

In the House of Representatives, U. S.,

November 19, 2004.

Resolved, That the bill from the Senate (S. 2781) entitled “An Act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Comprehensive Peace*
3 *in Sudan Act of 2004”.*

4 ***SEC. 2. DEFINITIONS.***

5 *In this Act:*

6 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
7 *TEES.—The term “appropriate congressional commit-*
8 *tees” means the Committee on Foreign Relations of*
9 *the Senate and the Committee on International Rela-*
10 *tions of the House of Representatives.*

11 (2) *GOVERNMENT OF SUDAN.—The term “Gov-*
12 *ernment of Sudan” means the National Congress*
13 *Party, formerly known as the National Islamic Front,*

1 *government in Khartoum, Sudan, or any successor*
 2 *government formed on or after the date of the enact-*
 3 *ment of this Act (other than the coalition government*
 4 *agreed upon in the Nairobi Declaration on the Final*
 5 *Phase of Peace in the Sudan signed on June 5, 2004).*

6 (3) *JEM.*—*The term “JEM” means the Justice*
 7 *and Equality Movement.*

8 (4) *SLA.*—*The term “SLA” means the Sudan*
 9 *Liberation Army.*

10 (5) *SPLM.*—*The term “SPLM” means the*
 11 *Sudan People’s Liberation Movement.*

12 **SEC. 3. FINDINGS.**

13 *Congress makes the following findings:*

14 (1) *A comprehensive peace agreement for Sudan,*
 15 *as envisioned in the Sudan Peace Act (50 U.S.C.*
 16 *1701 note) and the Machakos Protocol of 2002, could*
 17 *be in jeopardy if the parties do not implement and*
 18 *honor the agreements they have signed.*

19 (2) *Since seizing power through a military coup*
 20 *in 1989, the Government of Sudan repeatedly has at-*
 21 *tacked and dislocated civilian populations in south-*
 22 *ern Sudan in a coordinated policy of ethnic cleansing*
 23 *and genocide that has cost the lives of more than*
 24 *2,000,000 people and displaced more than 4,000,000*
 25 *people.*

1 (3) *In response to two decades of civil conflict in*
2 *Sudan, the United States has helped to establish an*
3 *internationally supported peace process to promote a*
4 *negotiated settlement to the war that has resulted in*
5 *a framework peace agreement, the Nairobi Declara-*
6 *tion on the Final Phase of Peace in the Sudan, signed*
7 *on June 5, 2004.*

8 (4) *At the same time that the Government of*
9 *Sudan was negotiating for a comprehensive and all*
10 *inclusive peace agreement, enumerated in the Nairobi*
11 *Declaration on the Final Phase of Peace in the*
12 *Sudan, it refused to engage in any meaningful discus-*
13 *sion with regard to its ongoing campaign of ethnic*
14 *cleansing and genocide in the Darfur region of west-*
15 *ern Sudan.*

16 (5) *The Government of Sudan reluctantly agreed*
17 *to attend talks to bring peace to the Darfur region*
18 *only after considerable international pressure and*
19 *outrage was expressed through high level visits by*
20 *Secretary of State Colin Powell and others, and*
21 *through United Nations Security Council Resolution*
22 *1556 (July 30, 2004).*

23 (6) *The Government of the United States, in both*
24 *the executive branch and Congress, has concluded that*
25 *genocide has been committed and may still be occur-*

ring in the Darfur region, and that the Government of Sudan and militias supported by the Government of Sudan, known as the Janjaweed, bear responsibility for the genocide.

(7) Evidence collected by international observers in the Darfur region between February 2003 and November 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, similar to that which was employed in southern Sudan, that has destroyed African Sudanese villages, killing and driving away their people, while Arab Sudanese villages have been left unscathed.

(8) As a result of this genocidal policy in the Darfur region, an estimated 70,000 people have died, more than 1,600,000 people have been internally displaced, and more than 200,000 people have been forced to flee to neighboring Chad.

