

# Union Calendar No. 219

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3127

[Report No. 109–392, Parts I and II]

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Mr. HYDE (for himself, Mr. PAYNE, Mr. SMITH of New Jersey, Mr. LANTOS, Mr. ROYCE, Mr. TANCREDO, Mr. WOLF, Ms. JACKSON-LEE of Texas, Mr. RANGEL, and Mr. CAPUANO) introduced the following bill; which was referred to the Committee on International Relations

MARCH 14, 2006

Reported from the Committee on International Relations with an amendment  
[Strike out all after the enacting clause and insert the part printed in *italic*]

MARCH 14, 2006

Referred to the Committee on the Judiciary, for a period ending not later than March 28, 2006, for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(1), rule X

MARCH 28, 2006

Referral to the Committee on the Judiciary extended for a period ending not later than March 29, 2006

MARCH 29, 2006

Additional sponsors: Mr. McCOTTER, Mr. BLUMENAUER, Mr. HOLDEN, Mr. WEXLER, Mr. SOUDER, Mr. ALLEN, Mr. GALLEGLY, Mr. CLEAVER, Mr. CASE, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. HONDA, Ms. PELOSI, Mr. ACKERMAN, Mr. PRICE of North Carolina, Mr. SHAYS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEACH, Mr. KING of New York, Mr. GREEN of Wisconsin, Mr. PENCE, Mr. BURTON of Indiana, Mr. BERMAN,

Mr. UDALL of Colorado, Mr. CROWLEY, Mr. SENSENBRENNER, Mr. BACHUS, Mr. McDERMOTT, Ms. LEE, Ms. WATSON, Mr. OLVER, Mr. AL GREEN of Texas, Mr. FORTENBERRY, Mr. MEEKS of New York, Mr. HOLT, Mr. PALLONE, Mr. CARDIN, Mr. McNULTY, Mr. WEINER, Mr. ENGEL, Mr. LEVIN, Mrs. CAPPS, Ms. SCHWARTZ of Pennsylvania, Mr. SMITH of Washington, Ms. SOLIS, Mr. DAVIS of Florida, Mr. BRADY of Pennsylvania, Mr. BRADLEY of New Hampshire, Mr. CALVERT, Mr. FITZPATRICK of Pennsylvania, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, Ms. KILPATRICK of Michigan, Mr. JEFFERSON, Mr. CUMMINGS, Ms. LINDA T. SÁNCHEZ of California, Ms. MILLENDER-McDONALD, Mrs. JO ANN DAVIS of Virginia, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. WELDON of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. ANDREWS, Mr. DOYLE, Ms. ROSLEHTINEN, Mr. OWENS, Mr. TAYLOR of North Carolina, Mr. ROTHMAN, Mr. LYNCH, Ms. ESHOO, Mr. MICHAUD, Mr. PETERSON of Minnesota, Mr. COSTA, Mr. HEFLEY, Mr. INGLIS of South Carolina, Mr. FARR, Mrs. MALONEY, Mr. SNYDER, Mr. MARKEY, Mr. MORAN of Virginia, Mr. CLAY, Mr. MEEHAN, Mr. DAVIS of Kentucky, Mr. DEFazio, Mr. ISSA, Mr. GORDON, Mr. KENNEDY of Rhode Island, Mr. NADLER, Mr. MILLER of North Carolina, Ms. DELAURO, Mr. SHAW, Ms. VELÁZQUEZ, Mr. DAVIS of Illinois, Mr. MEEK of Florida, Mr. GILLMOR, Mr. EVANS, Mr. ISRAEL, Mr. PASCRELL, Mr. McGOVERN, Mrs. MUSGRAVE, Mr. HINCHEY, Mr. STARK, Mrs. DAVIS of California, Mr. LANGEVIN, Mr. PLATTS, Mr. HIGGINS, Mr. LARSON of Connecticut, Mr. NEAL of Massachusetts, Mrs. LOWEY, Ms. BERKLEY, Mr. FRELINGHUYSEN, Mrs. TAUSCHER, Mr. KIRK, Mr. DENT, Ms. MOORE of Wisconsin, Mr. BROWN of Ohio, Mr. BAIRD, Mr. GARRETT of New Jersey, Mr. SAXTON, Mr. SABO, Mr. REYNOLDS, Mr. BOOZMAN, Mr. FATTAH, Mr. BISHOP of New York, Ms. HOOLEY, Mrs. MCCARTHY, Mr. SHERMAN, Mr. TURNER, Mr. ROHRBACHER, Mr. AKIN, Ms. ZOE LOFGREN of California, Mr. FERGUSON, Mrs. NAPOLITANO, Mr. BEAUPREZ, Mr. BISHOP of Georgia, Mr. REICHERT, Mr. CONYERS, Mr. DELAHUNT, Mr. RUSH, Mr. LoBIONDO, Mrs. SCHMIDT, Mr. WYNN, Mr. RYAN of Wisconsin, Mr. SCOTT of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, Ms. WATERS, Ms. BALDWIN, Mr. GEORGE MILLER of California, Ms. MATSUI, Mr. WU, Ms. CORRINE BROWN of Florida, and Mr. GERLACH

