

Calendar No. 410

106TH CONGRESS
1ST SESSION

S. 1453

A BILL

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

NOVEMBER 8, 1999

Reported with an amendment

Calendar No. 410

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. JOHNSON, Mr. DEWINE, Mr. SANTORUM, Mr. CLELAND, Mr. BUNNING, Mr. LUGAR, Mr. SESSIONS, Mr. FEINGOLD, Mr. BROWNBACK, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

NOVEMBER 8, 1999

Reported by Mr. HELMS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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:

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

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

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

18 (4) Continued leadership by the United States
19 is critical.

20 (5) Regardless of the future political status of
21 the areas of Sudan outside of the control of the Gov-
22 ernment of Sudan, the absence of credible civil au-
23 thority and institutions is a major impediment to
24 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 designed to replace the overt use
18 of bans on air transport relief flights in prosecuting
19 the war through selective starvation and to minimize
20 the Government of Sudan's accountability inter-
21 nationally.

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 con-
2 trol.

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

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

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

24 (12) The Nuba Mountains and many areas in
25 Bahr al Ghazal, Upper Nile, and southern Blue Nile

1 regions have been excluded completely from relief
2 distribution by OLS, consequently placing their pop-
3 ulations at increased risk of famine.

4 (13) At a cost of more than \$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 will 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 or strengthening of
20 sanctions against the Government of Sudan;

21 (B) the support or creation of viable demo-
22 cratic civil authority and institutions in areas of
23 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 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 means 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 and
24 the World Food Program known as “Operation Life-
25 line 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 "muraheleen", 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 southern
21 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 has
25 largely replaced total bans on such flights as the pri-
26 mary tool for creating food shortages and is used as

1 a systematic means to destroy the societies, culture,
2 and economies of the Dinka and Nuba peoples in a
3 policy of low-intensity ethnic cleansing.

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

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

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

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

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

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

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

25 (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 of the United Nations High Commission
24 for Refugees in areas of conflict in Sudan; and

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

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

11 (1) fully committed to and has made verifiable
12 progress toward a comprehensive, peaceful solution
13 to the war within the IGAD-sponsored peace process
14 or has otherwise committed to and made verifiable
15 progress in a good faith effort with both northern
16 and southern opposition toward a comprehensive so-
17 lution to the conflict based on the Declaration of
18 Principles reached in Nairobi Kenya, on July 20,
19 1994,

20 (2) made substantial and verifiable progress in
21 controlling the raiding and slaving activities of all
22 regular and irregular forces, including Popular De-
23 fense Forces and other militias and murahallin,

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

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

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

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

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

24 (C) The facilitation by a United States
25 person, including but not limited to brokering

1 activities of the exportation or reexportation of
2 goods, technology, or services from Sudan to
3 any destination, or to Sudan from any location.

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

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

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

22 (G) Any transaction by any United States
23 person or within the United States that evades
24 or avoids, or has the purpose of evading or

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

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

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

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

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

22 (2) the extent to which that financing was se-
23 cured in the United States or with involvement of
24 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, including the specific and verifiable steps
13 taken by parties to the conflict, the members of the
14 IGAD Partners Forum, and the members of IGAD
15 toward a comprehensive solution to the war.

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

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

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

24 ~~(3)~~ legitimate humanitarian operations.

25 ~~(f)~~ DEFINITIONS.—In this section—

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

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

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

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

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

16 It is the sense of Congress that the President should
17 organize and maintain a formal consultative process with
18 the European Union, its member states, the members of
19 the United Nations Security Council, and other relevant
20 parties on coordinating an effort within the United Na-
21 tions to revise the terms of OLS to end the veto power
22 of the Government of Sudan over the plans by OLS for
23 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 southern Blue Nile, in the event
23 the Government of Sudan imposes a total, partial, or in-
24 cremental ban 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 southern Blue
 19 Nile regions of Sudan are not receiving assistance through
 20 OLS due 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, acting
8 through appropriate Federal agencies, is authorized
9 to provide food assistance directly to the National
10 Democratic Alliance participants or other groups en-
11 gaged in the protection of civilian populations from
12 attacks from regular government forces, associated
13 militias, or other paramilitary groups supported by
14 the Government of Sudan.