(9) Reports further indicate the systematic rape of thousands of women and girls, the abduction of women and children, and the destruction of hundreds of ethnically African villages, including the poisoning of their wells and the plunder of their crops and cattle upon which the people of such villages sustain themselves.

1 (10) *Despite the threat of international action*
2 *expressed through United Nations Security Council*
3 *Resolutions 1556 (July 30, 2004) and 1564 (Sep-*
4 *tember 18, 2004), the Government of Sudan continues*
5 *to obstruct and prevent efforts to reverse the cata-*
6 *strophic consequences that loom over the Darfur re-*
7 *gion.*

8 (11) *In addition to the thousands of violent*
9 *deaths directly caused by ongoing Sudanese military*
10 *and government-sponsored Janjaweed attacks in the*
11 *Darfur region, the Government of Sudan has re-*
12 *stricted access by humanitarian and human rights*
13 *workers to the Darfur area through intimidation by*
14 *military and security forces, and through bureau-*
15 *cratic and administrative obstruction, in an attempt*
16 *to inflict the most devastating harm on those individ-*
17 *uals displaced from their villages and homes without*
18 *any means of sustenance or shelter.*

19 (12) *The Government of Sudan's continued sup-*
20 *port for the Janjaweed and their obstruction of the*
21 *delivery of food, shelter, and medical care to the*
22 *Darfur region is estimated by the World Health Orga-*
23 *nization to be causing up to 10,000 deaths per month*
24 *and, should current conditions persist, is projected to*

1 *escalate to thousands of deaths each day by December*
2 *2004.*

3 *(13) The Government of Chad served an impor-*
4 *tant role in facilitating the humanitarian cease-fire*
5 *(the N'Djamena Agreement dated April 8, 2004) for*
6 *the Darfur region between the Government of Sudan*
7 *and the two opposition rebel groups in the Darfur re-*
8 *gion (the JEM and the SLA), although both sides*
9 *have violated the cease-fire agreement repeatedly.*

10 *(14) The people of Chad have responded coura-*
11 *geously to the plight of over 200,000 Darfur refugees*
12 *by providing assistance to them even though such as-*
13 *sistance has adversely affected their own means of*
14 *livelihood.*

15 *(15) On September 9, 2004, Secretary of State*
16 *Colin Powell stated before the Committee on Foreign*
17 *Relations of the Senate: "When we reviewed the evi-*
18 *dence compiled by our team, along with other infor-*
19 *mation available to the State Department, we con-*
20 *cluded that genocide has been committed in Darfur*
21 *and that the Government of Sudan and the*
22 *[Janjaweed] bear responsibility—and genocide may*
23 *still be occurring."*

24 *(16) The African Union has demonstrated re-*
25 *newed vigor in regional affairs through its willingness*

1 to respond to the crisis in the Darfur region, by con-
 2 vening talks between the parties and deploying several
 3 hundred monitors and security forces to the region, as
 4 well as by recognizing the need for a far larger force
 5 with a broader mandate.

6 (17) *The Government of Sudan's complicity in*
 7 *the atrocities and genocide in the Darfur region raises*
 8 *fundamental questions about the Government of Su-*
 9 *dan's commitment to peace and stability in Sudan.*

10 **SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT**
 11 **IN DARFUR, SUDAN.**

12 (a) *SUDAN PEACE ACT.*—*It is the sense of Congress*
 13 *that the Sudan Peace Act (50 U.S.C. 1701 note) remains*
 14 *relevant and should be extended to include the Darfur re-*
 15 *gion of Sudan.*

16 (b) *ACTIONS TO ADDRESS THE CONFLICT.*—*It is the*
 17 *sense of Congress that—*

18 (1) *a legitimate countrywide peace in Sudan*
 19 *will only be possible if those principles enumerated in*
 20 *the 1948 Universal Declaration of Human Rights,*
 21 *that are affirmed in the Machakos Protocol of 2002*
 22 *and the Nairobi Declaration on the Final Phase of*
 23 *Peace in the Sudan signed on June 5, 2004, are ap-*
 24 *plied to all of Sudan, including the Darfur region;*

