

106TH CONGRESS
1ST SESSION

H. R. 2906

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1999

Mr. WATTS of Oklahoma (for himself, Mr. PAYNE, Mr. TANCREDO, Mr. MARKEY, and Mr. WOLF) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Ways and Means, 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

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 Congress makes the following findings:

7 (1) With clear indications that the Government
8 of Sudan intends to intensify its prosecution of the

1 war against areas outside of its control, which has
2 already cost nearly 2,000,000 lives and has displaced
3 more than 4,000,000, a sustained and coordinated
4 international effort to pressure combatants to end
5 hostilities and to address the roots of the conflict of-
6 fers the best opportunity for a comprehensive solu-
7 tion to the continuing war in Sudan.

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

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

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

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

1 (6) Through manipulation of traditional rival-
2 ries among peoples in areas outside their full con-
3 trol, the Government of Sudan has effectively used
4 divide and conquer techniques to subjugate their
5 population, and Congress finds that internationally
6 sponsored reconciliation efforts have played a critical
7 role in reducing the tactic's effectiveness and human
8 suffering.

9 (7) The Government of Sudan is increasingly
10 utilizing and organizing militias, Popular Defense
11 Forces, and other irregular troops for raiding and
12 slaving parties in areas outside of the control of the
13 Government of Sudan in an effort to severely disrupt
14 the ability of those populations to sustain them-
15 selves. The tactic is in addition to the overt use of
16 bans on air transport relief flights in prosecuting the
17 war through selective starvation and to minimize the
18 Government of Sudan's accountability internation-
19 ally.

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

1 (9) Through its power to veto plans for air
2 transport flights under the United Nations relief op-
3 eration, Operation Lifeline Sudan (OLS), the Gov-
4 ernment of Sudan has been able to manipulate the
5 receipt of food aid by the Sudanese people from the
6 United States and other donor countries as a dev-
7 astating weapon of war in the ongoing effort by the
8 Government of Sudan to subdue areas of Sudan out-
9 side of the Government's control.

10 (10) The United States and other donors' ef-
11 forts in delivering relief and assistance through
12 means outside OLS have played a critical role in ad-
13 dressing the deficiencies in OLS and offset the Gov-
14 ernment of Sudan's manipulation of food donations
15 to advantage in the civil war in Sudan.

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

22 (12) The Nuba Mountains and many areas in
23 Bahr al Ghazal, Upper Nile, and Blue Nile regions
24 have been excluded completely from relief distribu-

1 tion by OLS, consequently placing their populations
2 at increased risk of famine.

3 (13) At a cost which can exceed \$1,000,000 per
4 day, and with a primary focus on providing only for
5 the immediate food needs of the recipients, the cur-
6 rent international relief operations are neither sus-
7 tainable nor desirable in the long term.

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

15 (15) The United States should use all means of
16 pressure available to facilitate a comprehensive solu-
17 tion to the war, including—

18 (A) the maintenance or strengthening of
19 sanctions against the Government of Sudan;

20 (B) the support or creation of viable demo-
21 cratic civil authority and institutions in areas of
22 Sudan outside government control;

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

1 (D) the strengthening of the mechanisms
2 to provide relief to those areas;

3 (E) cooperation among the trading part-
4 ners of the United States and within multilat-
5 eral institutions toward those ends; and

6 (F) the use of any and all possible unilat-
7 eral and multilateral economic and diplomatic
8 means to compel Ethiopia and Eritrea to end
9 their hostilities and again assume a constructive
10 stance toward facilitating a comprehensive solu-
11 tion to the ongoing war in Sudan.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) GOVERNMENT OF SUDAN.—The term “Gov-
15 ernment of Sudan” means the National Islamic
16 Front government in Khartoum, Sudan.

17 (2) IGAD.—The term “IGAD” means the
18 Inter-Governmental Authority on Development.

