

107TH CONGRESS
1ST SESSION

S. 180

AMENDMENT

In the House of Representatives, U. S.,

November 15, 2001.

Resolved, That the bill from the Senate (S. 180) entitled “An Act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

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

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

4 *The Congress makes the following findings:*

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

9 *(2) A viable, comprehensive, and internationally*
10 *sponsored peace process, protected from manipulation,*
11 *presents the best chance for a permanent resolution of*
12 *the war, protection of human rights, and a self-sus-*
13 *taining Sudan.*

1 (3) Continued strengthening and reform of hu-
 2 manitarian relief operations in Sudan is an essential
 3 element in the effort to bring an end to the war.

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

6 (5) Regardless of the future political status of the
 7 areas of Sudan outside of the control of the Govern-
 8 ment of Sudan, the absence of credible civil authority
 9 and institutions is a major impediment to achieving
 10 self-sustenance by the Sudanese people and to mean-
 11 ingful progress toward a viable peace process.

12 (6) Through the manipulation of traditional ri-
 13 valries among peoples in areas outside of its full con-
 14 trol, the Government of Sudan has used divide-and-
 15 conquer techniques effectively to subjugate its popu-
 16 lation. However, internationally sponsored reconcili-
 17 ation efforts have played a critical role in reducing
 18 human suffering and the effectiveness of this tactic.

19 (7) The Government of Sudan utilizes and orga-
 20 nizes militias, Popular Defense Forces, and other ir-
 21 regular units for raiding and enslaving parties in
 22 areas outside of the control of the Government of
 23 Sudan in an effort to disrupt severely the ability of
 24 the populations in those areas to sustain themselves.

1 *The tactic helps minimize the Government of Sudan's*
 2 *accountability internationally.*

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

8 (9) *By regularly banning air transport relief*
 9 *flights by the United Nations relief operation, Oper-*
 10 *ation Lifeline Sudan (OLS), the Government of*
 11 *Sudan has been able to manipulate the receipt of food*
 12 *aid by the Sudanese people from the United States*
 13 *and other donor countries as a devastating weapon of*
 14 *war in the ongoing effort by the Government of*
 15 *Sudan to starve targeted groups and subdue areas of*
 16 *Sudan outside of the Government's control.*

17 (10) *The acts of the Government of Sudan, in-*
 18 *cluding the acts described in this section, constitute*
 19 *genocide as defined by the Convention on the Preven-*
 20 *tion and Punishment of the Crime of Genocide (78*
 21 *U.N.T.S. 277).*

22 (11) *The efforts of the United States and other*
 23 *donors in delivering relief and assistance through*
 24 *means outside of OLS have played a critical role in*
 25 *addressing the deficiencies in OLS and offset the Gov-*

1 *ernment of Sudan's manipulation of food donations*
 2 *to advantage in the civil war in Sudan.*

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

9 (13) *The Nuba Mountains and many areas in*
 10 *Bahr al Ghazal and the Upper Nile and the Blue Nile*
 11 *regions have been excluded completely from relief dis-*
 12 *tribution by OLS, consequently placing their popu-*
 13 *lations at increased risk of famine.*

14 (14) *At a cost which has sometimes exceeded*
 15 *\$1,000,000 per day, and with a primary focus on*
 16 *providing only for the immediate food needs of the re-*
 17 *cipients, the current international relief operations*
 18 *are neither sustainable nor desirable in the long term.*

19 (15) *The ability of populations to defend them-*
 20 *selves against attack in areas outside of the control of*
 21 *the Government of Sudan has been severely com-*
 22 *promised by the disengagement of the front-line states*
 23 *of Ethiopia, Eritrea, and Uganda, fostering the belief*
 24 *among officials of the Government of Sudan that suc-*
 25 *cess on the battlefield can be achieved.*

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

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

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

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

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

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

SEC. 3. DEFINITIONS.

