tribute to this influential and charismatic Californian by designating the post office in his hometown of more than 55 years in his memory.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: ''A bill to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the 'Buck Owens Post Office'.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the 13 Committee on Oversight and Government Reform bills previously considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

DARFUR ACCOUNTABILITY AND DIVESTMENT ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 180) to require the identification of companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Darfur Accountability and Divestment Act''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) In the 108th Congress, the House of Representatives adopted House Concurrent Resolution 467 on July 22, 2004, by a unanimous vote of 422-0, which—

(A) declares that the atrocities unfolding in the Darfur region of Sudan are genocide;

(B) declares that the Government of Sudan has violated the Convention on the Prevention and Punishment of the Crime of Genocide;

(C) urges the Administration to seriously consider multilateral intervention to stop genocide in Darfur should the United Nations Security Council fail to act; and

(D) calls on the Administration to impose targeted sanctions, including visa bans and the freezing of assets of the Sudanese National Congress and affiliated business and individuals directly responsible for the atrocities in Darfur.

(2) In the 109th Congress, the House of Representatives passed H.R. 3127, the Darfur Peace and Accountability Act of 2006, on April 5, 2006, by a vote of 416-3, which—

(A) appeals to the international community, including the United Nations, the European Union, and the North Atlantic Treaty Organization (NATO), to immediately mobilize sufficient political, military, and financial resources to support and expand the African Union Mission in Sudan (AMIS);

(B) blocks assets and restricts travel of any individual the President determines is responsible for acts of genocide, war crimes, or crimes against humanity in the Darfur region of Sudan; and

(C) offers United States support for the International Criminal Court's efforts to prosecute those responsible for acts of genocide in Darfur.

(3) On September 9, 2004, former Secretary of State Colin Powell stated before the Committee on Foreign Relations of the Senate that genocide was being committed in the Darfur region of Sudan and that the Government of Sudan and the government-supported Janjaweed militias bear responsibility for the genocide.

(4) On September 21, 2004, President George W. Bush affirmed the Secretary of State's finding in an address before the United Nations General Assembly, stating that the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes the Government of the United States has concluded are genocide.

(5) On May 29, 2007, President George W. Bush affirmed that the Government of Sudan is complicit in the bombing, murder, and rape of innocent civilians in Darfur and again declared that these actions rightfully constitute genocide.

(6) Although the Government of the United States currently bans United States companies from conducting business operations in Sudan, millions of Americans are inadvertently supporting the Government of Sudan by investing in foreign companies that conduct business operations in Sudan that disproportionately benefit the Sudanese regime in Khartoum.

(7) Several States and governmental entities, through legislation and other means, have expressed their desire, or are considering measures—

(A) to divest any equity in, or to refuse to provide debt capital to, certain companies that operate in Sudan;

(B) to disassociate themselves and the beneficiaries of their public pension and endowment funds from directly or indirectly supporting the Darfur genocide; and

(C) to prohibit themselves from entering into or renewing contracts for the procurement of goods or services with certain companies that have a direct investment in, or conduct business operations in, Sudan

(8) California, Colorado, Florida, Hawaii, Indiana, Illinois, Iowa, Kansas, Maine, Minnesota, New Jersey, New York, Oregon, Rhode Island, Texas and Vermont have passed legislation to divest State funds from companies that conduct business operations in Sudan. Massachusetts, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, and Wisconsin are considering legislation to divest State funds from companies that conduct business operations in Sudan. Arkansas, Connecticut, Maryland, and Ohio have passed non-binding divestment legislation with respect to Sudan.

(9) Denver, Colorado, Los Angeles, California, Miami Beach, Florida, New Haven, Connecticut, Newton, Massachusetts, Philadelphia, Pennsylvania, Pittsburgh, Pennsylvania, Providence, Rhode Island, and San Francisco, California have passed legislation mandating divestment of city funds from companies that conduct business operations in Sudan.

(10) American University, Amherst College, Andover Newton Theological School, Boston University, Bowdoin College, Brandeis University, Brown University, Colby College, Columbia University, Connecticut College, Cornell University, Dartmouth College, Drew University, Duke University, Emory University, Hampton University, Harvard University, Hendrix College, Howard University, Lee University, Massachusetts Institute of Technology, Middlebury College, Nazareth College, Northwestern University, Oberlin College, Queen's University, Reconstructionist Rabbinical College, Regis University, Samford University, Seton Hall, Smith College, Stanford University, Swarthmore College, Trinity College, University of California, University of Colorado, University of Connecticut, University of Denver, University of Illinois, University of Maryland, University of Massachusetts, University of Minnesota, University of Pennsylvania, University of Rochester, University of Southern California, University of Vermont, University of Virginia, University of Washington, University of Wisconsin System, Vassar College, Wellesley College, Wheaton College, Williams College, and Yale University have divested their funds from or placed restrictions on investment of their funds in certain companies that conduct business operations in Sudan.

(11) Divestment has proven effective in similar situations, as in 1986, when State pension funds and university endowments were divested from companies that conducted business operations in South Africa, which was critical to ending apartheid in that country, and by 1994, when the first free elections in South Africa took place, a substantial number of States, counties, cities, universities, and colleges in the United States had adopted partial or total divestment policies.

(12) Economic pressure against the Government of Sudan has been effective in pushing Sudan to cooperate with the United States on counterterrorism efforts and in part in agreeing to negotiations with the Sudan People's Liberation Army of South Sudan which resulted in the Comprehensive Peace Agreement of 2005.

(13) Congress acknowledges that divestment should be used sparingly and under extraordinary circumstances. This Act is based on unique circumstances, specifically, the reprehensible and abhorrent genocide occurring in Sudan.

(14) The business operations of companies in countries that perpetrate grave abuses of human rights, especially the uniquely monstrous crime of genocide, are of concern to many United States investors and citizens even when these operations represent a small fraction of a company's total business.

(15) State and city pension funds have routinely but unsuccessfully sought to acquire and utilize data from the Federal Government on companies for investment decisions.

(16) There is an increasing interest by States, local governments, educational institutions, and private institutions to seek to disassociate themselves from companies that support the Government of Sudan.

(17) Policy makers and fund managers may find moral, prudential, or reputational reasons to divest from companies that accept the business risk of operating in countries that are subject to international economic

sanctions or that have business relationships with countries, governments, or entities with which any United States company would be prohibited from dealing because of economic sanctions imposed by the United States.

(18) The world community has a moral obligation to work to do everything possible to stop the ongoing genocidal practices of the Government of Sudan in the Darfur region.

SEC. 3. TRANSPARENCY IN CAPITAL MARKETS.

(a) LIST OF PERSONS DIRECTLY INVESTING IN OR CONDUCTING BUSINESS OPERATIONS IN CERTAIN SUDANESE SECTORS.—

(1) PUBLICATION OF LIST.—Not later than 6 months after the date of the enactment of this Act and every 6 months thereafter, the Secretary of the Treasury, in consultation with the Secretary of Energy, the Secretary of State, the Securities and Exchange Commission, and the heads of other appropriate Federal departments and agencies, shall, using only publicly available (including proprietary) information, ensure publication in the Federal Register of a list of each person, whether within or outside of the United States, that, as of the date of the publication, has a direct investment in, or is conducting, business operations in Sudan's power production, mineral extraction, oil-related, or military equipment industries, subject to paragraph (2). To the extent practicable, the list shall include a description of the investment made by each such person, including the dollar value, intended purpose, and status of the investment, as of the date of the publication.

(2) EXCEPTIONS.—The Secretary of the Treasury shall exclude a person from the list if all of the business operations by reason of which the person would otherwise be included on the list—

(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 peacekeeping force or humanitarian organization;

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

(F) are conducted by a person that has also undertaken significant humanitarian efforts as described in section 10(14)(B);

(G) have been voluntarily suspended; or

(H) will cease within 1 year after the adoption of a formal plan to cease the operations, as determined by the Secretary.

(3) CONSIDERATION OF SCRUTINIZED BUSINESS OPERATIONS.—The Secretary of the Treasury should give serious consideration to including on the list any company that has a scrutinized business operation with respect to Sudan (within the meaning of section 10(4)).

(4) PRIOR NOTICE TO PERSONS.—The Secretary of the Treasury shall, at least 30 days before the list is published under paragraph (1), notify each person that the Secretary intends to include on the list.

(5) DELAY IN INCLUDING PERSONS ON THE LIST.—After notifying a person under paragraph (4), the Secretary of the Treasury may delay including that person on the list for up to 60 days if the Secretary determines and certifies to the Congress that the person has taken specific and effective actions to terminate the involvement of the person in the activities that resulted in the notification under paragraph (4).

(6) REMOVAL OF PERSONS FROM THE LIST.—The Secretary of the Treasury may remove a person from the list before the next publication of the list under paragraph (1) if the Secretary determines that the person no longer has a direct investment in or is no longer conducting business operations as described in paragraph (1).

(7) ADVANCE NOTICE TO CONGRESS.—Not later than 30 days (or, in the case of the 1st such list, 60 days) before the date by which paragraph (1) requires the list to be published, the Secretary of the Treasury shall submit to the Committees on Financial Services, on Education and Labor, and on Oversight and Government Reform of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs, on Health, Education, Labor, and Pensions, and on Homeland Security and Governmental Affairs of the Senate a copy of the list which the Secretary intends to publish under paragraph (1).

(b) PUBLICATION ON WEBSITE.—The Secretary of the Treasury shall ensure that the list is published on an appropriate, publicly accessible government website, updating the list as necessary to take into account any person removed from the list under subsection (a)(6).

(c) DEFINITION.—In this section, the term ''investment'' has the meaning given in section 4(b)(3).

SEC. 4. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES DIRECTLY INVESTED IN CERTAIN SUDANESE SECTORS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to support the decision of any State or local government to divest from, and to prohibit the investment of assets controlled by the State or local government in, persons on—

(1) the list most recently published under section 3(a)(1), as modified under section 3(a)(6); or

(2) any list developed by the State or local government for the purpose of divestment from certain persons described in subsection (b)(1)(B) of this section.

(b) AUTHORITY TO DIVEST.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in—

(A) persons that are included on the list most recently published under section 3(a)(1) of this Act, as modified under section 3(a)(6) of this Act; or

(B) persons having a direct investment in, or carrying on a trade or business (within the meaning of section 162 of the Internal Revenue Code of 1986) in Sudan or with the Government of Sudan, if the measures require the State or local government, as the case may be, to the maximum extent practicable, to—

(i) provide written notice to each person to whom the measures are to be applied; and

(ii) not apply the measures to a person—

(I) before the end of the 90-day period beginning with the date written notice is provided to the person pursuant to clause (i); or

(II) if the person demonstrates to the State or local government, as the case may be, that the person is no longer involved in the activities by reason of which the measures would otherwise be applied to the person.

