

108TH CONGRESS
2D SESSION

S. 2781

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.

1 SECTION 1. SHORT TITLE.

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

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 Foreign Relations
6 of the Senate and the Committee on International
7 Relations of the House of Representatives.

8 (2) JEM.—The term “JEM” means the Justice
9 and Equality Movement.

10 (3) SLA.—The term “SLA” means the Suda-
11 nese Liberation Army.

12 (4) SPLM.—The term “SPLM” means the
13 Sudan People’s Liberation Movement.

14 **SEC. 3. FINDINGS.**

15 Congress makes the following findings:

16 (1) A comprehensive peace agreement for
17 Sudan, as envisioned in the Sudan Peace Act (50
18 U.S.C. 1701 note), and in the Machakos Protocol of
19 2002, is in jeopardy.

20 (2) Since 1989, the Government of Sudan has
21 repeatedly engaged in and sponsored orchestrated
22 campaigns of attacking and dislocating targeted ci-
23 vilian populations, disrupting their ability to sustain
24 themselves, and subsequently restricting assistance
25 to those displaced in a coordinated policy of ethnic

1 cleansing that is most recently evident in the Darfur
2 region of Sudan.

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

10 (4) At the same time that the Government of
11 Sudan was negotiating for a final countrywide peace,
12 enumerated in the Nairobi Declaration on the Final
13 Phase of Peace in the Sudan, it refused to engage
14 in any meaningful discussion with regard to its on-
15 going campaign of ethnic cleansing in the region of
16 Darfur.

17 (5) It was not until the international commu-
18 nity expressed its outrage, through high level visits
19 by Secretary of State Colin Powell and others, and
20 through United Nations Security Council Resolution
21 1556 of July 30, 2004, that the Government of
22 Sudan agreed to attend talks to bring peace to the
23 Darfur region.

24 (6) The Government of the United States, in
25 both the executive branch and Congress, have con-

1 cluded that genocide has been committed and may
2 still be occurring in Darfur, and that the Govern-
3 ment of Sudan and the Janjaweed bear responsi-
4 bility for the genocide.

5 (7) The United Nations High Commissioner for
6 Human Rights has identified massive human rights
7 violations in Darfur perpetrated by the Government
8 of Sudan and the Janjaweed, which the Commis-
9 sioner stated may constitute war crimes or crimes
10 against humanity.

11 (8) Evidence collected by international observ-
12 ers in the Darfur region between February 2003 and
13 September 2004 indicate a coordinated effort to tar-
14 get African Sudanese civilians in a scorched earth
15 policy, from both air and ground, that has destroyed
16 African Sudanese villages, killing and driving away
17 its people, while Arab Sudanese villages have been
18 left unscathed.

19 (9) As a result of this coordinated campaign,
20 which Congress and the executive branch have de-
21 clared to be genocide, reports indicate tens of thou-
22 sands of African Sudanese civilians killed, the sys-
23 tematic rape of thousands of women and girls, the
24 destruction of hundreds of Fur, Masalit, and
25 Zaghawa villages and other ethnically African popu-

1 lations, including the poisoning of their wells and the
2 plunder of crops and cattle upon which they sustain
3 themselves.

4 (10) According to the United Nations High
5 Commissioner for Refugees, 1,400,000 people have
6 been displaced in the Darfur region of Sudan, of
7 whom over 200,000 have been forced to flee to Chad
8 as refugees.

9 (11) The Government of Sudan conducted aer-
10 ial attack missions and deadly raids across the inter-
11 national border between Sudan and Chad in an ille-
12 gal effort to pursue Sudanese civilians seeking ref-
13 uge in Chad.

14 (12) In addition to the thousands of violent
15 deaths directly caused by ongoing Sudanese military
16 and government sponsored Janjaweed attacks in the
17 Darfur region, the Government of Sudan has re-
18 stricted humanitarian and human rights workers'
19 access to the Darfur area, primarily through bureau-
20 cratic and administrative obstruction, in an attempt
21 to inflict the most devastating harm on those dis-
22 placed from their villages and homes without any
23 means of sustenance or shelter.

24 (13) The Government of Sudan's continued
25 support for the Janjaweed and their obstruction of

1 the delivery of food, shelter, and medical care to the
2 Darfur region is estimated by the World Health Or-
3 ganization to be resulting in up to 10,000 deaths per
4 month and, should current conditions persist, is pro-
5 jected to escalate to thousands of deaths each day
6 by December 2004.

7 (14) The Government of Chad served an impor-
8 tant role in facilitating the Darfur humanitarian
9 cease-fire (the N'Djamena Agreement dated April 8,
10 2004) for the Darfur region between the Govern-
11 ment of Sudan and the 2 opposition rebel groups in
12 Darfur (the JEM and the SLA) although both sides
13 have violated it repeatedly.

