

109TH CONGRESS
2D SESSION

H. R. 3127

AN ACT

To impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Darfur Peace and Accountability Act of 2006” .

6 (b) TABLE OF CONTENTS.—The table of contents of
 7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings.
- Sec. 4. Sense of Congress.
- Sec. 5. Sanctions in support of peace in Darfur.
- Sec. 6. Additional authorities to deter and suppress genocide in Darfur.
- Sec. 7. Multilateral efforts.
- Sec. 8. Continuation of restrictions.
- Sec. 9. Assistance efforts in Sudan.
- Sec. 10. Reports.
- Sec. 11. Rule of construction.

8 **SEC. 2. DEFINITIONS.**

9 In this Act:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 11 TEES.—The term “appropriate congressional com-
 12 mittees” means the Committee on International Re-
 13 lations of the House of Representatives and the
 14 Committee on Foreign Relations of the Senate.

15 (2) GOVERNMENT OF SUDAN.—

16 (A) IN GENERAL.—The term “Government
 17 of Sudan” means the National Congress Party,
 18 formerly known as the National Islamic Front,
 19 led-government in Khartoum, Sudan, or any
 20 successor government formed on or after the

1 date of the enactment of this Act (including the
2 coalition National Unity Government agreed
3 upon in the Comprehensive Peace Agreement
4 for Sudan), except that such term does not in-
5 clude the regional Government of Southern
6 Sudan.

7 (B) OFFICIALS OF THE GOVERNMENT OF
8 SUDAN.—The term “Government of Sudan”,
9 when used with respect to an official of the
10 Government of Sudan, does not include an indi-
11 vidual—

12 (I) who was not a member of such
13 government prior to July 1, 2005; or

14 (ii) who is a member of the regional
15 Government of Southern Sudan.

16 (3) COMPREHENSIVE PEACE AGREEMENT FOR
17 SUDAN.—The term “Comprehensive Peace Agree-
18 ment for Sudan” means the peace agreement signed
19 by the Government of Sudan and the Sudan Peo-
20 ple’s Liberation Movement/Army (SPLM/A) in
21 Nairobi, Kenya, on January 9, 2005.

22 **SEC. 3. FINDINGS.**

23 Congress makes the following findings:

1 (1) On July 22, 2004, the House of Represent-
2 atives and the Senate declared that the atrocities oc-
3 curring in the Darfur region of Sudan are genocide.

4 (2) On September 9, 2004, Secretary of State
5 Colin L. Powell stated before the Committee on For-
6 eign Relations of the Senate, “genocide has been
7 committed in Darfur,” and “the Government of
8 Sudan and the [Janjaweed] bear responsibility—and
9 genocide may still be occurring”.

10 (3) On September 21, 2004, in an address be-
11 fore the United Nations General Assembly, Presi-
12 dent George W. Bush affirmed the Secretary of
13 State’s finding and stated, “[a]t this hour, the world
14 is witnessing terrible suffering and horrible crimes in
15 the Darfur region of Sudan, crimes my government
16 has concluded are genocide”.

17 (4) On July 30, 2004, the United Nations Se-
18 curity Council passed Security Council Resolution
19 1556, calling upon the Government of Sudan to dis-
20 arm the Janjaweed militias and to apprehend and
21 bring to justice Janjaweed leaders and their associ-
22 ates who have incited and carried out violations of
23 human rights and international humanitarian law,
24 and establishing a ban on the sale or supply of arms
25 and related materiel of all types, including the provi-

1 sion of related technical training or assistance, to all
2 nongovernmental entities and individuals, including
3 the Janjaweed.