(2) APPLICABILITY.—This subsection applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(3) DEFINITIONS.—In this subsection:

(A) INVESTMENT.—The ''investment'' of assets includes—

(i) a commitment or contribution of assets; and

(ii) a loan or other extension of credit of assets.

(B) ASSETS.—The term ''assets'' refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled, directly or indirectly, by a State or local government.

(c) PREEMPTION.—A measure of a State or local government that is authorized by subsection (b) is not preempted by any Federal law or regulation.

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that a divestment measure authorized under section 4 or a measure authorized under section 9 to prohibit State or local contracts would not violate the United States Constitution because such a measure—

(1) is not pre-empted under the Supremacy Clause;

(2) is authorized by the Congress as an appropriate measure with regard to interstate or foreign commerce; and

(3) is authorized by the Congress as a measure that promotes the foreign policy of the United States.

SEC. 6. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

Section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a–13) is amended by adding at the end the following new subsection:

''(c) SAFE HARBOR FOR CHANGES IN INVESTMENT POLICIES.—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 person providing services to such registered investment company (including its investment adviser), or any employee, officer, or director thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by companies that are included on the list most recently published under section 3(a)(1) of the Darfur Accountability and Divestment Act, as modified under section 3(a)(6) of that Act. For purposes of this subsection the term 'person' shall include the Federal government, and any State or political subdivision of a State.''.

SEC. 7. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY EMPLOYEE BENEFIT PLANS.

Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following new subsection:

''(n) No person shall be treated as breaching any of the responsibilities, obligations, or duties imposed upon fiduciaries by this title for divesting plan assets from, or avoiding investing plan assets in, persons that are included on the list most recently published under section 3(a)(1) of the Darfur Accountability and Divestment Act, as modified under section 3(a)(6) of such Act. Any divestiture of plan assets from, or avoidance of investing plan assets in, persons that are included on such list shall be treated as in accordance with this title and the documents and instruments governing the plan.''.

SEC. 8. PROHIBITION ON UNITED STATES GOVERNMENT CONTRACTS.

(a) PROHIBITION.—Notwithstanding any other provision of law, the Government of the United States shall not enter into or renew a contract for the procurement of goods or services with persons that are included on the list most recently published under section 3(a)(1), as modified under section 3(a)(6).

(b) WAIVER AUTHORITY.—The President may waive the prohibition in subsection (a)

on a case-by-case basis if the President determines and certifies in writing to the Congress that it is important to the national security interests of the United States to do so.

SEC. 9. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO PROHIBIT CONTRACTS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to support the decision of any State or local government to prohibit the State or local government, as the case may be, from entering into or renewing a contract as described in subsection (b).

(b) AUTHORITY TO PROHIBIT CONTRACTS.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures to prohibit the State or local government, as the case may be, from entering into or renewing a contract for the procurement of goods or services with persons that are included on the list most recently pulbished under section 3(a)(1), as modified under section 3(a)(6).

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) PERSON.—The term ''person'', except in paragraph (6), means—

(A) a natural person as well as a 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); and

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

(2) STATE.—The term ''State'' includes 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.

(3) STATE OR LOCAL GOVERNMENT.—

(A) IN GENERAL.—The term ''State or local government'' includes—

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

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

(iii) any other governmental instrumentality; and

(iv) any public institution of higher education.

(B) PUBLIC INSTITUTION OF HIGHER EDUCATION.—The term ''public institution of higher education'' means a public institution of higher education within the meaning of the Higher Education Act of 1965.

(4) SCRUTINIZED BUSINESS OPERATION.—A company has a scrutinized business operation with respect to Sudan if—

(A)(i) the company has business operations that involve contracts with or provision of supplies or services to—

(I) the Government of Sudan;

(II) a company in which the Government of Sudan has any direct or indirect equity share;

(III) a consortium or project commissioned by the Government of Sudan; or

(IV) a company involved in a consortium or project commissioned by the Government of Sudan; and

(ii)(I)(aa) more than 10 percent of the revenues or assets of the company that are linked to Sudan involve oil-related activities or mineral extraction activities;

(bb) less than 75 percent of the revenues or assets of the company that are linked to Sudan involve contracts with, or provision of oil-related or mineral extracting products or services to the regional government of southern Sudan or a project or consortium created exclusively by that regional government; and

(cc) the company has failed to take substantial action with respect to the business operations referred to in clause (i) of this subparagraph or as described in subparagraph (B) or (C) of paragraph (14); or

(II)(aa) more than 10 percent of the revenues or assets of the company that are linked to Sudan involve power production activities;

(bb) less than 75 percent of the power production activities of the company include projects whose intent is to provide power or electricity to the marginalized populations of Sudan; and

(cc) the company has failed to take substantial action with respect to the business operations referred to in clause (i) of this subparagraph or as described in subparagraph (B) or (C) of paragraph (14);

(B) the company supplies military equipment in Sudan, unless the company clearly shows that—

(i) the military equipment cannot be used to facilitate offensive military actions in Sudan; or

(ii) the company implements rigorous and verifiable safeguards to prevent use of the equipment by forces actively participating in armed conflict, including through—

(I) post-sale tracking of the equipment by the company;

(II) certification from a reputable and objective third party that such equipment is not being used by a party participating in armed conflict in Sudan; or

(III) sale of the equipment solely to the regional government of southern Sudan or any internationally recognized peacekeeping force or humanitarian organization; or

(C) the Secretary of the Treasury has determined that the company has been complicit in the Darfur genocide.

(5) 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.

(6) COMPANY.—The term ''company'' means any natural person, legal person, sole proprietorship, organization, association, corporation, partnership, firm, joint venture, franchisor, franchisee, financial institution, utility, public franchise, trust, enterprise, limited partnership, limited liability partnership, limited liability company, or other business entity or association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such business entities or associations, that exists for profit-making purposes.

(7) COMPLICIT.—The term ''complicit'' means has taken actions in the preceding 20 months which have directly supported or promoted the genocidal campaign in Darfur, including preventing Darfur's victimized population from communicating with each other, encouraging Sudanese citizens to speak out against an internationally approved security force for Darfur, actively working to deny, cover up, or alter evidence of human rights abuses in Darfur, or other similar actions.

(8) GOVERNMENT OF SUDAN.—The term ''Government of Sudan'' 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 does not include the regional government of southern Sudan.

(9) MARGINALIZED POPULATIONS OF SUDAN.—The term ''marginalized populations of Sudan'' includes—

(A) the portion of the population in the Darfur region that has been victimized;

(B) the portion of the population of southern Sudan victimized by Sudan's North-South civil war;

(C) the Beja, Rashidiya, and other similarly affected groups of eastern Sudan;

(D) the Nubian and other similarly affected groups in Sudan's Abyei, Southern Blue Nile, and Nuba Mountain regions; and

(E) the Amri, Hamadab, Manasir, and other similarly affected groups of northern Sudan.

(10) 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.

(11) MINERAL EXTRACTION ACTIVITIES.—The term ''mineral extraction activities'' includes—

(A) 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, and

(B) facilitating any activity described in subparagraph (A), including by providing supplies or services in support of the activity.

(12) OIL-RELATED ACTIVITIES.—

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

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

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

(iii) facilitating any activity described in clause (i) or (ii), including by providing supplies or services in support of the activity.

(B) SPECIAL RULES.—

(i) A company that 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) shall not be considered to be involved in an oil-related activity.

(ii) A company that is involved in leasing, or that owns, rights to an oil block in Sudan but is not involved in any other activity described in subparagraph (A) shall not be considered to be involved in an oil-related activity.

(13) POWER PRODUCTION ACTIVITIES.—The term ''power production activities'' means—

(A) any business operation that involves a project commissioned by the National Electricity Corporation of Sudan or other similar Government of Sudan entity whose purpose is to facilitate power generation and delivery, including establishing power-generating plants or hydroelectric dams, selling or installing components for the project, providing service contracts related to the installation or maintenance of the project; and

(B) facilitating an activity described in subparagraph (A), including by providing supplies or services in support of the activity.

(14) SUBSTANTIAL ACTION.—The term ''substantial action'' means—

(A) adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within 1 year after the date of the enactment of this Act, and refraining from any new scrutinized business operations;

(B) undertaking significant humanitarian efforts—

(i) in conjunction with an international development or humanitarian organization, the regional government of southern Sudan, or a non-profit entity;

(ii) substantial in relationship to the size and scope of the business operations with respect to Sudan;

(iii) of benefit to 1 or more marginalized populations of Sudan; and

(iv) evaluated and certified by an independent third party to meet the requirements of clauses (i) through (iii); or

(C) materially improving conditions for the victimized population in Darfur.

SEC. 11. SENSE OF THE CONGRESS.

It is the sense of the 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, the persons.

SEC. 12. SUNSET.

This Act shall terminate 30 days after the date on which—

(1) the President has certified to Congress that—

(A) the Darfur genocide has been halted for at least 12 months; and

(B) the Government of Sudan has honored its commitments to—

(i) abide by United Nations Security Council Resolution 1706;

(ii) cease attacks on civilians;

(iii) demobilize and demilitarize the Janjeweed and associated militias;

(iv) grant free and unfettered access for delivery of humanitarian assistance; and

(v) allow for the safe and voluntary return of refugees and internally displaced persons; and

(2) the United States has revoked all sanctions against the Government of Sudan and the officials of such government, including sanctions authorized by—

(A) the Sudan Peace Act (Public Law 107–245);

(B) the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497);

(C) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177);

(D) the Darfur Peace and Accountability Act of 2006 (Public Law 109–344); and

(E) any other Federal law or executive order.

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

The Chair recognizes the gentleman from Massachusetts.

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

Mr. Speaker, this is a good day for the cause of human rights and for drawing on the strength of the American people to vindicate the values that are so widely shared among our people.

This bill is part of a package of two. Subsequently we will deal with a bill involving the country of Iran. Both of them have a similar purpose; namely, to empower Americans in their individual capacities, through their State governments, through organizations to express in a concrete way the overwhelming opposition in our country to the genocide being perpetrated by the Government of Sudan in Darfur, and to the effort by the sometimes pro-genocide Government of Iran to acquire a nuclear weapons capacity.

Now what we have, we have sanctions against those countries. Let me say a word about sanctions. People are sometimes supportive of sanctions when they agree with the cause and denigrate the notion of sanctions when they disagree with the cause. History is clear. When economic sanctions are widely supported globally, they have an impact.

