

Jenkins	Murtha	Sherwood
John	Myrick	Shimkus
Johnson (CT)	Nethercutt	Shows
Johnson (IL)	Ney	Shuster
Johnson, Sam	Northup	Simmons
Jones (NC)	Norwood	Simpson
Kanjorski	Nussle	Skeen
Kelly	Ortiz	Skelton
Kennedy (MN)	Osborne	Smith (MI)
Kerns	Ose	Smith (NJ)
Kildee	Otter	Smith (TX)
King (NY)	Oxley	Snyder
Kingston	Pence	Souder
Knollenberg	Peterson (MN)	Spratt
Kolbe	Peterson (PA)	Stearns
LaFalce	Petri	Stenholm
LaHood	Phelps	Strickland
Lampson	Pickering	Stump
Langevin	Pitts	Stupak
Larsen (WA)	Platts	Sununu
Latham	Pombo	Sweeney
LaTourette	Pomeroy	Tancredo
Leach	Portman	Tanner
Lewis (CA)	Price (NC)	Tauzin
Lewis (KY)	Pryce (OH)	Taylor (MS)
Linder	Putnam	Taylor (NC)
Lipinski	Quinn	Terry
LoBiondo	Radanovich	Thomas
Lucas (KY)	Rahall	Thompson (MS)
Lucas (OK)	Ramstad	Thornberry
Luther	Regula	Thune
Lynch	Rehberg	Tiahrt
Maloney (CT)	Reyes	Tiberi
Maloney (NY)	Reynolds	Toomey
Manzullo	Riley	Towns
Mascara	Roemer	Traficant
Matheson	Rogers (KY)	Turner
McCarthy (NY)	Rogers (MI)	Upton
McCrery	Rohrabacher	Visclosky
McHugh	Ros-Lehtinen	Vitter
McInnis	Ross	Walden
McIntyre	Roukema	Walsh
McKeon	Royce	Wamp
McKinney	Rush	Watkins (OK)
McNulty	Ryan (WI)	Watts (OK)
Meek (FL)	Ryun (KS)	Weldon (FL)
Mica	Sandlin	Weldon (PA)
Miller, Dan	Saxton	Weller
Miller, Gary	Schaffer	Whitfield
Miller, Jeff	Schrock	Wicker
Mollohan	Sensenbrenner	Wilson
Moore	Sessions	Wolf
Moran (KS)	Shadegg	Wu
Moran (VA)	Shaw	Young (AK)
Morella	Shays	Young (FL)

## NAYS—125

Abercrombie	Farr	McGovern
Ackerman	Fattah	Meehan
Allen	Filner	Menendez
Andrews	Frank	Millender-
Baird	Gonzalez	McDonald
Baldwin	Gutierrez	Miller, George
Barrett	Harman	Mink
Berkley	Hinchev	Nadler
Berman	Hoeffel	Napolitano
Blagojevich	Holt	Neal
Blumenauer	Honda	Oberstar
Bonior	Horn	Olver
Borski	Hoyer	Owens
Brady (PA)	Inslee	Pallone
Brown (FL)	Jackson (IL)	Pascrell
Brown (OH)	Jackson-Lee	Pastor
Capuano	(TX)	Paul
Cardin	Johnson, E. B.	Payne
Carson (IN)	Jones (OH)	Pelosi
Clay	Kaptur	Rangel
Clayton	Kennedy (RI)	Rivers
Conyers	Kilpatrick	Rodriguez
Coyne	Kind (WI)	Rothman
Crowley	Kirk	Roybal-Allard
Cummings	Kleczka	Sabo
Davis (CA)	Kucinich	Sanchez
Davis (IL)	Lantos	Sanders
DeGette	Larson (CT)	Sawyer
DeLaHunt	Lee	Schakowsky
DeLauro	Levin	Schiff
Deutsch	Lewis (GA)	Scott
Dicks	Lofgren	Serrano
Dingell	Lowe	Sherman
Doggett	Markey	Slaughter
Dooley	Matsui	Smith (WA)
Edwards	McCarthy (MO)	Solis
Engel	McCollum	Stark
Evans	McDermott	Tauscher

Thompson (CA)	Waters	Wexler
Tierney	Watson (CA)	Woolsey
Udall (CO)	Watt (NC)	Wynn
Udall (NM)	Waxman	
Velázquez	Weiner	

## ANSWERED "PRESENT"—1

Thurman

## NOT VOTING—9

Barton	Hall (OH)	Largent
Becerra	Hastings (FL)	Meeks (NY)
Cubin	Keller	Obey

□ 1546

Mr. LUTHER changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2330) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for fiscal year ending September 30, 2002, and for other purposes."

