

109TH CONGRESS
1ST SESSION

S. 1462

AN ACT

To promote peace and accountability in 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.**

4 This Act may be cited as the “Darfur Peace and Ac-
5 countability Act of 2005”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means the Committee on International Re-
6 lations of the House of Representatives and the
7 Committee on Foreign Relations of the Senate.

8 (2) GOVERNMENT OF SUDAN.—

9 (A) IN GENERAL.—The term “Government
10 of Sudan” means the National Congress Party,
11 formerly known as the National Islamic Front,
12 government in Khartoum, Sudan, or any suc-
13 cessor government formed on or after the date
14 of the enactment of this Act (including the coa-
15 lition National Unity Government agreed upon
16 in the Comprehensive Peace Agreement for
17 Sudan), except that such term does not include
18 the regional Government of Southern Sudan.

19 (B) OFFICIALS OF THE GOVERNMENT OF
20 SUDAN.—The term “Government of Sudan”,
21 when used with respect to an official of the
22 Government of Sudan, does not include an
23 individual—

24 (i) who was not a member of such
25 government prior to July 1, 2005; or

1 (ii) who is a member of the regional
2 Government of Southern Sudan.

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

9 **SEC. 3. FINDINGS.**

10 Congress makes the following findings:

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

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

20 (3) On September 21, 2004, in an address be-
21 fore the United Nations General Assembly, Presi-
22 dent George W. Bush affirmed the Secretary of
23 State’s finding and stated, “[a]t this hour, the world
24 is witnessing terrible suffering and horrible crimes in

1 the Darfur region of Sudan, crimes my government
2 has concluded are genocide”.

3 (4) On July 30, 2004, the United Nations Se-
4 curity Council passed Security Council Resolution
5 1556, calling upon the Government of Sudan to dis-
6 arm the Janjaweed militias and to apprehend and
7 bring to justice Janjaweed leaders and their associ-
8 ates who have incited and carried out violations of
9 human rights and international humanitarian law,
10 and establishing a ban on the sale or supply of arms
11 and related materiel of all types, including the provi-
12 sion of related technical training or assistance, to all
13 nongovernmental entities and individuals, including
14 the Janjaweed.

15 (5) On September 18, 2004, the United Na-
16 tions Security Council passed Security Council Reso-
17 lution 1564, determining that the Government of
18 Sudan had failed to meet its obligations under Secu-
19 rity Council Resolution 1556, calling for a military
20 flight ban in and over the Darfur region, demanding
21 the names of Janjaweed militiamen disarmed and
22 arrested for verification, establishing an Inter-
23 national Commission of Inquiry on Darfur to inves-
24 tigate violations of international humanitarian and
25 human rights laws, and threatening sanctions should

1 the Government of Sudan fail to fully comply with
2 Security Council Resolutions 1556 and 1564, includ-
3 ing such actions as to affect Sudan's petroleum sec-
4 tor or individual members of the Government of
5 Sudan.

6 (6) The Report of the International Commis-
7 sion of Inquiry on Darfur established that the "Gov-
8 ernment of the Sudan and the Janjaweed are re-
9 sponsible for serious violations of international
10 human rights and humanitarian law amounting to
11 crimes under international law," that "these acts
12 were conducted on a widespread and systematic
13 basis, and therefore may amount to crimes against
14 humanity," and that Sudanese officials and other in-
15 dividuals may have acted with "genocidal intent".

16 (7) The Report of the International Commis-
17 sion of Inquiry on Darfur further notes that, pursu-
18 ant to its mandate and in the course of its work, the
19 Commission had collected information relating to in-
20 dividual perpetrators of acts constituting "violations
21 of international human rights law and international
22 humanitarian law, including crimes against human-
23 ity and war crimes" and that a sealed file containing
24 the names of those individual perpetrators had been
25 delivered to the United Nations Secretary-General.

1 (8) On March 24, 2005, the United Nations Se-
2 curity Council passed Security Council Resolution
3 1590, establishing the United Nations Mission in
4 Sudan (UNMIS), consisting of up to 10,000 military
5 personnel and 715 civilian police and tasked with
6 supporting implementation of the Comprehensive
7 Peace Agreement for Sudan and “closely and con-
8 tinuously liais[ing] and coordinat[ing] at all levels
9 with the African Union Mission in Sudan (AMIS)
10 with a view towards expeditiously reinforcing the ef-
11 fort to foster peace in Darfur”.