4 (5) On September 18, 2004, the United Na-
5 tions Security Council passed Security Council Reso-
6 lution 1564, determining that the Government of
7 Sudan had failed to meet its obligations under Secu-
8 rity Council Resolution 1556, calling for a military
9 flight ban in and over the Darfur region, demanding
10 the names of Janjaweed militiamen disarmed and
11 arrested for verification, establishing an Inter-
12 national Commission of Inquiry on Darfur to inves-
13 tigate violations of international humanitarian and
14 human rights laws, and threatening sanctions should
15 the Government of Sudan fail to fully comply with
16 Security Council Resolutions 1556 and 1564, includ-
17 ing such actions as to affect Sudan's petroleum sec-
18 tor or individual members of the Government of
19 Sudan.

20 (6) The Report of the International Commis-
21 sion of Inquiry on Darfur, submitted to the United
22 Nations Secretary-General on January 25, 2005, es-
23 tablished that the "Government of the Sudan and
24 the Janjaweed are responsible for serious violations
25 of international human rights and humanitarian law

1 amounting to crimes under international law,” that
2 “these acts were conducted on a widespread and sys-
3 tematic basis, and therefore may amount to crimes
4 against humanity,” and that Sudanese officials and
5 other individuals may have acted with “genocidal in-
6 tent”.

7 (7) The Report of the International Commis-
8 sion of Inquiry on Darfur further notes that, pursu-
9 ant to its mandate and in the course of its work, the
10 Commission had collected information relating to in-
11 dividual perpetrators of acts constituting “violations
12 of international human rights law and international
13 humanitarian law, including crimes against human-
14 ity and war crimes” and that a sealed file containing
15 the names of those individual perpetrators had been
16 delivered to the United Nations Secretary-General.

17 (8) On March 24, 2005, the United Nations Se-
18 curity Council passed Security Council Resolution
19 1590, establishing the United Nations Mission in
20 Sudan (UNMIS), consisting of up to 10,000 military
21 personnel and 715 civilian police tasked with sup-
22 porting implementation of the Comprehensive Peace
23 Agreement for Sudan and “closely and continuously
24 liais[ing] and coordinat[ing] at all levels with the Af-
25 rican Union Mission in Sudan (AMIS) with a view

1 towards expeditiously reinforcing the effort to foster
2 peace in Darfur”.

3 (9) On March 29, 2005, the United Nations Se-
4 curity Council passed Security Council Resolution
5 1591, extending the military embargo established by
6 Security Council Resolution 1556 to all the parties
7 to the N’djamena Ceasefire Agreement of April 8,
8 2004, and any other belligerents in the states of
9 North Darfur, South Darfur, and West Darfur, call-
10 ing for an asset freeze and travel ban against those
11 individuals who impede the peace process, constitute
12 a threat to stability in Darfur and the region, com-
13 mit violations of international humanitarian or
14 human rights law or other atrocities, are responsible
15 for offensive military overflights, or violate the mili-
16 tary embargo, and establishing a Committee of the
17 Security Council and a Panel of Experts to assist in
18 monitoring compliance with Security Council Resolu-
19 tions 1556 and 1591.

20 (10) On March 31, 2005, the United Nations
21 Security Council passed Security Council Resolution
22 1593, referring the situation in Darfur since July 1,
23 2002, to the prosecutor of the International Crimi-
24 nal Court and calling on the Government of Sudan

1 and all parties to the conflict to cooperate fully with
2 the Court.

3 (11) In remarks before the G–8 Summit on
4 June 30, 2005, President Bush reconfirmed that
5 “the violence in Darfur is clearly genocide” and “the
6 human cost is beyond calculation”.

7 (12) On July 30, 2005, Dr. John Garang de
8 Mabior, the newly appointed Vice President of
9 Sudan and the leader of the Sudan People’s Libera-
10 tion Movement/Army (SPLM/A) for the past 21
11 years, was killed in a tragic helicopter crash in
12 southern Sudan, sparking riots in Khartoum and
13 challenging the commitment of all Sudanese to the
14 Comprehensive Peace Agreement for Sudan.

