

Calendar No. 89

107TH CONGRESS
1ST SESSION**S. 180**

To facilitate famine relief efforts and a comprehensive solution to the war
in Sudan.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2001

Mr. FRIST (for himself, Mr. FEINGOLD, Mr. BROWNBACK, Mr. LIEBERMAN, Mr. DEWINE, Mr. SANTORUM, Mr. CLELAND, Mr. SESSIONS, Mr. HARKIN, Mr. NELSON of Nebraska, Mrs. LINCOLN, Mr. BUNNING, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JULY 16, 2001

Reported by Mr. BIDEN, with an amendment

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

A BILL

To facilitate famine relief efforts and a comprehensive
solution to the war in Sudan.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

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

8 (2) A viable, comprehensive, and internationally
9 sponsored peace process, protected from manipula-
10 tion, presents the best chance for a permanent reso-
11 lution of the war, protection of human rights, and
12 a self-sustaining Sudan.

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

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

18 (5) Regardless of the future political status of
19 the areas of Sudan outside of the control of the Gov-
20 ernment of Sudan, the absence of credible civil au-
21 thority and institutions is a major impediment to
22 achieving self-sustenance by the Sudanese people
23 and to meaningful progress toward a viable peace
24 process.

25 (6) Through manipulation of traditional rival-
26 ries among peoples in areas outside their full con-

1 trol, the Government of Sudan has effectively used
 2 divide and conquer techniques to subjugate their
 3 population, and internationally sponsored reconcili-
 4 ation efforts have played a critical role in reducing
 5 the tactic's effectiveness and human suffering.

6 (7) The Government of Sudan is utilizing and
 7 organizing militias, Popular Defense Forces, and
 8 other irregular units for raiding and slaving parties
 9 in areas outside of the control of the Government of
 10 Sudan in an effort to severely disrupt the ability of
 11 those populations to sustain themselves. The tactic
 12 is in addition to the overt use of bans on air trans-
 13 port relief flights in prosecuting the war through se-
 14 lective starvation and to minimize the Government
 15 of Sudan's accountability internationally.

16 (8) The Government of Sudan has repeatedly
 17 stated that it intends to use the expected proceeds
 18 from future oil sales to increase the tempo and
 19 lethality of the war against the areas outside its con-
 20 trol.

21 (9) Through its power to veto plans for air
 22 transport flights under the United Nations relief op-
 23 eration, Operation Lifeline Sudan (OLS), the Gov-
 24 ernment of Sudan has been able to manipulate the
 25 receipt of food aid by the Sudanese people from the

1 United States and other donor countries as a dev-
2 astating weapon of war in the ongoing effort by the
3 Government of Sudan to subdue areas of Sudan out-
4 side of the Government's control.

5 (10) The efforts of the United States and other
6 donors in delivering relief and assistance through
7 means outside OLS have played a critical role in ad-
8 dressing the deficiencies in OLS and offset the Gov-
9 ernment of Sudan's manipulation of food donations
10 to advantage in the civil war in Sudan.

11 (11) While the immediate needs of selected
12 areas in Sudan facing starvation have been ad-
13 dressed in the near term, the population in areas of
14 Sudan outside of the control of the Government of
15 Sudan are still in danger of extreme disruption of
16 their ability to sustain themselves.

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

22 (13) At a cost which has sometimes exceeded
23 \$1,000,000 per day, and with a primary focus on
24 providing only for the immediate food needs of the
25 recipients, the current international relief operations

1 are neither sustainable nor desirable in the long
2 term.

3 (14) The ability of populations to defend them-
4 selves against attack in areas outside the Govern-
5 ment of Sudan's control has been severely com-
6 promised by the disengagement of the front-line
7 sponsor states, fostering the belief within officials of
8 the Government of Sudan that success on the battle-
9 field can be achieved.

