

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2006

MARCH 29, 2006.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 3127]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3127) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment adopted by this committee is identical to the text reported by the Committee on International Relations shown in their report filed March 14, 2006 (H. Rept. No. 109–392, Part 1).

CONTENTS

	Page
Purpose and Summary	2
Background and Need for the Legislation	2
Hearings	2
Committee Consideration	3
Vote of the Committee	3
Committee Oversight Findings	3
New Budget Authority and Tax Expenditures	3
Congressional Budget Office Cost Estimate	3
Performance Goals and Objectives	4
Constitutional Authority Statement	4
Section-by-Section Analysis and Discussion	4
Changes in Existing Law Made by the Bill, as Reported	5
Markup Transcript	5

PURPOSE AND SUMMARY

H.R. 3127 addresses the humanitarian crisis in the Darfur region of Sudan by imposing sanctions against individuals engaged in genocide, war crimes, and crimes against humanity. This legislation also promotes peace efforts in the Darfur region. The provisions of H.R. 3127 that are within the jurisdiction of the Judiciary Committee would make inadmissible certain individuals complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, Sudan.

BACKGROUND AND NEED FOR THE LEGISLATION

There is an ongoing genocide of non-Arab tribes in the Darfur region of Sudan. Reports by refugees detail a systematic pattern of attacks against civilians by government-supported militias, collectively known as the Janjaweed, who have employed scorched earth tactics backed by air and land strikes by Sudanese government forces. Entire villages have been razed, crops burned, and wells and irrigation systems destroyed. There are widespread reports of arbitrary killings, abductions, looting, torture, and rape. Between 180,000 and 400,000 already have died and over two million have been displaced. On July 22, 2004 the House of Representatives passed H.Con.Res. 467, which recognized that genocide is occurring in the Darfur region.

H.R. 3127 requires that the U.S. deny visas and entry to any individual who is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including family members or any associates of such individuals to whom assets or property was improperly transferred on or after July 1, 2002 (designed to deny entry to family members/associates of war profiteers). A waiver from these requirements is available if the President determines it to be in the national interest.

United Nations Security Council Resolution 1591¹ provides that all countries shall take necessary measures to prevent entry into or transit through their territories of certain individuals designated by a Security Council committee who impede the peace process in Darfur, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities in Darfur, violate an arms embargo against all non-governmental entities in Darfur (as provided in U.N. Security Council Resolution 1556²) or who are responsible for offensive military overflights in Darfur by the Sudanese government. While Security Council resolutions do not possess the force of law or bind Congress, this bill can be viewed as implementing legislation for Resolution 1556. Current immigration law already makes inadmissible aliens who have committed genocide, torture, or extra-judicial killings,³ or whose entry would have potentially serious adverse foreign policy consequences for the United States.⁴

HEARINGS

The Committee on the Judiciary held no hearings on H.R. 3127.

¹ See United Nations, Security Council, Resolution 1591 (2005).

² See United Nations, Security Council, Resolution 1556 (2004).

³ See section 212(a)(3)(E) of the Immigration and Nationality Act (INA).

⁴ See INA section 212(a)(3)(C).

COMMITTEE CONSIDERATION

On March 15, 2006, the Committee met in open session and ordered favorably reported the bill H.R. 3127 by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of Rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during Committee consideration of H.R. 3127.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3127, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 20, 2006.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3127, the Darfur Peace and Accountability Act of 2006.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sam Papenfuss, who can be reached at 226-2840.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 3127—Darfur Peace and Accountability Act of 2006.

H.R. 3127 would impose sanctions on certain individuals associated with the government of Sudan or with militias operating in Sudan. The bill also would prohibit the provision of foreign assist-

ance to countries that provide military assistance to Sudan, except when that assistance is for humanitarian reasons. Additionally, the bill would direct the President to use our influence and vote at both the United Nations and the North Atlantic Treaty Organization to encourage those organizations to provide additional support to the African Union Mission in Sudan. Finally, the bill would require the Department of State to provide reports dealing with the African Union Mission in Sudan.