In this Act:

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

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

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

The Congress hereby—

(1) *condemns—*

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

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

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

(D) *the Government of Sudan’s use and organization of “murahalliin” or “mujahadeen”, Popular Defense Forces (PDF), and regular Sudanese Army units into organized and coordi-*

1 nated raiding and slaving parties in Bahr al
 2 Ghazal, the Nuba Mountains, and the Upper
 3 Nile and the Blue Nile regions; and

4 (E) aerial bombardment of civilian targets
 5 that is sponsored by the Government of Sudan;
 6 and

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

14 **SEC. 5. USE OF APPROPRIATED FUNDS.**

15 The Congress urges the President to promptly make
 16 available to the National Democratic Alliance the
 17 \$10,000,000 in funds appropriated for assistance to such
 18 group under the heading “OTHER BILATERAL ECONOMIC
 19 ASSISTANCE, ECONOMIC SUPPORT FUND” in title I of H.R.
 20 5526 of the 106th Congress, as enacted into law by section
 21 101(a) of Public Law 106–429.

22 **SEC. 6. SUPPORT FOR AN INTERNATIONALLY SANCTIONED**
 23 **PEACE PROCESS.**

24 (a) *FINDINGS.*—The Congress hereby recognizes that—

1 (1) *a single viable, internationally and region-*
 2 *ally sanctioned peace process holds the greatest oppor-*
 3 *tunity to promote a negotiated, peaceful settlement to*
 4 *the war in Sudan; and*

5 (2) *resolution of the conflict in Sudan is best*
 6 *made through a peace process based on the Declara-*
 7 *tion of Principles reached in Nairobi, Kenya, on July*
 8 *20, 1994.*

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

12 (1) *the ongoing negotiations between the Govern-*
 13 *ment of Sudan and opposition forces;*

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

16 (3) *other United States diplomatic efforts sup-*
 17 *porting a peace process in Sudan.*

18 **SEC. 7. MULTILATERAL PRESSURE ON COMBATANTS.**

19 *It is the sense of the Congress that—*

20 (1) *the United Nations should be used as a tool*
 21 *to facilitate peace and recovery in Sudan; and*

22 (2) *the President, acting through the United*
 23 *States Permanent Representative to the United Na-*
 24 *tions, should seek to—*

1 (A) revise the terms of OLS to end the veto
 2 power of the Government of Sudan over the
 3 plans by OLS for air transport relief flights and,
 4 by doing so, to end the manipulation of the de-
 5 livery of relief supplies to the advantage of the
 6 Government of Sudan on the battlefield;

7 (B) investigate the practice of slavery in
 8 Sudan and provide mechanisms for its elimi-
 9 nation; and

10 (C) sponsor a condemnation of the Govern-
 11 ment of Sudan each time it subjects civilians to
 12 aerial bombardment.

13 **SEC. 8. DISCLOSURE OF BUSINESS ACTIVITIES IN SUDAN.**

14 (a) *DISCLOSURE REQUIREMENTS.*—No entity that is
 15 engaged in any commercial activity in Sudan may trade
 16 any of its securities (or depository receipts with respect to
 17 its securities) in any capital market in the United States
 18 unless that entity has disclosed, in such form as the Securi-
 19 ties and Exchange Commission shall prescribe—

20 (1) the nature and extent of that commercial ac-
 21 tivity in Sudan, including any plans for expansion
 22 or diversification;

23 (2) the identity of all agencies of the Sudanese
 24 Government with which the entity is doing business;

4 (4) the contribution that the proceeds raised in
5 the capital markets in the United States will make to
6 the entity's commercial activity in Sudan.

7 (b) *DISCLOSURE TO THE PUBLIC.*—*The Securities and*
8 *Exchange Commission shall take the necessary steps to en-*
9 *sure that disclosures under subsection (a) are published or*
10 *otherwise made available to the public.*

11 (c) *ENFORCEMENT AUTHORITY.—The President may*
12 *exercise the authorities he has under the International*
13 *Emergency Economic Powers Act to assist the Securities*
14 *and Exchange Commission in carrying out this section.*

(a) *PROHIBITION.*—The President shall exercise the authorities he has under the International Emergency Economic Powers Act to prohibit any entity engaged in the development of oil or gas in Sudan—

(1) from raising capital in the United States; or

(2) from trading its securities (or depository receipts with respect to its securities) in any capital market in the United States.