10 (15) The United States should use all means of
11 pressure available to facilitate a comprehensive solu-
12 tion to the war in Sudan, including—

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

16 (B) the support or creation of viable demo-
17 cratic civil authority and institutions in areas of
18 Sudan outside government control;

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

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

1 ~~(E)~~ cooperation among the trading part-
 2 ners of the United States and within multilat-
 3 eral institutions toward those ends.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 ~~(1)~~ GOVERNMENT OF SUDAN.—The term “Gov-
 7 ernment of Sudan” means the National Islamic
 8 Front government in Khartoum, Sudan.

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

13 **SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN**
 14 **RIGHTS ABUSES, AND TACTICS OF THE GOV-**
 15 **ERNMENT OF SUDAN.**

16 Congress hereby—

17 ~~(1)~~ condemns—

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

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

1 (C) the ongoing slave trade in Sudan and
 2 the role of the Government of Sudan in abet-
 3 ting and tolerating the practice; and

4 (D) the Government of Sudan's use and
 5 organization of "muraḥallīn" or
 6 "mujaḥadeen"; Popular Defense Forces (PDF),
 7 and regular Sudanese Army units into orga-
 8 nized and coordinated raiding and slaving par-
 9 ties in Baḥr al Ghazal, the Nuba Mountains,
 10 Upper Nile, and Blue Nile regions; and

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

18 **SEC. 5. SUPPORT FOR AN INTERNATIONALLY SANCTIONED**
 19 **PEACE PROCESS.**

20 (a) **FINDINGS.**—Congress hereby recognizes that—

21 (1) a single viable, internationally and region-
 22 ally sanctioned peace process holds the greatest op-
 23 portunity to promote a negotiated, peaceful settle-
 24 ment to the war in Sudan; and

1 ~~(2) resolution to the conflict in Sudan is best~~
 2 ~~made through a peace process based on the Declara-~~
 3 ~~tion of Principles reached in Nairobi, Kenya, on July~~
 4 ~~20, 1994.~~

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

8 ~~(1) the ongoing negotiations between the Gov-~~
 9 ~~ernment of Sudan and opposition forces;~~

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

12 ~~(3) other United States diplomatic efforts sup-~~
 13 ~~porting a peace process in Sudan.~~

14 **SEC. 6. MULTILATERAL PRESSURE ON COMBATANTS.**

15 It is the sense of Congress that—

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

18 ~~(2) the President, acting through the United~~
 19 ~~States Permanent Representative to the United Na-~~
 20 ~~tions, should seek to—~~

21 ~~(A) revise the terms of Operation Lifeline~~
 22 ~~Sudan to end the veto power of the Government~~
 23 ~~of Sudan over the plans by Operation Lifeline~~
 24 ~~Sudan for air transport of relief flights and, by~~
 25 ~~doing so, to end the manipulation of the deliv-~~

1 ery of those relief supplies to the advantage of
2 the Government of Sudan on the battlefield;

3 ~~(B)~~ investigate the practice of slavery in
4 Sudan and provide mechanisms for its elimi-
5 nation; and

6 ~~(C)~~ sponsor a condemnation of the Govern-
7 ment of Sudan each time it subjects civilians to
8 aerial bombardment.

9 **SEC. 7. REPORTING REQUIREMENT.**

10 Section 116 of the Foreign Assistance Act of 1961
11 ~~(22 U.S.C. 2151n)~~ is amended by adding at the end the
12 following:

13 ~~“(g)~~ In addition to the requirements of subsections
14 ~~(d)~~ and ~~(f)~~, the report required by subsection ~~(d)~~ shall
15 include—

16 ~~“(1)~~ a description of the sources and current
17 status of Sudan’s financing and construction of oil
18 exploitation infrastructure and pipelines; the effects
19 on the inhabitants of the oil fields regions of such
20 financing and construction; and the Government of
21 Sudan’s ability to finance the war in Sudan;

22 ~~“(2)~~ a description of the extent to which that
23 financing was secured in the United States or with
24 involvement of United States citizens;

1 “(3) the best estimates of the extent of aerial
2 bombardment by the Government of Sudan forces in
3 areas outside its control, including targets, fre-
4 quency, and best estimates of damage; and

5 “(4) a description of the extent to which hu-
6 manitarian relief has been obstructed or manipu-
7 lated by the Government of Sudan or other forces
8 for the purposes of the war in Sudan.”.

