of the policy.”.

(e) **SURCHARGES.**—Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in paragraph (7)—

(A) in subparagraph (C), by inserting “133 percent of” before “any mandatory recoupment”; and

(B) by adding at the end the following:

“(E) **TIMING OF MANDATORY RECOUPMENT.**—

“(i) **IN GENERAL.**—If the Secretary is required to collect terrorism loss risk-spreading premiums under subparagraph (C)—

“(I) for any act of terrorism that occurs on or before December 31, 2010, the Secretary shall collect all required premiums by September 30, 2012;

“(II) for any act of terrorism that occurs between January 1 and December 31, 2011, the Secretary shall collect 35 percent of any required premiums by September 30, 2012, and the remainder by September 30, 2017; and

“(III) for any act of terrorism that occurs on or after January 1, 2012, the Secretary shall collect all required premiums by September 30, 2017.

“(ii) **REGULATIONS REQUIRED.**—Not later than 180 days after the date of enactment of this subparagraph, the Secretary shall issue regulations describing the procedures to be used for collecting the required premiums in the time periods referred to in clause (i).

“(F) **NOTICE OF ESTIMATED LOSSES.**—Not later than 90 days after the date of an act of terrorism, the Secretary shall publish an estimate