12 (9) On March 29, 2005, the United Nations Se-
13 curity Council passed Security Council Resolution
14 1591, extending the military embargo established by
15 Security Council Resolution 1556 to all the parties
16 to the N’djamena Ceasefire Agreement and any
17 other belligerents in the states of North Darfur,
18 South Darfur, and West Darfur, calling for an asset
19 freeze and travel ban against those individuals who
20 impede the peace process, constitute a threat to sta-
21 bility in Darfur and the region, commit violations of
22 international humanitarian or human rights law or
23 other atrocities, are responsible for offensive military
24 overflights, or violate the military embargo, and es-
25 tablishing a Committee of the Security Council and

1 a Panel of Experts to assist in monitoring compli-
 2 ance with Security Council Resolutions 1556 and
 3 1591.

4 (10) On March 31, 2005, the United Nations
 5 Security Council passed Security Council Resolution
 6 1593, referring the situation in Darfur since July 1,
 7 2002, to the prosecutor of the International Crimi-
 8 nal Court and calling on the Government of Sudan
 9 and all parties to the conflict to cooperate fully with
 10 the Court.

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

15 (12) On July 30, 2005, Dr. John Garang de
 16 Mabior, the newly appointed Vice President of
 17 Sudan and the leader of the Sudan People’s Libera-
 18 tion Movement/Army (SPLM/A) for the past 21
 19 years, was killed in a tragic helicopter crash in
 20 southern Sudan, sparking riots in Khartoum and
 21 challenging the commitment of all the people of
 22 Sudan to the Comprehensive Peace Agreement for
 23 Sudan.

24 **SEC. 4. SENSE OF CONGRESS.**

25 It is the sense of Congress that—

1 (1) the genocide unfolding in the Darfur region
2 of Sudan is characterized by atrocities directed
3 against civilians, including mass murder, rape, and
4 sexual violence committed by the Janjaweed and as-
5 sociated militias with the complicity and support of
6 the National Congress Party-led faction of the Gov-
7 ernment of Sudan;

8 (2) all parties to the conflict in the Darfur re-
9 gion have continued to violate the N'djamena
10 Ceasefire Agreement of April 8, 2004, and the
11 Abuja Protocols of November 9, 2004, and violence
12 against civilians, humanitarian aid workers, and per-
13 sonnel of the African Union Mission in Sudan
14 (AMIS) is increasing;

15 (3) the African Union should rapidly expand
16 the size and amend the mandate of the African
17 Union Mission in Sudan (AMIS) to authorize such
18 action as may be necessary to protect civilians and
19 humanitarian operations, and deter violence in the
20 Darfur region without delay;

21 (4) the international community, including the
22 United Nations, the North Atlantic Treaty Organi-
23 zation (NATO), the European Union, and the
24 United States, should immediately act to mobilize
25 sufficient political, military, and financial resources

1 to support the expansion of the African Union Mis-
2 sion in Sudan so that it achieves the size, strength,
3 and capacity necessary for protecting civilians and
4 humanitarian operations, and ending the continued
5 violence in the Darfur region;

6 (5) if an expanded and reinforced African
7 Union Mission in Sudan fails to stop genocide in the
8 Darfur region, the international community should
9 take additional, dispositive measures to prevent and
10 suppress acts of genocide in the Darfur region;

11 (6) acting under Article 5 of the Charter of the
12 United Nations, the United Nations Security Coun-
13 cil should call for suspension of the Government of
14 Sudan's rights and privileges of membership by the
15 General Assembly until such time as the Govern-
16 ment of Sudan has honored pledges to cease attacks
17 upon civilians, demobilize the Janjaweed and associ-
18 ated militias, grant free and unfettered access for
19 deliveries of humanitarian assistance in the Darfur
20 region, and allow for safe, unimpeded, and voluntary
21 return of refugees and internally displaced persons;

22 (7) the President should use all necessary and
23 appropriate diplomatic means to ensure the full dis-
24 charge of the responsibilities of the Committee of
25 the United Nations Security Council and the Panel