15 (13) Since 1993, the Secretary of State has de-
16 termined that the Republic of Sudan is a country
17 which has repeatedly provided support for acts of
18 international terrorism and, pursuant to section 6(j)
19 of the Export Administration Act of 1979, section
20 40 of the Arms Export Control Act, and section
21 620A of the Foreign Assistance Act of 1961, des-
22 ignated Sudan as a State Sponsor of Terrorism,
23 thereby restricting United States assistance, defense
24 exports and sales, and financial and other trans-
25 actions with the Government of Sudan.

1 **SEC. 4. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the genocide unfolding in the Darfur region
4 of Sudan is characterized by acts of terrorism and
5 atrocities directed against civilians, including mass
6 murder, rape, and sexual violence committed by the
7 Janjaweed and associated militias with the com-
8 plicity and support of the National Congress Party-
9 led faction of the Government of Sudan;

10 (2) the Secretary of State should designate the
11 Janjaweed militia as a foreign terrorist organization
12 pursuant to section 219 of the Immigration and Na-
13 tionality Act;

14 (3) all parties to the conflict in the Darfur re-
15 gion have continued to violate the N'djamena
16 Ceasefire Agreement of April 8, 2004, and the
17 Abuja Protocols of November 9, 2004, and violence
18 against civilians, humanitarian aid workers, and per-
19 sonnel of the African Union Mission in Sudan
20 (AMIS) is increasing;

21 (4) the African Union should rapidly expand
22 the size and amend the mandate of the African
23 Union Mission in Sudan to authorize such action as
24 may be necessary to protect civilians and humani-
25 tarian operations, and deter violence in the Darfur
26 region without delay;

1 (5) the international community, including the
2 United Nations, the North Atlantic Treaty Organi-
3 zation (NATO), the European Union, and the
4 United States, should immediately act to mobilize
5 sufficient political, military, and financial resources
6 to support the expansion of the African Union Mis-
7 sion in Sudan so that it achieves the size, strength,
8 and capacity necessary for protecting civilians and
9 humanitarian operations, and ending the continued
10 violence in the Darfur region;

11 (6) if an expanded and reinforced African
12 Union Mission in Sudan fails to stop genocide in the
13 Darfur region, the international community should
14 take additional, dispositive measures to prevent and
15 suppress acts of genocide in the Darfur region;

16 (7) acting under Article 5 of the Charter of the
17 United Nations, the United Nations Security Coun-
18 cil should call for suspension of the Government of
19 Sudan's rights and privileges of membership by the
20 General Assembly until such time as the Govern-
21 ment of Sudan has honored pledges to cease attacks
22 upon civilians, demobilize and demilitarize the
23 Janjaweed and associated militias, and grant free
24 and unfettered access for deliveries of humanitarian
25 assistance in the Darfur region;

1 (8) the President should use all necessary and
2 appropriate diplomatic means to ensure the full dis-
3 charge of the responsibilities of the Committee of
4 the United Nations Security Council and the Panel
5 of Experts established pursuant to section 3(a) of
6 Security Council Resolution 1591 (March 29, 2005);

7 (9) the United States should not provide assist-
8 ance to the Government of Sudan, other than assist-
9 ance necessary for the implementation of the Com-
10 prehensive Peace Agreement for Sudan, the support
11 of the regional Government of Southern Sudan and
12 marginalized areas in northern Sudan (including the
13 Nuba Mountains, Southern Blue Nile, Abyei, East-
14 ern Sudan (Beja), Darfur, and Nubia), as well as
15 marginalized peoples in and around Khartoum, or
16 for humanitarian purposes in Sudan, until such time
17 as the Government of Sudan has honored pledges to
18 cease attacks upon civilians, demobilize and demili-
19 tarize the Janjaweed and associated militias, grant
20 free and unfettered access for deliveries of humani-
21 tarian assistance in the Darfur region, and allow for
22 the safe and voluntary return of refugees and inter-
23 nally displaced persons;

24 (10) the President should seek to assist mem-
25 bers of the Sudanese diaspora in the United States