1 (2) *the parties to the N'Djamena Agreement (the*
2 *Government of Sudan, the JEM, and the SLA) must*
3 *meet their obligations under that Agreement to allow*
4 *safe and immediate delivery of all humanitarian as-*
5 *sistance throughout the Darfur region and must expe-*
6 *dite the conclusion of a political agreement to end the*
7 *genocide and conflict in the Darfur region;*

8 (3) *the United States should continue to provide*
9 *humanitarian assistance to the areas of Sudan to*
10 *which the United States has access and, at the same*
11 *time, implement a plan to provide assistance to the*
12 *areas of Sudan to which access has been obstructed or*
13 *denied;*

14 (4) *the international community, including Afri-*
15 *can, Arab, and Muslim nations, should immediately*
16 *provide resources necessary to save the lives of hun-*
17 *dreds of thousands of individuals at risk as a result*
18 *of the crisis in the Darfur region;*

19 (5) *the United States and the international com-*
20 *munity should—*

21 (A) *provide all necessary assistance to de-*
22 *ploy and sustain an African Union Force to the*
23 *Darfur region; and*

24 (B) *work to increase the authorized level*
25 *and expand the mandate of such forces commen-*

1 *surate with the gravity and scope of the problem*
2 *in a region the size of France;*

3 *(6) the President, acting through the Secretary of*
4 *State and the Permanent Representative of the United*
5 *States to the United Nations, should—*

6 *(A) condemn any failure on the part of the*
7 *Government of Sudan to fulfill its obligations*
8 *under United Nations Security Council Resolu-*
9 *tions 1556 (July 30, 2004) and 1564 (September*
10 *18, 2004), and press the United Nations Security*
11 *Council to respond to such failure by imme-*
12 *diately imposing the penalties suggested in para-*
13 *graph (14) of United Nations Security Council*
14 *Resolution 1564;*

15 *(B) press the United Nations Security*
16 *Council to pursue accountability for those indi-*
17 *viduals who are found responsible for orches-*
18 *trating and carrying out the atrocities in the*
19 *Darfur region, consistent with relevant United*
20 *Nations Security Council Resolutions; and*

21 *(C) encourage member states of the United*
22 *Nations to—*

23 *(i) cease to import Sudanese oil; and*

24 *(ii) take the following actions against*
25 *Sudanese Government and military officials*

1 *and other individuals, who are planning,*
2 *carrying out, or otherwise involved in the*
3 *policy of genocide in the Darfur region, as*
4 *well as their families, and businesses con-*
5 *trolled by the Government of Sudan and the*
6 *National Congress Party:*

7 *(I) freeze the assets held by such*
8 *individuals or businesses in each such*
9 *member state; and*

10 *(II) restrict the entry or transit of*
11 *such officials through each such mem-*
12 *ber state;*

13 *(7) the President should impose targeted sanc-*
14 *tions, including a ban on travel and the freezing of*
15 *assets, on those officials of the Government of Sudan,*
16 *including military officials, and other individuals*
17 *who have planned or carried out, or otherwise been*
18 *involved in the policy of genocide in the Darfur re-*
19 *gion, and should also freeze the assets of businesses*
20 *controlled by the Government of Sudan or the Na-*
21 *tional Congress Party;*

22 *(8) the Government of the United States should*
23 *not normalize relations with Sudan, including*
24 *through the lifting of any sanctions, until the Govern-*
25 *ment of Sudan agrees to, and takes demonstrable*

1 *steps to implement, peace agreements for all areas of*
 2 *Sudan, including the Darfur region;*

3 *(9) those individuals found to be involved in the*
 4 *planning or carrying out of genocide, war crimes, or*
 5 *crimes against humanity should not hold leadership*
 6 *positions in the Government of Sudan or the coalition*
 7 *government established pursuant to the agreements*
 8 *reached in the Nairobi Declaration on the Final*
 9 *Phase of Peace in the Sudan; and*