MARCH 29, 2006

Reported from the Committee on the Judiciary with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on June 30, 2005]

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## A BILL

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 this*  
 7 *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 commit-*

1        *tees” means the Committee on International Relations*  
2        *of the House of Representatives and the Committee on*  
3        *Foreign Relations of the Senate.*

4            (2) *GOVERNMENT OF SUDAN.—*

5            (A) *IN GENERAL.—The term “Government*  
6            *of Sudan” means the National Congress Party,*  
7            *formerly known as the National Islamic Front,*  
8            *led-government in Khartoum, Sudan, or any*  
9            *successor government formed on or after the date*  
10           *of the enactment of this Act (including the coaliti-*  
11           *on National Unity Government agreed upon in*  
12           *the Comprehensive Peace Agreement for Sudan),*  
13           *except that such term does not include the re-*  
14           *gional Government of Southern Sudan.*

15           (B) *OFFICIALS OF THE GOVERNMENT OF*  
16           *SUDAN.—The term “Government of Sudan”,*  
17           *when used with respect to an official of the Gov-*  
18           *ernment of Sudan, does not include an indi-*  
19           *vidual—*

20           (i) *who was not a member of such gov-*  
21           *ernment prior to July 1, 2005; or*

22           (ii) *who is a member of the regional*  
23           *Government of Southern Sudan.*

24           (3) *COMPREHENSIVE PEACE AGREEMENT FOR*  
25           *SUDAN.—The term “Comprehensive Peace Agreement*

1       *for Sudan” means the peace agreement signed by the*  
2       *Government of Sudan and the Sudan People’s Libera-*  
3       *tion Movement/Army (SPLM/A) in Nairobi, Kenya,*  
4       *on January 9, 2005.*

5       **SEC. 3. FINDINGS.**

6       *Congress makes the following findings:*

7               (1) *On July 22, 2004, the House of Representa-*  
8       *tives and the Senate declared that the atrocities occur-*  
9       *ring in the Darfur region of Sudan are genocide.*

10              (2) *On September 9, 2004, Secretary of State*  
11       *Colin L. Powell stated before the Committee on For-*  
12       *eign Relations of the Senate, “genocide has been com-*  
13       *mitted in Darfur,” and “the Government of Sudan*  
14       *and the [Janjaweed] bear responsibility—and geno-*  
15       *cide may still be occurring”.*

16              (3) *On September 21, 2004, in an address before*  
17       *the United Nations General Assembly, President*  
18       *George W. Bush affirmed the Secretary of State’s*  
19       *finding and stated, “[a]t this hour, the world is wit-*  
20       *nessing terrible suffering and horrible crimes in the*  
21       *Darfur region of Sudan, crimes my government has*  
22       *concluded are genocide”.*

23              (4) *On July 30, 2004, the United Nations Secu-*  
24       *rity Council passed Security Council Resolution*  
25       *1556, calling upon the Government of Sudan to dis-*

1        *arm the Janjaweed militias and to apprehend and*  
2        *bring to justice Janjaweed leaders and their associates*  
3        *who have incited and carried out violations of human*  
4        *rights and international humanitarian law, and es-*  
5        *tablishing a ban on the sale or supply of arms and*  
6        *related materiel of all types, including the provision*  
7        *of related technical training or assistance, to all non-*  
8        *governmental entities and individuals, including the*  
9        *Janjaweed.*