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

1 **SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN**
2 **RIGHTS ABUSES, AND NEW TACTICS BY THE**
3 **GOVERNMENT OF SUDAN.**

4 Congress hereby—

5 (1) condemns—

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

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

12 (C) the ongoing slave trade in Sudan and
13 the role of the Government of Sudan in abet-
14 ting and tolerating the practice; and

15 (D) the Government of Sudan’s increasing
16 use and organization of “murahalliin”, Popular
17 Defense Forces (PDF), and regular Sudanese
18 Army units into organized and coordinated
19 raiding and slaving parties in Bahr al Ghazal,
20 the Nuba Mountains, Upper Nile, and Blue
21 Nile regions; and

22 (2) recognizes that, along with selective bans on
23 air transport relief flights by the Government of
24 Sudan, the use of raiding and slaving parties is a
25 tool for creating food shortages and is used as a sys-
26 tematic means to destroy the societies, culture, and

1 economies of the Dinka and Nuba peoples in a policy
2 of low-intensity ethnic cleansing.

3 **SEC. 5. SUPPORT FOR THE IGAD PEACE PROCESS.**

4 (a) SENSE OF CONGRESS.—Congress hereby—

5 (1) declares its support for the efforts by execu-
6 tive branch officials of the United States to lead in
7 a reinvigoration of the IGAD-sponsored peace proc-
8 ess;

9 (2) calls on IGAD member states, the European
10 Union, the Organization of African Unity, Egypt,
11 and other key states to support the peace process;
12 and

13 (3) urges Kenya’s leadership in the implementa-
14 tion of the process.

15 (b) RELATION TO UNITED STATES DIPLOMACY.—It
16 is the sense of Congress that any such diplomatic efforts
17 toward resolution of the conflict in Sudan are best made
18 through IGAD and that the President must not create any
19 process or diplomatic facility or office which could be
20 viewed as a parallel or competing diplomatic track.

21 (c) UNITED STATES DIPLOMATIC SUPPORT.—The
22 Secretary of State is authorized to utilize the personnel
23 of the Department of State for the support of—

24 (1) the secretariat of IGAD;

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

3 (3) any peace settlement planning to be carried
4 out by the National Democratic Alliance and IGAD
5 Partners' Forum (IPF); and

6 (4) other United States diplomatic efforts with
7 respect to Sudan.

8 **SEC. 6. INCREASED PRESSURE ON COMBATANTS.**

9 It is the sense of Congress that the President, acting
10 through the United States Permanent Representative to
11 the United Nations, should—

12 (1) sponsor a resolution in the United Nations
13 Security Council to investigate the practice of slav-
14 ery in Sudan and provide recommendations on meas-
15 ures for its eventual elimination;

16 (2) sponsor a condemnation of the human
17 rights practices of the Government of Sudan at the
18 United Nations conference on human rights in Gene-
19 va in 2000;

20 (3) press for implementation of the rec-
21 ommendations of the United Nations Special
22 Rapporteur for Sudan with respect to human rights
23 monitors in Sudan;

24 (4) press for UNICEF, International Com-
25 mittee of the Red Cross, or the International Fed-

1 eration of Red Cross and Red Crescent Societies, or
2 other appropriate international organizations or
3 agencies to maintain a registry of those individuals
4 who have been abducted or are otherwise held in
5 bondage or servitude in Sudan;

6 (5) sponsor a resolution in the United Nations
7 General Assembly condemning the human rights vio-
8 lations of the Government of Sudan; and

9 (6) sponsor a resolution of condemnation in the
10 United Nations each time the Government of Sudan
11 conducts an aerial bombardment of a civilian target.

