

Union Calendar No. 48

107TH CONGRESS
1ST SESSION

H. R. 2052

[Report No. 107-92, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2001

Mr. TANCREDO (for himself, Mr. ARMEY, Mr. WOLF, Mr. PAYNE, Mr. WATTS of Oklahoma, Mr. LANTOS, Mr. BENTSEN, Mr. CLEMENT, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Ms. PELOSI, Mr. UPTON, Mr. WELDON of Florida, Mr. BRYANT, Mr. GOODLATTE, Mr. CAMP, Mr. PITTS, Mr. LAMPSON, Mr. LEWIS of Kentucky, Ms. RIVERS, Mrs. TAUSCHER, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 8, 2001

Additional sponsors: Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mr. COOKSEY, Mrs. NORTHUP, and Mr. ROYCE

JUNE 8, 2001

Reported from the Committee on International Relations without amendment

JUNE 8, 2001

Referral to the Committee on Financial Services extended for a period ending not later than June 8, 2001

JUNE 8, 2001

Committee on Financial Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. FINDINGS.**

6 The Congress makes the following findings:

7 (1) The Government of Sudan has intensified
8 its prosecution of the war against areas outside of
9 its control, which has already cost more than
10 2,000,000 lives and has displaced more than
11 4,000,000 people.

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

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

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

1 (5) Regardless of the future political status of
2 the areas of Sudan outside of the control of the Gov-
3 ernment of Sudan, the absence of credible civil au-
4 thority and institutions is a major impediment to
5 achieving self-sustenance by the Sudanese people
6 and to meaningful progress toward a viable peace
7 process.

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

15 (7) The Government of Sudan utilizes and or-
16 ganizes militias, Popular Defense Forces, and other
17 irregular units for raiding and enslaving parties in
18 areas outside of the control of the Government of
19 Sudan in an effort to disrupt severely the ability of
20 the populations in those areas to sustain themselves.
21 The tactic helps minimize the Government of Su-
22 dan's accountability internationally.

23 (8) The Government of Sudan has repeatedly
24 stated that it intends to use the expected proceeds
25 from future oil sales to increase the tempo and

1 lethality of the war against the areas outside of its
2 control.

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

12 (10) The acts of the Government of Sudan, in-
13 cluding the acts described in this section, constitute
14 genocide as defined by the Convention on the Pre-
15 vention and Punishment of the Crime of Genocide
16 (78 U.N.T.S. 277).

17 (11) The efforts of the United States and other
18 donors in delivering relief and assistance through
19 means outside of OLS have played a critical role in
20 addressing the deficiencies in OLS and offset the
21 Government of Sudan's manipulation of food dona-
22 tions to advantage in the civil war in Sudan.

23 (12) While the immediate needs of selected
24 areas in Sudan facing starvation have been ad-
25 dressed in the near term, the population in areas of

1 Sudan outside of the control of the Government of
2 Sudan are still in danger of extreme disruption of
3 their ability to sustain themselves.

4 (13) The Nuba Mountains and many areas in
5 Bahr al Ghazal and the Upper Nile and the Blue
6 Nile regions have been excluded completely from re-
7 lief distribution by OLS, consequently placing their
8 populations at increased risk of famine.

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

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

23 (16) The United States should use all means of
24 pressure available to facilitate a comprehensive solu-
25 tion to the war in Sudan, including—

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

4 (B) the support or creation of viable demo-
5 cratic civil authority and institutions in areas of
6 Sudan outside of government control;

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

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

13 (E) cooperation among the trading part-
14 ners of the United States and within multilat-
15 eral institutions toward those ends.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
19 **TEES.**—The term “appropriate congressional com-
20 mittees” means the Committee on International Re-
21 lations of the House of Representatives and the
22 Committee on Foreign Relations of the Senate.

23 (2) **GOVERNMENT OF SUDAN.**—The term “Gov-
24 ernment of Sudan” means the National Islamic
25 Front government in Khartoum, Sudan.

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

5 **SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN**
6 **RIGHTS ABUSES, AND TACTICS OF THE GOV-**
7 **ERNMENT OF SUDAN.**

8 The Congress hereby—

9 (1) condemns—

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

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

16 (C) the ongoing slave trade in Sudan and
17 the role of the Government of Sudan in abet-
18 ting and tolerating the practice;

19 (D) the Government of Sudan’s use and
20 organization of “muraHalliin” or
21 “mujahadeen”, Popular Defense Forces (PDF),
22 and regular Sudanese Army units into orga-
23 nized and coordinated raiding and slaving par-
24 ties in Bahr al Ghazal, the Nuba Mountains,

1 and the Upper Nile and the Blue Nile regions;
2 and

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

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

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

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

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

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

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

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

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

12 (1) the ongoing negotiations between the Gov-
13 ernment of Sudan and opposition forces;

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

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

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

19 It is the sense of the Congress that—

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

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

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

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

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

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

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

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

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

1 (3) the relationship of the commercial activity
2 to any violations of religious freedom and other
3 human rights in Sudan; and

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

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

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

15 **SEC. 9. REPORTING REQUIREMENT.**

16 Not later than six months after the date of the enact-
17 ment of this Act, and annually thereafter, the Secretary
18 of State shall prepare and submit to the appropriate con-
19 gressional committees a report regarding the conflict in
20 Sudan. Such report shall include—

21 (1) a description of the sources and current sta-
22 tus of Sudan's financing and construction of infra-
23 structure and pipelines for oil exploitation, the ef-
24 fects of such financing and construction on the in-
25 habitants of the regions in which the oil fields are

1 located, and the ability of the Government of Sudan
2 to finance the war in Sudan with the proceeds of the
3 oil exploitation;

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

7 (3) the best estimates of the extent of aerial
8 bombardment by the Government of Sudan, includ-
9 ing targets, frequency, and best estimates of dam-
10 age; and

11 (4) a description of the extent to which humani-
12 tarian relief has been obstructed or manipulated by
13 the Government of Sudan or other forces.

14 **SEC. 10. CONTINUED USE OF NON-OLS ORGANIZATIONS**
15 **FOR RELIEF EFFORTS.**

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

20 (b) REPORT.—Not later than 90 days after the date
21 of enactment of this Act, the President shall submit to
22 the appropriate congressional committees a detailed report
23 describing the progress made toward carrying out sub-
24 section (a).

1 **SEC. 11. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANS-**
2 **PORT RELIEF FLIGHTS.**

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

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

17 **SEC. 12. INVESTIGATION OF WAR CRIMES.**

18 (a) IN GENERAL.—The Secretary of State shall col-
19 lect information about incidents which may constitute
20 crimes against humanity, genocide, war crimes, and other
21 violations of international humanitarian law by all parties
22 to the conflict in Sudan, including slavery, rape, and aerial
23 bombardment of civilian targets.

24 (b) REPORT.—Not later than six months after the
25 date of the enactment of this Act and annually thereafter,
26 the Secretary of State shall prepare and submit to the ap-

1 appropriate congressional committees a detailed report on
2 the information that the Secretary of State has collected
3 under subsection (a) and any findings or determinations
4 made by the Secretary on the basis of that information.
5 The report under this subsection may be submitted as part
6 of the report required under section 9.

7 (c) CONSULTATIONS WITH OTHER DEPARTMENTS.—
8 In preparing the report required by this section, the Sec-
9 retary of State shall consult and coordinate with all other
10 Government officials who have information necessary to
11 complete the report. Nothing contained in this section
12 shall require the disclosure, on a classified or unclassified
13 basis, of information that would jeopardize sensitive
14 sources and methods or other vital national security inter-
15 ests.

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