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2500) "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes."

## SUDAN PEACE ACT

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate bill (S. 180) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 180

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudan Peace Act".

## SEC. 2. FINDINGS.

Congress makes the following findings:

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

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

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

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

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process.

(6) Through manipulation of traditional rivalries among peoples in areas outside their full control, the Government of Sudan has effectively used divide and conquer techniques to subjugate their population, and internationally sponsored reconciliation efforts have played a critical role in reducing the tactic's effectiveness and human suffering.

(7) The Government of Sudan is utilizing and organizing militias, Popular Defense Forces, and other irregular units for raiding and slaving parties in areas outside of the control of the Government of Sudan in an effort to severely disrupt the ability of those populations to sustain themselves. The tactic is in addition to the overt use of bans on air transport relief flights in prosecuting the war through selective starvation and to minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside its control.

(9) Through its power to veto plans for air transport flights under the United Nations relief operation, Operation Lifeline Sudan (OLS), the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to subdue areas of Sudan outside of the Government's control.

(10) The efforts of the United States and other 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 to advantage in the civil war in Sudan.

(11) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(12) The Nuba Mountains and many areas in Bahr al Ghazal, Upper Nile, and Blue Nile regions have been excluded completely from relief distribution by OLS, consequently

placing their populations at increased risk of famine.

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

(14) The ability of populations to defend themselves against attack in areas outside the Government of Sudan's control has been severely compromised by the disengagement of the front-line sponsor states, fostering the belief within officials of the Government of Sudan that success on the battlefield can be achieved.

(15) The United States should use all means of pressure available to facilitate a comprehensive solution to the war in Sudan, including—

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

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside government control;

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

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

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **GOVERNMENT OF SUDAN.**—The term "Government of Sudan" means the National Islamic Front government in Khartoum, Sudan.

(2) **OLS.**—The term "OLS" means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as "Operation Lifeline Sudan".

### SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND TACTICS OF THE GOVERNMENT OF SUDAN.

Congress hereby—

(1) condemns—

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

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

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

(D) the Government of Sudan's use and organization of "murahalliin" or "mujahadeen", Popular Defense Forces (PDF), and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, Upper Nile, and Blue Nile regions; and

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

### SEC. 5. SUPPORT FOR AN INTERNATIONALLY SANCTIONED PEACE PROCESS.

(a) **FINDINGS.**—Congress hereby recognizes that—

(1) a single viable, internationally and regionally sanctioned peace process holds the

greatest opportunity to promote a negotiated, peaceful settlement to the war in Sudan; and

(2) resolution to the conflict in Sudan is best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya, on July 20, 1994.

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

(1) the ongoing negotiations between the Government of Sudan and opposition forces;

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

(3) other United States diplomatic efforts supporting a peace process in Sudan.

### SEC. 6. MULTILATERAL PRESSURE ON COMBATANTS.

It is the sense of Congress that—

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

(2) the President, acting through the United States Permanent Representative to the United Nations, should seek to—

(A) revise the terms of Operation Lifeline Sudan to end the veto power of the Government of Sudan over the plans by Operation Lifeline Sudan for air transport of relief flights and, by doing so, to end the manipulation of the delivery of those relief supplies to the advantage of the Government of Sudan on the battlefield;

(B) investigate the practice of slavery in Sudan and provide mechanisms for its elimination; and

(C) sponsor a condemnation of the Government of Sudan each time it subjects civilians to aerial bombardment.

### SEC. 7. REPORTING REQUIREMENT.

Section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended by adding at the end the following:

"(g) In addition to the requirements of subsections (d) and (f), the report required by subsection (d) shall include—

"(1) a description of the sources and current status of Sudan's financing and construction of oil exploitation infrastructure and pipelines, the effects on the inhabitants of the oil fields regions of such financing and construction, and the Government of Sudan's ability to finance the war in Sudan;

"(2) a description of the extent to which that financing was secured in the United States or with involvement of United States citizens;

"(3) the best estimates of the extent of aerial bombardment by the Government of Sudan forces in areas outside its control, including targets, frequency, and best estimates of damage; and

"(4) a description of the extent to which humanitarian relief has been obstructed or manipulated by the Government of Sudan or other forces for the purposes of the war in Sudan."