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

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

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

24 (2) compromise any ongoing or future people-
25 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 ongoing humanitarian operations described in subsections
2 ing humanitarian operations described in subsections
3 (e) or operations described in subsection (d); and

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

7 **SECTION 1. SHORT TITLE.**

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

9 **SEC. 2. FINDINGS.**

10 *Congress makes the following findings:*

11 (1) *With clear indications that the Government*
12 *of Sudan intends to intensify its prosecution of the*
13 *war against areas outside of its control, which has already*
14 *cost nearly 2,000,000 lives and has displaced*
15 *more than 4,000,000, a sustained and coordinated*
16 *international effort to pressure combatants to end hostilities*
17 *and to address the roots of the conflict offers*
18 *the best opportunity for a comprehensive solution to*
19 *the continuing war in Sudan.*

20 (2) *A viable, comprehensive, and internationally*
21 *sponsored peace process, protected from manipulation,*
22 *presents the best chance for a permanent resolution of*
23 *the war, protection of human rights, and a self-sustaining*
24 *Sudan.*

1 (3) *Continued strengthening of humanitarian re-*
2 *lief operations in Sudan is an essential element in the*
3 *effort to bring an end to the war.*

4 (4) *Continued leadership by the United States is*
5 *critical.*

6 (5) *Regardless of the future political status of the*
7 *areas of Sudan outside of the control of the Govern-*
8 *ment of Sudan, the absence of credible civil authority*
9 *and institutions is a major impediment to achieving*
10 *self-sustenance by the Sudanese people and to mean-*
11 *ingful progress toward a viable peace process.*

12 (6) *Through manipulation of traditional rival-*
13 *ries among peoples in areas outside their full control,*
14 *the Government of Sudan has effectively used divide*
15 *and conquer techniques to subjugate their population,*
16 *and Congress finds that internationally sponsored*
17 *reconciliation efforts have played a critical role in re-*
18 *ducing the tactic's effectiveness and human suffering.*

19 (7) *The Government of Sudan is increasingly*
20 *utilizing and organizing militias, Popular Defense*
21 *Forces, and other irregular troops for raiding and*
22 *slaving parties in areas outside of the control of the*
23 *Government of Sudan in an effort to severely disrupt*
24 *the ability of those populations to sustain themselves.*
25 *The tactic is in addition to the overt use of bans on*

1 *air transport relief flights in prosecuting the war*
2 *through selective starvation and to minimize the Gov-*
3 *ernment of Sudan's accountability internationally.*

4 (8) *The Government of Sudan has repeatedly*
5 *stated that it intends to use the expected proceeds*
6 *from future oil sales to increase the tempo and*
7 *lethality of the war against the areas outside its con-*
8 *trol.*

9 (9) *Through its power to veto plans for air*
10 *transport flights under the United Nations relief oper-*
11 *ation, Operation Lifeline Sudan (OLS), the Govern-*
12 *ment of Sudan has been able to manipulate the re-*
13 *ceipt of food aid by the Sudanese people from the*
14 *United States and other donor countries as a dev-*
15 *astating weapon of war in the ongoing effort by the*
16 *Government of Sudan to subdue areas of Sudan out-*
17 *side of the Government's control.*

18 (10) *The efforts of the United States and other*
19 *donors in delivering relief and assistance through*
20 *means outside OLS have played a critical role in ad-*
21 *dresssing the deficiencies in OLS and offset the Gov-*
22 *ernment of Sudan's manipulation of food donations*
23 *to advantage in the civil war in Sudan.*

24 (11) *While the immediate needs of selected areas*
25 *in Sudan facing starvation have been addressed in*

1 *the near term, the population in areas of Sudan out-*
2 *side of the control of the Government of Sudan are*
3 *still in danger of extreme disruption of their ability*
4 *to sustain themselves.*

5 *(12) The Nuba Mountains and many areas in*
6 *Bahr al Ghazal, Upper Nile, and Blue Nile regions*
7 *have been excluded completely from relief distribution*
8 *by OLS, consequently placing their populations at in-*
9 *creased risk of famine.*

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

15 *(14) The ability of populations to defend them-*
16 *selves against attack in areas outside the Government*
17 *of Sudan's control has been severely compromised by*
18 *the disengagement of the front-line sponsor states, fos-*
19 *tering the belief within officials of the Government of*
20 *Sudan that success on the battlefield can be achieved.*