1 by establishing a student loan forgiveness program
2 for those individuals who commit to return to south-
3 ern Sudan for a period of not less than five years
4 for the purpose of contributing professional skills
5 needed for the reconstruction of southern Sudan;

6 (11) the President should appoint a Presi-
7 dential Envoy for Sudan with appropriate resources
8 and a clear mandate to provide stewardship of ef-
9 forts to implement the Comprehensive Peace Agree-
10 ment for Sudan, seek ways to bring stability and
11 peace to the Darfur region, address instability else-
12 where in Sudan and northern Uganda, and pursue
13 a truly comprehensive peace throughout the region;

14 (12) to achieve the goals specified in paragraph
15 (10) and to further promote human rights and civil
16 liberties, build democracy, and strengthen civil soci-
17 ety, the Presidential Envoy for Sudan should be em-
18 powered to promote and encourage the exchange of
19 individuals pursuant to educational and cultural pro-
20 grams, including programs funded by the Govern-
21 ment of the United States;

22 (13) the international community should
23 strongly condemn attacks against humanitarian
24 workers and demand that all armed groups in the
25 Darfur region, including the forces of the Govern-

1 ment of Sudan, the Janjaweed, associated militias,
2 the Sudan Liberation Movement/Army (SLM/A), the
3 Justice and Equality Movement (JEM), and all
4 other armed groups refrain from such attacks;

5 (14) the United States should fully support the
6 Comprehensive Peace Agreement for Sudan and
7 urge rapid implementation of its terms; and

8 (15) the new leadership of the Sudan People’s
9 Liberation Movement (SPLM) should—

10 (A) seek to transform the SPLM into an
11 inclusive, transparent, and democratic body;

12 (B) reaffirm the commitment of the SPLM
13 to bringing peace not only to southern Sudan,
14 but also to the Darfur region, eastern Sudan,
15 and northern Uganda; and

16 (C) remain united in the face of efforts to
17 undermine the SPLM.

18 **SEC. 5. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.**

19 (a) **BLOCKING OF ASSETS AND RESTRICTION ON**
20 **VISAS.**—Section 6 of the Comprehensive Peace in Sudan
21 Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note)
22 is amended—

23 (1) in the heading of subsection (b), by insert-
24 ing “OF APPROPRIATE SENIOR OFFICIALS OF THE
25 SUDANESE GOVERNMENT” after “ASSETS”;

1 (2) by redesignating subsections (e) through (e)
2 as subsections (d) through (f), respectively; and

3 (3) by inserting after subsection (b) the fol-
4 lowing new subsection:

5 “(c) BLOCKING OF ASSETS AND RESTRICTION ON
6 VISAS OF CERTAIN INDIVIDUALS IDENTIFIED BY THE
7 PRESIDENT.—

8 “(1) BLOCKING OF ASSETS.—Beginning on the
9 date that is 30 days after the date of the enactment
10 of the Darfur Peace and Accountability Act of 2006,
11 and in the interest of contributing to peace in
12 Sudan, the President shall, consistent with the au-
13 thorities granted in the International Emergency
14 Economic Powers Act (50 U.S.C. 1701 et seq.),
15 block the assets of any individual who the President
16 determines is complicit in, or responsible for, acts of
17 genocide, war crimes, or crimes against humanity in
18 Darfur, including the family members or any associ-
19 ates of such individual to whom assets or property
20 of such individual was transferred on or after July
21 1, 2002.

22 “(2) RESTRICTION ON VISAS.—Beginning on
23 the date that is 30 days after the date of the enact-
24 ment of the Darfur Peace and Accountability Act of
25 2006, and in the interest of contributing to peace in

1 Sudan, the President shall deny visas and entry to
2 any individual who the President determines is
3 complicit in, or responsible for, acts of genocide, war
4 crimes, or crimes against humanity in Darfur, in-
5 cluding the family members or any associates of
6 such individual to whom assets or property of such
7 individual was transferred on or after July 1,
8 2002.”.