### SEC. 8. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

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

(b) **REPORT.**—Not later than 90 days after the date of enactment of this Act, the President shall submit a detailed report to Congress describing the progress made toward carrying out subsection (a).

### SEC. 9. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

(a) **PLAN.**—The President shall develop a contingency plan to provide, outside United

Nations auspices if necessary, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains, Upper Nile, and Blue Nile, in the event the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) **REPROGRAMMING AUTHORITY.**—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations (but for this subsection) for the purposes of the plan.

### SEC. 10. HUMANITARIAN ASSISTANCE FOR EXCLUSIONARY "NO GO" AREAS OF SUDAN.

(a) **PILOT PROJECT ACTIVITIES.**—The President, acting through the United States Agency for International Development, is authorized and requested to undertake, immediately, pilot project activities to provide food and other humanitarian assistance, as appropriate, to vulnerable populations in Sudan that are residing in exclusionary "no go" areas of Sudan.

(b) **STUDY.**—The President, acting through the United States Agency for International Development, shall conduct a study examining the adverse impact upon indigenous Sudan communities by OLS policies that curtail direct humanitarian assistance to exclusionary "no go" areas of Sudan.

(c) **EXCLUSIONARY "NO GO" AREAS OF SUDAN DEFINED.**—In this section, the term "exclusionary 'no go' areas of Sudan" means areas of Sudan designated by OLS for curtailment of direct humanitarian assistance, including, but not limited to, the Nuba Mountains, the Upper Nile, and the Blue Nile

MOTION OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Madam Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of New Jersey moved to strike out all after the enacting clause of the bill S. 180 and insert in lieu thereof the text of H.R. 2052 as passed by the House.

Mr. TOWNS. Madam Speaker, I rise today to express my concern over proposals that would deny investors and issuers access to the U.S. capital markets. As the House prepares to go to conference with the Senate on the Sudan Peace Act (S. 180/H.R. 2052), I would like to urge my colleagues to take a close look at the provisions of the bill that would impose such sanctions.

I am fully aware of the human rights atrocities that are going on in Sudan. As Congress works to develop policies to end the violence is important that we be careful and prudent and not act in ways that damage our economy, the free flow of capital, or create greater uncertainty in our capital markets.

Closing the U.S. capital markets in order to influence the behavior of foreign countries sets a poor policy precedent that might easily provoke other countries to pursue their own foreign policy objectives through similar sanctions. The continued health of our capital markets is dependent on economic and political certainty and predictability. The historic U.S. commitment to open and fair markets has been fundamental to the U.S. financial service sector's ability to nurture and establish a substantial foreign client base.

The imposition of capital markets sanctions could have the unintended effects of redirecting business out of the United States

and eroding the certainty and predictability that have been fundamental to the pre-eminence of the U.S. capital markets. Moreover, capital markets sanctions would seriously disrupt investor confidence—both domestic and foreign—in the U.S. markets, thereby jeopardizing their continued vibrancy. Federal Reserve Chairman Alan Greenspan said “the motive of the legislation, I think, obviously commendable, but I think it’s not been thoroughly thought through and I don’t think that the implications of this particular type of statute is useful to the United States and, indeed, I think it is downright harmful.”

Capital markets sanctions have never been imposed by the U.S. These types of sanctions would seriously disrupt investor confidence—both domestic and foreign—in the U.S. markets, thereby jeopardizing their continued vibrancy. The imposition of capital markets sanctions could also have the unintended effects of redirecting business out of the United States and eroding the certainty and predictability that have been fundamental to the pre-eminence of the U.S. capital markets. U.S. investors—pension funds, other institutional investors, and individuals—would see the liquidity, and the value, of substantial amounts of their holdings drop precipitately even at the suggestion that companies in which they are invested would be forced to delist from U.S. exchanges.

In sum Madam Speaker, I believe it is a mistake to unilaterally try to resolve complex foreign policy issues through an untested formula that would greatly impair the U.S. capital markets. The goals of the Sudan Peace Act are laudable, but I object to capital markets sanctions that are included in the bill. As the House prepares to consider the Sudan Peace Act, I urge my colleagues to continue pursuing open and fair financial markets and reject these types of sanctions.