I had a great day years ago, Mr. Speaker, standing in Statutory Hall and listening to Nelson Mandela thank the Congress of the United States because we had enacted sanctions. He said that the enactment of sanctions by the U.S. as part of a worldwide enactment of sanctions brought an end to apartheid earlier than it would have otherwise. Our former colleague, Mr. Dellums, the mayor of Oakland, had a very proud day then. He had been the leader of it, and it is very fitting that the initiator of the bill we are dealing with today is his successor, the gentlewoman from California (Ms. LEE), who has been the driving force in the bill we have before us.

And what we have is this: There are American citizens, State governments and others who have funds invested in collective investment entities. They have invested the funds to get a maximum return, pension funds, State governments and others, individuals in mutual funds. And they have in many cases gone to the investment entity and said, We don't want our money helping the dictatorship of Iran go nuclear. We don't want our money used to perpetuate genocide in Darfur and help a government that does that. We want you to sell our investments in companies that are complicit in this through economic support.

And they have been met in some cases by the argument, Well, we can't do that because we have a fiduciary responsibility as the investment entity to maximize returns, and, therefore, we cannot sell this company and that company. And to the extent that they are complicit in Darfur and complicit in Iran's nuclear weapons, that is irrelevant.

Mr. Speaker, I think that is often more of an excuse than a reason. But today, we render that debate moot because the two bills we are dealing with, now with Darfur and subsequently with Iran, do not compel any investment entity to do anything. These are not bills of compulsion. They fully respect the market. What they say is, if you are a mutual fund, if you are a pension fund manager, and significant numbers of the investors in your entity or the beneficiaries of your entity come to you and say, Clean my hands; I do not want to be financing these outrageous regimes and their terrible practices, you cannot plead, Oh, I am sorry. The law won't let me do it, because these bills have a common theme. They prevent lawsuits against these investment entities who take these issues into account.

And they have a powerful double effect. First, they will add to the effectiveness of sanctions because there is in the United States widespread anger at both regimes. Not only will they add to the effectiveness of sanctions, they do it in a way that is fully respectful of the autonomy of these entities. As I said, there is no compulsion, no interference of the market. It is freeing Americans to do this, and that is also important because you have the regime in Iran and you have the regime in Sudan trying to avoid the public obloquy that they so richly deserve by saying that is just the American administration. They try to separate the President and his policies in opposition to both of these from the American people.

What these bills do is to make it clear, as I think they soon will once they are law, that the opposition to the genocide in Sudan and to the weapons nuclearization in Iran are widespread throughout this country, and that this opposition is not just the President and not just the Congress. It is a broad, deeply held American view.

One final point. A letter from National Council on Foreign Trade complained that with these bills we were going to let the States get into the foreign policy business. No, this is the Congress of the United States into the foreign policy business. This does not say that any mutual fund anywhere at any time can divest for foreign policy reasons. I think, by the way, they already have that right, and we make it clear in this bill. We are not trying to say that they don't.

But what this package of bills does is these two bills makes two foreign policy judgments. The United States Congress, by passing these bills, will say we have an absolute horror about the genocide in Darfur and want to do everything we can to put an end to it, and we are overwhelmingly opposed to the regime in Iran acquiring nuclear weapons. These are two very specific foreign policy judgments that Congress will make. We will then be empowering people in the United States to join us in implementing them. But the argument that this somehow throws open the foreign policy process willy-nilly is simply wrong.

I submit the following correspondence:

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, July 27, 2007.

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

DEAR CHAIRMAN FRANK: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 180, the Darfur Accountability and Divestment Act.

As you know, Section 7 of H.R. 180 amends the Employee Retirement Income Security Act of 1974 to provide a safe harbor for

changes of investment policies. I am writing to confirm that this provision falls within the jurisdiction of the Committee on Education and Labor.

Given the importance of moving this bill forward promptly, I do not intend to object to its consideration in the House. However, I do so only with the understanding that this procedure should not be construed to prejudice my Committee's jurisdictional interest and prerogative in H.R. 180 or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. The Committee also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Sincerely,

GEORGE MILLER,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 27, 2007.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, Washington, DC.

DEAR CHAIRMAN MILLER: Thank you for your recent letter regarding the consideration of H.R. 180, the Darfur Accountability and Divestment Act. I agree that Section 7 of H.R. 180 falls within the jurisdiction of the Committee on Education and Labor.

I appreciate your willingness to allow this bill to move forward today; and I agree that this procedure in no way diminishes or alters the jurisdictional interest of the Committee on Education and Labor.

Sincerely,

BARNEY FRANK,
Chairman.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, July 27, 2007.

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

DEAR CHAIRMAN FRANK: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 180, the Darfur Accountability and Divestment Act.

As you know, on July 26, 2007, the Committee on Financial Services ordered H.R. 180 reported to the House. The Committee on Oversight and Government Reform (Oversight Committee) appreciates your effort to consult regarding those provisions of H.R. 180 that fall within the Oversight Committee's jurisdiction and more specifically, those sections involving federal contracting rules.

In the interest of expediting consideration of H.R. 180, the Oversight Committee will not separately consider this bill. The Oversight Committee does so, however, with the understanding that this does not prejudice the Oversight Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

I respectfully request your support for the appointment of outside conferees from the Oversight Committee should H.R. 180 or a similar Senate bill be considered in conference with the Senate.

I also request that you include our exchange of letters on this matter in the Financial Services Committee Report on H.R 180 or in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 27, 2007.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: Thank you for your letter concerning H.R. 180, the ''Darfur Accountability and Divestment Act,'' which the Committee on Financial Services has ordered reported. The bill was also referred to the Committee on Oversight and Government Reform. This legislation will be considered by the House shortly.

I want to confirm our mutual understanding with respect to the consideration of this bill. I am pleased that our committees have reached an agreement regarding matters within the jurisdiction of the Oversight Committee, specifically those involving federal contracting rules. I appreciate your cooperation in moving the bill to the House floor expeditiously. I further agree that your decision not to proceed on this bill will not prejudice the Committee on Oversight and Government Reform with respect to its prerogatives on this or similar legislation. I would support your request for conferees in the event of a House-Senate conference.

I will include this exchange of correspondence in the Congressional Record during the consideration of the bill. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 30, 2007.

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

DEAR MR. CHAIRMAN: I am writing to you concerning the bill, H.R. 180, the Darfur Accountability and Divestment Act of 2007. I understand that there are certain provisions of this legislation, as it will be presented to the full House, that fall within the Rule X jurisdiction of the Committee on Foreign Affairs.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee's right to sequential 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 H.R. 180 under consideration.

Sincerely,

TOM LANTOS,
Chairman.

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

□ 1245

Mr. GARRETT of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I rise today to join with the chairman in support of H.R. 180, the Darfur Accountability and Divestment Act.

I'm increasingly concerned, I'm outraged in a sense, about the continuing atrocities in the Darfur region of Sudan. Without question, the horrific actions of the janjaweed militia and the Sudanese Government must immediately end. And the nations of the world must speak in unison against this genocide, and that is what it is, a genocide.

Hundreds of thousands of civilians have been killed, many of them in particularly brutal ways. Another estimated 2 million in Darfur have been displaced refugees, plus hundreds of thousands in Chad. This is a crisis that must be addressed now and must be addressed on each and every front.

Unfortunately, the international community, specifically in the United Nations, the U.N. has consistently failed in efforts to bring peace to this region. U.N. resolutions have lacked the teeth or failed to be implemented, and that is because of the Security Council members such as China and Russia as they continue to stall the progress.

So as the U.N. slowly moves towards a real peacekeeping force, other groups are being forced to pull out because of violence in the region. Thus, recently, OxFam announced in June that they will have to pull out of the largest camp in Darfur, where more than 130,000 people have found shelter; and without a way to protect humanitarian aid flowing into the area, thousands more will face starvation.

That is why I'm pleased we are bringing this important legislation to the floor today, the Darfur Accountability and Divestment Act.

It requires the Secretary of the Treasury to create a list of companies that have a direct investment in or are conducting businesses operations in Sudan's power, mineral, oil or military equipment industries.

It authorizes States and local municipalities to divest based on the Treasury list or other lists to protect them from lawsuits.

It amends the Investment Company Act of 1940 and the Employee Retirement Income Security Act of 1974 to protect mutual funds and pension funds from lawsuits if they choose to divest from companies on the Treasury list.

And finally, fourthly, it prohibits the U.S. Government from entering into or renewing contracts with companies on that list.

I was very pleased, as I say, Mr. Speaker, with the chairman working in a bipartisan manner with myself and Ranking Member BACHUS on the committee, and we agreed to make a number of changes to the bill to address some of the concerns made from our side of the aisle. One of the specific changes that was made was calls on countries around the world to take similar steps with regard to the situation.

The section states: ''It is the sense of the 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, the persons.''

As the distinguished ranking member of the committee, Mr. BACHUS, has noted, ''Economic and financial considerations are important, but in a loving Nation can never be as justification for complicity in 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. America is a loving Nation, and allowing our financial markets to be utilized by an evil regime which conducts religious and racial genocide is inconsistent with our values and principles.''

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

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, first I ask that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I would like to inject into the RECORD at this point a letter from 41 national organizations, the Save Darfur Coalition, strongly supporting this legislation.

Washington, DC, July 30, 2007.

DEAR MEMBER OF CONGRESS: We write to request your vote in favor of H.R. 180, the Darfur Accountability and Divestment Act, which is ''under suspension'' and scheduled for a floor vote on Monday, July 30th.

Three years ago this month the United States Congress recognized the crisis in Darfur, Sudan as genocide. Today, the escalating violence in the region demands that Congress take decisive action.

Together our organizations represent concerned Americans from all states and of many faiths—Darfur advocates and American citizens from across the political spectrum working together to end the genocide.

We strongly endorse the spirit and substance of H.R. 180 and encourage its quick passage. This legislation will be a powerful action to put much-needed economic pressure on Sudan with the goal of stopping genocide. Thank you for your consideration of this legislation.