9 (b) WAIVER.—Section 6(d) of the Comprehensive
10 Peace in Sudan Act of 2004 (as redesignated by sub-
11 section (a)) is amended by adding at the end the following
12 new sentence: “The President may waive the application
13 of paragraph (1) or (2) of subsection (c) with respect to
14 an individual if the President determines that such a waiv-
15 er is in the national interests of the United States and,
16 prior to exercising the waiver, transmits to the appropriate
17 congressional committees a notification which includes the
18 name of the individual and the reasons for the waiver.”.

19 (c) SANCTIONS AGAINST CERTAIN JANJAWEEED COM-
20 MANDERS AND COORDINATORS.—The President should
21 immediately consider imposing the sanctions described in
22 section 6(c) of the Comprehensive Peace in Sudan Act of
23 2004 (as added by subsection (a)) against the Janjaweed
24 commanders and coordinators identified by the former
25 United States Ambassador-at-Large for War Crimes be-

1 fore the Subcommittee on Africa of the House Inter-
2 national Relations Committee on June 24, 2004.

3 **SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUP-**
4 **PRESS GENOCIDE IN DARFUR.**

5 (a) UNITED STATES ASSISTANCE TO SUPPORT
6 AMIS.—Section 7 of the Comprehensive Peace in Sudan
7 Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note)
8 is amended—

9 (1) by striking “Notwithstanding” and insert-
10 ing “(a) GENERAL ASSISTANCE.—Notwithstanding”;
11 and

12 (2) by adding at the end the following new sub-
13 section:

14 “(b) ASSISTANCE TO SUPPORT AMIS.—Notwith-
15 standing any other provision of law, the President is au-
16 thorized to provide assistance, on such terms and condi-
17 tions as the President may determine and in consultation
18 with the appropriate congressional committees, to rein-
19 force the deployment and operations of an expanded Afri-
20 can Union Mission in Sudan (AMIS) with the mandate,
21 size, strength, and capacity to protect civilians and hu-
22 manitarian operations, stabilize the Darfur region of
23 Sudan and dissuade and deter air attacks directed against
24 civilians and humanitarian workers, including but not lim-
25 ited to providing assistance in the areas of logistics, trans-

1 port, communications, materiel support, technical assist-
2 ance, training, command and control, aerial surveillance,
3 and intelligence.”.

4 (b) NATO ASSISTANCE TO SUPPORT AMIS.—The
5 President should instruct the United States Permanent
6 Representative to the North Atlantic Treaty Organization
7 (NATO) to use the voice, vote, and influence of the United
8 States at NATO to advocate NATO reinforcement of the
9 African Union Mission in Sudan (AMIS), upon the request
10 of the African Union, including but not limited to the pro-
11 vision of assets to dissuade and deter offensive air strikes
12 directed against civilians and humanitarian workers in the
13 Darfur region of Sudan and other logistical, transpor-
14 tation, communications, training, technical assistance,
15 command and control, aerial surveillance, and intelligence
16 support.

17 (c) DENIAL OF ENTRY AT UNITED STATES PORTS
18 TO CERTAIN CARGO SHIPS OR OIL TANKERS.—

19 (1) IN GENERAL.—The President should take
20 all necessary and appropriate steps to deny the Gov-
21 ernment of Sudan access to oil revenues, including
22 by prohibiting entry at United States ports to cargo
23 ships or oil tankers engaged in business or trade ac-
24 tivities in the oil sector of Sudan or involved in the
25 shipment of goods for use by the armed forces of

1 Sudan until such time as the Government of Sudan
2 has honored its commitments to cease attacks on ci-
3 vilians, demobilize and demilitarize the Janjaweed
4 and associated militias, grant free and unfettered ac-
5 cess for deliveries of humanitarian assistance, and
6 allow for the safe and voluntary return of refugees
7 and internally displaced persons.

