

106TH CONGRESS  
1ST SESSION

# S. 1453

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## AN ACT

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

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) With clear indications that the Government  
4 of Sudan intends to intensify its prosecution of the  
5 war against areas outside of its control, which has  
6 already cost nearly 2,000,000 lives and has displaced  
7 more than 4,000,000, a sustained and coordinated  
8 international effort to pressure combatants to end  
9 hostilities and to address the roots of the conflict of-  
10 fers the best opportunity for a comprehensive solu-  
11 tion to the continuing war in Sudan.

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 of humanitarian  
18 relief operations in Sudan is an essential element in  
19 the effort to bring an end to the war.

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

22 (5) Regardless of the future political status of  
23 the areas of Sudan outside of the control of the Gov-  
24 ernment of Sudan, the absence of credible civil au-  
25 thority and institutions is a major impediment to  
26 achieving self-sustenance by the Sudanese people

1 and to meaningful progress toward a viable peace  
2 process.

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

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

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

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

3 (9) Through its power to veto plans for air  
4 transport flights under the United Nations relief operation, Operation Lifeline Sudan (OLS), the Government 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 devastating weapon of war in the ongoing effort by the  
7 Government of Sudan to subdue areas of Sudan outside of the Government's control.  
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12 (10) The efforts of the United States and other  
13 donors in delivering relief and assistance through means outside OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations  
14 to advantage in the civil war in Sudan.  
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18 (11) While the immediate needs of selected  
19 areas in Sudan facing starvation have been addressed in the near term, the population in areas of  
20 Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of  
21 their ability to sustain themselves.  
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24 (12) The Nuba Mountains and many areas in  
25 Bahr al Ghazal, Upper Nile, and Blue Nile regions

1 have been excluded completely from relief distribu-  
2 tion by OLS, consequently placing their populations  
3 at increased risk of famine.

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

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

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

19 (A) the maintenance and  
20 multilateralization of sanctions against the Gov-  
21 ernment of Sudan with explicit linkage of those  
22 sanctions to peace;

23 (B) the support or creation of viable demo-  
24 cratic civil authority and institutions in areas of  
25 Sudan outside government control;

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

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

6 (E) cooperation among the trading part-  
7 ners of the United States and within multilat-  
8 eral institutions toward those ends; and

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

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

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

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

22 (3) OLS.—The term “OLS” means the United  
23 Nations relief operation carried out by UNICEF, the  
24 World Food Program, and participating relief orga-  
25 nizations 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” or  
17 “mujahadeen”, Popular Defense Forces (PDF),  
18 and regular Sudanese Army units into orga-  
19 nized and coordinated raiding and slaving par-  
20 ties in Bahr al Ghazal, the Nuba Mountains,  
21 Upper Nile, and Blue 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, Nuer, and Nuba peoples in  
2 a policy 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 and the  
7 President’s Special Envoy for Sudan to lead in a re-  
8 invigoration of the IGAD-sponsored peace process;

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 a peace process based on the Declaration of Prin-  
19 ciples reached in Nairobi, Kenya, on July 20, 1994, and  
20 that the President should not create any process or diplo-  
21 matic facility or office which could be viewed as a parallel  
22 or competing diplomatic track.

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

- 1 (1) the secretariat of IGAD;
- 2 (2) the ongoing negotiations between the Gov-  
3 ernment of Sudan and opposition forces;
- 4 (3) any peace settlement planning to be carried  
5 out by the National Democratic Alliance and IGAD  
6 Partners' Forum (IPF); and
- 7 (4) other United States diplomatic efforts sup-  
8 porting a peace process in Sudan.

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

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

- 13 (1) sponsor a resolution in the United Nations  
14 Security Council to investigate the practice of slav-  
15 ery in Sudan and provide recommendations on meas-  
16 ures for its eventual elimination;
- 17 (2) sponsor a condemnation of the human  
18 rights practices of the Government of Sudan at the  
19 United Nations conference on human rights in Gene-  
20 va in 2000;
- 21 (3) press for implementation of the rec-  
22 ommendations of the United Nations Special  
23 Rapporteur for Sudan with respect to human rights  
24 monitors in areas of conflict in Sudan;

1           (4) press for UNICEF, International Com-  
2           mittee of the Red Cross, or the International Fed-  
3           eration of Red Cross and Red Crescent Societies, or  
4           other appropriate international organizations or  
5           agencies to maintain a registry of those individuals  
6           who have been abducted or are otherwise held in  
7           bondage or servitude in Sudan;

8           (5) sponsor a condemnation of the Government  
9           of Sudan each time it subjects civilian populations to  
10          aerial bombardment; and

11          (6) sponsor a resolution in the United Nations  
12          General Assembly condemning the human rights  
13          practices of the Government of Sudan.