Sincerely,

Bill Wasserman, Executive Director, Save Darfur Coalition; Jason F. Isaacson, Director, Government and International Affairs, American Jewish Committee; Ruth Messinger, Executive Director, American Jewish World Service; Bryan Ardouny, Executive Director, Armenian Assembly of America; Gedlu B. Metaferia, Executive Director, African Mutual Assistance Association of Missouri; Sylvia Oliva, Clerk of Peace and Social Concerns Committee, Annapolis Friends Meeting, Religious Society of Friends; Aram Hamparian, Executive Director, Armenian National Committee of America; Daniel S. Mariaschin, Executive Vice President, B'nai B'rith International; Raj Purohit, Senior Fellow, Citizens for Global Solutions; Imelda Gonzalez, General Councilor, Congregation of Divine Providence; Rabbi Marla J. Feldman, Director, Commission on Social Action of Reform Judaism; Bakheit Shata, Founder/Executive Director, Darfur Community Organization, Omaha, NE; Shirley Bodisch, OP, Dominican Sisters; Anita Sharma, Executive Director, ENOUGH: a project to end genocide and crimes against humanity; Eric Cohen, Chair, FidelityOutOfSudan.Com Campaign; Mark Hanis, Executive Director, Genocide Intervention Network; Nina Schwartz, Vice President, Help Darfur Now; Lisa Stenchever, Education Coordinator, Holocaust Museum and Study Center; Steve Gutow, Executive Director, Jewish Council for Public Affairs; Rabbi Shawn Zevit, Director of External Affiliations and Tikkun Olam, Jewish Reconstructionist Federation; Sr. Sheila Kinsey, OSF, Leader, Justice, Peace & Integrity of Creation Office Wheaton Franciscans, Wheaton, Illinois; Marie Lucey, OSF, Associate Director for Social Mission, Leadership Conference of Women Religious; Joellen McCarthy, BVM, Mary Ann Zollmann, BVM, Peggy Nolan, BVM, Leadership Team of the Sisters of Charity, BVM Dubuque, Iowa; Hilary O. Shelton, Director, NAACP Washington Bureau; Sr. Elizabeth Rogers, Justice and Peace Representative, North American Province of the Cenacle Sisters; Eddie L. Koen, Jr., National Chair, National Black Law Students Association; Rev. Dr. Bob Edgar, General Secretary, National Council of Churches; Martina W. Knee, Member, Executive Committee, San Francisco Bay Area Darfur Coalition; Andrea Schuver, Co-chair, Save Darfur of South Palm Beach; Julie Driscoll, SCN, Vice-President, Sisters of Charity of Nazareth; Sister Marilyn Gottemoeller, Sisters of Mercy, Regional Community of Cincinnati; Diana Oleskevich, CSJA, Justice Coordinator, Sisters of St. Joseph of Carondelet and Associates; Sister Catherine Marie Kreta, CSJ, Justice Coordinator, Sisters of St. Joseph of Carondelet—Los Angeles Province; Sister Patricia Murphy, CSJ, Sisters of St. Joseph of Carondelet—St. Louis Province; Sister Marge Wissman, Sisters of St. Francis, Oldenburg, IN; Scott Warren, Director, STAND: A Student Anti-Genocide Coalition; Gabriel Stauring, Co-Founder, Stop Genocide Now; Adam Sterling, Director, Sudan Divestment Task Force; Rob Mosher, Director, Government Affairs, U.S.-Armenia Public Affairs Committee; Dr. Geoff Tunnicliffe, International Director/CEO, World Evangelical Alliance; Czerina Patel, Executive Director, Yenza: Building Bridges, Spotlighting Success and Amplifying Voice in Africa.

Mr. Speaker, I yield 6 minutes to the main sponsor of the bill, as I said, the gentlewoman from California (Ms. LEE), who as a member in the last term of both the Foreign Affairs and Financial Services Committees was very well-suited to push this and continues to be a very strong supporter of it.

Ms. LEE. Mr. Speaker, let me begin by thanking my friend and colleague, the chairman of the Financial Services Committee, Congressman FRANK, for his tremendous leadership. Not only did you help us move this bill forward, but you helped, quite frankly, to make it a much better bill. So I want to thank Congressman FRANK, also your staff, Daniel McGlinchey, Jim Segal and Katie Lavelle for working with us over the last few months to craft this bill.

Also let me just thank and recognize Congressman LUIS GUTIERREZ, who chairs the subcommittee, for his support and assistance.

In addition, I must thank the Sudan Divestment Task Force and its staff and especially my staff, Lauren Jenkins and Christos Tsentos, as well as Sam Bell and Aysha House-Moshi, formerly of my staff, who really helped me and helped the groups around the country come together to put this bill together.

And let me thank our ranking member of the committee for his early leadership, Congressman BACHUS, as well as Congressman GARRETT, a cosponsor of this bill, and also Congressman DON PAYNE, FRANK WOLF and Senator BROWNBACK for testifying at the committee when this bill was heard.

And, lastly, let me just commend and thank our great Speaker, Speaker NANCY PELOSI, for her tremendous leadership, and also our majority leader, STENY HOYER, for making sure that our caucus works in a bipartisan fashion to keep this issue alive.

Thirteen years ago, the world stood by as nearly 1 million people were slaughtered in the genocide in Rwanda, and the best our country could do then was to apologize for failing to act after the fact. Many of us swore that another Rwanda would never again take place on our watch, but it is happening again.

Three years ago last week, on July 22, 2004, under the leadership of our good friend Congressman DON PAYNE, Congress finally formally declared the genocide was taking place in Darfur. Today, the genocide is getting worse. I have witnessed this horror on three occasions in Darfur; and let me tell you, it is getting worse.

Mr. Speaker, many of us in a bipartisan effort have spoken out repeatedly on the floor over the last three years in condemnation of the ongoing genocide in Darfur. These efforts have only intensified as we have sought to use each and every tool at our disposal to bring this genocide to an end.

In April, we passed a resolution urging our friends in the League of Arab States to exert their influence on the Government of Sudan.

In May, we called on the Defense Department to examine the rehabilitation of the Abeche airfield in Chad to support expanded humanitarian operations in Darfur.

And in June we passed another resolution urging the Chinese to leverage their very unique influence with Sudan to help end the genocide.

Today, we take another very important step forward by passing H.R. 180. This is bipartisan legislation which would support the growing grass-roots movement to divest from companies doing business in Sudan.

Organizations led by young people like STAND and the Save Darfur Coalition have been in the forefront of successful student divestment campaigns

across the country to pressure the Khartoum regime to end the genocide in Darfur, and we do owe them a debt of gratitude.

To date, over 54 universities, 19 States and 9 cities have passed divestment legislation to pull State and local funds out of companies that conduct business with Sudan.

Throughout our country, our constituents are standing up and demanding that their hard-earned money not be used to support a pariah government that is killing its own people.

My bill would authorize and support States, local governments, universities, mutual funds and pension plans that choose to divest from companies doing business in Sudan.

At the same time, we would prohibit the Federal Government from renewing or signing contracts with multinational companies doing business with Sudan. These businesses and industries are in the mineral and oil and military equipment industries. We want them to stop propping up this genocidal regime.

As we pursue divestment, we must also continue to support the rapid and unconditional deployment of the United Nations and African Union forces, along with free and unfettered access for groups providing humanitarian assistance. And we must continue to urge all parties to lay down their arms and come to the table to negotiate a political solution.

Every day we wait, killings, the rapes, the starvation, the dislocation, they all continue.

This genocide is happening on our watch. But this time, working together in a bipartisan coalition, we have the will and determination and the wherewithal to stop it. It worked with the racist apartheid regime in South Africa, and it can work with the genocidal regime in Sudan.

Not on our watch. Save Darfur, as the Save Darfur Coalition so passionately has said; and, today, I hope that the House of Representatives will say the same thing by passing H.R. 180.

Again, I want to thank the Financial Services Committee, and I must thank again Congressman FRANK for really making sure that what we intend to do we will do. And I want to thank Congressman FRANK again for making this a much stronger bill. We've worked on this for a couple of years, and I tell you working together in a bipartisan fashion we will end this horrific genocide in Darfur.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), ranking member of the Foreign Affairs Committee.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm proud to support the bill before us, H.R. 180, the Darfur Accountability and Divestment Act.

It was 3 years ago this month, Mr. Speaker, that Congress passed the historic resolution declaring that genocide was occurring in the Darfur region of western Sudan. This was the first time in the history of this body that genocide was declared as the atrocities were occurring.

The decision to evoke the word ''genocide'' at that time was not taken lightly, but the evidence of vast slaughter, aerial bombardments and forced displacements targeted against the African tribes in Darfur left us with little choice.

No one could claim that they did not understand the gravity of the human rights and the security crisis in Darfur. We read about it in the papers. We saw the images on television. We heard about it from humanitarian groups in the region, and some of us have now even seen it with our own eyes.

It was believed that, by making such a bold declaration, other responsible nations would feel compelled to join the United States in taking firm action to halt this senseless slaughter of innocent civilians in this far off place, but here we are 3 years later and the carnage in Darfur continues.

Hundreds of thousands have been killed, over 2 million others have been forced from their homes. Entire villages have been razed, crops and wells destroyed, and countless young women and girls raped. And here we are again forced to go it alone, for the sake of the victims of genocide in Sudan.

Currently, the U.N. Security Council is once again held hostage to the search for consensus. Council members are engaged in a senseless debate over the latest resolution on Darfur, fighting over whether deploying a truly capable peacekeeping mission, with a chapter 7 mandate to protect civilians, violates the so-called sovereignty of a genocidal regime.

Several of my colleagues and I traveled to the United Nations last week as part of a delegation led by our majority leader, STENY HOYER. We focused our efforts on securing support for immediate action by the United Nations, but we cannot afford to continue to wait.

I cannot forget the faces of the children and the families in the camps that I visited in April. Their eyes spoke volumes, piercing through our souls, clamoring for the world to help them.

It is, therefore, time once again to take bold action in the hope that it will finally compel the murderous regime in Khartoum to simply end this madness. We need to send a clear message to Khartoum that we are not fooled by their half measures and delay tactics and that we are serious about ending this conflict. And to do so we must speak in language that they will surely understand, the language of economic interests.

□ 1300

This Sudanese regime has proven time and time again that it responds only to real pressure. The only true leverage we have is to strike at their economic interest. H.R. 180 does exactly that. It requires that the Secretary of the Treasury publish and maintain a list of companies or entities whose business dealings directly benefit the regime in Khartoum. It enables State and local governments to divest from those companies and provide safe harbor to fund managers who do divest.

In essence, this allows the contributors to and the beneficiaries of State and local government pension funds to avoid directly or indirectly supporting genocide in Darfur. Divestment campaigns of this nature have drawn criticism by some who fear that they inappropriately violate the sanctity of U.S. markets.

It is true divestments should not be taken lightly. But in the case of genocide, we are bound by conscience and overarching U.S. values to do all that is within our power to intervene. Having served as witness to this catastrophe, I have no hesitation in supporting the cause of divestment.

In fact, it gives me great pride to say that in my own district, south Floridians have joined in this humanitarian effort. It is time to stop funding the war machine in Sudan. Adoption of this legislation today will no doubt put us at odds with a number of our allies, with members of the U.N. Security Council, and those with significant economic interest with Sudan, such as China.

Our labeling of the atrocities in Darfur as genocide also put us at odds with others. But their indifference did not deter us in 2004, and it must not deter us now. I urge my fellow Members to take a stand today on behalf of the people of Darfur and to support this important legislation.