8 (2) EXCEPTION.—Paragraph (1) shall not
9 apply with respect to cargo ships or oil tankers in-
10 volved in an internationally-recognized demobiliza-
11 tion program or the shipment of non-lethal assist-
12 ance necessary to carry out elements of the Com-
13 prehensive Peace Agreement for Sudan.

14 (d) PROHIBITION ON ASSISTANCE TO COUNTRIES IN
15 VIOLATION OF UNITED NATIONS SECURITY COUNCIL
16 RESOLUTIONS 1556 AND 1591.—

17 (1) PROHIBITION.—Amounts made available to
18 carry out the Foreign Assistance Act of 1961 (22
19 U.S.C. 2151 et seq.) may not be used to provide as-
20 sistance (other than humanitarian assistance) to the
21 government of a country that is in violation of the
22 embargo on military assistance with respect to
23 Sudan imposed pursuant to United Nations Security
24 Council Resolutions 1556 (July 30, 2004) and 1591
25 (March 29, 2005).

1 (2) WAIVER.—The President may waive the ap-
2 plication of paragraph (1) if the President deter-
3 mines and certifies to the appropriate congressional
4 committees that it is in the national interests of the
5 United States to do so.

6 **SEC. 7. MULTILATERAL EFFORTS.**

7 The President shall direct the United States Perma-
8 nent Representative to the United Nations to use the voice
9 and vote of the United States to urge the adoption of a
10 resolution by the United Nations Security Council that—

11 (1) supports the expansion of the African Union
12 Mission in Sudan (AMIS) so that it achieves the
13 mandate, size, strength, and capacity needed to pro-
14 tect civilians and humanitarian operations, and dis-
15 suade and deter fighting and violence in the Darfur
16 region of Sudan, and urges Member States of the
17 United Nations to accelerate political, material, fi-
18 nancial, and other assistance to the African Union
19 toward this end;

20 (2) reinforces efforts of the African Union to
21 negotiate peace talks between the Government of
22 Sudan, the Sudan Liberation Movement/Army
23 (SLM/A), the Justice and Equality Movement
24 (JEM), and associated armed groups in the Darfur
25 region, calls on the Government of Sudan, the SLM/

1 A, and the JEM to abide by their obligations under
2 the N'Djamena Ceasefire Agreement of April 8,
3 2004 and subsequent agreements, urges all parties
4 to engage in peace talks without preconditions and
5 seek to resolve the conflict, and strongly condemns
6 all attacks against humanitarian workers and Afri-
7 can Union personnel in the Darfur region;

8 (3) imposes sanctions against the Government
9 of Sudan, including sanctions against individual
10 members of the Government of Sudan, and entities
11 controlled or owned by officials of the Government
12 of Sudan or the National Congress Party in Sudan
13 until such time as the Government of Sudan has
14 honored its commitments to cease attacks on civil-
15 ians, demobilize and demilitarize the Janjaweed and
16 associated militias, grant free and unfettered access
17 for deliveries of humanitarian assistance, and allow
18 for the safe and voluntary return of refugees and in-
19 ternally displaced persons;

20 (4) extends the military embargo established by
21 United Nations Security Council Resolutions 1556
22 (July 30, 2004) and 1591 (March 29, 2005) to in-
23 clude a total prohibition on the sale or supply of of-
24 fensive military equipment to the Government of
25 Sudan, except for use in an internationally-recog-

1 nized demobilization program or for non-lethal as-
2 sistance necessary to carry out elements of the Com-
3 prehensive Peace Agreement for Sudan; and

4 (5) calls upon those Member States of the
5 United Nations that continue to undermine efforts
6 to foster peace in Sudan by providing military assist-
7 ance and equipment to the Government of Sudan,
8 the SLM/A, the JEM, and associated armed groups
9 in the Darfur region in violation of the embargo on
10 such assistance and equipment, as called for in
11 United Nations Security Council Resolutions 1556
12 and 1591, to immediately cease and desist.