CBO estimates that implementing H.R. 3127 would not have a significant impact on the Federal budget. H.R. 3127 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

On March 20, 2006, CBO transmitted an estimate for H.R. 3127 as reported by the House International Relations Committee on March 14, 2006. The estimates for the two versions of the bill are identical.

The CBO staff contact is Sam Papenfuss who can be reached at 226–2840. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 3127 would make inadmissible certain individuals complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, Sudan.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in art. I, § 8, cl. 3 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

This following section by section analysis discusses the provisions of H.R. 3127 within the jurisdiction of the Judiciary Committee.

Section 5. Sanctions in Support of Peace in Darfur.

Section 5(a) of the bill amends section 6 of the Comprehensive Peace in Sudan Act of 2004 (Pub. L. No. 108–497) by creating a new subsection (c) of section 6. Paragraph (2) of subsection (c) provides that beginning on the date that is 30 days after the date of enactment, the President shall deny visas and entry to any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individuals to whom assets or property of such individual transferred on or after July 1, 2002.

Section 5(b) of the bill amends section 6(d) of the Comprehensive Peace in Sudan Act of 2004 by providing that the President may waive the application of the entry ban with respect to an individual if the President determines it to be in the national interest of the United States (and, prior to exercising the waiver, transmits to the

appropriate congressional committees a notification that includes the name of the individual and the reasons for the waiver).

Section 5(c) of the bill requires the President to immediately consider imposing the entry ban against the Janjaweed commanders and coordinators identified by the former U.S. Ambassador-at-Large for War Crimes before the Subcommittee on Africa of the International Relations Committee on June 24, 2004.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

The bill was referred to this Committee for consideration of such provisions of the bill and amendment as fall within the jurisdiction of this committee pursuant to clause 1(l) of Rule X of the Rules of the House of Representatives. The changes made to existing law by the amendment reported by the Committee on International Relations are shown in the report filed by that committee (H. Rept. No. 109–392, Part 1).

MARKUP TRANSCRIPT

BUSINESS MEETING **WEDNESDAY, MARCH 15, 2006**

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:13 a.m., in Room 2141, Rayburn House Office Building, the Honorable F. James Sensenbrenner, Jr. (Chairman of the Committee) presiding.

[Intervening business.]

Chairman SENSENBRENNER. Pursuant to notice, I now call up the bill H.R. 3127, the “Darfur Peace and Accountability Act of 2005,” for purposes of markup and move its favorable recommendation to the House.

Without objection, the bill will be considered as read and open for amendment at any point, and the text as reported by the Committee on International Relations, which the Members have before them, will be considered as read and considered as the original text for purposes of amendment and open for amendment at any time.

[The bill, H.R. 3127, follows:]

Union Calendar No.

109TH CONGRESS
2D SESSION**H. R. 3127****[Report No. 109-]**

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.

 IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Mr. HYDE (for himself, Mr. PAYNE, Mr. SMITH of New Jersey, Mr. LANTOS, Mr. ROYCE, Mr. TANCREDI, 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 --, 2006

Reported 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]

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-*
 12 *tees” means the Committee on International Relations*
 13 *of the House of Representatives and the Committee on*
 14 *Foreign Relations of the Senate.*

15 (2) *GOVERNMENT OF SUDAN.*—

16 (A) *IN GENERAL.*—*The term “Government*
 17 *of Sudan” means the National Congress Party,*
 18 *formerly known as the National Islamic Front,*
 19 *led-government in Khartoum, Sudan, or any*
 20 *successor government formed on or after the date*

1 *of the enactment of this Act (including the coal-*
2 *ition National Unity Government agreed upon in*
3 *the Comprehensive Peace Agreement for Sudan),*
4 *except that such term does not include the re-*
5 *gional Government of Southern Sudan.*

6 (B) OFFICIALS OF THE GOVERNMENT OF
7 SUDAN.—*The term “Government of Sudan”,*
8 *when used with respect to an official of the Gov-*
9 *ernment of Sudan, does not include an*
10 *individual—*