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

11 (a) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that the President should continue to increase the
13 use of non-OLS agencies in the distribution of relief sup-
14 plies in southern Sudan.

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

19 **SEC. 9. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANS-**
20 **PORT RELIEF FLIGHTS.**

21 (a) PLAN.—The President shall develop a contin-
22 gency plan to provide, outside United Nations auspices if
23 necessary, the greatest possible amount of United States
24 Government and privately donated relief to all affected
25 areas in Sudan, including the Nuba Mountains, Upper

1 Nile, and Blue Nile, in the event the Government of Sudan
 2 imposes a total, partial, or incremental ban on OLS air
 3 transport relief flights.

4 (b) REPROGRAMMING AUTHORITY.—Notwith-
 5 standing any other provision of law, in carrying out the
 6 plan developed under subsection (a), the President may
 7 reprogram up to 100 percent of the funds available for
 8 support of OLS operations (but for this subsection) for
 9 the purposes of the plan.

10 **SECTION 1. SHORT TITLE.**

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

12 **SEC. 2. FINDINGS.**

13 *Congress makes the following findings:*

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

18 (2) *A viable, comprehensive, and internationally*
 19 *sponsored peace process, protected from manipulation,*
 20 *presents the best chance for a permanent resolution of*
 21 *the war, protection of human rights, and a self-sus-*
 22 *taining Sudan.*

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

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

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

9 (6) Through manipulation of traditional rival-
10 ries among peoples in areas outside their full control,
11 the Government of Sudan has effectively used divide
12 and conquer techniques to subjugate their population,
13 and internationally sponsored reconciliation efforts
14 have played a critical role in reducing the tactic's ef-
15 fectiveness and human suffering.

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

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2 *stated that it intends to use the expected proceeds*
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11 *United States and other donor countries as a dev-*
12 *astating weapon of war in the ongoing effort by the*
13 *Government of Sudan to subdue areas of Sudan out-*
14 *side of the Government's control.*

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16 *donors in delivering relief and assistance through*
17 *means outside OLS have played a critical role in ad-*
18 *ressing the deficiencies in OLS and offset the Gov-*
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20 *to advantage in the civil war in Sudan.*

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22 *in Sudan facing starvation have been addressed in*
23 *the near term, the population in areas of Sudan out-*
24 *side of the control of the Government of Sudan are*

1 *still in danger of extreme disruption of their ability*
 2 *to sustain themselves.*

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 4 *Bahr al Ghazal, Upper Nile, and Blue Nile regions*
 5 *have been excluded completely from relief distribution*
 6 *by OLS, consequently placing their populations at in-*
 7 *creased risk of famine.*

8 (13) *At a cost which has sometimes exceeded*
 9 *\$1,000,000 per day, and with a primary focus on*
 10 *providing only for the immediate food needs of the re-*
 11 *cipients, the current international relief operations*
 12 *are neither sustainable nor desirable in the long term.*

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 14 *selves against attack in areas outside the Government*
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 16 *the disengagement of the front-line sponsor states, fos-*
 17 *tering the belief within officials of the Government of*
 18 *Sudan that success on the battlefield can be achieved.*

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 20 *pressure available to facilitate a comprehensive solu-*
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1 (B) the support or creation of viable demo-
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 3 Sudan outside government control;

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

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

9 (E) cooperation among the trading partners
 10 of the United States and within multilateral in-
 11 stitutions toward those ends.