1 of Experts established pursuant to section 3(a) of
 2 Security Council Resolution 1591 (March 29, 2005);
 3 (8) the United States should not provide assist-
 4 ance to the Government of Sudan, other than assist-
 5 ance necessary for the implementation of the Com-
 6 prehensive Peace Agreement for Sudan, the support
 7 of the regional Government of Southern Sudan and
 8 marginalized areas in northern Sudan (including the
 9 Nuba Mountains, Southern Blue Nile, Abyei, East-
 10 ern Sudan (Beja), Darfur, and Nubia), as well as
 11 marginalized peoples in and around Khartoum, or
 12 for humanitarian purposes in Sudan, until such time
 13 as the Government of Sudan has honored pledges to
 14 cease attacks upon civilians, demobilize the
 15 Janjaweed and associated militias, grant free and
 16 unfettered access for deliveries of humanitarian as-
 17 sistance in the Darfur region, and allow for safe,
 18 unimpeded, and voluntary return of refugees and in-
 19 ternally displaced persons;
 20 (9) the President should seek to assist members
 21 of the Sudanese diaspora in the United States by es-
 22 tablishing a student loan forgiveness program for
 23 those individuals who commit to return to southern
 24 Sudan for a period of not less than 5 years for the

1 purpose of contributing professional skills needed for
2 the reconstruction of southern Sudan;

3 (10) the President should appoint a Presi-
4 dential Envoy for Sudan to provide stewardship of
5 efforts to implement the Comprehensive Peace
6 Agreement for Sudan, seek ways to bring stability
7 and peace to the Darfur region, address instability
8 elsewhere in Sudan and northern Uganda, and pur-
9 sue a truly comprehensive peace throughout the re-
10 gion;

11 (11) in order to achieve the goals specified in
12 paragraph (10) and to further promote human
13 rights and civil liberties, build democracy, and
14 strengthen civil society, the Presidential Envoy for
15 Sudan should be empowered to promote and encour-
16 age the exchange of individuals pursuant to edu-
17 cational and cultural programs, including programs
18 funded by the United States Government;

19 (12) the international community should
20 strongly condemn attacks against humanitarian
21 workers and demand that all armed groups in the
22 Darfur region, including the forces of the Govern-
23 ment of Sudan, the Janjaweed, associated militias,
24 the Sudan Liberation Movement/Army (SLM/A), the

1 Justice and Equality Movement (JEM), and all
 2 other armed groups to refrain from such attacks;

3 (13) the United States should fully support the
 4 Comprehensive Peace Agreement for Sudan and
 5 urge rapid implementation of its terms; and

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

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

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

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

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

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

22 (1) in the heading of subsection (b), by insert-
 23 ing “OF APPROPRIATE SENIOR OFFICIALS OF THE
 24 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 2005,
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 2005, 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—

15 “(1) the President determines that such a waiv-
 16 er is in the national interest of the United States;
 17 and

18 “(2) prior to exercising the waiver, the Presi-
 19 dent transmits to the appropriate congressional com-
 20 mittees a notification of the waiver that includes the
 21 name of the individual and the reasons for the waiv-
 22 er.”.

23 (c) SANCTIONS AGAINST CERTAIN JANJAWEEED COM-
 24 MANDERS AND COORDINATORS.—The President should
 25 immediately consider imposing the sanctions described in

1 section 6(c) of the Comprehensive Peace in Sudan Act of
 2 2004 (as added by subsection (a)) against the Janjaweed
 3 commanders and coordinators identified by former United
 4 States Ambassador-at-Large for War Crimes before the
 5 Subcommittee on Africa of the Committee on Inter-
 6 national Relations of the House of Representatives on
 7 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 insert-
 15 ing “(a) GENERAL ASSISTANCE.—Notwithstanding”;
 16 and

17 (2) by adding at the end the following new sub-
 18 section:

19 “(b) ASSISTANCE TO SUPPORT AMIS.—Notwith-
 20 standing any other provision of law, the President is au-
 21 thorized to provide assistance, on such terms and condi-
 22 tions as the President may determine and in consultation
 23 with the appropriate congressional committees, to rein-
 24 force the deployment and operations of an expanded Afri-
 25 can Union Mission in Sudan (AMIS) with the mandate,

1 size, strength, and capacity to protect civilians and hu-
 2 manitarian operations, stabilize the Darfur region of
 3 Sudan and dissuade and deter air attacks directed against
 4 civilians and humanitarian workers, including but not lim-
 5 ited to providing assistance in the areas of logistics, trans-
 6 port, communications, materiel support, technical assist-
 7 ance, training, command and control, aerial surveillance,
 8 and intelligence.”.

