

106TH CONGRESS  
1ST SESSION

# S. 1453

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

---

## IN THE SENATE OF THE UNITED STATES

JULY 28, 1999

Mr. FRIST (for himself, Mr. FEINGOLD, Mr. BROWNBACK, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

---

## 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  
9 war against areas outside of its control, which has  
10 already cost nearly 2,000,000 lives and has displaced

1 more than 4,000,000, a sustained and coordinated  
2 international effort to pressure combatants to end  
3 hostilities and to address the roots of the conflict of-  
4 fers the best opportunity for a comprehensive solu-  
5 tion to the continuing war in Sudan.

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

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

14 (4) Continued leadership by the United States  
15 is critical.

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

23 (6) Through manipulation of traditional rival-  
24 ries among peoples in areas outside their full con-  
25 trol, the Government of Sudan has effectively used

1 divide and conquer techniques to subjugate their  
2 population, and Congress finds that internationally  
3 sponsored reconciliation efforts have played a critical  
4 role in reducing the tactic's effectiveness and human  
5 suffering.

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

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

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

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

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

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

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

23 (13) At a cost of more than \$1,000,000 per  
24 day, and with a primary focus on providing only for  
25 the immediate food needs of the recipients, the cur-

1       rent international relief operations are neither sus-  
2       tainable nor desirable in the long term.

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

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

13                   (A) the maintenance or strengthening of  
14       sanctions against the Government of Sudan;

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

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

21                   (D) the strengthening of the mechanisms  
22       to provide relief to those areas;

23                   (E) cooperation among the trading part-  
24       ners of the United States and within multilat-  
25       eral institutions toward those ends; and

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

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

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

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

14 (3) OLS.—The term “OLS” means the United  
15 Nations relief operation carried out by UNICEF and  
16 the World Food Program known as “Operation Life-  
17 line Sudan”.

18 **SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN**  
19 **RIGHTS ABUSES, AND NEW TACTICS BY THE**  
20 **GOVERNMENT OF SUDAN.**

21 Congress hereby—

22 (1) condemns—

23 (A) violations of human rights on all sides  
24 of the conflict in Sudan;

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

5 (C) the ongoing slave trade in Sudan and  
6 the role of the Government of Sudan in abet-  
7 ting and tolerating the practice; and

8 (D) the Government of Sudan’s increasing  
9 use and organization of “murahalliin”, Popular  
10 Defense Forces (PDF), and regular Sudanese  
11 Army units into organized and coordinated  
12 raiding and slaving parties in Bahr al Ghazal,  
13 the Nuba Mountains, Upper Nile, and southern  
14 Blue Nile regions; and

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

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

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

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

5           (2) calls on IGAD member states, the European  
6           Union, the Organization of African Unity, Egypt,  
7           and other key states to support the peace process;  
8           and

9           (3) urges Kenya's leadership in the implementa-  
10          tion of the process.

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

17          (c) UNITED STATES DIPLOMATIC SUPPORT.—The  
18          Secretary of State is authorized to utilize the personnel  
19          of the Department of State for the support of—

20                 (1) the secretariat of IGAD;

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

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

1           (4) other United States diplomatic efforts with  
2           respect to Sudan.

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

4           It is the sense of Congress that the President, acting  
5 through the United States Permanent Representative to  
6 the United Nations, should—

7           (1) sponsor a resolution in the United Nations  
8           Security Council to investigate the practice of slav-  
9           ery in Sudan and provide recommendations on meas-  
10          ures for its eventual elimination;

11          (2) sponsor a condemnation of the human  
12          rights practices of the Government of Sudan at the  
13          United Nations conference on human rights in Gene-  
14          va in 2000;

15          (3) press for implementation of the rec-  
16          ommendations of the United Nations Special  
17          Rapporteur for Sudan with respect to human rights  
18          monitors of the United Nations High Commission  
19          for Refugees in areas of conflict in Sudan; and

20          (4) press for UNICEF, International Com-  
21          mittee of the Red Cross, or the International Fed-  
22          eration of Red Cross and Red Crescent Societies, or  
23          other appropriate international organizations or  
24          agencies to maintain a registry of those individuals

1       who have been abducted or are otherwise held in  
2       bondage or servitude in Sudan.

