

Peace Agreement (CPA), imperiling the prospects for scheduled multiparty elections in 2009.”

I could not agree more. Accountability is imperative. The CPA is not up for re-negotiation. But the burden for action, the weight of leadership, now rests with this president and this president alone.

I have consistently received reports from people on the ground that this administration's posture toward Sudan has only emboldened Bashir and the NCP.

The December 12 Wall Street Journal editorial page put it this way, “As a candidate, Mr. Obama stood with the human rights champions of Darfur and pledged tougher sanctions and a possible no-fly zone if a Sudanese regime infamous for genocide didn't shape up. His tone has changed in office . . . the preference for diplomacy over pressure has encouraged the hard men in Khartoum to stoke the flames in Darfur, ignoring an arms embargo and challenging the U.N.-African Union peacekeeping force there.”

Khartoum is savvy in the ways of Washington. This softening in the U.S. posture has not gone unnoticed.

In recent written testimony before the House Foreign Affairs Subcommittee on Africa, the top UN investigator said, “In contrast to that leadership of 2004 and 2005, the United States appears to have now joined the group of influential states who sit by quietly and do nothing to ensure that sanctions protect Darfurians.”

This administration's engagement with Sudan to date has failed to recognize the true nature of Bashir and the NCP.

Having been to Sudan five times, I've seen the work of their hands with my own eyes. In June 2004 I was part of the first congressional delegation with Senator SAM BROWNBACK to Darfur, soon after the world began hearing about the atrocities being committed against the people of that region. I witnessed the nightmare. I saw the scorched villages and overflowing camps. I heard the stories of murder, rape and displacement. In the summer of 2004, the Congress spoke with one voice in calling what was happening in Darfur genocide.

In addition to the massive human rights abuses perpetrated by the Sudanese government against its own people, it is also important to note that Sudan remains on the State Department's list of state sponsors of terrorism. It is well known that the same people currently in control in Khartoum gave safe haven to Osama bin Laden in the early 1990's. I was troubled by Special Envoy Gration's comments this summer at the Senate Foreign Relations Committee hearing that “there is no evidence in our intelligence community that supports [Sudan] being on the state sponsors of terrorism list . . .” despite the findings of the 2008 State Department Country Reports on Terrorism that “. . . there have been open source reports that arms were purchased in Sudan's black market and allegedly smuggled northward to Hamas.”

Last week marked the anniversary of the adoption of the 1948 Genocide Convention. In the aftermath of the Nazi-perpetrated Holocaust the world pledged “Never Again.” But these words ring hollow for the woman in the camp in Darfur who has been brutally raped by government-backed janjaweed so that they might, in their own words, make lighter

skinned babies. Were these horrors taking place in Europe would the world stand by and watch?

The U.S. Holocaust Memorial Museum, which sits just blocks from here, bears witness to genocide and related crimes against humanity around the world. The museum's warning for Sudan stems from “(t)he Sudanese government's established capacity and willingness to commit genocide and related crimes against humanity. This is evidenced by actions the government has taken in the western region of Darfur, the Nuba Mountains, and the South that include:

Use of mass starvation and mass forcible displacement as a weapon of destruction;

Pattern of obstructing humanitarian aid;

Harassment of internally displaced persons;

Bombing of hospitals, clinics, schools, and other civilian sites;

Use of rape as a weapon against targeted groups;

Employing a divide-to-destroy strategy of pitting ethnic groups against each other, with enormous loss of civilian life;

Training and supporting ethnic militias who commit atrocities;

Destroying indigenous cultures;

Enslavement of women and children by government-support militias;

Impeding and failing to fully implement peace agreements.

These are hardly our partners in peace. And yet, we cannot claim that Khartoum has been unpredictable, that we did not know what they were capable of. Tragically, they have been utterly consistent for nearly 20 years. They have consistently brutalized their own people. They have consistently failed to live up to agreements. And they have consistently reposed only to strength and pressure.

And so I say once again, time is running out. The urgency of the situation calls for intervention at the highest levels of the U.S. Government—specifically the Secretary of State and the President of the United States. The people of Sudan cry out for nothing less.

#### PERSONAL EXPLANATION

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mrs. MALONEY. Madam Speaker, on December 14, 2009 I missed rollcall votes Nos. 969 and 970.

Had I been present, I would have voted “yea” on rollcall vote No. 969, recognizing and supporting the goals and ideals of National Runaway Prevention Month and, No. 970, commending the Real Salt Lake Soccer Club for winning the 2009 Major League Soccer Cup.

#### WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

SPEECH OF

#### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2009

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes:

Mr. CONYERS. Madam Chair, as the Chairman of the Judiciary Committee, I would like to highlight some of the contributions made by our Committee to this important legislation. The Committee considered over the course of several months a range of legal issues posed by this legislation, and held two days of hearings this fall on its bankruptcy and antitrust law ramifications—on October 22 in the Subcommittee on Commercial and Administrative Law, and on November 17 in the Subcommittee on Courts and Competition Policy. Below is a summary of some of the more significant provisions added to the legislation, or revised in it, at the request of the Committee.

#### BANKRUPTCY LAW

The bill's new emergency procedures for dealing with financial institutions posing imminent toxic danger to our Nation's financial system is an exemption from the bankruptcy laws in favor of a receivership managed by the Federal Deposit Insurance Corporation (FDIC). While appreciative of the need for the government to be able to act with dispatch when the stability of the entire financial system is in jeopardy, and while respectful of the considered judgment of the Treasury Department, the FDIC, and the Financial Services Committee to devise an approach outside the Bankruptcy Code for this purpose, the Judiciary Committee believes it is important to remain mindful of fundamental due process and equitable considerations that are embodied in bankruptcy procedure. The Committee has accordingly limited the availability and extent of this bankruptcy exemption.

First, because this departure from well-established bankruptcy procedures and protections is justified only in the exigencies of an extraordinary emergency threatening stability of the financial system, the Judiciary Committee added a new “purpose” section to the emergency dissolution title to mandate that there be a “strong presumption that resolution under the bankruptcy laws will remain the primary method of resolving financial companies, and the authorities contained in this subtitle will only be used in the most exigent circumstances.” The Treasury Secretary is required to explain any determination that such an extraordinary emergency exists, to the House and Senate Judiciary Committees, along with other committees.

Our Committee also added provisions ensuring that bankruptcy remains available as the preferred option. There are new provisions authorizing the FDIC, at any time, with the approval of the Treasury Secretary and after consultation with the Financial Services Oversight Council, to convert an emergency receivership into a case under either chapter 7 or chapter 11 of the Bankruptcy Code, while clarifying that doing so will not affect any of the FDIC's powers with regard to any bridge financial company created under the receivership. Upon its appointment, and periodically during the receivership, the FDIC will be required to report to the House and Senate Judiciary Committees, as well as to other committees, why a receivership is necessary rather than using bankruptcy, and the consequences for the rights of other creditors.