14 **SEC. 7. REPORTING REQUIREMENT.**

15          Beginning 3 months after the date of enactment of  
16          this Act, and every 3 months thereafter, the President  
17          shall submit a report to Congress on—

18               (1) the specific sources and current status of  
19               Sudan's financing and construction of oil exploi-  
20               tation infrastructure and pipelines;

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

1           (3) such financing's relation to the sanctions  
2 described in subsection (a) and the Executive Order  
3 of November 3, 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 and any other ongoing effort 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 **SEC. 8. REFORM OF OPERATION LIFELINE SUDAN (OLS).**

18       It is the sense of Congress that the President should  
19 organize and maintain a formal consultative process with  
20 the European Union, its member states, the members of  
21 the United Nations Security Council, and other relevant  
22 parties on coordinating an effort within the United Na-  
23 tions to revise the terms of OLS to end the veto power  
24 of the Government of Sudan over the plans by OLS for  
25 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, 2000, and ending on September 30, 2003,  
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 (c) ADDITIONAL AUTHORITIES.—Notwithstanding  
15 any other provision of law, the President is granted au-  
16 thority to undertake any appropriate programs using Fed-  
17 eral agencies, contractual arrangements, or direct support  
18 of indigenous groups, agencies, or organizations in areas  
19 outside of control of the Government of Sudan in an effort  
20 to provide emergency relief, promote economic self-suffi-  
21 ciency, build civil authority, provide education, enhance  
22 rule of law and the development of judicial and legal  
23 frameworks, support people-to-people reconciliation ef-  
24 forts, or implementation of any programs in support of

1 any viable peace agreement at the local, regional, or na-  
2 tional level.

3 (d) IMPLEMENTATION.—It is the sense of Congress  
4 that the President should immediately and to the fullest  
5 extent possible utilize the Office of Transition Initiatives  
6 at the Agency for International Development in an effort  
7 to pursue the type of programs described in subsection  
8 (c).

9 (e) SENSE OF CONGRESS.—It is the sense of Con-  
10 gress that enhancing and supporting education and the  
11 development of rule of law are critical elements in the  
12 long-term success of United States efforts to promote a  
13 viable economic, political, social, and legal basis for devel-  
14 opment in Sudan. Congress recognizes that the gap of 13–  
15 16 years without secondary educational opportunities in  
16 southern Sudan is an especially important problem to ad-  
17 dress with respect to rebuilding and sustaining leaders and  
18 educators for the next generation of Sudanese. Congress  
19 recognizes the unusually important role the secondary  
20 school in Rumbek has played in producing the current  
21 generation of leaders in southern Sudan, and that priority  
22 should be given in current and future development or tran-  
23 sition programs undertaken by the United States Govern-  
24 ment to rebuilding and supporting the Rumbek Secondary  
25 School.

1 (f) PROGRAMS IN AREAS OUTSIDE GOVERNMENT  
2 CONTROL.—Congress also intends that such programs in-  
3 clude cooperation and work with indigenous groups in  
4 areas outside of government control in all of Sudan, to  
5 include northern, southern, and eastern regions of Sudan.

6 **SEC. 12. ASSESSMENT AND PLANNING FOR NUBA MOUN-**  
7 **TAINS AND OTHER AREAS SUBJECT TO BANS**  
8 **ON AIR TRANSPORT RELIEF FLIGHTS.**

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

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

15 (1) conduct comprehensive assessment of the  
16 humanitarian needs in the Nuba Mountains, Red  
17 Sea Hills, and Blue Nile regions of Sudan;

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

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

1 **SEC. 13. OPTIONS OR PLANS FOR NONLETHAL ASSISTANCE**  
2 **FOR NATIONAL DEMOCRATIC ALLIANCE PAR-**  
3 **TICIPANTS.**

4 (a) REPORT.—Not later than 90 days after the date  
5 of enactment of this Act, the President shall submit to  
6 the appropriate congressional committees a report, in clas-  
7 sified form if necessary, detailing possible options or plans  
8 of the United States Government for the provision of non-  
9 lethal assistance to participants of the National Demo-  
10 cratic Alliance.

11 (b) CONSULTATIONS.—Not later than 30 days after  
12 submission of the report required by subsection (a), the  
13 President should begin formal consultations with the ap-  
14 propriate congressional committees regarding the findings  
15 of the report.

16 (c) DEFINITION.—In this section, the term “appro-  
17 priate congressional committees” means the Committee on  
18 Foreign Relations and the Committee on Appropriations  
19 of the Senate and the Committee on International Rela-  
20 tions and the Committee on Appropriations of the House  
21 of Representatives.

Passed the Senate November 19, 1999.

Attest:

*Secretary.*

106TH CONGRESS  
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