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

4       (a) Until the President determines, and so certifies  
5 to Congress, that the Government of Sudan has—

6           (1) fully committed to and has made verifiable  
7       progress toward a comprehensive, peaceful solution  
8       to the war within the IGAD-sponsored peace process  
9       or has otherwise committed to and made verifiable  
10      progress in a good faith effort with both northern  
11      and southern opposition toward a comprehensive so-  
12      lution to the conflict based on the Declaration of  
13      Principles reached in Nairobi Kenya, on July 20,  
14      1994,

15           (2) made substantial and verifiable progress in  
16      controlling the raiding and slaving activities of all  
17      regular and irregular forces, including Popular De-  
18      fense Forces and other militias and murahalliin,

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

22           (4) ceased aerial bombardment of civilian tar-  
23      gets,

24 the following are prohibited, except to the extent provided  
25 in section 203(b) of the International Emergency Eco-

1 nomic Powers Act (50 U.S.C. 1702(b)) and in regulations,  
2 orders, directives, or licenses that may be issued pursuant  
3 to this section:

4 (A) The importation into the United States  
5 of any goods or services of Sudanese origin,  
6 other than information or informational mate-  
7 rials.

8 (B) The exportation or reexportation, di-  
9 rectly or indirectly, to Sudan of any goods,  
10 technology (including technical data, software,  
11 or other information), or services from the  
12 United States or by a United States person,  
13 wherever located, or requiring the issuance of a  
14 license by a Federal agency, except for dona-  
15 tions of articles intended to relieve human suf-  
16 fering, such as food, clothing, and medicine.

17 (C) The facilitation by a United States  
18 person, including but not limited to brokering  
19 activities of the exportation or reexportation of  
20 goods, technology, or services from Sudan to  
21 any destination, or to Sudan from any location.

22 (D) The performance by any United States  
23 person of any contract, including a financing  
24 contract, or use of any other financial instru-

1           ment, in support of an industrial, commercial,  
2           public utility, or governmental project in Sudan.

3           (E) The grant or extension of credits or  
4           loans by any United States person to the Gov-  
5           ernment of Sudan.

6           (F) Any transaction by a United States  
7           person relating to transportation of cargo to or  
8           from Sudan; the provision of transportation of  
9           cargo to or from the United States by any Su-  
10          danese person or any vessel or aircraft of Suda-  
11          nese registration; or the sale in the United  
12          States by any person holding authority under  
13          subtitle 7 of title 49, United States Code, of  
14          any transportation of cargo by air that includes  
15          any stop in Sudan.

16          (G) Any transaction by any United States  
17          person or within the United States that evades  
18          or avoids, or has the purpose of evading or  
19          avoiding, or attempts to violate, any of the pro-  
20          hibitions set forth in this section.

21          (b) SENSE OF CONGRESS.—It is the sense of Con-  
22          gress that the sanctions in subsection (a), and in the  
23          President’s Executive Order of November 4, 1997, should  
24          be applied to include the sale of stocks in the United  
25          States or to any United States person, wherever located,

1 or any other form of financial instruments or derivatives,  
2 in support of a commercial, industrial, public utility, or  
3 government project or transaction in or with Sudan.

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

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

12 (1) the specific sources and current status of  
13 Sudan’s financing and construction of oil exploi-  
14 tation infrastructure and pipelines;

15 (2) the extent to which that financing was se-  
16 cured in the United States or with involvement of  
17 United States citizens;

18 (3) such financing’s relation to the sanctions  
19 described in subsection (a) and the Executive Order  
20 of November 4, 1997;

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

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

4           (6) the status of the IGAD-sponsored peace  
5 process, including the specific and verifiable steps  
6 taken by parties to the conflict, the members of the  
7 IGAD Partners Forum, and the members of IGAD  
8 toward a comprehensive solution to the war.

9           (e) STATUTORY CONSTRUCTION.—Nothing in this  
10 section shall prohibit—

11           (1) transactions for the conduct of the official  
12 business of the Federal Government or the United  
13 Nations by employees thereof;

14           (2) transactions in Sudan for journalistic activ-  
15 ity by persons regularly employed in such capacity  
16 by a news-gathering organization; or

17           (3) legitimate humanitarian operations.

18           (f) DEFINITIONS.—In this section—

19           (1) the term “entity” means a partnership, as-  
20 sociation, trust, joint venture, corporation, or other  
21 organization;

22           (2) the term “Government of Sudan” includes  
23 the Government of Sudan, its agencies, instrumen-  
24 talities and controlled entities, and the Central Bank  
25 of Sudan;

1           (3) the term “person” means an individual or  
2           entity; and

3           (4) the term “United States person” means any  
4           United States citizen, permanent resident alien, enti-  
5           ty organized under the laws of the United States  
6           (including foreign branches), or any person in the  
7           United States.

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

9           It is the sense of Congress that the President should  
10          organize and maintain a formal consultative process with  
11          the European Union, its member states, the members of  
12          the United Nations Security Council, and other relevant  
13          parties on coordinating an effort within the United Na-  
14          tions to revise the terms of OLS to end the veto power  
15          of the Government of Sudan over the plans by OLS for  
16          air transport relief flights.

17   **SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR**  
18                                   **RELIEF EFFORTS.**

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

23          (b) SENSE OF CONGRESS.—It is the sense of Con-  
24          gress that the President should continue to increase the

1 use of non-OLS agencies in the distribution of relief sup-  
2 plies in southern Sudan.