Mr. FRANK of Massachusetts. Madam Speaker, I thank the gentlewoman from Florida, who has been a leader on human rights. Also, I should say that I am very proud of the bipartisan cooperation we have had in the Financial Services Committee on this.

Madam Speaker, I yield 3 minutes to one of the other main coauthors of this, the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman for the time.

Madam Speaker, we have already banned U.S. companies from conducting business operations in Sudan. Now we need to enlist American investors to change the behavior of foreign-based multinationals, to make it clear that they cannot have the capital of well-meaning Americans and the supposed benefit of cozying up to the government in Khartoum.

The way to do this, the way to change the behavior of the Government of Sudan, is to change the behavior of multinational corporations. The way to change the behavior of multinational corporations is to change American investment policies.

Scores of private organizations in this country, including the University of Southern California, have already

divested; some 19 States have already adopted divestment policies. This bill helps divestiture in two ways. First, it provides some critical guidance to those who want to divest. Those who want to divest are faced first with the issue of what standards to apply: Do I want to divest in any company that sells a candy bar in Khartoum, or do I only want to divest against those companies selling guns to the Government of Sudan?

This bill focuses on those companies providing the strategic assistance that helps the Khartoum Government and empowers that government. It identifies the key investment sectors of the Sudanese economy that government relies upon. It draws the line that establishes a clear standard. Others may depart from that standard and have an absolute rule: I don't want to invest in anything, any company doing business in Sudan. But this bill provides guidance to those who want one.

Second, the issue is which companies do I not want to invest in. Here the bill provides a list published by the Secretary of the Treasury of those companies violating the standards identified in the bill.

As the chairman of our committee points out, investors already have the right to divest. They shouldn't wait for us to pass this bill. The fiduciary duty to protect one's beneficiaries is enhanced if you divest from those businesses doing business in Sudan, because investing in terror is bad business and the sign of bad management; it exposes a corporation to reputational risk.

Likewise, our cities and States have the right to decide for themselves how to invest their money. But even if you buy the constitutional view, and I don't, that they can only divest when consistent with American foreign policy, you don't have to wait for this bill. Sudan is on the terrorism list. There is no clearer statement of American foreign policy that we want all Americans, and all cities, counties and States, to join with the Federal Government in carrying out the Federal policy to put economic pressure on the government in Khartoum.

So I hope people will act now. To some extent, what this bill does in stating that fiduciaries are free to divest is simply provide an end to an excuse. They don't need the excuse. They ought to divest.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield myself 30 seconds.

I begin by saying that over the last couple of years there have been multiple genocides that occurred under the U.N.'s watch. There was Bosnia, Rwanda and now Darfur. Each time the U.N. has failed to take appropriate action. Each time it is because of political and economic pressure.

When the current situation arose in Darfur, the best that we could get out of the U.N. and then-Secretary General Kofi Annan was, at the anniversary of Rwanda, simply a statement on the floor of that anniversary and a moment of silence and the pledge this shall never happen again. Unfortunately, it has happened again. That is why we are here today.

Mr. Speaker, I yield 6 minutes to the gentleman and a strong fighter on this issue, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman very much and appreciate his work.

Mr. Speaker, I wanted to come here today. It's amazing, this suspension calendar has so many big bills. The chairman of the Financial Services Committee points out this is important legislation that we are discussing. It may be on the suspension calendar, but that's only because there is unanimity. There is a feeling on both sides of the aisle, Republican and Democrat, House and Senate, supporting these bills, as well as the White House.

We will be dealing with the Darfur Accountability Divestment Act of 2007, the Iran Sanctions Enabling Act of 2007. We are going to be expressing a sense of the House of Representatives that the Government of Japan should formally acknowledge, apologize and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of young women into the sex trade. We are going to be urging the Government of Canada to end the outrageous commercial sea hunts. We will be amending the Iran Sanctions Act, and we will have a Belated Thank You to the Merchant Mariners of World War II Act, these brave men, in particular, and women, who basically risked their lives going back and forth to Europe and haven't gotten the recognition they deserve.

But let me speak specifically to Darfur. I rise in support of H.R. 180, which supports State, city and university efforts to divest funds or restrict investment in companies that conduct business operations in Sudan.

First, let me say I have tremendous respect for all those who have worked to raise awareness of this important issue, student groups and faith-based organizations, especially from the African-American, Jewish and Armenian communities have done a wonderful job, a really outstanding job of educating their fellow citizens and lawmakers about the crisis and the need to respond.

In addition, this body owes a debt of gratitude to Representative BARBARA LEE, Representative FRANK WOLF, Chairman TOM LANTOS and Chairman BARNEY FRANK, Ranking Member ILEANA ROS-LEHTINEN, and Ranking Member Mr. BACHUS and others who have kept the genocide of Darfur in our forefront and consciousness.

The world collectively agreed to never again allow genocide after the Holocaust and again after the mass murders of Rwanda in 1994. Tragically, genocide is taking place, and the United States must take all reasonable steps to end the killing.

The United States has made a tremendous commitment to the people of Darfur in the form of humanitarian aid and diplomatic efforts to end the genocide, but more must be done. Divestment is a very serious step for our government to take against a nation that does not threaten our security or the security of our allies.

It is a tool that must be used sparingly, but given the abhorrent crimes that continue to be committed against the Darfuri people, I believe it is a most appropriate act.

The bottom line, as this legislation states, is that no American should have to worry that his or her investment or pension money was earned in support of genocide.

I urge all Members to vote for H.R. 180 and continue our efforts and commitment to end violence in the Sudan.

I want to say, in closing, that we are going to have to consider even more significant acts. One is sanctions, but we may need to consider a no-fly zone, and, frankly, working with others, military force. Obviously we have to use our military sparingly, given their overuse in Iraq and Afghanistan, but can we expect that the African Union can do more than send 7,000 troops? We should be willing to pay for that, and we are.

Can we expect that Europe should be willing to step up and take action? They are rarely willing to, but in this case, I think we should expect they should, especially given their minimal role in Iraq and even their less than full participation in Afghanistan.

Can we expect NATO to step up? That involves the United States. Why not? And that at the very end, if nothing else happens, the U.S.

I was in Darfur in August of 2006, meeting with the governor of Northern Darfur. He was somewhat disturbed by the killings going on in his own country. But when I suggested that we might need to take other action like a no-fly zone, he was indignant. He was outraged. He couldn't accept it. That got his attention. He wasn't particularly concerned that his own people were killing each other with, frankly, the consent of its own government, but he was outraged to think that outside governments might come in and stop it.

We will have to deal with that outrage. We have to stop the killing.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2½ minutes to a member of the committee who has been working hard on this, the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, I also rise to support this legislation to treat the monstrous Bashir regime in the Sudan like the pariah it deserves to be. I also visited the Sudan in April as a member of a congressional delegation led by Majority Leader STENY HOYER. Ms. LEE, the author of this important legislation was a member of that delegation, as was Ms. ROS-LEHTINEN, who just spoke a few minutes ago.

I returned from the Sudan even more convinced that we must not waiver in our effort to end the genocide in Darfur. The Bashir regime, just last week, again rejected a draft United Nations resolution to deploy a joint peacekeeping force to use all necessary means to end the violence in Darfur, to end the killing, to secure order.

The Bashir regime has repeatedly called an international force an affront to their sovereignty. The Bashir regime has forfeited their sovereignty, their claim to sovereignty, by committing genocide, by sponsoring genocide against their own people. In the last 4 years, 400,000 to 450,000 people have been killed in Darfur; 2.5 million people have abandoned their homes to seek refuge from the violence; 4 million rely on food assistance.

The Bashir regime's claim of sovereignty is a flimsy legalism in the face of the atrocities in Darfur. This legislation will hold up for public shame the companies that invest in the Sudan or conduct business with the Sudan that will seek profits, even in the face of the genocide in Darfur.

Sixty years ago, as the enormity of the Holocaust sank in, humanity promised never again. But the world has let genocide happen again and again, most recently in Rwanda. Kofi Annan, then-Secretary General of the United Nations, admitted that the world failed the people of Rwanda. I refuse to fail the people of the Sudan, of Darfur, as we failed the people of Rwanda. I am determined to keep the promise of 60 years ago. Never again.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield 5 minutes to a champion of the fight for human rights, the gentleman from Virginia (Mr. WOLF).

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

Mr. WOLF. I thank the gentleman.

Mr. Speaker, I rise in support of the Darfur Accountability and Divestment Act. I want to thank Congressman LEE for her leadership in this effort; also Chairman FRANK for his effort to move this thing and not just talk about it, but actually get it out; also Congressman BACHUS and Congresswoman ILEANA ROS-LEHTINEN for their effort.

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I also want to thank all of the young students around the country who have participated in this whole disinvestment thing. When the whole tide was running against them, they went against the tide, and this language, this legislation, will enable them now to move.

Genocide continues. 400,000 to 450,000 have died. There are 2.5 million in camps, many in Chad. Now, the Sudanese government, I heard on Friday, are giving the right for people in Chad to come back, not Sudanese but people from Chad, to come in and take over much of the land, some of the land, up to 90,000 that belongs to the people of Darfur.

The previous speaker just said the U.N. failed. Wow, the U.N. failed so much. The U.N. failed in Srebeniza. They stood by and allowed the Serbs to come in and commit genocide in Srebeniza. The U.N. failed. And Kofi Annan, who was really head of U.N. peacekeeping, and he failed while he just stood by and allowed the genocide to take place in Rwanda. Kofi Annan and the U.N. failed and history has to show it. It has to show that the people at the U.N. failed to deal with this issue of genocide.

When Senator BROWNBACK and I were there with the first group, we came back and asked Kofi Annan to go. He had not actually been there before. This has been a failure. And because of Congresswoman LEE and Chairman FRANK and others coming to demonstrate the United States is committed to doing something that can really make a difference and not just a resolution that calls something something and nothing ever happens.

The Chinese have failed. We cannot hide the fact. Every time you purchase a piece of furniture or food or whatever and it says ''Made in China,'' this is the government that has helped bring you the genocide in Darfur. Their Olympics in 2008 will be a monument to their genocidal activity and effort. Period. Period. They've even hired people to put on a good show similar to what Nazi Germany did, Hitler did, in the Olympics in the thirties. They could have singlehandedly stopped the genocide. The President of China went to Sudan and we all thought that he was going to announce that he had put pressure on the Sudanese government. He announced that he was building them a new palace. China, after the Government of Sudan, is the number two country responsible, history will show, responsible.