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

24 *(A) the maintenance and*
25 *multilateralization of sanctions against the Gov-*

1 *ernment of Sudan with explicit linkage of those*
2 *sanctions to peace;*

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

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

9 *(D) the strengthening of the mechanisms to*
10 *provide humanitarian relief to those areas;*

11 *(E) cooperation among the trading partners*
12 *of the United States and within multilateral in-*
13 *stitutions toward those ends; and*

14 *(F) the use of any and all possible unilat-*
15 *eral and multilateral economic and diplomatic*
16 *tools to compel Ethiopia and Eritrea to end*
17 *their hostilities and again assume a constructive*
18 *stance toward facilitating a comprehensive solu-*
19 *tion to the ongoing war in Sudan.*

20 **SEC. 3. DEFINITIONS.**

21 *In this Act:*

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

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

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

7 **SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN**
8 **RIGHTS ABUSES, AND NEW TACTICS BY THE**
9 **GOVERNMENT OF SUDAN.**

10 Congress hereby—

11 (1) *condemns*—

12 (A) *violations of human rights on all sides*
13 *of the conflict in Sudan;*

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

18 (C) *the ongoing slave trade in Sudan and*
19 *the role of the Government of Sudan in abetting*
20 *and tolerating the practice; and*

21 (D) *the Government of Sudan’s increasing*
22 *use and organization of “murahallin” or*
23 *“mujahadeen”, Popular Defense Forces (PDF),*
24 *and regular Sudanese Army units into organized*
25 *and coordinated raiding and slaving parties in*

1 *Bahr al Ghazal, the Nuba Mountains, Upper*
2 *Nile, and Blue Nile regions; and*

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

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

11 (a) *SENSE OF CONGRESS.*—*Congress hereby—*

12 (1) *declares its support for the efforts by execu-*
13 *tive branch officials of the United States and the*
14 *President’s Special Envoy for Sudan to lead in a re-*
15 *invigoration of the IGAD-sponsored peace process;*

16 (2) *calls on IGAD member states, the European*
17 *Union, the Organization of African Unity, Egypt,*
18 *and other key states to support the peace process; and*

19 (3) *urges Kenya’s leadership in the implementa-*
20 *tion of the process.*

21 (b) *RELATION TO UNITED STATES DIPLOMACY.*—*It is*
22 *the sense of Congress that any such diplomatic efforts to-*
23 *ward resolution of the conflict in Sudan are best made*
24 *through a peace process based on the Declaration of Prin-*
25 *ciples reached in Nairobi, Kenya, on July 20, 1994, and*

1 *that the President should not create any process or diplo-*
2 *matic facility or office which could be viewed as a parallel*
3 *or competing diplomatic track.*

4 *(c) UNITED STATES DIPLOMATIC SUPPORT.—The Sec-*
5 *retary of State is authorized to utilize the personnel of the*
6 *Department of State for the support of—*

7 *(1) the secretariat of IGAD;*

8 *(2) the ongoing negotiations between the Govern-*
9 *ment of Sudan and opposition forces;*

10 *(3) any peace settlement planning to be carried*
11 *out by the National Democratic Alliance and IGAD*
12 *Partners' Forum (IPF); and*

13 *(4) other United States diplomatic efforts sup-*
14 *porting a peace process in Sudan.*

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

16 *It is the sense of Congress that the President, acting*
17 *through the United States Permanent Representative to the*
18 *United Nations, should—*

19 *(1) sponsor a resolution in the United Nations*
20 *Security Council to investigate the practice of slavery*
21 *in Sudan and provide recommendations on measures*
22 *for its eventual elimination;*

23 *(2) sponsor a condemnation of the human rights*
24 *practices of the Government of Sudan at the United*

1 *Nations conference on human rights in Geneva in*
2 *2000;*

3 *(3) press for implementation of the recommenda-*
4 *tions of the United Nations Special Rapporteur for*
5 *Sudan with respect to human rights monitors in*
6 *areas of conflict in Sudan;*

7 *(4) press for UNICEF, International Committee*
8 *of the Red Cross, or the International Federation of*
9 *Red Cross and Red Crescent Societies, or other appro-*
10 *prate international organizations or agencies to*
11 *maintain a registry of those individuals who have*
12 *been abducted or are otherwise held in bondage or ser-*
13 *vitute in Sudan;*

