

108TH CONGRESS
2D SESSION

S. 2705

To provide assistance to Sudan, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2004

Mr. BIDEN (for himself and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide assistance to 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 “Comprehensive Peace
5 for Sudan Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Government of Sudan has engaged in
9 an orchestrated campaign of genocide in Darfur,
10 Sudan, and has severely restricted humanitarian and
11 human rights workers’ access to Darfur in an at-
12 tempt to inflict further harm on the Fur, Masalit,

1 and Zaghawa people of Darfur and to prevent the
2 collection of evidence of war crimes and crimes
3 against humanity.

4 (2) As a result of this campaign, as many as
5 30,000 people have been killed, more than 1,000,000
6 people have been displaced within Sudan, and ap-
7 proximately 200,000 have been made refugees in
8 Chad.

9 (3) As many as 320,000 people may die unless
10 humanitarian aid is immediately delivered to the af-
11 fected individuals.

12 (4) The United Nations High Commissioner for
13 Human Rights issued a report which “identified...
14 massive human rights violations in Darfur per-
15 perpetrated by the Government of Sudan and its proxy
16 militia, which may constitute war crimes and/or
17 crimes against humanity”.

18 (5) The Government of Chad, under President
19 Idriss Deby, has served an important role in facili-
20 tating a renewable “humanitarian cease-fire” be-
21 tween the Government of Sudan and the two rebel
22 groups challenging that Government in Darfur, the
23 Justice and Equality Movement and the Sudan Lib-
24 eration Movement, and has been a crucial partner in
25 permitting humanitarian assistance to reach refu-

1 gees who have crossed from Darfur to Chad in the
2 tens of thousands.

3 (6) The cooperation and mediation of the
4 SPLM is critical to bringing about a political settle-
5 ment between the Government, the Sudanese Libera-
6 tion Army, and the Justice and Equality Movement.

7 (7) Practical implementation of a comprehen-
8 sive peace agreement between the SPLM and the
9 Government of Sudan is impossible without the im-
10 plementation of a peace agreement for Darfur.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

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

18 (2) SPLM.—The term “SPLM” means the
19 Sudan People’s Liberation Movement.

20 **SEC. 4. SENSE OF CONGRESS REGARDING ACTIONS TO AD-**
21 **DRESS THE CONFLICT IN DARFUR.**

22 It is the sense of Congress that—

23 (1) the United Nations Security Council should
24 immediately pass a resolution—

1 (A) condemning the actions of the Govern-
2 ment of Sudan in Darfur; and

3 (B) setting out specific actions that such
4 Government must take to avoid the reimposi-
5 tion of sanctions;

6 (2) the United States Ambassador at Large for
7 War Crimes should travel to the region to inves-
8 tigate allegations of war crimes, crimes against hu-
9 manity, and genocide brought against the Govern-
10 ment of Sudan;

11 (3) the President should immediately name a
12 new Special Envoy to Sudan whose responsibilities
13 include support for conflict mitigation throughout
14 Sudan;

15 (4) the SPLM should take advantage of the op-
16 portunity afforded by the May 26, 2004, signing of
17 the three protocols to help broker a political settle-
18 ment to the conflict in Darfur;

19 (5) restrictions pursuant to Executive Order
20 13067 (50 U.S.C. 1701 note) should not be lifted
21 unless there is peace in Darfur; and

22 (6) upon implementation of a peace agreement
23 in Darfur, the signing of a comprehensive peace
24 agreement between the SPLM and the Government
25 of Sudan, and full cooperation from the Government

1 of Sudan on the war against terrorism, the Govern-
2 ment of the United States should immediately begin
3 discussions of the necessary steps to normalize rela-
4 tions with Sudan, including the lifting of all eco-
5 nomic and political sanctions.

6 **SEC. 5. ASSISTANCE FOR SUDAN.**

7 (a) HUMANITARIAN ASSISTANCE FOR CHAD AND
8 DARFUR.—The President is authorized to provide
9 \$200,000,000 in fiscal year 2005 in assistance to meet
10 the humanitarian crisis in Chad and Darfur pursuant to
11 section 491 of the Foreign Assistance Act of 1961 (22
12 U.S.C. 2292) and section 2 of the Migration and Refugee
13 Assistance Act of 1962 (22 U.S.C. 2601) to provide shel-
14 ter, health, water and sanitation, protection of vulnerable
15 populations, food, and other appropriate relief items.

16 (b) ASSISTANCE TO SUPPORT A COMPREHENSIVE
17 NORTH-SOUTH PEACE AGREEMENT.—Notwithstanding
18 any other provision of law, and subject to subsection (d),
19 the President is authorized to provide \$800,000,000 in as-
20 sistance to support a comprehensive North-South peace
21 agreement in Sudan for purposes including commercial as-
22 sistance, infrastructure rehabilitation, disarmament and
23 demobilization of fighters, and training and technical as-
24 sistance to integrate members of the SPLM into the in-
25 terim Government of Sudan.

1 (c) CERTIFICATION.—The President shall submit a
2 certification to the appropriate congressional committees
3 not later than 180 days after the date of enactment of
4 this Act, and every 180 days thereafter, that the Govern-
5 ment of Sudan has—

6 (1) ensured that the armed forces and the mili-
7 tias, known as the Janjaweed, are not attacking ci-
8 vilians;

9 (2) taken significant demonstrable and
10 verifiable steps to demobilize and disarm the
11 Janjaweed in Darfur;

12 (3) ceased harassment of aid workers, including
13 those who report human rights abuses, and allowed
14 unfettered humanitarian access to Darfur; and

15 (4) fully cooperated with the deployment and
16 operation of the African Union monitoring team for
17 Darfur.