10            *(5) On September 18, 2004, the United Nations*  
11        *Security Council passed Security Council Resolution*  
12        *1564, determining that the Government of Sudan had*  
13        *failed to meet its obligations under Security Council*  
14        *Resolution 1556, calling for a military flight ban in*  
15        *and over the Darfur region, demanding the names of*  
16        *Janjaweed militiamen disarmed and arrested for*  
17        *verification, establishing an International Commis-*  
18        *sion of Inquiry on Darfur to investigate violations of*  
19        *international humanitarian and human rights laws,*  
20        *and threatening sanctions should the Government of*  
21        *Sudan fail to fully comply with Security Council*  
22        *Resolutions 1556 and 1564, including such actions as*  
23        *to affect Sudan's petroleum sector or individual mem-*  
24        *bers of the Government of Sudan.*

1           (6) *The Report of the International Commission*  
2 *of Inquiry on Darfur, submitted to the United Na-*  
3 *tions Secretary-General on January 25, 2005, estab-*  
4 *lished that the “Government of the Sudan and the*  
5 *Janjaweed are responsible for serious violations of*  
6 *international human rights and humanitarian law*  
7 *amounting to crimes under international law,” that*  
8 *“these acts were conducted on a widespread and sys-*  
9 *tematic basis, and therefore may amount to crimes*  
10 *against humanity,” and that Sudanese officials and*  
11 *other individuals may have acted with “genocidal in-*  
12 *tent”.*

13           (7) *The Report of the International Commission*  
14 *of Inquiry on Darfur further notes that, pursuant to*  
15 *its mandate and in the course of its work, the Com-*  
16 *mission had collected information relating to indi-*  
17 *vidual perpetrators of acts constituting “violations of*  
18 *international human rights law and international*  
19 *humanitarian law, including crimes against human-*  
20 *ity and war crimes” and that a sealed file containing*  
21 *the names of those individual perpetrators had been*  
22 *delivered to the United Nations Secretary-General.*

23           (8) *On March 24, 2005, the United Nations Se-*  
24 *curity Council passed Security Council Resolution*  
25 *1590, establishing the United Nations Mission in*

1       *Sudan (UNMIS), consisting of up to 10,000 military*  
2       *personnel and 715 civilian police tasked with sup-*  
3       *porting implementation of the Comprehensive Peace*  
4       *Agreement for Sudan and “closely and continuously*  
5       *liais[ing] and coordinat[ing] at all levels with the Af-*  
6       *rican Union Mission in Sudan (AMIS) with a view*  
7       *towards expeditiously reinforcing the effort to foster*  
8       *peace in Darfur”.*

9               *(9) On March 29, 2005, the United Nations Se-*  
10       *curity Council passed Security Council Resolution*  
11       *1591, extending the military embargo established by*  
12       *Security Council Resolution 1556 to all the parties to*  
13       *the N’djamena Ceasefire Agreement of April 8, 2004,*  
14       *and any other belligerents in the states of North*  
15       *Darfur, South Darfur, and West Darfur, calling for*  
16       *an asset freeze and travel ban against those individ-*  
17       *uals who impede the peace process, constitute a threat*  
18       *to stability in Darfur and the region, commit viola-*  
19       *tions of international humanitarian or human rights*  
20       *law or other atrocities, are responsible for offensive*  
21       *military overflights, or violate the military embargo,*  
22       *and establishing a Committee of the Security Council*  
23       *and a Panel of Experts to assist in monitoring com-*  
24       *pliance with Security Council Resolutions 1556 and*  
25       *1591.*

1           (10) *On March 31, 2005, the United Nations Security Council passed Security Council Resolution*  
2           *1593, referring the situation in Darfur since July 1,*  
3           *2002, to the prosecutor of the International Criminal*  
4           *Court and calling on the Government of Sudan and*  
5           *all parties to the conflict to cooperate fully with the*  
6           *Court.*

8           (11) *In remarks before the G–8 Summit on June*  
9           *30, 2005, President Bush reconfirmed that “the vio-*  
10          *lence in Darfur is clearly genocide” and “the human*  
11          *cost is beyond calculation”.*

12          (12) *On July 30, 2005, Dr. John Garang de*  
13          *Mabior, the newly appointed Vice President of Sudan*  
14          *and the leader of the Sudan People’s Liberation Move-*  
15          *ment/Army (SPLM/A) for the past 21 years, was*  
16          *killed in a tragic helicopter crash in southern Sudan,*  
17          *sparking riots in Khartoum and challenging the com-*  
18          *mitment of all Sudanese to the Comprehensive Peace*  
19          *Agreement for Sudan.*