14 *(5) sponsor a condemnation of the Government of*
15 *Sudan each time it subjects civilian populations to*
16 *aerial bombardment; and*

17 *(6) sponsor a resolution in the United Nations*
18 *General Assembly condemning the human rights prac-*
19 *tices of the Government of Sudan.*

20 **SEC. 7. REPORTING REQUIREMENT.**

21 *Beginning 3 months after the date of enactment of this*
22 *Act, and every 3 months thereafter, the President shall sub-*
23 *mit a report to Congress on—*

1 (1) *the specific sources and current status of Su-*
2 *dan’s financing and construction of oil exploitation*
3 *infrastructure and pipelines;*

4 (2) *the extent to which that financing was se-*
5 *cured in the United States or with involvement of*
6 *United States citizens;*

7 (3) *such financing’s relation to the sanctions de-*
8 *scribed in subsection (a) and the Executive Order of*
9 *November 3, 1997;*

10 (4) *the extent of aerial bombardment by the Gov-*
11 *ernment of Sudan forces in areas outside its control,*
12 *including targets, frequency, and best estimates of*
13 *damage;*

14 (5) *the number, duration, and locations of air*
15 *strips or other humanitarian relief facilities to which*
16 *access is denied by any party to the conflict; and*

17 (6) *the status of the IGAD-sponsored peace proc-*
18 *ess and any other ongoing effort to end the conflict,*
19 *including the specific and verifiable steps taken by*
20 *parties to the conflict, the members of the IGAD Part-*
21 *ners Forum, and the members of IGAD toward a*
22 *comprehensive solution to the war.*

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

24 *It is the sense of Congress that the President should*
25 *organize and maintain a formal consultative process with*

1 *the European Union, its member states, the members of the*
 2 *United Nations Security Council, and other relevant par-*
 3 *ties on coordinating an effort within the United Nations*
 4 *to revise the terms of OLS to end the veto power of the Gov-*
 5 *ernment of Sudan over the plans by OLS for air transport*
 6 *relief flights.*

7 **SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR**
 8 **RELIEF EFFORTS.**

9 (a) *FINDING.*—*Congress recognizes the progress made*
 10 *by officials of the executive branch of Government toward*
 11 *greater utilization of non-OLS agencies for more effective*
 12 *distribution of United States relief contributions.*

13 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
 14 *that the President should continue to increase the use of*
 15 *non-OLS agencies in the distribution of relief supplies in*
 16 *southern Sudan.*

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

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

23 (a) *PLAN.*—*The President shall develop a detailed and*
 24 *implementable contingency plan to provide, outside United*
 25 *Nations auspices, the greatest possible amount of United*

1 *States Government and privately donated relief to all af-*
2 *ected areas in Sudan, including the Nuba Mountains,*
3 *Upper Nile, and Blue Nile, in the event the Government*
4 *of Sudan imposes a total, partial, or incremental ban on*
5 *OLS air transport relief flights.*

6 (b) *ELEMENT OF PLAN.—The plan developed under*
7 *subsection (a) shall include coordination of other donors in*
8 *addition to the United States Government and private in-*
9 *stitutions.*

10 (c) *REPORT.—Not later than 2 months after the date*
11 *of enactment of this Act, the President shall submit a classi-*
12 *fied report to Congress on the costs and startup time such*
13 *a plan would require in the event of a total ban on air*
14 *transport relief flights or in the event of a partial or incre-*
15 *mental ban on such flights if the President has made the*
16 *determination required by subsection (a)(2).*

17 (d) *REPROGRAMMING AUTHORITY.—Notwithstanding*
18 *any other provision of law, in carrying out the plan devel-*
19 *oped under subsection (a), the President may reprogram up*
20 *to 100 percent of the funds available for support of OLS*
21 *operations (but for this subsection) for the purposes of the*
22 *plan.*

1 **SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION**
2 **ASSISTANCE FOR REHABILITATION (STAR)**
3 **PROGRAM.**

4 (a) *SENSE OF CONGRESS.*—Congress hereby expresses
5 its support for the President's ongoing efforts to diversify
6 and increase effectiveness of United States assistance to
7 populations in areas of Sudan outside of the control of the
8 Government of Sudan, especially the long-term focus shown
9 in the Sudan Transition Assistance for Rehabilitation
10 (STAR) program with its emphasis on promoting future
11 democratic governance, rule of law, building indigenous in-
12 stitutional capacity, promoting and enhancing self-reliance,
13 and actively supporting people-to-people reconciliation ef-
14 forts.