14 (15) The people of Chad have responded coura-
15 geously to the plight of over 200,000 Darfur refu-
16 gees by providing assistance to them even though
17 such assistance has adversely affected their own
18 means of livelihood.

19 (16) The cooperation and inclusion of all Suda-
20 nese is essential to the establishment of peace and
21 security throughout all of Sudan.

22 (17) The African Union has demonstrated re-
23 newed vigor in regional affairs through its willing-
24 ness to respond to the crisis in Darfur, by convening
25 talks between the parties and deploying several hun-

1 dred monitors and security forces to the region, as
 2 well as by recognizing the need for a far larger force
 3 with a broader mandate.

4 (18) Despite the threat of international action
 5 expressed through United Nations Security Council
 6 Resolution 1556 of July 30, 2004, the Government
 7 of Sudan continues to obstruct and prevent efforts
 8 to reverse the catastrophic consequences that loom
 9 over Darfur.

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 the Agreed Principles of Part
 20 A of the Machakos Protocol of 2002, confirmed by
 21 the Nairobi Declaration on the Final Phase of Peace
 22 in the Sudan signed June 5, 2004, negotiated with
 23 the SPLM, apply to all of Sudan and to all of the
 24 people of Sudan, including the Darfur region;

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

8 (3) the United States should continue to pro-
9 vide humanitarian assistance to the areas of Sudan
10 to which the United States has access and, at the
11 same time, develop a plan similar to that described
12 in section 10 of the Sudan Peace Act to provide as-
13 sistance to the areas of Sudan to which United
14 States access has been obstructed or denied;

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

20 (5) the United States Ambassador-at-Large for
21 War Crimes should travel to Chad and the Darfur
22 region immediately to investigate war crimes and
23 crimes against humanity to develop a more accurate
24 understanding of the situation on the ground and to

1 better inform the report required in section 11(b) of
2 the Sudan Peace Act;

3 (6) the United States and the international
4 community should—

5 (A) provide all necessary assistance to de-
6 ploy and sustain an African Union Force of at
7 least 4,200 personnel to the Darfur region; and

8 (B) work to increase the authorized level
9 and expand the mandate of such forces com-
10 mensurate with the gravity and scope of the
11 problem in a region the size of France;

12 (7) the President, acting through the Secretary
13 of State and the Permanent Representative of the
14 United States to the United Nations, should ensure
15 that Sudan fulfills its obligations under United Na-
16 tions Security Council Resolutions 1556 (July 30,
17 2004) and 1564 (September 18, 2004)

18 (8) sanctions should be imposed on the assets
19 and activities of those Sudanese Government offi-
20 cials and other individuals that are involved in car-
21 rying out the atrocities in the Darfur region;

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

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

3 (10) Presidential Proclamation 6958 issued No-
 4 vember 22, 1996, which suspends entry into the
 5 United States of members of the Government of
 6 Sudan, officials of that Government, and members
 7 of the Sudanese Armed Forces, should continue to
 8 remain in effect and be strictly enforced.

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

10 (a) ASSISTANCE FOR THE CRISIS IN DARFUR AND
 11 FOR COMPREHENSIVE PEACE IN SUDAN.—

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

15 **“SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND**
 16 **FOR COMPREHENSIVE PEACE IN SUDAN.**

17 **“(a) AUTHORIZATION OF APPROPRIATIONS.—**

18 **“(1) HUMANITARIAN ASSISTANCE.—**There is
 19 authorized to be appropriated to the President for
 20 assistance to address the humanitarian and human
 21 rights crisis in the Darfur region and its impact on
 22 eastern Chad, pursuant to the authority in section
 23 491 of the Foreign Assistance Act of 1961 (22
 24 U.S.C. 2292), \$200,000,000 for fiscal year 2005, in

1 addition to any other funds otherwise available for
2 such purpose.

3 “(2) ADDITIONAL ASSISTANCE.—Subject to the
4 requirements of this section, there is authorized to
5 be appropriated to the President, for development
6 and humanitarian assistance for Sudan upon the
7 conclusion of a permanent, just, and equitable peace
8 agreement between the Government of Sudan and
9 the SPLM, \$100,000,000 for fiscal year 2005, in
10 addition to any other funds otherwise available for
11 such purpose.

12 “(3) AVAILABILITY.—Amounts appropriated
13 pursuant to the authorization of appropriations
14 under paragraph (1) or (2) are authorized to remain
15 available until expended, notwithstanding any other
16 provision of law other than the provisions of this
17 section.

18 “(b) REQUIREMENT FOR CERTIFICATION.—The as-
19 sistance authorized under subsection (a)(2) may be
20 provided—

21 “(1) to the regions administered by the Govern-
22 ment of Sudan, in accordance with the peace agree-
23 ment described in subsection (a)(2), only if the
24 President submits the certification described in sub-
25 section (c); and

1 “(2) to the regions administered by the SPLM,
 2 in accordance with the peace agreement described in
 3 subsection (a)(2), only if the President submits the
 4 certification described in subsection (d).