Lastly, because of the efforts of Congresswoman LEE, hopefully now all of the Governors and the State legislatures, including my own, which did it in the Senate but not in the House, will now feel released and there will be no excuse to pass these, the same way that the State of New Jersey did under the leadership of Don Payne and the people there. The same way that California did. The same way that Illinois did. Many States have been reluctant. They have looked for excuses to find out. This legislation takes away all the excuses and hopefully this time next year after all the legislatures have had an opportunity to act, there will be a rollcall and all 50 legislatures will have participated and made this State law whereby the disinvestment takes place around the world.

Again, I thank Congresswoman LEE. I thank the gentleman from New Jersey. There ought to be a rollcall vote on this. I don't know what the intentions are, I'm not involved in it, but there ought to be a rollcall vote because they will look to see. One, it will be interesting to see if anyone votes ''no'' on it, but secondly I think the Chinese will look, the Bashir will look, the Khartoum government will look, and lastly the people in the camps will find out that the United States Congress has done something to really make a difference.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 10 seconds to say we agree with the gentleman from Virginia. There will be a rollcall. Among the people who we hope will look at it are the few right across the hall there. We do plan to have a rollcall.

Secondly, I just want to say that people have commented on the overwhelming support, but this could have been more divisive, and the staffs of both Democrats and Republicans on our committee, Chris Tsentas of Ms. LEE's staff and others worked very hard together.

Mr. Speaker, I now yield the remaining time to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

The SPEAKER pro tempore. The gentleman is recognized for 2¼ minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I find it very difficult for me to follow such a most eloquent speech that was given by my good friend from Virginia, a true champion of human rights, and as cochair of our Human Rights Caucus also with the gentleman from California, the chairman of our House Foreign Affairs Committee, Mr. TOM LANTOS.

I want to thank the chairman of our Financial Services Committee, Mr. FRANK, for his leadership and for introducing as well as following closely the way that we have now come about in bringing this very important legislation for consideration by Members of this body. I would be remiss if I did not also express my sincere appreciation to one of our former senior members of our Foreign Affairs Committee who is no longer with us, the gentlelady from California, Ms. BARBARA LEE, for her leadership and for her sensitivity especially to the problems we are faced with in Darfur. I thank also my good friend, the chairman of our Africa subcommittee of the Foreign Affairs Committee, Mr. DON PAYNE, who I know has also been working very closely in crafting this legislation. My good friend, the ranking member of our Foreign Affairs Committee, Ms. ROS-LEHTINEN, and I know our chairman of the Foreign Affairs Committee both support it and I thank them for their leadership in bringing this legislation for consideration.

Mr. Speaker, over 400,000, 450,000 men, women and children, especially children, are already dead in the event of the atrocities that have been committed against these people in Darfur and over 2 million refugees. According to the Associated Press report just this month, it says, the United Nations Human Rights Committee, in its first overall review of Sudan's record in a decade, said that systematic murder, rape, forced evictions and attacks

against civilians continue to be committed with total impunity throughout the Sudan and particularly in Darfur.

That's a fact. And what are we doing about it? I think this legislation helps move in that right direction, and I can't think of a better person, a leader in our Chamber here, Ms. LEE, for taking the leadership in this important legislation, as it was in her predecessor, our good friend Mr. Dellums from California and his leadership in presenting the importance of the role sanctions can play in situations that the global community should make better efforts to support to get rid of this terrible problem that we find ourselves with in Darfur.

Mr. GARRETT of New Jersey. Mr. Speaker, just a concluding point, with the need for us to take initial movement on this but also to look for the rest of the world community to become involved.

It was just last year when U.N. Deputy Secretary-General Mark Malloch Brown said with regard to Darfur on this point: ''And yet what can the U.S. do alone in the heart of Africa in a region the size of France? In essence, the U.S. is stymied before it even passes Go. It needs a multilateral means to address the Sudan's concerns.'' I believe that is true, but this is the first step in that direction.

With that, I once again thank the gentlelady from California and the chairman as well for their work together in a bipartisan manner on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 180, the Darfur Accountability and Divestment Act of 2007, introduced by my colleague Ms. LEE of California, of which I am a co-sponsor.

Mr. Speaker, Darfur, where the flrst genocide of the 20th century rages, remains the worst humanitarian situation we face today. Since the crisis began in 2003, an estimated 400,000 people have been killed by the Government of Sudan and its Janjaweed allies. Additionally, over 2,000,000 people have been displaced from their homes and livelihoods, many of whom are still either internally displaced within Darfur or are in refugee camps across the border in Chad. Both the House of Representatives and the Senate declared that the atrocities in the Darfur region of Sudan constitute genocide in July 2004, and the Bush administration reached the same conclusion in September 2004.

And yet, three years later, the humanitarian situation in Darfur continues to decline. As attacks on international aid organizations continue to mount, the numbers of humanitarian relief workers active in the area are sharply declining. During the first three months of 2007, 21 humanitarian vehicles were hijacked, 15 additional vehicles were looted, and gunmen raided 6 humanitarian compounds. In the 12 months preceding April 2007, the number of humanitarian relief workers in Darfur decreased by 16 percent, largely due to security concerns, restriction on access, and funding limitations. The flow of humanitarian aid has been severely threatened by the escalating violence in the region.

Divestment is one solid and easy way that individuals, organizations, businesses, universities, cities, and states can not only make a strong statement against genocide, but can actually act to halt the killing in Darfur. This legislation supports state, city, and university efforts to divest funds from, or restrict investments in, companies that conduct business operations in Sudan. It directs the Securities and Exchange Commission (SEC) to require all companies trading in registered securities that conduct business operations directly or through parent or subsidiary companies in Sudan to disclose the nature of such operations, and the Government Accountability Office (GAO) to investigate the existence and extent of such companies' Federal Retirement Thrift Investment Board investments. The State of Texas is one of a few states that has moved to divert from Sudan. The time to act is now. People are dying. I will be going to Sudan soon to visit the people of Darfur—we will visit aide workers and review the status of the U.N. Peacekeepers and the status of water and nutrition among the already brutalized Darfurians. Again we must act to save lives now.

This legislation also prohibits U.S. government contracts with companies that conduct business operations in Sudan, with exceptions for companies with activities in southern Sudan, related to the implementation of the 2006 Darfur Peace agreement, those providing military equipment to the African Union or the U.N. in Darfur, and those providing humanitarian aid. Targeted financial policies of this sort ensure that they will have the maximum impact on the government of Sudan, while minimizing any negative effect on innocent Sudanese civilians.

While U.S. law already prohibits American companies from directly operating in Sudan, they may still invest in foreign companies operating in Sudan, including many that are directly involved in supporting the genocide. Americans who invest in these American companies are, without their knowledge, financing Sudan's killing fields. As this bill explicitly states, ''No American should have to worry that his or her investments or pension money was earned in support of genocide.'' However, we must engage with China to encourage it to stop supporting actions in Sudan that lead to genocide.

Divestment has historically proven an effective tool to alter unjust and persecutory policies. In 1986, it was targeted against companies that conducted business operations in South Africa, and it played a critical role in ending the apartheid regime. By the time free elections took place in 1994, large numbers of American States, counties, cities, and universities had adopted divestment policies.

Similarly, divestment has become an increasingly popular option in the current case of genocide in Sudan. I am proud that my home State of Texas is one of the growing numbers of States, cities, and universities to approve divestment. At last count, 9 cities, 16 States and 54 universities had passed legislation to ensure that their money does not go to finance the slaughter of innocent people in Darfur. In addition, numerous religious organizations, as well as countless individuals, have divested. Since the Sudan divestment movement began, companies including HC Helicopter, ABB, Siemens, Rolls Royce, and Schlumberger have halted or significantly altered their operations in Sudan.

Divestment represents the leverage that ordinary citizens and individual activists, as well as States, cities, universities, and other organizations, have to influence the Sudanese government. It is the answer to the question that so many of us active in the fight to end genocide in Darfur hear too often: ''What can I, as an individual, do in the face of such overwhelming and ongoing tragedy?''

Mr. Speaker, the American people do not support genocide in Sudan; their money should not support these atrocities either. I strongly urge my colleagues to join me in support of this important legislation.

Mr. JACKSON of Illinois. Mr. Speaker, I rise in strong support of H.R. 180, the Darfur Accountability and Divestment Act of 2007, and I want to congratulate my good friend from California, Ms. LEE, on producing the bill before us today.

H.R. 180 would put much needed pressure on the Government of Sudan by, (1) prohibiting the U.S. Government from entering into contracts with companies fueling the genocide, (2) authorizing states to divest from the worst offending companies in Sudan, and (3) authorizing states to prohibit contracts with companies fueling the genocide. This bill is necessary because states deserve protection for acting as responsible and moral market participants. Furthermore, this legislation does not affect American companies, and its provisions would expire once the genocide has ended.

In 2004, I traveled to Darfur to see this devastation first hand. I was shocked and appalled at the level of human suffering. As the vice-chair of the Foreign Operations Appropriations Subcommittee, I have tried to improve conditions in Darfur with humanitarian aid and peacekeeping funds, but more must be done.

This bill begins to do the things that our humanitarian aid and our peacekeeping funds can't—address corporate and social responsibility and put additional pressure on the Khartoum government to end the genocide.

Again, I congratulate the gentlewoman for her legislation, and I strongly urge an aye vote for H.R. 180, the Darfur Accountability and Divestment Act.

Mr. RANGEL. Mr. Speaker, I rise today to encourage my colleagues to support the Darfur Accountability and Divestment Act of 2007, H.R. 180.

The passage of this bill will require the identification of companies that conduct business operations in Sudan and prohibit the United States Government to contract with such companies. The atrocities in Sudan have only continued to escalate. The U.S. Government must cut ties with a government that fails to address the genocide within its own boundaries. The Government of Sudan has not put any action to disarm the Janjaweed militia and is therefore equally responsible for the human rights violations against Darfurians.

An estimated 450,000 people have been killed, and 2 million people have been displaced—234,000 of which have been forced into neighboring Chad. Janjaweed soldiers continue to ride into villages stealing whatever goods they can find, slaughtering men, women, and children along the way. These soldiers systematically rape women and children, holding some as sex slaves for weeks at a time before releasing them.

Colleagues, we are in a position to help stop the carnage in Darfur. We must continue to pressure the Government of Sudan to stop the massacre in Darfur. Enforcing economic

sanctions is a way to achieve this goal. I urge you all, for the sake of humanity, to support the Darfur Accountability and Divestment Act. We are not blind to the truth and we have a responsibility to do our part to alleviate this awful tragedy.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 180, the Darfur Accountability and Divestment Act of 2007.