18 (d) PROHIBITION AND SUSPENSION OF ASSIST-
19 ANCE.—

20 (1) PROHIBITION.—If the President does not
21 submit the certification described in subsection (c)
22 then the President may not provide the assistance
23 authorized in subsection (b).

24 (2) SUSPENSION.—If, on a date after the Presi-
25 dent submits the certification described in subsection

1 (c), the President determines such Government has
2 ceased taking such actions, the President shall im-
3 mediately suspend the provision of the assistance au-
4 thorized in subsection (b) until the date on which
5 the President certifies that such Government has re-
6 sumed taking such actions.

7 **SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.**

8 (a) MEASURES AND SANCTIONS IN SUPPORT OF
9 PEACE.—On the date that is 120 days after the date of
10 enactment of this Act, if the President has not submitted
11 the certification described in subsection (c)(1)—

12 (1) the President shall implement the measures
13 set forth in section 6(b)(2) of the Sudan Peace Act
14 (50 U.S.C. 1701 note); and

15 (2) notwithstanding section 428(b) of the
16 Homeland Security Act of 2002 (6 U.S.C. 236(b)),
17 the Secretary of State shall prohibit the granting of
18 a visa to—

19 (A) a senior member of the Government of
20 Sudan;

21 (B) a senior official of the military of
22 Sudan; or

23 (C) a family member of an individual de-
24 scribed in subparagraph (A) or (B).

1 (b) CONTINUATION OF RESTRICTIONS.—Restrictions
2 against the Government of Sudan that were imposed pur-
3 suant to title III and sections 508, 512, and 527 of the
4 Foreign Operations, Export Financing, and Related Pro-
5 grams Appropriations Act, 2004 (Division D of Public
6 Law 108–199; 118 Stat. 143) shall remain in place until
7 the President makes the certification described in sub-
8 section (c)(1).

9 (c) CERTIFICATION.—The certification referred to in
10 subsections (a) and (b) is a certification submitted by the
11 President to the appropriate congressional committees not
12 later than 30 days after the date of enactment of this Act,
13 and every 90 days thereafter, that—

14 (A) the armed forces of the Government of
15 Sudan and militias allied with such Government
16 have not attacked civilians in Sudan since the
17 date of enactment of this Act; and

18 (B) the Government of Sudan is allowing
19 unfettered humanitarian access to people in
20 Darfur.

21 **SEC. 7. MULTILATERAL EFFORTS.**

22 The Secretary of State shall direct the United States
23 Permanent Representative to the United Nations to pur-
24 sue a Security Council Resolution that condemns the Gov-
25 ernment of Sudan for its actions in Darfur and calls for—

1 (1) accountability for those who are found re-
2 sponsible for orchestrating and carrying out the
3 atrocities in Darfur; and

4 (2) member states of the United Nations to—

5 (A) freeze the assets of senior members of
6 the Government of Sudan and their families
7 held in each such member state;

8 (B) cease to import Sudanese oil;

9 (C) restrict the entry or transit of senior
10 members of the Government of Sudan and their
11 families through each such member state;

12 (D) deny permission for any aircraft reg-
13 istered in Sudan to take off from, land in, or
14 overfly each such member state; and

15 (E) cease selling arms to the Government
16 of Sudan.

17 **SEC. 8. REPORTING REQUIREMENTS.**

18 Not later than 30 days after the date of enactment
19 of this Act, the President shall submit to the appropriate
20 congressional committees a report that includes—

21 (1) plans for and resources needed to assist
22 with the reconstruction of Sudan to support a com-
23 prehensive peace agreement between the Government
24 of Sudan and the SPLM, including a description of

1 the effect that the crisis in Darfur will have on the
2 resources needed;

3 (2) contingency plans for the delivery of hu-
4 manitarian assistance through nonmilitary means
5 should the Government of Sudan continue to ob-
6 struct or delay the international humanitarian re-
7 sponse for the 2,000,000 Sudanese civilians declared
8 vulnerable in Darfur;

9 (3) an assessment of the United States military
10 personnel, platforms, equipment, and their associ-
11 ated costs required (should other efforts fail) to—

12 (A) deliver humanitarian assistance to
13 Darfur; or

14 (B) provide security for the delivery of hu-
15 manitarian assistance; and

16 (4) a strategy for providing medical and psy-
17 cho-social assistance to victims of torture and sexual
18 violence in Darfur.

19 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There is authorized to be appro-
21 priated to the President—

22 (1) for fiscal year 2005, \$200,000,000 to carry
23 out the activities described in section 5(a); and

1 (2) for fiscal years 2005 through 2008, a total
2 of \$800,000,000 to carry out the activities described
3 in section 5(b).

4 (b) REDUCTION OF AVAILABLE FUNDS.—The
5 amount authorized to be appropriated under subsection
6 (a)(2) shall be reduced by \$50,000,000 180 days after the
7 date of enactment of this Act if the President has not
8 made the certification described in section 5(e) by the end
9 of that 180-day period, and shall be reduced by an addi-
10 tional \$50,000,000 at the end of each 180-day period
11 thereafter that has ended before the President has made
12 such certification.

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