20          (13) *Since 1993, the Secretary of State has de-*  
21          *termined that the Republic of Sudan is a country*  
22          *which has repeatedly provided support for acts of*  
23          *international terrorism and, pursuant to section 6(j)*  
24          *of the Export Administration Act of 1979, section 40*  
25          *of the Arms Export Control Act, and section 620A of*

1 *the Foreign Assistance Act of 1961, designated Sudan*  
2 *as a State Sponsor of Terrorism, thereby restricting*  
3 *United States assistance, defense exports and sales,*  
4 *and financial and other transactions with the Gov-*  
5 *ernment of Sudan.*

6 **SEC. 4. SENSE OF CONGRESS.**

7 *It is the sense of Congress that—*

8 *(1) the genocide unfolding in the Darfur region*  
9 *of Sudan is characterized by acts of terrorism and*  
10 *atrocities directed against civilians, including mass*  
11 *murder, rape, and sexual violence committed by the*  
12 *Janjaweed and associated militias with the com-*  
13 *licity and support of the National Congress Party-*  
14 *led faction of the Government of Sudan;*

15 *(2) the Secretary of State should designate the*  
16 *Janjaweed militia as a foreign terrorist organization*  
17 *pursuant to section 219 of the Immigration and Na-*  
18 *tionality Act;*

19 *(3) all parties to the conflict in the Darfur re-*  
20 *gion have continued to violate the N'djamena*  
21 *Ceasefire Agreement of April 8, 2004, and the Abuja*  
22 *Protocols of November 9, 2004, and violence against*  
23 *civilians, humanitarian aid workers, and personnel of*  
24 *the African Union Mission in Sudan (AMIS) is in-*  
25 *creasing;*

1           (4) *the African Union should rapidly expand the*  
2 *size and amend the mandate of the African Union*  
3 *Mission in Sudan to authorize such action as may be*  
4 *necessary to protect civilians and humanitarian oper-*  
5 *ations, and deter violence in the Darfur region with-*  
6 *out delay;*

7           (5) *the international community, including the*  
8 *United Nations, the North Atlantic Treaty Organiza-*  
9 *tion (NATO), the European Union, and the United*  
10 *States, should immediately act to mobilize sufficient*  
11 *political, military, and financial resources to support*  
12 *the expansion of the African Union Mission in Sudan*  
13 *so that it achieves the size, strength, and capacity*  
14 *necessary for protecting civilians and humanitarian*  
15 *operations, and ending the continued violence in the*  
16 *Darfur region;*

17           (6) *if an expanded and reinforced African Union*  
18 *Mission in Sudan fails to stop genocide in the Darfur*  
19 *region, the international community should take ad-*  
20 *ditional, dispositive measures to prevent and suppress*  
21 *acts of genocide in the Darfur region;*

22           (7) *acting under Article 5 of the Charter of the*  
23 *United Nations, the United Nations Security Council*  
24 *should call for suspension of the Government of Su-*  
25 *dan's rights and privileges of membership by the Gen-*

1 *eral Assembly until such time as the Government of*  
2 *Sudan has honored pledges to cease attacks upon ci-*  
3 *vilians, demobilize and demilitarize the Janjaweed*  
4 *and associated militias, and grant free and unfettered*  
5 *access for deliveries of humanitarian assistance in the*  
6 *Darfur region;*

7 (8) *the President should use all necessary and*  
8 *appropriate diplomatic means to ensure the full dis-*  
9 *charge of the responsibilities of the Committee of the*  
10 *United Nations Security Council and the Panel of*  
11 *Experts established pursuant to section 3(a) of Secu-*  
12 *rity Council Resolution 1591 (March 29, 2005);*

13 (9) *the United States should not provide assist-*  
14 *ance to the Government of Sudan, other than assist-*  
15 *ance necessary for the implementation of the Com-*  
16 *prehensive Peace Agreement for Sudan, the support of*  
17 *the regional Government of Southern Sudan and*  
18 *marginalized areas in northern Sudan (including the*  
19 *Nuba Mountains, Southern Blue Nile, Abyei, Eastern*  
20 *Sudan (Beja), Darfur, and Nubia), as well as*  
21 *marginalized peoples in and around Khartoum, or for*  
22 *humanitarian purposes in Sudan, until such time as*  
23 *the Government of Sudan has honored pledges to cease*  
24 *attacks upon civilians, demobilize and demilitarize*  
25 *the Janjaweed and associated militias, grant free and*