12 **SEC. 7. SUPPORTING SANCTIONS AGAINST SUDAN.**

13 (a) SANCTIONS.—Until the President determines,
14 and so certifies to Congress, that the Government of
15 Sudan has—

16 (1) fully committed to and has made verifiable
17 progress toward a comprehensive, peaceful solution
18 to the war or has otherwise committed to and made
19 verifiable progress in a good faith effort with both
20 northern and southern opposition toward a com-
21 prehensive solution to the conflict based on the Dec-
22 laration of Principles reached in Nairobi Kenya, on
23 July 20, 1994,

24 (2) made substantial and verifiable progress in
25 controlling the raiding and slaving activities of all

1 regular and irregular forces, including Popular De-
2 fense Forces and other militias and Murahallin,

3 (3) instituted credible reforms with regard to
4 providing basic human and civil rights to all Suda-
5 nese, and

6 (4) ceased aerial bombardment of civilian tar-
7 gets,

8 the following are prohibited, except to the extent provided
9 in section 203(b) of the International Emergency Eco-
10 nomic Powers Act (50 U.S.C. 1702(b)) and in regulations,
11 orders, directives, or licenses that may be issued pursuant
12 to this section:

13 (A) The importation into the United States
14 of any goods or services of Sudanese origin,
15 other than information or informational mate-
16 rials.

17 (B) The exportation or reexportation, di-
18 rectly or indirectly, to Sudan of any goods,
19 technology (including technical data, software,
20 or other information), or services from the
21 United States or by a United States person,
22 wherever located, or requiring the issuance of a
23 license by a Federal agency, except for dona-
24 tions of articles intended to relieve human suf-
25 fering, such as food, clothing, and medicine.

1 (C) The facilitation by a United States
2 person, including but not limited to brokering
3 activities of the exportation or reexportation of
4 goods, technology, or services from Sudan to
5 any destination, or to Sudan from any location.

6 (D) The performance by any United States
7 person of any contract, including a financing
8 contract, or use of any other financial instru-
9 ment, in support of an industrial, commercial,
10 public utility, or governmental project in Sudan.

11 (E) The grant or extension of credits or
12 loans by any United States person to the Gov-
13 ernment of Sudan.

14 (F) Any transaction by a United States
15 person relating to transportation of cargo to or
16 from Sudan; the provision of transportation of
17 cargo to or from the United States by any Su-
18 danese person or any vessel or aircraft of Suda-
19 nese registration; or the sale in the United
20 States by any person holding authority under
21 subtitle 7 of title 49, United States Code, of
22 any transportation of cargo by air that includes
23 any stop in Sudan.

24 (G) Any transaction by any United States
25 person or within the United States that evades

1 or avoids, or has the purpose of evading or
2 avoiding, or attempts to violate, any of the pro-
3 hibitions set forth in this section.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the sanctions in subsection (a), and in the
6 President’s Executive Order of November 4, 1997, should
7 be applied to include the sale of stocks in the United
8 States or to any United States person, wherever located,
9 or any other form of financial instruments or derivatives,
10 in support of a commercial, industrial, public utility, or
11 government project or transaction in or with Sudan.

12 (c) NATIONAL SECURITY WAIVER.—The President
13 may waive the application of any of the sanctions de-
14 scribed in subsection (a) if he determines and certifies to
15 Congress that it is important to the national security of
16 the United States to do so.

17 (d) REPORT.—Beginning 3 months after the date of
18 enactment of this Act, and every 3 months thereafter, the
19 President shall submit a report to Congress on—

20 (1) the specific sources and current status of
21 Sudan’s financing and construction of oil exploi-
22 tation infrastructure and pipelines;

23 (2) the extent to which that financing was se-
24 cured in the United States or with involvement of
25 United States citizens;

1 (3) such financing's relation to the sanctions
2 described in subsection (a) and the Executive Order
3 of November 4, 1997;

4 (4) the extent of aerial bombardment by the
5 Government of Sudan forces in areas outside its con-
6 trol, including targets, frequency, and best estimates
7 of damage;

8 (5) the number, duration, and locations of air
9 strips or other humanitarian relief facilities to which
10 access is denied by any party to the conflict; and

11 (6) the status of the IGAD-sponsored peace
12 process or any other ongoing efforts to end the con-
13 flict, including the specific and verifiable steps taken
14 by parties to the conflict, the members of the IGAD
15 Partners Forum, and the members of IGAD toward
16 a comprehensive solution to the war.