I am proud to be a cosponsor of this important and timely legislation to authorize States to divest from companies in Sudan, and to prohibit new federal contracts with companies doing business with the genocidal regime in Khartoum. Current estimates indicate that as many as 450,000 people have been killed and over 2.5 million have been displaced due to the ongoing genocide in the Darfur region of Sudan. The security situation on the ground is continuing to deteriorate and the violence is spreading to surrounding countries.

As a member of the CBC and an African American, I joined my colleagues in support of H. Res. 333, in the last Congress, to designate the weekend of July 15–17 as a National Weekend of Prayer and Reconciliation for Darfur. The tragic and unforgivable/unforgiving genocide occurring in Darfur is as significant as acts of terrorism on which we are more focused. Over a million people, driven from their homes, now face death from starvation and diseases as the Government and militias attempt to prevent humanitarian aid from reaching them. These acts of genocide, civil terrorism, and inhumanity must stop! And the legislation we are considering today will go a long way in achieving this result.

The Darfur Accountability and Divestment Act of 2007 requires the Secretary of the Treasury to create a list of companies who have a direct investment in or are conducting business operations in Sudan's power, mineral, oil, or military equipment industries. The list will be published in the Federal Register six months after enactment, and every six months thereafter.

Many of our constituents are standing up and demanding that their hard earned money not be used to support a pariah government that is killing its own people. In passing H.R. 180 today we will be doing our part help protect the Sudan divestment movement at the State level and to help it continue to grow.

I urge my colleagues to support passage of this bill.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H.R. 180, the Darfur Accountability and Divestment Act of 2007 of which I am a co-sponsor.

Three years ago last week, Congress formally declared that genocide was taking place in Darfur. For many years now we have seen the devastating atrocities taking place in the Darfur region of Sudan. With the support of the Sudanese Government, the Janjaweed militia has ravaged the people of Darfur, raping, torturing, murdering, and forcing hundreds of thousand of Darfuris to flee to refugee camps in neighboring Chad and the Central African Republic.

It is time that we begin to put in place legislation that will end this genocide. This legislation supports state, city, and university efforts to divest funds from, or restrict investments in, companies that conduct business operations in Sudan. This is a positive first step in achieving this goal.

We saw the same devastation in Rwanda over a decade ago, and the American people have made their voices heard on this issue vowing never again to remain silent when humanity is threatened.

A few months ago, an event was held in my congressional district regarding this issue. During the event it was noted that according to www.darfurscores.com I was receiving a grade of "C" in my support of ending the genocide in Darfur. While it may appear on the surface that I have not been supportive of these efforts, it is important that you know I am in total support of ending the genocide in Darfur.

I along with many of my Congressional Black Caucus colleagues including DONALD PAYNE and BARBARA LEE were some of the first members of Congress to speak out about this issue. During the last Congress, we specifically addressed this issue with President George W. Bush in a meeting asking him to take immediate action. Additionally, I have cosponsored and voted in favor of legislation as far back as the 108th Congress regarding this issue. Some of the bills I have supported included a bill for the appointment of a Presidential Special Envoy for Sudan and to prohibit companies that conduct business operations in Sudan from receiving government contracts. Most recently, I voted in favor of legislation calling on the League of Arab States and each Member State to acknowledge the Darfur genocide as well as signed onto a letter to the China government asking them to use their significant economic influence with the Government of Sudan to end these crimes against humanity.

While I understand that there may be some gaps on paper with regard to my record on this issue, trust that my support for ending the genocide in Darfur has been unwavering. It is my hope that I will be able to work with the people of the 11th Congressional District and across this country to continue to let our voices heard on this issue. I encourage my constituents to contact me with your ideas and resources so we can continue to fight this injustice against humanity.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H.R. 180, the Darfur Accountability and Divestment Act of 2007. Congresswoman LEE and Congressman PAYNE are to be commended for their continued dedication to the people of Africa—and to the people of Darfur in particular.

It was September 2004—almost three years ago—when then Secretary of State Colin Powell declared that the situation in Darfur could be described in no other way than "genocide."

And yet today, millions of people have been run off of their homeland. Children who should be in school, learning, are forced into armies. Women are raped and brutalized daily. Refugee camps are overrun. For many, the situation seems hopeless.

World leaders take the stage day after day talking—calling for an end to violence. Enough talking. It is clear the government of Sudan will not listen. Maybe the only way they will listen is to hit them in their pocket book—and that is exactly what we will do today.

This bill will identify which companies are conducting business in Sudan—some would say at the expense of the Darfur people. Once these companies are identified, the U.S. Government will be prohibited from doing business with them. If the Sudanese Government won't listen to reason, maybe they will listen to the sound of quiet cash registers.

We send a clear message that we will not forget the people of Darfur.

From small groups like "Dear Sudan, Love Petaluma" in my hometown to larger relief organizations like UNICEF, we are committed to peace and to a future of hope.

Mr. SMITH of New Jersey. Mr. Speaker, as a cosponsor of H.R. 180, The Darfur Accountability and Divestment Act, I am pleased to see this bill brought before the full House and I urge all our colleagues to vote for its final passage.

The Darfur Accountability and Divestment Act is an important part of our ongoing efforts here in Congress to influence, pressure and alter the conduct of the Sudanese regime, the government complicit in the genocide being perpetrated and abetted in Darfur. The deaths of 450,000 innocent women, men and children and the displacement of 2 million others demand nothing less.

H.R. 180 comes amidst recent reports of additional population displacements of about 12,000 households in West Darfur. Those who are fleeing express fears of attacks by Sudanese government forces in addition to general insecurity in that area.

Despite the Sudanese government's announcement that it will accept a proposed hybrid UN-African Union peacekeeping operation in Darfur, it will take far more action on the part of the Bashir regime to convince me—and I am certain my other colleagues here in the House as well—that it is finally succumbing to the world's outcry for peace. Withdrawing American investments, both public and private, from Sudan will help to ensure that we get that government's attention.

On August 1, 2005, my home State of New Jersey became the first State to divest from Sudan. Earlier that year, Representative DON PAYNE and I had sent a joint letter to State leaders encouraging this action. Our NJ law directs the State Treasury to divest State pension funds from foreign companies doing business with Sudan until the Sudanese government stops the genocide that is ravaging that country. Eighteen other States have since followed New Jersey's lead and have adopted divestment policies.

Mr. Speaker, as the Chairman of the Subcommittee on Africa, Global Human Rights and International Operations, I advocated forcefully for divestment provisions in the Darfur Peace and Accountability Act of 2006. Unfortunately, the Senate removed those provisions prior to final passage of the bill. I am pleased that H.R. 180 revisits the divestiture issue and builds on those initial efforts in several important ways.

H.R. 180 requires that the Secretary of the Treasury publish every six months a list of companies that have a direct investment or are conducting business operations in Sudan's power, mineral, oil or military equipment industries. The bill excludes several important categories of companies, including those that are dealing directly with the government of southern Sudan or that are helping the marginalized populations.

Companies that are on the Treasury list will not be able to enter into or renew contracts with the United States Government. State and local governments may also authorize prohibitions for those governments to enter into or renew contracts with these companies. The

bill further authorizes State and local governments to divest based either on this list created by the Treasury or on a list that they create on their own, without risking a lawsuit by doing so.

Perhaps most importantly, H.R. 180 provides a safe harbor for mutual and pension funds by allowing them to divest from companies on the Treasury list without risk of a lawsuit alleging that they are failing to invest in a manner that brings about the highest yield. All of these measures will provide the practical and legal foundation for our country to do what is in our national tradition—to place the dignity of the human person and the well-being of our brothers and sisters, regardless of where they live or their national or ethnic identity, above financial and commercial interests.

Promoting fundamental human rights and removing financial support from those who subsidize an abusive regime in Darfur is clearly in the best interests of the Sudanese people as well as our U.S. foreign policy. I urge my colleagues to support The Darfur Accountability and Divestment Act.

Mr. PAUL. Mr. Speaker, H.R. 180 is premised on the assumption that. divestment, sanctions, and other punitive measures are effective in influencing repressive regimes, when in fact nothing could be further from the truth. Proponents of such methods fail to remember that where goods cannot cross borders, troops will. Sanctions against Cuba, Iraq, and numerous other countries failed to topple their governments. Rather than weakening dictators, these sanctions strengthened their hold on power and led to more suffering on the part of the Cuban and Iraqi people. To the extent that divestment effected change in South Africa, it was brought about by private individuals working through the market to influence others.

No one denies that the humanitarian situation in Darfur is dire, but the United States Government has no business entangling itself in this situation, nor in forcing divestment on unwilling parties. Any further divestment action should be undertaken through voluntary means and not by government fiat.

H.R. 180 is an interventionist piece of legislation which will extend the power of the Federal Government over American businesses, force this country into yet another foreign policy debacle, and do nothing to alleviate the suffering of the residents of Darfur. By allowing State and local governments to label pension and retirement funds as State assets, the Federal Government is giving the go-ahead for State and local governments to play politics with the savings upon which millions of Americans depend for security in their old age. The safe harbor provision opens another dangerous loophole, allowing fund managers to escape responsibility for any potential financial mismanagement, and it sets a dangerous precedent. Would the Congress offer the same safe harbor provision to fund managers who wish to divest from firms offering fatty foods, growing tobacco, or doing business in Europe?

This bill would fail in its aim of influencing the Government of the Sudan, and would likely result in the exact opposite of its intended effects. The regime in Khartoum would see no loss of oil revenues, and the civil conflict will eventually flare up again. The unintended consequences of this bill on American workers, investors, and companies need to be considered as well. Forcing American workers to divest from companies which may only be tangentially related to supporting the Sudanese government could have serious economic repercussions which need to be taken into account.

Mr. GOODLATTE. Mr. Speaker, earlier this year, I had the opportunity to travel as part of a bipartisan Congressional Delegation to the war-torn nation of Sudan and see first-hand one of the worst humanitarian crises in recent times. As a nation dedicated to freedom and the rights of the individual, the United States has a responsibility to speak out when those rights are violated, whether at home or abroad.

Last week I traveled with the same bipartisan delegation to the United Nations (U.N.) to press U.N. Secretary-General Ban Ki-moon for immediate U.N. action in Darfur. It is apparent that the U.N. is not moving fast enough in ending this genocide. The entire world is watching the U.N. actions in Darfur. In the past, the U.N. has not adequately handled genocide in other countries, most recently in Rwanda, but this is an opportunity for the U.N. to aid millions of people and bring about a real and lasting change.

Many people share frustration with me that the U.N. is not more effectively working to end the genocide in Darfur. These people, who, like me, are deeply concerned and troubled by the deplorable situation in Darfur, want to know what we can do to make a change in Darfur.

This legislation gives us the tools to apply economic leverage against Sudan to encourage them to end the crisis in Darfur. H.R. 180, The Darfur Accountability and Divestment Act establishes a list of companies whose business in Sudan is deemed to directly or indirectly support the genocide. Furthermore this legislation bans federal contracts with such companies. This ensures that no federal dollars—hard earned tax dollars of American families—go to support one of the worst humanitarian crises in recent history.

Private citizens can also look at the list of companies whose business supports the genocide, and use this list to make investment decisions in their private lives. These people can then be assured that none of their money, whether through tax dollars or personal investments, is being used to support the genocide in Darfur.

Many States, including Virginia, have also looked at legislation to divest from these companies. H.R. 180 allows States and localities to divest from these companies without fear of lawsuits charging that States are regulating foreign policy. This will protect several States that have already taken the lead in divesting in such companies, and States like mine that are still considering this option on a State level will know they can do so without fear of legal charges.

This legislation is fairly balanced and does not require individuals or States to take action, but protects them if they so choose. Furthermore this legislation would sunset these sanctions when the genocide ends. I am proud to be a cosponsor of this legislation, and I urge my colleagues to vote in favor of this bill.

While I have never seen anything like what I saw in Darfur, the situation is not completely hopeless. The humanitarian assistance the United States is providing is helping millions of people in desperate circumstances. But we must continue to do more, and we must urge the international community to join with us to bring an end to the genocide. Mr. Speaker, I look forward to continuing to work with my colleagues to bring an end to this international crisis.

Mr. HOYER. Mr. Speaker, the United States has many tools in its national security arsenal. And one that is too often overlooked and under-utilized—despite the fact that it works—is economic leverage.

Today, it is long past time that the United States—and the international community—exert maximum pressure on the Sudanese government to stop the suffering in Darfur, where an estimated 200,000 to 400,000 civilians have been slaughtered and 2.5 million more have been driven from their homes.

The United Nations has identified the situation in Darfur as the worst humanitarian and human rights crisis in the world today. The United States has labeled the killings there as genocide.

We must not turn a blind eye to this horrific human suffering, which shocks our collective conscience. Thus, the United States must lead the international community in turning up the pressure on the Sudanese government through an effective divestment campaign similar to the one employed against South Africa three decades ago.

The Darfur Accountability and Divestment Act—introduced by a leader on this important issue, Congresswoman LEE—seeks to utilize targeted divestment to exert further pressure on the Bashir government in Khartoum.

This legislation requires the Treasury Secretary to establish a list of companies whose business activities in Sudan directly support the genocidal practices of the Bashir regime in Khartoum. The measure also authorizes State and local governments which choose to divest their pension fund holdings from companies on the list, and it contains ''safe harbor'' provisions for managers of mutual funds and corporate pension managers who choose to do the same even though their charters may mandate that they seek to maximize gains.

Furthermore, the bill would ban U.S. Government procurement contracts with companies on the Treasury list and authorizes the prohibition of these types of contracts at the State and local level.

The fact is, while the United States currently prohibits companies from conducting business operations in Sudan, millions of Americans are inadvertently supporting Bashir's government by investing in foreign companies that conduct business operations there.

According to the Sudan Divestment Task Force, the Khartoum regime ''relies heavily on foreign investment to fund its military and the brutal militias seeking to eliminate the non-Arab population of Darfur.'' In fact, it is estimated that as much as 70 to 80 percent of oil revenue in Sudan is funneled directly into the military.

Given our experience in South Africa, we know that increasing economic pressure through targeted divestment can work. We have been talking with the Bashir government for years now—with little effect. It is time to leverage our dollars in an attempt to stop the suffering in Darfur.

Ms. WATERS. Mr. Speaker, I strongly support H.R. 180, the Darfur Accountability and Divestment Act. I am proud to be a cosponsor of H.R. 180 and a member of the Financial

Services Committee, which passed this bill last week.

The ongoing genocide in the Darfur region of Sudan already is believed to have caused the deaths of almost half a million people. More than 200,000 people have been killed by Sudanese government forces and armed militias since 2003, and another 200,000 people have died as a result of the deliberate destruction of homes, crops and water supplies and the resulting conditions of famine and disease. More than 2.5 million people have been displaced.

According to a recent United Nations report, attacks against humanitarian aid workers have increased 150 percent in the past year. There are currently 13,000 humanitarian aid workers in Darfur, providing aid to more than 4 million people, and violence limits their ability to reach people in need. In June, approximately one in six humanitarian convoys leaving the capitals of Darfur provinces were ambushed by armed groups. About two-thirds of the population of Darfur is dependent upon these courageous aid workers and the aid they bring.

Early in 2006, I visited the Darfur region with my good friend from California, Speaker NANCY PELOSI, and I was deeply disturbed by what I saw. As far as the eyes could see, there were crowds of displaced people who had been driven from their homes, living literally on the ground with little tarps just covering them. That was over a year ago, and yet this genocide has been allowed to continue.

The world stood by and watched the genocide that occurred in Rwanda. The world has noted over and over again the atrocities of the Holocaust. Yet we cannot seem to get the international community to move fast enough to stop the genocide that is taking place in Darfur.

The Darfur Accountability and Divestment Act is a concrete proposal to impose sanctions on the Government of Sudan and on corporations that continue to do business with this genocidal regime. I urge all of my colleagues to support this bill, and I hope that it will be enacted and implemented in time to save lives, allow humanitarian aid to continue, and force the Government of Sudan to stop this genocide.

Mr. GARRETT of New Jersey. Mr. Speaker, I yield back the balance of my time.

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 bill, H.R. 180, as amended.

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 of Massachusetts. 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.

IRAN SANCTIONS ENABLING ACT OF 2007

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2347) to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2347

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 ''Iran Sanctions Enabling Act of 2007''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The Convention on the Prevention and Punishment of the Crime of Genocide, completed at Paris, December 9, 1948 (commonly referred to as the ''Genocide Convention'') defines genocide as, among other things, the act of killing members of a national, ethnic, racial, or religious group with the intent to destroy, in whole or in part, the targeted group. In addition, the Genocide Convention also prohibits conspiracy to commit genocide, as well as ''direct and public incitement to commit genocide''.

(2) 133 member states of the United Nations have ratified the Genocide Convention and thereby pledged to prosecute individuals who violate the Genocide Convention's prohibition on incitement to commit genocide, as well as those individuals who commit genocide directly.

(3) On October 27, 2005, at the World Without Zionism Conference in Tehran, Iran, the President of Iran, Mahmoud Ahmadinejad, called for Israel to be ''wiped off the map,'' described Israel as ''a disgraceful blot [on] the face of the Islamic world,'' and declared that ''[a]nybody who recognizes Israel will burn in the fire of the Islamic nation's fury.'' President Ahmadinejad has subsequently made similar types of comments, and the Government of Iran has displayed inflammatory symbols that express similar intent.

(4) On December 23, 2006, the United Nations Security Council unanimously approved Resolution 1737, which bans the supply of nuclear technology and equipment to Iran and freezes the assets of certain organizations and individuals involved in Iran's nuclear program, until Iran suspends its enrichment of uranium, as verified by the International Atomic Energy Agency.

(5) Following Iran's failure to comply with Resolution 1737, on March 24, 2007, the United Nations Security Council unanimously approved Resolution 1747, to tighten sanctions on Iran, imposing a ban on arms sales and expanding the freeze on assets, in response to the country's uranium-enrichment activities.

(6) There are now signs of domestic discontent within Iran, and targeted financial and economic measures could produce further political pressure within Iran. According to the Economist Intelligence Unit, the nuclear crisis ''is imposing a heavy opportunity cost on Iran's economic development, slowing down investment in the oil, gas, and petrochemical sectors, as well as in critical infrastructure projects, including electricity''.

(7) Targeted financial measures represent one of the strongest non-military tools available to convince Tehran that it can no longer afford to engage in dangerous, destabilizing activities such as its nuclear weapons program and its support for terrorism.

(8) Foreign persons that have invested in Iran's energy sector, despite Iran's support of international terrorism and its nuclear program, have provided additional financial means for Iran's activities in these areas, and many United States persons have unknowingly invested in those same foreign persons.

(9) There is an increasing interest by States, local governments, educational institutions, and private institutions to seek to disassociate themselves from companies that directly or indirectly support the Government of Iran's efforts to achieve a nuclear weapons capability.

(10) Policy makers and fund managers may find moral, prudential, or reputational reasons to divest from companies that accept the business risk of operating in countries that are subject to international economic sanctions or that have business relationships with countries, governments, or entities with which any United States company would be prohibited from dealing because of economic sanctions imposed by the United States.

SEC. 3. TRANSPARENCY IN CAPITAL MARKETS.

(a) LIST OF PERSONS INVESTING IN IRAN ENERGY SECTOR OR SELLING ARMS TO THE GOVERNMENT OF IRAN.—

(1) PUBLICATION OF LIST.—Not later than 6 months after the date of the enactment of this Act and every 6 months thereafter, the President or a designee of the President shall, using only publicly available (including proprietary) information, ensure publication in the Federal Register of a list of each person, whether within or outside of the United States, that, as of the date of the publication, has an investment of more than $20,000,000 in the energy sector in Iran, sells arms to the Government of Iran, or is a financial insitutiton that extends $20,000,000 or more in credit to the Government of Iran for 45 days or more. To the extent practicable, the list shall include a description of the investment made by each such person, including the dollar value, intended purpose, and status of the investment, as of the date of the publication.

(2) PRIOR NOTICE TO PERSONS.—The President or a designee of the President shall, at least 30 days before the list is published under paragraph (1), notify each person that the President or the designee, as the case may be, intends to include on the list.

(3) DELAY IN INCLUDING PERSONS ON THE LIST.—After notifying a person under paragraph (2), the the President or a designee of the President may delay including that person on the list for up to 60 days if the President or the designee determines and certifies to the Congress that the person has taken specific and effective actions to terminate the involvement of the person in the activities that resulted in the notification under paragraph (2).

(4) REMOVAL OF PERSONS FROM THE LIST.—The President or a designee of the President may remove a person from the list before the next publication of the list under paragraph (1) if the President or the designee determines that the person does not have an investment of more than $20,000,000 in the energy sector in Iran, does not sell arms to the Government of Iran, and is not a financial insitutiton that extends $20,000,000 or more in credit to the Government of Iran for 45 days or more.

(b) PUBLICATION ON WEBSITE.—The President or a designee of the President shall ensure that the list is published on an appropriate government website, updating the list as necessary to take into account any person removed from the list under subsection (a)(4).

(c) DEFINITION.—In this section, the term ''investment'' has the meaning given that term in section 14(9) of the Iran Sanctions Act (50 U.S.C. 1701 App.).