1        *unfettered access for deliveries of humanitarian assist-*  
2        *ance in the Darfur region, and allow for the safe and*  
3        *voluntary return of refugees and internally displaced*  
4        *persons;*

5            *(10) the President should seek to assist members*  
6        *of the Sudanese diaspora in the United States by es-*  
7        *tablishing a student loan forgiveness program for*  
8        *those individuals who commit to return to southern*  
9        *Sudan for a period of not less than five years for the*  
10       *purpose of contributing professional skills needed for*  
11       *the reconstruction of southern Sudan;*

12           *(11) the President should appoint a Presidential*  
13       *Envoy for Sudan with appropriate resources and a*  
14       *clear mandate to provide stewardship of efforts to im-*  
15       *plement the Comprehensive Peace Agreement for*  
16       *Sudan, seek ways to bring stability and peace to the*  
17       *Darfur region, address instability elsewhere in Sudan*  
18       *and northern Uganda, and pursue a truly com-*  
19       *prehensive peace throughout the region;*

20           *(12) to achieve the goals specified in paragraph*  
21       *(10) and to further promote human rights and civil*  
22       *liberties, build democracy, and strengthen civil soci-*  
23       *ety, the Presidential Envoy for Sudan should be em-*  
24       *powered to promote and encourage the exchange of in-*  
25       *dividuals pursuant to educational and cultural pro-*

1        *grams, including programs funded by the Government*  
2        *of the United States;*

3            *(13) the international community should strong-*  
4        *ly condemn attacks against humanitarian workers*  
5        *and demand that all armed groups in the Darfur re-*  
6        *gion, including the forces of the Government of*  
7        *Sudan, the Janjaweed, associated militias, the Sudan*  
8        *Liberation Movement/Army (SLM/A), the Justice and*  
9        *Equality Movement (JEM), and all other armed*  
10       *groups refrain from such attacks;*

11           *(14) the United States should fully support the*  
12        *Comprehensive Peace Agreement for Sudan and urge*  
13        *rapid implementation of its terms; and*

14           *(15) the new leadership of the Sudan People's*  
15        *Liberation Movement (SPLM) should—*

16                *(A) seek to transform the SPLM into an in-*  
17                *clusive, transparent, and democratic body;*

18                *(B) reaffirm the commitment of the SPLM*  
19                *to bringing peace not only to southern Sudan,*  
20                *but also to the Darfur region, eastern Sudan,*  
21                *and northern Uganda; and*

22                *(C) remain united in the face of efforts to*  
23                *undermine the SPLM.*

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

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

6           (1) *in the heading of subsection (b), by inserting*  
7 *“OF APPROPRIATE SENIOR OFFICIALS OF THE SUDA-*  
8 *NESE GOVERNMENT” after “ASSETS”;*

9           (2) *by redesignating subsections (c) through (e)*  
10 *as subsections (d) through (f), respectively; and*

11           (3) *by inserting after subsection (b) the following*  
12 *new subsection:*

13       *“(c) BLOCKING OF ASSETS AND RESTRICTION ON*  
14 *VISAS OF CERTAIN INDIVIDUALS IDENTIFIED BY THE*  
15 *PRESIDENT.—*

16           *“(1) BLOCKING OF ASSETS.—Beginning on the*  
17 *date that is 30 days after the date of the enactment*  
18 *of the Darfur Peace and Accountability Act of 2006,*  
19 *and in the interest of contributing to peace in Sudan,*  
20 *the President shall, consistent with the authorities*  
21 *granted in the International Emergency Economic*  
22 *Powers Act (50 U.S.C. 1701 et seq.), block the assets*  
23 *of any individual who the President determines is*  
24 *complicit in, or responsible for, acts of genocide, war*  
25 *crimes, or crimes against humanity in Darfur, in-*  
26 *cluding the family members or any associates of such*

1       *individual to whom assets or property of such indi-*  
2       *vidual was transferred on or after July 1, 2002.*