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

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

24 (1) IN GENERAL.—The President should take
 25 all necessary and appropriate steps to deny the Gov-

1 ernment of Sudan access to oil revenues, including
 2 by prohibiting entry at United States ports to cargo
 3 ships or oil tankers engaged in business or trade ac-
 4 tivities in the oil sector of Sudan or involved in the
 5 shipment of goods for use by the armed forces of
 6 Sudan, until such time as the Government of Sudan
 7 has honored its commitments to cease attacks on ci-
 8 vilians, demobilize and demilitarize the Janjaweed
 9 and associated militias, grant free and unfettered ac-
 10 cess for deliveries of humanitarian assistance, and
 11 allow for the safe and voluntary return of refugees
 12 and internally displaced persons.

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

19 (d) PROHIBITION ON ASSISTANCE TO COUNTRIES IN
 20 VIOLATION OF UNITED NATIONS SECURITY COUNCIL
 21 RESOLUTIONS 1556 AND 1591.—

22 (1) PROHIBITION.—Amounts made available to
 23 carry out the Foreign Assistance Act of 1961 (22
 24 U.S.C. 2151 et seq.) may not be used to provide as-
 25 sistance to the government of a country that is in

1 violation of the embargo on military assistance with
 2 respect to Sudan imposed pursuant to United Na-
 3 tions Security Council Resolutions 1556 (July 30,
 4 2004) and 1591 (March 29, 2005).

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

10 **SEC. 7. MULTILATERAL EFFORTS.**

11 The President shall direct the United States Perma-
 12 nent Representative to the United Nations to use the voice
 13 and vote of the United States to urge the adoption of a
 14 resolution by the United Nations Security Council which—

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

24 (2) reinforces efforts of the African Union to
 25 negotiate peace talks between the Government of

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

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

24 (4) extends the military embargo established by
25 United Nations Security Council Resolutions 1556

1 (July 30, 2004) and 1591 (March 29, 2005) to in-
2 clude a total prohibition on the sale or supply of of-
3 fensive military equipment to the Government of
4 Sudan, except for use in an internationally-recog-
5 nized demobilization program or for non-lethal as-
6 sistance necessary to carry out elements of the Com-
7 prehensive Peace Agreement for Sudan;

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

17 (6) acting under Article 5 of the Charter of the
18 United Nations, calls for suspension of the Govern-
19 ment of Sudan's rights and privileges of membership
20 by the General Assembly until such time as the Gov-
21 ernment of Sudan has honored pledges to cease at-
22 tacks upon civilians, demobilize the Janjaweed and
23 associated militias, grant free and unfettered access
24 for deliveries of humanitarian assistance in the
25 Darfur region, and allow for safe, unimpeded, and

1 voluntary return of refugees and internally displaced
2 persons.

3 **SEC. 8. CONTINUATION OF RESTRICTIONS.**

4 Restrictions against the Government of Sudan that
5 were imposed or are otherwise applicable pursuant to Ex-
6 ecutive Order 13067 of November 3, 1997 (62 Federal
7 Register 59989), title III and sections 508, 512, 527, and
8 569 of the Foreign Operations, Export Financing, and Re-
9 lated Programs Appropriations Act, 2005 (division D of
10 Public Law 108–447), or any other similar provision of
11 law, should remain in effect and should not be lifted pur-
12 suant to such provisions of law until the President trans-
13 mits to the appropriate congressional committees a certifi-
14 cation that the Government of Sudan is acting in good
15 faith—

16 (1) to peacefully resolve the crisis in the Darfur
17 region of Sudan;

18 (2) to disarm, demobilize, and demilitarize the
19 Janjaweed and all government-allied militias;

20 (3) to adhere to United Nations Security Coun-
21 cil Resolutions 1556 (2004), 1564 (2004), 1591
22 (2005), and 1593 (2005);

23 (4) to negotiate a peaceful resolution to the cri-
24 sis in eastern Sudan;

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

4 (6) to fully implement the Comprehensive Peace
5 Agreement for Sudan without manipulation or delay,
6 including by—

7 (A) implementing the recommendations of
8 the Abyei Commission Report;

9 (B) establishing other appropriate commis-
10 sions and implementing and adhering to the
11 recommendations of such commissions con-
12 sistent with the terms of the Comprehensive
13 Peace Agreement for Sudan;

14 (C) adhering to the terms of the Wealth
15 Sharing Agreement; and

16 (D) withdrawing government forces from
17 southern Sudan consistent with the terms of
18 the Comprehensive Peace Agreement for Sudan.