5 “(c) CERTIFICATION WITH REGARD TO ACTIONS OF
 6 THE GOVERNMENT OF SUDAN.—The certification referred
 7 to in subsection (b)(1) is a certification submitted by the
 8 President to the appropriate congressional committees
 9 that—

10 “(1) the Government of Sudan is taking demon-
 11 strable steps to—

12 “(A) ensure that the armed forces of
 13 Sudan and any associated militias are not at-
 14 tacking civilians or obstructing human rights
 15 monitors or the provision of humanitarian as-
 16 sistance;

17 “(B) demobilize and disarm militias sup-
 18 ported or created by the Government of Sudan;

19 “(C) allow full and unfettered access for
 20 the provision of humanitarian assistance to all
 21 regions of Sudan, including Darfur; and

22 “(D) cooperate fully with the African
 23 Union, the United Nations, and all other ob-
 24 server, monitoring, and protection missions
 25 mandated to operate in Sudan; and

1 “(2) the Government of Sudan is complying
2 with the provisions of the peace agreement described
3 in subsection (a)(2).

4 “(d) CERTIFICATION WITH REGARD TO SPLM’S
5 COMPLIANCE WITH A PEACE AGREEMENT.—The certifi-
6 cation referred to in subsection (b)(2) is a certification
7 submitted by the President to the appropriate congres-
8 sional committees that the SPLM is complying with the
9 provisions of the peace agreement described in subsection
10 (a)(2).

11 “(e) SUSPENSION OF ASSISTANCE.—If, on a date
12 after the President submits a certification described in
13 subsection (c) or (d), the President determines that either
14 the Government of Sudan or the SPLM has ceased taking
15 the actions described in the applicable subsection, the
16 President shall immediately suspend the provision of any
17 assistance made available as a result of such certification
18 until the date on which the President certifies that such
19 entity has resumed taking such actions.”.

20 (2) CONFORMING AMENDMENT.—Section 3 of
21 the Sudan Peace Act (50 U.S.C. 1701 note) is
22 amended by adding at the end the following new
23 paragraph:

24 “(4) SPLM.—The term ‘SPLM’ means the
25 Sudan People’s Liberation Movement.”.

1 (b) REPORTING REQUIREMENT.—Section 8 of the
2 Sudan Peace Act (50 U.S.C. 1701 note) is amended in
3 the first sentence by striking “Sudan.” and inserting
4 “Sudan, including the conflict in the Darfur region.”.

5 **SEC. 6. OTHER RESTRICTIONS.**

6 (a) BLOCKING OF ASSETS.—On the date that is 120
7 days after the date of enactment of this Act, if the Presi-
8 dent has not submitted the certification described in sub-
9 section (c)(1) of section 12 of the Sudan Peace Act, as
10 added by section 5, the President shall, consistent with
11 the authorities granted in the International Emergency
12 Economic Powers Act (50 U.S.C. 1701 et seq.), block the
13 assets of appropriate senior officials of the Government
14 of Sudan.

15 (b) CONTINUATION OF RESTRICTIONS.—Restrictions
16 against the Government of Sudan that were imposed pur-
17 suant to title III and sections 508, 512, and 527 of the
18 Foreign Operations, Export Financing, and Related Pro-
19 grams Appropriations Act, 2004 (Division D of Public
20 Law 108–199; 118 Stat. 143) or any other similar provi-
21 sion of law may not be lifted pursuant to such provisions
22 of law unless the President also makes the certification
23 described in subsection (c) of section 12 of the Sudan
24 Peace Act, as added by section 5.

1 **SEC. 7. REQUIREMENT FOR REPORT.**

2 (a) REQUIREMENT.—Not later than 60 days after the
3 date of enactment of this Act, the President shall submit
4 to the appropriate congressional committees a report on
5 the planned United States response to a comprehensive
6 peace agreement for Sudan.

7 (b) CONTENT.—The report required by subsection
8 (a) shall include—

9 (1) a description of the United States response
10 to a modified peace process between the Government
11 of Sudan and the SPLM that would account for the
12 implementation of a peace in all regions of Sudan,
13 in particular Darfur; and

14 (2) a contingency plan for extraordinary hu-
15 manitarian assistance should the Government of
16 Sudan continue to obstruct or delay the inter-
17 national humanitarian response to the crisis in
18 Darfur.

19 (c) FORM OF REPORT.—The report required by sub-
20 section (a) may be submitted in classified form.

21 **SEC. 8. TECHNICAL CORRECTION.**

22 Section 12 of the International Organizations Immu-
23 nities Act (22 U.S.C. 288f–2) is amended by striking “Or-

1 ganization of African Unity” and inserting “African
2 Union”.

Passed the Senate September 23, 2004.

Attest:

Secretary.

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