3               “(2) *RESTRICTION ON VISAS.—Beginning on the*  
4       *date that is 30 days after the date of the enactment*  
5       *of the Darfur Peace and Accountability Act of 2006,*  
6       *and in the interest of contributing to peace in Sudan,*  
7       *the President shall deny visas and entry to any indi-*  
8       *vidual who the President determines is complicit in,*  
9       *or responsible for, acts of genocide, war crimes, or*  
10       *crimes against humanity in Darfur, including the*  
11       *family members or any associates of such individual*  
12       *to whom assets or property of such individual was*  
13       *transferred on or after July 1, 2002.”.*

14           (b) *WAIVER.—Section 6(d) of the Comprehensive Peace*  
15       *in Sudan Act of 2004 (as redesignated by subsection (a))*  
16       *is amended by adding at the end the following new sentence:*  
17       *“The President may waive the application of paragraph (1)*  
18       *or (2) of subsection (c) with respect to an individual if the*  
19       *President determines that such a waiver is in the national*  
20       *interests of the United States and, prior to exercising the*  
21       *waiver, transmits to the appropriate congressional commit-*  
22       *tees a notification which includes the name of the indi-*  
23       *vidual and the reasons for the waiver.”.*

24           (c) *SANCTIONS AGAINST CERTAIN JANJAWEEED COM-*  
25       *MANDERS AND COORDINATORS.—The President should im-*

1 *mediately consider imposing the sanctions described in sec-*  
2 *tion 6(c) of the Comprehensive Peace in Sudan Act of 2004*  
3 *(as added by subsection (a)) against the Janjaweed com-*  
4 *manders and coordinators identified by the former United*  
5 *States Ambassador-at-Large for War Crimes before the Sub-*  
6 *committee on Africa of the House International Relations*  
7 *Committee on June 24, 2004.*

8 **SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUP-**  
9 **PRESS GENOCIDE IN DARFUR.**

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

14 (1) *by striking “Notwithstanding” and inserting*  
15 *“(a) GENERAL ASSISTANCE.—Notwithstanding”; and*  
16 (2) *by adding at the end the following new sub-*  
17 *section:*

18 *“(b) ASSISTANCE TO SUPPORT AMIS.—Notwith-*  
19 *standing any other provision of law, the President is au-*  
20 *thorized to provide assistance, on such terms and conditions*  
21 *as the President may determine and in consultation with*  
22 *the appropriate congressional committees, to reinforce the*  
23 *deployment and operations of an expanded African Union*  
24 *Mission in Sudan (AMIS) with the mandate, size, strength,*  
25 *and capacity to protect civilians and humanitarian oper-*

1 ations, stabilize the Darfur region of Sudan and dissuade  
2 and deter air attacks directed against civilians and human-  
3 itarian workers, including but not limited to providing as-  
4 sistance in the areas of logistics, transport, communica-  
5 tions, materiel support, technical assistance, training, com-  
6 mand and control, aerial surveillance, and intelligence.”.

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

20 (c) *DENIAL OF ENTRY AT UNITED STATES PORTS TO*  
21 *CERTAIN CARGO SHIPS OR OIL TANKERS.*—

22 (1) *IN GENERAL.*—The President should take all  
23 necessary and appropriate steps to deny the Govern-  
24 ment of Sudan access to oil revenues, including by  
25 prohibiting entry at United States ports to cargo

1        *ships or oil tankers engaged in business or trade ac-*  
2        *tivities in the oil sector of Sudan or involved in the*  
3        *shipment of goods for use by the armed forces of*  
4        *Sudan until such time as the Government of Sudan*  
5        *has honored its commitments to cease attacks on civil-*  
6        *ians, demobilize and demilitarize the Janjaweed and*  
7        *associated militias, grant free and unfettered access*  
8        *for deliveries of humanitarian assistance, and allow*  
9        *for the safe and voluntary return of refugees and in-*  
10       *ternally displaced persons.*

11            (2) *EXCEPTION.—Paragraph (1) shall not apply*  
12        *with respect to cargo ships or oil tankers involved in*  
13        *an internationally-recognized demobilization program*  
14        *or the shipment of non-lethal assistance necessary to*  
15        *carry out elements of the Comprehensive Peace Agree-*  
16        *ment for Sudan.*

17            (d) *PROHIBITION ON ASSISTANCE TO COUNTRIES IN*  
18        *VIOLATION OF UNITED NATIONS SECURITY COUNCIL RESO-*  
19        *LUTIONS 1556 AND 1591.—*