15 (b) *ALLOCATION OF FUNDS.*—Of the amounts made
16 available to carry out chapter 1 of part I of the Foreign
17 Assistance Act of 1961 (22 U.S.C. 2151 et seq.; relating to
18 development assistance) for the period beginning on October
19 1, 2000, and ending on September 30, 2003, \$16,000,000
20 shall be available for development of a viable civil author-
21 ity, and civil and commercial institutions, in Sudan, in-
22 cluding the provision of technical assistance, and for people-
23 to-people reconciliation efforts.

24 (c) *ADDITIONAL AUTHORITIES.*—Notwithstanding any
25 other provision of law, the President is granted authority
26 to undertake any appropriate programs using Federal

1 *agencies, contractual arrangements, or direct support of in-*
2 *digenous groups, agencies, or organizations in areas outside*
3 *of control of the Government of Sudan in an effort to pro-*
4 *vide emergency relief, promote economic self-sufficiency,*
5 *build civil authority, provide education, enhance rule of law*
6 *and the development of judicial and legal frameworks, sup-*
7 *port people-to-people reconciliation efforts, or implementa-*
8 *tion of any programs in support of any viable peace agree-*
9 *ment at the local, regional, or national level.*

10 *(d) IMPLEMENTATION.—It is the sense of Congress that*
11 *the President should immediately and to the fullest extent*
12 *possible utilize the Office of Transition Initiatives at the*
13 *Agency for International Development in an effort to pur-*
14 *sue the type of programs described in subsection (c).*

15 *(e) SENSE OF CONGRESS.—It is the sense of Congress*
16 *that enhancing and supporting education and the develop-*
17 *ment of rule of law are critical elements in the long-term*
18 *success of United States efforts to promote a viable eco-*
19 *nomie, political, social, and legal basis for development in*
20 *Sudan. Congress recognizes that the gap of 13–16 years*
21 *without secondary educational opportunities in southern*
22 *Sudan is an especially important problem to address with*
23 *respect to rebuilding and sustaining leaders and educators*
24 *for the next generation of Sudanese. Congress recognizes the*
25 *unusually important role the secondary school in Rumbek*

1 *has played in producing the current generation of leaders*
 2 *in southern Sudan, and that priority should be given in*
 3 *current and future development or transition programs un-*
 4 *dertaken by the United States Government to rebuilding*
 5 *and supporting the Rumbek Secondary School.*

6 (f) *PROGRAMS IN AREAS OUTSIDE GOVERNMENT CON-*
 7 *TROL.—Congress also intends that such programs include*
 8 *cooperation and work with indigenous groups in areas out-*
 9 *side of government control in all of Sudan, to include north-*
 10 *ern, southern, and eastern regions of Sudan.*

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

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

18 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
 19 *that the President should—*

20 (1) *conduct comprehensive assessment of the hu-*
 21 *manitarian needs in the Nuba Mountains, Red Sea*
 22 *Hills, and Blue Nile regions of Sudan;*

23 (2) *respond appropriately to those needs based*
 24 *on such assessment; and*

1 (3) report to Congress on an annual basis on ef-
2 forts made under paragraph (2).

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

6 (a) *REPORT.*—Not later than 90 days after the date
7 of enactment of this Act, the President shall submit to the
8 appropriate congressional committees a report, in classified
9 form if necessary, detailing possible options or plans of the
10 United States Government for the provision of nonlethal as-
11 sistance to participants of the National Democratic Alli-
12 ance.

13 (b) *CONSULTATIONS.*—Not later than 30 days after
14 submission of the report required by subsection (a), the
15 President should begin formal consultations with the appro-
16 priate congressional committees regarding the findings of
17 the report.

18 (c) *DEFINITION.*—In this section, the term “appro-
19 priate congressional committees” means the Committee on
20 Foreign Relations and the Committee on Appropriations of
21 the Senate and the Committee on International Relations
22 and the Committee on Appropriations of the House of Rep-
23 resentatives.