13 **SEC. 8. CONTINUATION OF RESTRICTIONS.**

14 (a) CONTINUATION OF RESTRICTIONS.—Restrictions
15 against the Government of Sudan that were imposed pur-
16 suant to Executive Order 13067 of November 3, 1997 (62
17 Federal Register 59989), title III and sections 508, 512,
18 527, and 569 of the Foreign Operations, Export Financ-
19 ing, and Related Programs Appropriations Act, 2006, or
20 any other similar provision of law, shall remain in effect
21 and shall not be lifted pursuant to such provisions of law
22 until the President transmits to the appropriate congres-
23 sional committees a certification that the Government of
24 Sudan is acting in good faith to—

1 (1) peacefully resolve the crisis in the Darfur
2 region of Sudan;

3 (2) disarm, demobilize, and demilitarize the
4 Janjaweed and all government-allied militias;

5 (3) adhere to United Nations Security Council
6 Resolutions 1556 (2004), 1564 (2004), 1591
7 (2005), and 1593 (2005);

8 (4) negotiate a peaceful resolution to the crisis
9 in eastern Sudan;

10 (5) fully cooperate with efforts to disarm, de-
11 mobilize, and deny safe haven to members of the
12 Lords Resistance Army; and

13 (6) fully implement the Comprehensive Peace
14 Agreement for Sudan without manipulation or delay,
15 including by—

16 (A) implementing the recommendations of
17 the Abyei Commission Report;

18 (B) establishing other appropriate commis-
19 sions and implementing and adhering to the
20 recommendations of such commissions con-
21 sistent with the terms of the Comprehensive
22 Peace Agreement for Sudan;

23 (C) adhering to the terms of the Wealth
24 Sharing Agreement; and

1 (D) withdrawing government forces from
2 southern Sudan consistent with the terms of
3 the Comprehensive Peace Agreement for Sudan.

4 (b) WAIVER.—The President may waive the applica-
5 tion of subsection (a) if the President determines and cer-
6 tifies to the appropriate congressional committees that it
7 is in the national interests of the United States to do so.

8 **SEC. 9. ASSISTANCE EFFORTS IN SUDAN.**

9 (a) ADDITIONAL AUTHORITIES.—Section 501(a) of
10 the Assistance for International Malaria Control Act (50
11 U.S.C. 1701 note) is amended—

12 (1) by striking “Notwithstanding any other pro-
13 vision of law” and inserting the following:

14 “(1) IN GENERAL.—Notwithstanding any other
15 provision of law”;

16 (2) by inserting “civil administrations,” after
17 “indigenous groups,”;

18 (3) by striking “areas outside of control of the
19 Government of Sudan” and inserting “southern
20 Sudan, southern Kordofan/Nuba Mountains State,
21 Blue Nile State, and Abyei”;

22 (4) by inserting at the end before the period the
23 following: “, including the Comprehensive Peace
24 Agreement for Sudan”; and

1 (5) by adding at the end the following new
2 paragraph:

3 “(2) CONGRESSIONAL NOTIFICATION.—

4 “(A) IN GENERAL.—Assistance may not be
5 obligated under this subsection until 15 days
6 after the date on which the President has pro-
7 vided notice thereof to the congressional com-
8 mittees specified in section 634A of the Foreign
9 Assistance Act of 1961 (22 U.S.C. 2394–1) in
10 accordance with the procedures applicable to re-
11 programming notifications under such section.

12 “(B) RULE OF CONSTRUCTION.—The noti-
13 fication requirement of subparagraph (A) shall
14 not apply in the case of assistance subject to
15 notification in accordance with section 634A of
16 the Foreign Assistance Act of 1961 pursuant to
17 any provision of an Act making appropriations
18 for foreign operations, export financing, and re-
19 lated programs.”.