20            (1) *PROHIBITION.—Amounts made available to*  
21        *carry out the Foreign Assistance Act of 1961 (22*  
22        *U.S.C. 2151 et seq.) may not be used to provide as-*  
23        *sistance (other than humanitarian assistance) to the*  
24        *government of a country that is in violation of the*  
25        *embargo on military assistance with respect to Sudan*

1 *imposed pursuant to United Nations Security Coun-*  
2 *cil Resolutions 1556 (July 30, 2004) and 1591*  
3 *(March 29, 2005).*

4 (2) *WAIVER.—The President may waive the ap-*  
5 *plication of paragraph (1) if the President determines*  
6 *and certifies to the appropriate congressional commit-*  
7 *tees that it is in the national interests of the United*  
8 *States to do so.*

9 **SEC. 7. MULTILATERAL EFFORTS.**

10 *The President shall direct the United States Perma-*  
11 *nent Representative to the United Nations to use the voice*  
12 *and vote of the United States to urge the adoption of a reso-*  
13 *lution by the United Nations Security Council that—*

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

23 (2) *reinforces efforts of the African Union to ne-*  
24 *gotiate peace talks between the Government of Sudan,*  
25 *the Sudan Liberation Movement/Army (SLM/A), the*

1       *Justice and Equality Movement (JEM), and associ-*  
2       *ated armed groups in the Darfur region, calls on the*  
3       *Government of Sudan, the SLM/A, and the JEM to*  
4       *abide by their obligations under the N'Djamena*  
5       *Ceasefire Agreement of April 8, 2004 and subsequent*  
6       *agreements, urges all parties to engage in peace talks*  
7       *without preconditions and seek to resolve the conflict,*  
8       *and strongly condemns all attacks against humani-*  
9       *tarian workers and African Union personnel in the*  
10       *Darfur region;*

11               *(3) imposes sanctions against the Government of*  
12       *Sudan, including sanctions against individual mem-*  
13       *bers of the Government of Sudan, and entities con-*  
14       *trolled or owned by officials of the Government of*  
15       *Sudan or the National Congress Party in Sudan*  
16       *until such time as the Government of Sudan has hon-*  
17       *ored its commitments to cease attacks on civilians, de-*  
18       *mobilize and demilitarize the Janjaweed and associ-*  
19       *ated militias, grant free and unfettered access for de-*  
20       *liveries of humanitarian assistance, and allow for the*  
21       *safe and voluntary return of refugees and internally*  
22       *displaced persons;*

23               *(4) extends the military embargo established by*  
24       *United Nations Security Council Resolutions 1556*  
25       *(July 30, 2004) and 1591 (March 29, 2005) to in-*

1 *clude a total prohibition on the sale or supply of of-*  
2 *fensive military equipment to the Government of*  
3 *Sudan, except for use in an internationally-recog-*  
4 *nized demobilization program or for non-lethal assist-*  
5 *ance necessary to carry out elements of the Com-*  
6 *prehensive Peace Agreement for Sudan; and*

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

16 **SEC. 8. CONTINUATION OF RESTRICTIONS.**

17 *(a) CONTINUATION OF RESTRICTIONS.—Restrictions*  
18 *against the Government of Sudan that were imposed pursu-*  
19 *ant to Executive Order 13067 of November 3, 1997 (62 Fed-*  
20 *eral Register 59989), title III and sections 508, 512, 527,*  
21 *and 569 of the Foreign Operations, Export Financing, and*  
22 *Related Programs Appropriations Act, 2006, or any other*  
23 *similar provision of law, shall remain in effect and shall*  
24 *not be lifted pursuant to such provisions of law until the*  
25 *President transmits to the appropriate congressional com-*

1 *mittees a certification that the Government of Sudan is act-*  
2 *ing in good faith to—*

3 *(1) peacefully resolve the crisis in the Darfur re-*  
4 *gion of Sudan;*

5 *(2) disarm, demobilize, and demilitarize the*  
6 *Janjaweed and all government-allied militias;*

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

10 *(4) negotiate a peaceful resolution to the crisis in*  
11 *eastern Sudan;*

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

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

18 *(A) implementing the recommendations of*  
19 *the Abyei Commission Report;*

20 *(B) establishing other appropriate commis-*  
21 *sions and implementing and adhering to the rec-*  
22 *ommendations of such commissions consistent*  
23 *with the terms of the Comprehensive Peace*  
24 *Agreement for Sudan;*