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

20 (a) **ADDITIONAL AUTHORITIES.**—Section 501(a) of
21 the Assistance for International Malaria Control Act
22 (Public Law 106–570; 114 Stat. 350; 50 U.S.C. 1701
23 note) is amended—

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

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

3 (2) by inserting “civil administrations,” after
4 “indigenous groups,”;

5 (3) by striking “areas outside of control of the
6 Government of Sudan” and inserting “southern
7 Sudan, southern Kordofan/Nuba Mountains State,
8 Blue Nile State, and Abyei”;

9 (4) by inserting before the period at the end the
10 following: “, including the Comprehensive Peace
11 Agreement for Sudan”; and

12 (5) by adding at the end the following new
13 paragraph:

14 “(2) CONGRESSIONAL NOTIFICATION.—Assist-
15 ance may not be obligated under this subsection
16 until 15 days after the date on which the President
17 has provided notice thereof to the congressional com-
18 mittees specified in section 634A of the Foreign As-
19 sistance Act of 1961 (22 U.S.C. 2394–1) in accord-
20 ance with the procedures applicable to reprogram-
21 ming notifications under such section.”.

22 (b) EXCEPTION TO PROHIBITIONS IN EXECUTIVE
23 ORDER NO. 13067.—Subsection (b) of such section is
24 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 “shall not” and inserting
 5 “should not”;

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

13 (4) 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
 17 areas 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 sub-
 23 section (d); and

24 (2) by inserting after subsection (b) the fol-
 25 lowing 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 thereafter, the Sec-
4 retary of State shall submit to the appropriate congres-
5 sional committees a report, to be prepared in conjunction
6 with the Secretary of Defense, on—

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

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

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

23 “(4) the status of North Atlantic Treaty Orga-
24 nization (NATO) plans and assistance to support
25 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
4 IN DARFUR.—Section 8 of the Sudan Peace Act (Public
5 Law 107–245; 50 U.S.C. 1701 note), as amended by sub-
6 section (a), is further amended—

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

9 (2) by inserting after subsection (c) the fol-
10 lowing 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 thereafter, the
14 Secretary of State shall submit to the appropriate congres-
15 sional committees a report regarding sanctions imposed
16 under subsections (a) through (d) of section 6 of the Com-
17 prehensive 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 sub-
21 ject to the sanction, if applicable.”.

22 (c) REPORT ON INDIVIDUALS IDENTIFIED BY THE
23 UNITED NATIONS IN CONNECTION WITH GENOCIDE,
24 WAR CRIMES, AND CRIMES AGAINST HUMANITY OR
25 OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN

1 LAW IN DARFUR.—Section 8 of the Sudan Peace Act
 2 (Public Law 107–245; 50 U.S.C. 1701 note), as amended
 3 by subsections (a) and (b), is further amended—

4 (1) by redesignating subsection (e) (as redesign-
 5 nated) as subsection (f); and

6 (2) by inserting after subsection (d) the fol-
 7 lowing new subsection:

8 “(e) REPORT ON INDIVIDUALS IDENTIFIED BY THE
 9 UNITED NATIONS IN CONNECTION WITH GENOCIDE,
 10 WAR CRIMES, AND CRIMES AGAINST HUMANITY OR
 11 OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN
 12 LAW IN DARFUR.—Not later than 30 days after the date
 13 on which the United States has access to any of the names
 14 of the individuals identified by the International Commis-
 15 sion of Inquiry on Darfur (established pursuant to United
 16 Nations Security Council Resolution 1564 (2004)), or the
 17 names of the individuals designated by the Committee of
 18 the United Nations Security Council (established pursuant
 19 to United Nations Security Council Resolution 1591
 20 (2005)), the Secretary of State shall submit to the appro-
 21 priate congressional committees a report containing an as-
 22 sessment as to whether such individuals may be subject
 23 to sanctions under section 6 of the Comprehensive Peace
 24 in Sudan Act of 2004 (as amended by the Darfur Peace

1 and Accountability Act of 2005) and the reasons for such
2 determination.”.

Passed the Senate November 18, 2005.

Attest:

Secretary.

109TH CONGRESS
1ST SESSION

S. 1462

AN ACT

To promote peace and accountability in Sudan, and
for other purposes.