20 (b) EXCEPTION TO PROHIBITIONS IN EXECUTIVE
21 ORDER NO. 13067.—Section 501(b) of the Assistance for
22 International Malaria Control Act (50 U.S.C. 1701 note)
23 is amended—

1 (1) in the heading, by striking “EXPORT PRO-
2 HIBITIONS” and inserting “PROHIBITIONS IN EXEC-
3 UTIVE ORDER NO. 13067”;

4 (2) by striking “any export from an area in
5 Sudan outside of control of the Government of
6 Sudan, or to any necessary transaction directly re-
7 lated to that export” and inserting “activities or re-
8 lated transactions with respect to southern Sudan,
9 southern Kordofan/Nuba Mountains State, Blue Nile
10 State, or Abyei”; and

11 (3) by striking “the export or related trans-
12 action” and all that follows and inserting “such ac-
13 tivities or related transactions would directly benefit
14 the economic recovery and development of those
15 areas and people.”.

16 **SEC. 10. REPORTS.**

17 (a) REPORT ON AFRICAN UNION MISSION IN SUDAN
18 (AMIS).—Section 8 of the Sudan Peace Act (Public Law
19 107–245; 50 U.S.C. 1701 note) is amended—

20 (1) by redesignating subsection (c) as sub-
21 section (d); and

22 (2) by inserting after subsection (b) the fol-
23 lowing new subsection:

24 “(c) REPORT ON AFRICAN UNION MISSION IN SUDAN
25 (AMIS).—In conjunction with reports required under sub-

1 sections (a) and (b) of this section, the Secretary of State
2 shall submit to the appropriate congressional committees
3 a report, to be prepared in conjunction with the Secretary
4 of Defense, on—

5 “(1) efforts to fully deploy the African Union
6 Mission in Sudan (AMIS) with the size, strength,
7 and capacity necessary to stabilize the Darfur region
8 of Sudan and protect civilians and humanitarian op-
9 erations;

10 “(2) the needs of AMIS to ensure success, in-
11 cluding in the areas of housing, transport, commu-
12 nications, equipment, technical assistance, training,
13 command and control, intelligence, and such assist-
14 ance as is necessary to dissuade and deter attacks,
15 including by air, directed against civilians and hu-
16 manitarian operations;

17 “(3) the current level of United States assist-
18 ance and other assistance provided to AMIS, and a
19 request for additional United States assistance, if
20 necessary;

21 “(4) the status of North Atlantic Treaty Orga-
22 nization (NATO) plans and assistance to support
23 AMIS; and

24 “(5) the performance of AMIS in carrying out
25 its mission in the Darfur region.”.

1 (b) REPORT ON SANCTIONS IN SUPPORT OF PEACE
2 IN DARFUR.—Section 8 of the Sudan Peace Act (Public
3 Law 107–245; 50 U.S.C. 1701 note), as amended by sub-
4 section (a), is further amended—

5 (1) by redesignating subsection (d) as sub-
6 section (e); and

7 (2) by inserting after subsection (c) the fol-
8 lowing new subsection:

9 “(d) REPORT ON SANCTIONS IN SUPPORT OF PEACE
10 IN DARFUR.—In conjunction with reports required under
11 subsections (a), (b), and (c) of this section, the Secretary
12 of State shall submit to the appropriate congressional
13 committees a report regarding sanctions imposed under
14 subsections (a) through (d) of section 6 of the Comprehen-
15 sive Peace in Sudan Act of 2004, including—

16 “(1) a description of each sanction imposed
17 under such provisions of law; and

18 “(2) the name of the individual or entity sub-
19 ject to the sanction, if applicable.”.

20 **SEC. 11. RULE OF CONSTRUCTION.**

21 Nothing in this Act (or any amendment made by this
22 Act) or any other provision of law shall be construed to
23 preempt any State law that prohibits investment of State

- 1 funds, including State pension funds, in or relating to the
- 2 Republic of the Sudan.

Passed the House of Representatives April 5, 2006.

Attest:

Clerk.

109TH CONGRESS
2^D SESSION

H. R. 3127

AN ACT

To impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity; to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.