1           (C) *adhering to the terms of the Wealth*  
2           *Sharing Agreement; and*

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

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

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

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

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

16                           “(1) *IN GENERAL.—Notwithstanding any other*  
17                           *provision of law”;*

18                           (2) *by inserting “civil administrations,” after*  
19                           *“indigenous groups,”;*

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

1           (4) by inserting at the end before the period the  
2 following: “, including the Comprehensive Peace  
3 Agreement for Sudan”; and

4           (5) by adding at the end the following new para-  
5 graph:

6           “(2) CONGRESSIONAL NOTIFICATION.—

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

15           “(B) RULE OF CONSTRUCTION.—The notifi-  
16 cation requirement of subparagraph (A) shall  
17 not apply in the case of assistance subject to no-  
18 tification in accordance with section 634A of the  
19 Foreign Assistance Act of 1961 pursuant to any  
20 provision of an Act making appropriations for  
21 foreign operations, export financing, and related  
22 programs.”.

23           (b) EXCEPTION TO PROHIBITIONS IN EXECUTIVE  
24 ORDER NO. 13067.—Section 501(b) of the Assistance for

1 *International Malaria Control Act (50 U.S.C. 1701 note)*  
2 *is amended—*

3           (1) *in the heading, by striking “EXPORT PROHI-*  
4 *BITIONS” and inserting “PROHIBITIONS IN EXECU-*  
5 *TIVE ORDER NO. 13067”;*

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

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

18 **SEC. 10. REPORTS.**

19           (a) *REPORT ON AFRICAN UNION MISSION IN SUDAN*  
20 *(AMIS).—Section 8 of the Sudan Peace Act (Public Law*  
21 *107–245; 50 U.S.C. 1701 note) is amended—*

22           (1) *by redesignating subsection (c) as subsection*  
23 *(d); and*

24           (2) *by inserting after subsection (b) the following*  
25 *new subsection:*

1           “(c) *REPORT ON AFRICAN UNION MISSION IN SUDAN*  
2 *(AMIS).*—*In conjunction with reports required under sub-*  
3 *sections (a) and (b) of this section, the Secretary of State*  
4 *shall submit to the appropriate congressional committees a*  
5 *report, to be prepared in conjunction with the Secretary*  
6 *of Defense, on—*

7           “(1) *efforts to fully deploy the African Union*  
8 *Mission in Sudan (AMIS) with the size, strength, and*  
9 *capacity necessary to stabilize the Darfur region of*  
10 *Sudan and protect civilians and humanitarian oper-*  
11 *ations;*

12           “(2) *the needs of AMIS to ensure success, includ-*  
13 *ing in the areas of housing, transport, communica-*  
14 *tions, equipment, technical assistance, training, com-*  
15 *mand and control, intelligence, and such assistance as*  
16 *is necessary to dissuade and deter attacks, including*  
17 *by air, directed against civilians and humanitarian*  
18 *operations;*

19           “(3) *the current level of United States assistance*  
20 *and other assistance provided to AMIS, and a request*  
21 *for additional United States assistance, if necessary;*

22           “(4) *the status of North Atlantic Treaty Organi-*  
23 *zation (NATO) plans and assistance to support*  
24 *AMIS; and*

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

3           (b) *REPORT ON SANCTIONS IN SUPPORT OF PEACE IN*  
4 *DARFUR.*—Section 8 of the Sudan Peace Act (Public Law  
5 107–245; 50 U.S.C. 1701 note), as amended by subsection  
6 (a), is further amended—

7           (1) by redesignating subsection (d) as subsection  
8           (e); and

9           (2) by inserting after subsection (c) the following  
10          new subsection:

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

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

20           “(2) the name of the individual or entity subject  
21           to the sanction, if applicable.”.

22 **SEC. 11. RULE OF CONSTRUCTION.**

23          Nothing in this Act (or any amendment made by this  
24 Act) or any other provision of law shall be construed to  
25 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.*

Union Calendar No. 219

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3127**

[Report No. 109-392, Parts I and II]

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**A BILL**

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.

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MARCH 29, 2006

Reported from the Committee on the Judiciary with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed