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Testimony before the Senate Committee on
Banking, Housing, and Urban Affairs

Since 2003, the government of Sudan has waged a genocidal campaign against the people of Darfur. This is the government's second genocide in the last two decades, and the situation worsens each day with innocent men, women, and children being slaughtered by government-sponsored militia groups. In just four years, over 400,000 Darfurian civilians have perished. Moreover, attacks on humanitarian workers in Darfur rose 150 percent from June 2006 to June 2007. Dozens of these workers were kidnapped, assaulted, and raped; their aid convoys ambushed and hijacked. While rebel groups have also been behind many of these attacks, the primary instigator and facilitator of this genocide is the government of Sudan.

Over the last four years the unmatched compassion of the American people has kept this issue at the forefront of the national conscience. The United States has taken the lead internationally in both declaring the atrocities in Darfur a genocide and pressuring the government of Sudan to end the violence. Earlier this year, President Bush implemented additional sanctions as a way of increasing that pressure despite slow diplomatic progress. I, and many of my colleagues, applauded those sanctions as sending a strong signal that the U.S. will pursue even unilateral measures as a way to create pressure to end the violence. Of course, we all agree that the best way to confront this tragedy is through tough multilateral diplomacy, but we cannot remain captive to the slow timetable of the Bashir regime and allied countries that prolong the suffering through self-interest and indifference. At the same time, the Administration, Congress, and all of us can do more.

This year the Sudanese economy will likely grow 13%, much of which as a result of Chinese, Malaysian, and other foreign corporate investment into Sudan's extractive resource and power sectors. Despite U.S. sanctions preventing American companies from investing in Sudan and punitive measures targeting Sudanese companies, foreign oil investment continues. Such investment provides the means for the regime to carry out its campaign of terror. In short, continued economic growth has allowed the regime to act

with impunity in Darfur. We must intensify the effort to change the economic calculations of the Khartoum regime.

As the Administration continues the tough work of pushing multilateral diplomacy in the United Nations and through the efforts of Special Envoy Natsios, the rest of us must not hesitate to adopt legitimate measures that could have an impact on shortening the genocide and saving lives. One such measure is targeted divestment.

The principle of divestment is simple—that none of our money and the U.S. Government’s money should be invested in the culpable foreign companies that are helping to fuel the genocide. The essence of this approach is that while we have taken the pledge to the people of Darfur of **“not on our watch,”** we must also take the pledge of **“not on our dime.”** Since the start of a national divestment campaign, States across the country have taken action to ensure that their pension fund dollars are not invested in such companies. I am proud that the State I represent—Kansas—is among the States that have already passed legislation to restrict its Sudan investments.

We are already seeing results. Since the targeted Sudan divestment movement began, several companies from the UK to Germany to India have suspended or significantly altered their operations in Sudan. And there is good reason to believe the Government of Sudan has noticed and is nervous. Clearly, by increasing pressure on foreign companies through divestment, the United States can start to change the economic calculations of the Sudanese regime.

Now that the American people and their representatives in State governments have begun to act, it is time for the United States Government to do its part. One of the key ways for the federal government to help is to explicitly provide authorization for States and local governments to divest from Sudan. Doing so would address an objection that has attenuated the success of the targeted divestment movement and has seen State divestment statutes stuck down in federal courts. Moreover, doing so at the legislative level could help rally the countless individuals—both young and old, from all walks of life, and from around the world—who have engaged in remarkable acts of individual courage in standing up against the genocide in Darfur. As with Apartheid in South Africa, my hope is that these will all add to a collective force that will finally bring about change in Darfur.

Earlier this year, I had the opportunity to testify before the House Financial Services Committee in support of the Darfur Accountability and Divestment Act, one bill among several before this committee that have been drafted to allow Congress to grant a divestment authorization while still retaining its Constitutional power to regulate foreign commerce. While I understand the Executive branch objects *a priori* to the granting of any divestment authority, I urge Administration officials reconsider their position. The legislation is Constitutional and moral; practical and powerful; limited yet effective.

As members of Congress, we have worked to ensure that the United States remains at the forefront of this fight. It is time again for the United States to show leadership on Darfur. We have a responsibility to ensure that genocide does not continue on our watch or on our dime.