17 (e) STATUTORY CONSTRUCTION.—Nothing in this
18 section shall prohibit—

19 (1) transactions for the conduct of the official
20 business of the Federal Government or the United
21 Nations by employees thereof;

22 (2) transactions in Sudan for journalistic activ-
23 ity by persons regularly employed in such capacity
24 by a news-gathering organization; or

25 (3) legitimate humanitarian operations.

1 (f) DEFINITIONS.—In this section—

2 (1) the term “entity” means a partnership, as-
3 sociation, trust, joint venture, corporation, or other
4 organization;

5 (2) the term “Government of Sudan” includes
6 the Government of Sudan, its agencies, instrumen-
7 talities and controlled entities, and the Central Bank
8 of Sudan;

9 (3) the term “person” means an individual or
10 entity; and

11 (4) the term “United States person” means any
12 United States citizen, permanent resident alien, enti-
13 ty organized under the laws of the United States
14 (including foreign branches), or any person in the
15 United States.

16 **SEC. 8. REFORM OF OPERATION LIFELINE SUDAN (OLS).**

17 It is the sense of Congress that the President should
18 organize and maintain a formal consultative process with
19 the European Union, its member states, the members of
20 the United Nations Security Council, and other relevant
21 parties on coordinating an effort within the United Na-
22 tions to revise the terms of OLS to end the veto power
23 of the Government of Sudan over the plans by OLS for
24 air transport relief flights.

1 **SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR**
2 **RELIEF EFFORTS.**

3 (a) FINDING.—Congress recognizes the progress
4 made by officials of the executive branch of Government
5 toward greater utilization of non-OLS agencies for more
6 effective distribution of United States relief contributions.

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

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

15 **SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANS-**
16 **PORT RELIEF FLIGHTS.**

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

25 (b) ELEMENT OF PLAN.—The plan developed under
26 subsection (a) shall include coordination of other donors

1 in addition to the United States Government and private
2 institutions.

3 (c) REPORT.—Not later than 2 months after the date
4 of enactment of this Act, the President shall submit a clas-
5 sified report to Congress on the costs and startup time
6 such a plan would require in the event of a total ban on
7 air transport relief flights or in the event of a partial or
8 incremental ban on such flights if the President has made
9 the determination required by subsection (a)(2).

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

16 **SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION**
17 **ASSISTANCE FOR REHABILITATION (STAR)**
18 **PROGRAM.**

19 (a) SENSE OF CONGRESS.—Congress hereby ex-
20 presses its support for the President's ongoing efforts to
21 diversify and increase effectiveness of United States as-
22 sistance to populations in areas of Sudan outside of the
23 control of the Government of Sudan, especially the long-
24 term focus shown in the Sudan Transition Assistance for
25 Rehabilitation (STAR) program with its emphasis on pro-

1 moting future democratic governance, rule of law, building
2 indigenous institutional capacity, promoting and enhance-
3 ing self-reliance, and actively supporting people-to-people
4 reconciliation efforts.

5 (b) ALLOCATION OF FUNDS.—Of the amounts made
6 available to carry out chapter 1 of part I of the Foreign
7 Assistance Act of 1961 (22 U.S.C. 2151 et seq.; relating
8 to development assistance) for the period beginning on Oc-
9 tober 1, 1999, and ending on September 30, 2002,
10 \$16,000,000 shall be available for development of a viable
11 civil authority, and civil and commercial institutions, in
12 Sudan, including the provision of technical assistance, and
13 for people-to-people reconciliation efforts.