10 *(10) the Government of Sudan has a primary re-*
 11 *sponsibility to guarantee the safety and welfare of its*
 12 *citizens, which includes allowing them access to hu-*
 13 *manitarian assistance and providing them protection*
 14 *from violence.*

15 **SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.**

16 *(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR*
 17 *COMPREHENSIVE PEACE IN SUDAN.—*

18 *(1) IN GENERAL.—The Sudan Peace Act (50*
 19 *U.S.C. 1701 note) is amended by adding at the end*
 20 *the following new section:*

21 **“SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND**
 22 **FOR COMPREHENSIVE PEACE IN SUDAN.**

23 *“(a) ASSISTANCE.—*

24 *“(1) AUTHORITY.—Notwithstanding any other*
 25 *provision of law, the President is authorized to pro-*

1 *vide assistance for Sudan as authorized in paragraph*
2 *(5) of this section—*

3 *“(A) subject to the requirements of this sec-*
4 *tion, to support the implementation of a com-*
5 *prehensive peace agreement that applies to all re-*
6 *gions of Sudan, including the Darfur region;*
7 *and*

8 *“(B) to address the humanitarian and*
9 *human rights crisis in the Darfur region and*
10 *eastern Chad, including to support the African*
11 *Union mission in the Darfur region, provided*
12 *that no assistance may be made available to the*
13 *Government of Sudan.*

14 *“(2) CERTIFICATION FOR THE GOVERNMENT OF*
15 *SUDAN.—Assistance authorized under paragraph*
16 *(1)(A) may be provided to the Government of Sudan*
17 *only if the President certifies to the appropriate con-*
18 *gressional committees that the Government of Sudan*
19 *has taken demonstrable steps to—*

20 *“(A) ensure that the armed forces of Sudan*
21 *and any associated militias are not committing*
22 *atrocities or obstructing human rights monitors*
23 *or the provision of humanitarian assistance;*

24 *“(B) demobilize and disarm militias sup-*
25 *ported or created by the Government of Sudan;*

1 “(C) allow full and unfettered humani-
2 tarian assistance to all regions of Sudan, includ-
3 ing the Darfur region;

4 “(D) allow an international commission of
5 inquiry to conduct an investigation of atrocities
6 in the Darfur region, in a manner consistent
7 with United Nations Security Council Resolu-
8 tion 1564 (September 18, 2004), to investigate
9 reports of violations of international humani-
10 tarian law and human rights law in the Darfur
11 region by all parties, to determine also whether
12 or not acts of genocide have occurred and to
13 identify the perpetrators of such violations with
14 a view to ensuring that those responsible are held
15 accountable;

16 “(E) cooperate fully with the African
17 Union, the United Nations, and all other ob-
18 server, monitoring, and protection missions
19 mandated to operate in Sudan;

20 “(F) permit the safe and voluntary return
21 of displaced persons and refugees to their homes
22 and rebuild the communities destroyed in the vi-
23 olence; and

24 “(G) implement the final agreements
25 reached in the Naivasha peace process and in-

1 *stall a new coalition government based on the*
2 *Nairobi Declaration on the Final Phase of Peace*
3 *in the Sudan signed on June 5, 2004.*

4 “(3) *CERTIFICATION WITH REGARD TO SPLM’S*
5 *COMPLIANCE WITH A PEACE AGREEMENT.—If the*
6 *President determines and certifies in writing to the*
7 *appropriate congressional committees that the SPLM*
8 *has not engaged in good faith negotiations, or has*
9 *failed to honor the agreements signed, the President*
10 *shall suspend assistance authorized in this section for*
11 *the SPLM, except for health care, education, and hu-*
12 *manitarian assistance.*