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24 Congress hereby—

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

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

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

10 (D) the Government of Sudan's use and or-
11 ganization of "murahalliin" or "mujahadeen",
12 Popular Defense Forces (PDF), and regular Su-
13 danese Army units into organized and coordi-
14 nated raiding and slaving parties in Bahr al
15 Ghazal, the Nuba Mountains, Upper Nile, and
16 Blue Nile regions; and

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

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3 (a) *FINDINGS.*—Congress hereby recognizes that—

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 7 *the war in Sudan; and*

8 (2) *resolution to the conflict in Sudan is best*
 9 *made through a peace process based on the Declara-*
 10 *tion of Principles reached in Nairobi, Kenya, on July*
 11 *20, 1994.*

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

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

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

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

21 **SEC. 6. MULTILATERAL PRESSURE ON COMBATANTS.**

22 *It is the sense of Congress that—*

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

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

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

11 (B) *investigate the practice of slavery in*
 12 *Sudan and provide mechanisms for its elimi-*
 13 *nation; and*

14 (C) *sponsor a condemnation of the Govern-*
 15 *ment of Sudan each time it subjects civilians to*
 16 *aerial bombardment.*

17 **SEC. 7. REPORTING REQUIREMENT.**

18 *Section 116 of the Foreign Assistance Act of 1961 (22*
 19 *U.S.C. 2151n) is amended by adding at the end the fol-*
 20 *lowing:*

21 “(g) *In addition to the requirements of subsections (d)*
 22 *and (f), the report required by subsection (d) shall*
 23 *include—*

24 “(1) *a description of the sources and current sta-*
 25 *tus of Sudan’s financing and construction of oil ex-*

1 *ploitation infrastructure and pipelines, the effects on*
 2 *the inhabitants of the oil fields regions of such financ-*
 3 *ing and construction, and the Government of Sudan’s*
 4 *ability to finance the war in Sudan;*

5 *“(2) a description of the extent to which that fi-*
 6 *nancing was secured in the United States or with in-*
 7 *volvement of United States citizens;*

8 *“(3) the best estimates of the extent of aerial*
 9 *bombardment by the Government of Sudan forces in*
 10 *areas outside its control, including targets, frequency,*
 11 *and best estimates of damage; and*

12 *“(4) a description of the extent to which humani-*
 13 *tarian relief has been obstructed or manipulated by*
 14 *the Government of Sudan or other forces for the pur-*
 15 *poses of the war in Sudan.”.*

16 **SEC. 8. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR**
 17 **RELIEF EFFORTS.**

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

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

1 **SEC. 9. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANS-**
 2 **PORT RELIEF FLIGHTS.**

3 (a) *PLAN.*—*The President shall develop a contingency*
 4 *plan to provide, outside United Nations auspices if nec-*
 5 *essary, the greatest possible amount of United States Gov-*
 6 *ernment and privately donated relief to all affected areas*
 7 *in Sudan, including the Nuba Mountains, Upper Nile, and*
 8 *Blue Nile, in the event the Government of Sudan imposes*
 9 *a total, partial, or incremental ban on OLS air transport*
 10 *relief flights.*

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

17 **SEC. 10. HUMANITARIAN ASSISTANCE FOR EXCLUSIONARY**
 18 **“NO GO” AREAS OF SUDAN.**

19 (a) *PILOT PROJECT ACTIVITIES.*—*The President, act-*
 20 *ing through the United States Agency for International De-*
 21 *velopment, is authorized and requested to undertake, imme-*
 22 *diately, pilot project activities to provide food and other*
 23 *humanitarian assistance, as appropriate, to vulnerable*
 24 *populations in Sudan that are residing in exclusionary “no*
 25 *go” areas of Sudan.*

1 (b) *STUDY.*—*The President, acting through the United*
2 *States Agency for International Development, shall conduct*
3 *a study examining the adverse impact upon indigenous*
4 *Sudan communities by OLS policies that curtail direct hu-*
5 *manitarian assistance to exclusionary “no go” areas of*
6 *Sudan.*

7 (c) *EXCLUSIONARY “NO GO” AREAS OF SUDAN DE-*
8 *FINED.*—*In this section, the term “exclusionary ‘no go’*
9 *areas of Sudan” means areas of Sudan designated by OLS*
10 *for curtailment of direct humanitarian assistance, includ-*
11 *ing, but not limited to, the Nuba Mountains, the Upper*
12 *Nile, and the Blue Nile.*

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A BILL

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Reported with an amendment