Mr. NEY. Madam Speaker, due to the recent tragedies on U.S. soil we are in the position to find ways to stop terrorist attacks. As Congress works to develop these policies it is important that we be careful to not accidentally damage legitimate American jobs. We must act in ways that do not damage our economy, the free flow of capital, or create greater uncertainty in our capital markets.

I am extremely concerned over proposals that would deny legitimate investors and issuers access to the U.S. capital markets. As this body moves to go to conference with the Senate on the Sudan Peace Act (S. 180), I urge my colleagues to take a close look at the provisions of the bill that would impose such sanctions. The imposition of capital markets sanctions could have the unintended effects of redirecting business out of the United States and eroding the certainty and predictability that have been fundamental to the success of the U.S. Capital markets. Moreover, capital markets sanctions would seriously disrupt investor confidence—both domestic and foreign—in the U.S. Markets, thereby jeopardizing their continued vibrancy.

The safety and certainty of U.S. capital markets attracted record numbers of foreign issuers and investors in the 1990s. In the competitive, global environment, however, there are few products and services for which U.S. companies are the sole suppliers. If

issuers are denied access to the U.S. capital markets through unilaterally imposed sanctions, they will simply turn to other countries. Indeed, since the House of Representatives approved the Sudan Peace Act (H.R. 2052)—with a provision restricting capital market access—in June, at least one foreign company cited the uncertain environment created by the legislation in deciding to list on the London Stock Exchange over a U.S. exchange. H.R. 2052 would have little—if any—impact on the ability of sanctioned companies to raise financing, but it would strengthen the position of foreign competitors. U.S. investors—pension funds, other institutional investors, and individuals—would see the liquidity, and the value, of substantial amounts of their holdings drop precipitately even at the suggestion that companies in which they are invested would be forced to delist from U.S. exchanges.

Closing the U.S. capital markets in order to influence the behavior of foreign countries also sets a poor policy precedent that might easily provoke other countries to pursue their own foreign policy objectives through similar sanctions. The continued health of our capital markets is dependent on economic and political certainty and predictability. The historic U.S. commitment to open and fair markets has been fundamental to the U.S. financial service sector’s ability to nurture and establish a substantial foreign client base.

In sum, Madam Speaker, I believe it is a mistake to unilaterally try to resolve complex foreign policy issues through an untested formula that would greatly impair the U.S. capital markets. The goals of the Sudan Peace Act are laudable, however, I am deeply troubled by the capital markets sanctions that are included in the bill. As the House requests a conference on the Sudan Peace Act, I urge my colleagues to continue pursuing open and fair financial markets and reject these types of sanctions.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 180, SUDAN PEACE ACT

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent to insist on the House amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? The Chair hears none, and, without objection, appoints the following conferees:

For modification of the Senate bill and the House amendment and modifications committed to conference: Messrs. HYDE, GILMAN, and SMITH of New Jersey, Ms. ROS-LEHTINEN, and Messrs. ROYCE, TANCREDO, LANTOS, BERMAN, and PAYNE, and Ms. MCKINNEY.

For consideration of sections 8 and 9 of the House amendment and modifications committed to conference: Messrs. OXLEY, BAKER, BACHUS, LAFALCE, and FRANK.

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 74, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 74) making further continuing appropriations for the fiscal year 2002, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Reserving the right to object, Madam Speaker, I do not intend to object since I support this continuing resolution; but I rise in order to do a couple of things: first of all, to try to ascertain exactly what the schedule is expected to be around here for the remainder of the week; and, second, to try to focus the attention of the House on the linkage that exists between our need to pass this continuing resolution and our inability to finish bills such as the Department of defense appropriations bill, which the committee has tried mightily to produce as a bipartisan product.

I am wondering if the gentleman from Florida (Mr. YOUNG), under my reservation, I am wondering if he can tell me if he has any idea what the schedule is going to be for the remainder of the week.

Mr. YOUNG of Florida. Madam Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Madam Speaker, I wonder first if the gentleman would have any objection if I just make a brief explanation of what the CR does.

Mr. OBEY. I am happy to yield to the gentleman under my reservation for that purpose, Madam Speaker.

Mr. YOUNG of Florida. Madam Speaker, I appreciate the gentleman yielding.

Madam Speaker, this is a simple CR. It extends the current continuing resolution until December 7. The terms and conditions of all the previous CRs remain in effect. All ongoing activities will be continued at current rates under the same terms and conditions as fiscal year 2001, with the exception