13 “(4) *SUSPENSION OF ASSISTANCE.—If, on a date*
14 *after the President transmits the certification de-*
15 *scribed in paragraph (2), the President determines*
16 *that the Government of Sudan has ceased taking the*
17 *actions described in such paragraph, the President*
18 *shall immediately suspend the provision of any assist-*
19 *ance to such Government under this section until the*
20 *date on which the President transmits to the appro-*
21 *priate congressional committees a further certification*
22 *that the Government of Sudan has resumed taking*
23 *such actions.*

24 “(5) *AUTHORIZATION OF APPROPRIATIONS.—*

1 “(A) *IN GENERAL.*—*In addition to any*
2 *other funds otherwise available for such purposes,*
3 *there are authorized to be appropriated to the*
4 *President—*

5 “(i) \$100,000,000 for fiscal year 2005,
6 *and such sums as may be necessary for each*
7 *of the fiscal years 2006 and 2007, unless*
8 *otherwise authorized, to carry out para-*
9 *graph (1)(A); and*

10 “(ii) \$200,000,000 for fiscal year 2005
11 *to carry out paragraph (1)(B), provided*
12 *that no amounts appropriated under this*
13 *authorization may be made available for the*
14 *Government of Sudan.*

15 “(B) *AVAILABILITY.*—*Amounts appro-*
16 *priated pursuant to the authorization of appro-*
17 *priations under subparagraph (A) are author-*
18 *ized to remain available until expended.*

19 “(b) *GOVERNMENT OF SUDAN DEFINED.*—*In this sec-*
20 *tion, the term ‘Government of Sudan’ means the National*
21 *Congress Party, formerly known as the National Islamic*
22 *Front, government in Khartoum, Sudan, or any successor*
23 *government formed on or after the date of the enactment*
24 *of the Comprehensive Peace in Sudan Act (other than the*
25 *coalition government agreed upon in the Nairobi Declara-*

1 *tion on the Final Phase of Peace in the Sudan signed on*
 2 *June 5, 2004).”.*

3 (2) *CONFORMING AMENDMENTS.—Section 3 of*
 4 *such Act (50 U.S.C. 1701 note) is amended—*

5 (A) *in paragraph (2), by striking “The”*
 6 *and inserting “Except as provided in section 12,*
 7 *the”; and*

8 (B) *by adding at the end the following new*
 9 *paragraph:*

10 “(4) *SPLM.—The term ‘SPLM’ means the*
 11 *Sudan People’s Liberation Movement.”.*

12 (b) *REPORTING AMENDMENT.—The Sudan Peace Act*
 13 *(50 U.S.C. 1701 note) is amended by striking section 8 and*
 14 *inserting the following:*

15 ***“SEC. 8. REPORTING REQUIREMENTS.***

16 “(a) *REPORT ON COMMERCIAL ACTIVITY.—Not later*
 17 *than 30 days after the date of the enactment of the Com-*
 18 *prehensive Peace in Sudan Act of 2004, and annually there-*
 19 *after until the completion of the interim period outlined in*
 20 *the Machakos Protocol of 2002, the Secretary of State, in*
 21 *consultation with relevant United States Government de-*
 22 *partments and agencies, shall submit to the appropriate*
 23 *congressional committees a report regarding commercial ac-*
 24 *tivity in Sudan that includes—*

1 “(1) a description of the sources and current sta-
2 tus of Sudan’s financing and construction of infra-
3 structure and pipelines for oil exploitation, the effects
4 of such financing and construction on the inhabitants
5 of the regions in which the oil fields are located and
6 the ability of the Government of Sudan to finance the
7 war in Sudan with the proceeds of the oil exploi-
8 tation;

9 “(2) a description of the extent to which that fi-
10 nancing was secured in the United States or with the
11 involvement of United States citizens; and

12 “(3) a description of the relationships between
13 Sudan’s arms industry and major foreign business
14 enterprises and their subsidiaries, including govern-
15 ment-controlled entities.

16 “(b) *REPORT ON THE CONFLICT IN SUDAN, INCLUDING*
17 *THE DARFUR REGION.*—Not later than 30 days after the
18 date of the enactment of the Comprehensive Peace in Sudan
19 Act of 2004, and annually thereafter until the completion
20 of the interim period outlined in the Machakos Protocol of
21 2002, the Secretary of State shall prepare and submit to
22 the appropriate congressional committees a report regard-
23 ing the conflict in Sudan, including the conflict in the
24 Darfur region. Such report shall include—

1 “(1) the best estimates of the extent of aerial
2 bombardment of civilian centers in Sudan by the
3 Government of Sudan, including targets, frequency,
4 and best estimates of damage; and

5 “(2) a description of the extent to which humani-
6 tarian relief in Sudan has been obstructed or manip-
7 ulated by the Government of Sudan or other forces,
8 and a contingency plan to distribute assistance
9 should the Government of Sudan continue to obstruct
10 or delay the international humanitarian response to
11 the crisis in Darfur.

12 “(c) *DISCLOSURE TO THE PUBLIC.*—The Secretary of
13 State shall publish or otherwise make available to the public
14 each unclassified report, or portion of a report that is un-
15 classified, submitted under subsection (a) or (b).”.

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

17 (a) *SANCTIONS.*—Beginning on the date that is 30
18 days after the date of enactment of this Act, the President
19 shall, notwithstanding paragraph (1) of section 6(b) of the
20 Sudan Peace Act (50 U.S.C. 1701 note), implement the
21 measures set forth in subparagraphs (A) through (D) of
22 paragraph (2) of such section.

23 (b) *BLOCKING OF ASSETS.*—Beginning on the date
24 that is 30 days after the date of enactment of this Act, the
25 President shall, consistent with the authorities granted in

1 *the International Emergency Economic Powers Act (50*
2 *U.S.C. 1701 et seq.), block the assets of appropriate senior*
3 *officials of the Government of Sudan.*

4 (c) *WAIVER.—The President may waive the applica-*
5 *tion of subsection (a) or (b) if the President determines and*
6 *certifies to the appropriate congressional committees that*
7 *such a waiver is in the national interest of the United*
8 *States.*

9 (d) *CONTINUATION OF RESTRICTIONS.—Restrictions*
10 *against the Government of Sudan that were imposed pursu-*
11 *ant to title III and sections 508, 512, and 527 of the For-*
12 *ign Operations, Export Financing, and Related Programs*
13 *Act, 2004 (division D of Public Law 108–199; 118 Stat.*
14 *143), or any other similar provision of law, shall remain*
15 *in effect against the Government of Sudan and may not*
16 *be lifted pursuant to such provisions of law unless the Presi-*
17 *dent transmits a certification to the appropriate congres-*
18 *sional committees in accordance with paragraph (2) of sec-*
19 *tion 12(a) of the Sudan Peace Act (as added by section*
20 *5(a)(1) of this Act).*

21 (e) *DETERMINATION.—Notwithstanding subsection (a)*
22 *of this section, the President shall continue to transmit the*
23 *determination required under section 6(b)(1)(A) of the*
24 *Sudan Peace Act (50 U.S.C. 1701 note).*

1 **SEC. 7. ADDITIONAL AUTHORITIES.**

2 *Notwithstanding any other provision of law, the Presi-*
3 *dent is authorized to provide assistance, other than military*
4 *assistance, to areas that were outside of the control of the*
5 *Government of Sudan on April 8, 2004, including to pro-*
6 *vide assistance for emergency relief, development and gov-*
7 *ernance, or to implement any program in support of any*
8 *viable peace agreement at the local, regional, or national*
9 *level in Sudan.*

10 **SEC. 8. TECHNICAL CORRECTION.**

11 *Section 12 of the International Organizations Immu-*
12 *nities Act (22 U.S.C. 288f–2) is amended by striking “Or-*
13 *ganization of African Unity” and inserting “African*
14 *Union”.*

Attest:

Clerk.

108TH CONGRESS
2D SESSION

S. 2781

AMENDMENT