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

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

9 (a) PLAN.—The President shall develop a detailed  
10 and implementable contingency plan to provide, outside  
11 United Nations auspices, the greatest possible amount of  
12 United States Government and privately donated relief to  
13 all affected areas in Sudan, including the Nuba Moun-  
14 tains, Upper Nile, and southern Blue Nile, in the event  
15 the Government of Sudan imposes a total, partial, or in-  
16 cremental ban on OLS air transport relief flights.

17 (b) ELEMENT OF PLAN.—The plan developed under  
18 subsection (a) shall include coordination of other donors  
19 in addition to the United States Government and private  
20 institutions.

21 (c) REPORT.—Not later than 2 months after the date  
22 of enactment of this Act, the President shall submit a clas-  
23 sified report to Congress on the costs and startup time  
24 such a plan would require in the event of a total ban on  
25 air transport relief flights or in the event of a partial or

1 incremental ban on such flights if the President has made  
2 the determination required by subsection (a)(2).

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

9 **SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION**  
10 **ASSISTANCE FOR REHABILITATION (STAR)**  
11 **PROGRAM.**

12 (a) SENSE OF CONGRESS.—Congress hereby ex-  
13 presses its support for the President's ongoing efforts to  
14 diversify and increase effectiveness of United States as-  
15 sistance to populations in areas of Sudan outside of the  
16 control of the Government of Sudan, especially the long-  
17 term focus shown in the Sudan Transition Assistance for  
18 Rehabilitation (STAR) program with its emphasis on pro-  
19 moting future democratic governance, rule of law, building  
20 indigenous institutional capacity, promoting and enhance-  
21 ing self-reliance, and actively supporting people-to-people  
22 reconciliation efforts.

23 (b) ALLOCATION OF FUNDS.—Of the amounts made  
24 available to carry out chapter 1 of part I of the Foreign  
25 Assistance Act of 1961 (22 U.S.C. 2151 et seq.; relating

1 to development assistance) for the period beginning on Oc-  
2 tober 1, 1999, and ending on September 30, 2002,  
3 \$16,000,000 shall be available for development of a viable  
4 civil authority, and civil and commercial institutions, in  
5 Sudan, including the provision of technical assistance, and  
6 for people-to-people reconciliation efforts.

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

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

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

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

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

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

1 **SEC. 13. PROTECTING HUMANITARIAN OPERATIONS, SEPA-**  
2 **RATING CIVILIANS FROM COMBATANTS, AND**  
3 **REDUCING FOOD DIVERSION.**

4 (a) FINDINGS.—Congress finds that—

5 (1) diversion of food assistance from civilians to  
6 combatants is a hindrance to an effective and com-  
7 prehensive relief effort;

8 (2) the proximity of combatants to humani-  
9 tarian operations for noncombatants poses a security  
10 risk for both humanitarian relief personnel and for  
11 those they serve;

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

19 (4) options to address the situation are very  
20 limited.

21 (b) AUTHORITY TO PROVIDE DIRECT FOOD ASSIST-  
22 ANCE.—

23 (1) AUTHORITY.—For the purpose of mini-  
24 mizing diversions of food assistance and to insulate  
25 noncombatants and the relief operations which serve  
26 them from combatants in areas outside the control

1 of the Government of Sudan, the President, acting  
2 through appropriate Federal agencies, is authorized  
3 to provide food assistance directly to the National  
4 Democratic Alliance participants or other groups en-  
5 gaged in the protection of civilian populations from  
6 attacks from regular government forces, associated  
7 militias, or other paramilitary groups supported by  
8 the Government of Sudan.

9 (2) SUPERSEDES EXISTING LAW.—The author-  
10 ity of paragraph (1) supersedes any other provision  
11 of law.

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

14 (1) does not endanger, compromise, or other-  
15 wise reduce the United States' support for existing  
16 unilateral, multilateral, or private humanitarian op-  
17 erations or the beneficiaries of those operations; or

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

20 (d) RELATION TO CURRENT OR FUTURE HUMANI-  
21 TARIAN OPERATIONS.—The assistance described in sub-  
22 section (b) shall be implemented separate from and not  
23 in proximity to current humanitarian efforts, both within  
24 Operation Lifeline Sudan or outside of Operation Lifeline

1 Sudan, or any other current or future humanitarian oper-  
2 ations which serve noncombatants.

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

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

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

13 (2) whether or not the provision of such food  
14 assistance has resulted in or has the potential to in-  
15 advertently allow for the enrichment of any indi-  
16 vidual or organization by the resale or other transfer  
17 of the assistance for other purposes, either to the in-  
18 tended recipients or other parties;

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

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

○