1 (b) *DEFINITION.*—*For purposes of this section, an enti-*
 2 *ty is “engaged in the development of oil or gas in Sudan”*
 3 *if that entity is directly engaged in the exploration, produc-*
 4 *tion, transportation (by pipeline or otherwise), or refining*
 5 *of petroleum, natural gas, or petroleum products in Sudan.*

6 **SEC. 10. REPORTING REQUIREMENT.**

7 *Not later than six months after the date of the enact-*
 8 *ment of this Act, and annually thereafter, the Secretary of*
 9 *State shall prepare and submit to the appropriate congres-*
 10 *sional committees a report regarding the conflict in Sudan.*

11 *Such report shall include—*

12 (1) *a description of the sources and current sta-*
 13 *tus of Sudan’s financing and construction of infra-*
 14 *structure and pipelines for oil exploitation, the effects*
 15 *of such financing and construction on the inhabitants*
 16 *of the regions in which the oil fields are located, and*
 17 *the ability of the Government of Sudan to finance the*
 18 *war in Sudan with the proceeds of the oil exploi-*
 19 *tation;*

20 (2) *a description of the extent to which that fi-*
 21 *nancing was secured in the United States or with in-*
 22 *volvement of United States citizens;*

23 (3) *the best estimates of the extent of aerial bom-*
 24 *bardment by the Government of Sudan, including*
 25 *targets, frequency, and best estimates of damage; and*

1 (4) *a description of the extent to which humani-*
 2 *tarian relief has been obstructed or manipulated by*
 3 *the Government of Sudan or other forces.*

4 **SEC. 11. CONTINUED USE OF NON-OLS ORGANIZATIONS**
 5 **FOR RELIEF EFFORTS.**

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

10 (b) *REPORT.—Not later than 90 days after the date*
 11 *of enactment of this Act, the President shall submit to the*
 12 *appropriate congressional committees a detailed report de-*
 13 *scribing the progress made toward carrying out subsection*
 14 *(a).*

15 **SEC. 12. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANS-**
 16 **PORT RELIEF FLIGHTS.**

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

1 (b) *REPROGRAMMING AUTHORITY.*—Notwithstanding
 2 any other provision of law, in carrying out the plan devel-
 3 oped under subsection (a), the President may reprogram up
 4 to 100 percent of the funds available for support of OLS
 5 operations (but for this subsection) for the purposes of the
 6 plan.

7 **SEC. 13. INVESTIGATION OF WAR CRIMES.**

8 (a) *IN GENERAL.*—The Secretary of State shall collect
 9 information about incidents which may constitute crimes
 10 against humanity, genocide, war crimes, and other viola-
 11 tions of international humanitarian law by all parties to
 12 the conflict in Sudan, including slavery, rape, and aerial
 13 bombardment of civilian targets.

14 (b) *REPORT.*—Not later than six months after the date
 15 of the enactment of this Act and annually thereafter, the
 16 Secretary of State shall prepare and submit to the appro-
 17 priate congressional committees a detailed report on the in-
 18 formation that the Secretary of State has collected under
 19 subsection (a) and any findings or determinations made by
 20 the Secretary on the basis of that information. The report
 21 under this subsection may be submitted as part of the report
 22 required under section 9.

23 (c) *CONSULTATIONS WITH OTHER DEPARTMENTS.*—
 24 In preparing the report required by this section, the Sec-
 25 retary of State shall consult and coordinate with all other

1 *Government officials who have information necessary to*
2 *complete the report. Nothing contained in this section shall*
3 *require the disclosure, on a classified or unclassified basis,*
4 *of information that would jeopardize sensitive sources and*
5 *methods or other vital national security interests.*

Attest:

Clerk.