14 **SEC. 12. ASSESSMENT AND PLANNING FOR NUBA MOUN-**
15 **TAINS AND OTHER AREAS SUBJECT TO BANS**
16 **ON AIR TRANSPORT RELIEF FLIGHTS.**

17 (a) FINDING.—Congress recognizes that civilians in
18 the Nuba Mountains, Red Sea Hills, and Blue Nile regions
19 of Sudan are not receiving assistance through OLS due
20 to restrictions by the Government of Sudan.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that the President should—

23 (1) conduct comprehensive assessment of the
24 humanitarian needs in the Nuba Mountains, Red
25 Sea Hills, and Blue Nile regions of Sudan;

1 (2) respond appropriately to those needs based
2 on such assessment; and

3 (3) report to Congress on an annual basis on
4 efforts made under paragraph (2).

5 **SEC. 13. PROTECTING HUMANITARIAN OPERATIONS, SEPA-**
6 **RATING CIVILIANS FROM COMBATANTS, AND**
7 **REDUCING FOOD DIVERSION.**

8 (a) FINDINGS.—Congress finds that—

9 (1) diversion of food assistance from civilians to
10 combatants is a hindrance to an effective and com-
11 prehensive relief effort;

12 (2) the proximity of combatants to humani-
13 tarian operations for noncombatants poses a security
14 risk for both humanitarian relief personnel and for
15 those they serve;

16 (3) the lack of a reliable and adequate means
17 of securing food is a major factor in the ability of
18 populations in areas outside of the control of the
19 Government of Sudan to defend themselves from ag-
20 gression by Government of Sudan forces and related
21 militias or paramilitary groups, thus resulting in di-
22 versions of food; and

23 (4) options to address the situation are very
24 limited.

1 (b) AUTHORITY TO PROVIDE DIRECT FOOD ASSIST-
2 ANCE.—

3 (1) AUTHORITY.—For the purpose of mini-
4 mizing diversions of food assistance and to insulate
5 noncombatants and the relief operations which serve
6 them from combatants in areas outside the control
7 of the Government of Sudan, the President is au-
8 thorized to provide food assistance directly to the
9 National Democratic Alliance participants or other
10 groups engaged in the protection of civilian popu-
11 lations from attacks from regular government forces,
12 associated militias, or other paramilitary groups sup-
13 ported by the Government of Sudan.

14 (2) SUPERSEDES EXISTING LAW.—The author-
15 ity of paragraph (1) supersedes any other provision
16 of law.

17 (c) LIMITATION.—The assistance described in sub-
18 section (b) may only be provided in such a way that—

19 (1) does not endanger, compromise, or other-
20 wise reduce the United States support for existing
21 unilateral, multilateral, or private humanitarian op-
22 erations or the beneficiaries of those operations; or

23 (2) compromise any ongoing or future people-
24 to-people reconciliation efforts in Sudan.

1 (d) RELATION TO CURRENT OR FUTURE HUMANI-
2 TARIAN OPERATIONS.—The assistance described in sub-
3 section (b) shall be implemented separate from and not
4 in proximity to current humanitarian efforts, both within
5 Operation Lifeline Sudan or outside of Operation Lifeline
6 Sudan, or any other current or future humanitarian oper-
7 ations which serve noncombatants.

8 (e) DETERMINATIONS OF ELIGIBILITY.—In deter-
9 mining the eligibility of potential recipients described in
10 subsection (b), the President shall take into account the
11 groups' respect for human rights, civil authority, civil in-
12 stitutions, and the integrity of ongoing humanitarian oper-
13 ations.

14 (f) REPORT.—The President shall submit a report to
15 Congress, in classified form if necessary—

16 (1) describing the effectiveness in preventing di-
17 versions of such food assistance;

18 (2) whether or not the provision of such food
19 assistance has resulted in or has the potential to in-
20 advertently allow for the enrichment of any indi-
21 vidual or organization by the resale or other transfer
22 of the assistance for other purposes, either to the in-
23 tended recipients or other parties;

1 (3) whether such operations have affected ongo-
2 ing humanitarian operations described in subsections
3 (c) or operations described in subsection (d); and

4 (4) the extent to which the provision of assist-
5 ance in subsection (b) has impacted respect for
6 human rights and rule of law.

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