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

13 (ii) *who is a member of the regional*
14 *Government of Southern Sudan.*

15 (3) COMPREHENSIVE PEACE AGREEMENT FOR
16 SUDAN.—*The term “Comprehensive Peace Agreement*
17 *for Sudan” means the peace agreement signed by the*
18 *Government of Sudan and the Sudan People’s Libera-*
19 *tion Movement/Army (SPLM/A) in Nairobi, Kenya,*
20 *on January 9, 2005.*

21 **SEC. 3. FINDINGS.**

22 *Congress makes the following findings:*

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

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

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

14 (4) On July 30, 2004, the United Nations Secu-
15 rity Council passed Security Council Resolution
16 1556, calling upon the Government of Sudan to dis-
17 arm the Janjaweed militias and to apprehend and
18 bring to justice Janjaweed leaders and their associates
19 who have incited and carried out violations of human
20 rights and international humanitarian law, and es-
21 tablishing a ban on the sale or supply of arms and
22 related materiel of all types, including the provision
23 of related technical training or assistance, to all non-
24 governmental entities and individuals, including the
25 Janjaweed.

1 (5) On September 18, 2004, the United Nations
2 Security Council passed Security Council Resolution
3 1564, determining that the Government of Sudan had
4 failed to meet its obligations under Security Council
5 Resolution 1556, calling for a military flight ban in
6 and over the Darfur region, demanding the names of
7 Janjaweed militiamen disarmed and arrested for ver-
8 ification, establishing an International Commission
9 of Inquiry on Darfur to investigate violations of
10 international humanitarian and human rights laws,
11 and threatening sanctions should the Government of
12 Sudan fail to fully comply with Security Council
13 Resolutions 1556 and 1564, including such actions as
14 to affect Sudan's petroleum sector or individual mem-
15 bers of the Government of Sudan.

16 (6) The Report of the International Commission
17 of Inquiry on Darfur, submitted to the United Na-
18 tions Secretary-General on January 25, 2005, estab-
19 lished that the "Government of the Sudan and the
20 Janjaweed are responsible for serious violations of
21 international human rights and humanitarian law
22 amounting to crimes under international law," that
23 "these acts were conducted on a widespread and sys-
24 tematic basis, and therefore may amount to crimes
25 against humanity," and that Sudanese officials and

1 *other individuals may have acted with “genocidal in-*
2 *tent”.*

3 *(7) The Report of the International Commission*
4 *of Inquiry on Darfur further notes that, pursuant to*
5 *its mandate and in the course of its work, the Com-*
6 *mission had collected information relating to indi-*
7 *vidual perpetrators of acts constituting “violations of*
8 *international human rights law and international*
9 *humanitarian law, including crimes against human-*
10 *ity and war crimes” and that a sealed file containing*
11 *the names of those individual perpetrators had been*
12 *delivered to the United Nations Secretary-General.*

13 *(8) On March 24, 2005, the United Nations Se-*
14 *curity Council passed Security Council Resolution*
15 *1590, establishing the United Nations Mission in*
16 *Sudan (UNMIS), consisting of up to 10,000 military*
17 *personnel and 715 civilian police tasked with sup-*
18 *porting implementation of the Comprehensive Peace*
19 *Agreement for Sudan and “closely and continuously*
20 *liais[ing] and coordinat[ing] at all levels with the Af-*
21 *rican Union Mission in Sudan (AMIS) with a view*
22 *towards expeditiously reinforcing the effort to foster*
23 *peace in Darfur”.*

24 *(9) On March 29, 2005, the United Nations Se-*
25 *curity Council passed Security Council Resolution*

1 *1591, extending the military embargo established by*
2 *Security Council Resolution 1556 to all the parties to*
3 *the N'djamena Ceasefire Agreement of April 8, 2004,*
4 *and any other belligerents in the states of North*
5 *Darfur, South Darfur, and West Darfur, calling for*
6 *an asset freeze and travel ban against those individ-*
7 *uals who impede the peace process, constitute a threat*
8 *to stability in Darfur and the region, commit viola-*
9 *tions of international humanitarian or human rights*
10 *law or other atrocities, are responsible for offensive*
11 *military overflights, or violate the military embargo,*
12 *and establishing a Committee of the Security Council*
13 *and a Panel of Experts to assist in monitoring com-*
14 *pliance with Security Council Resolutions 1556 and*
15 *1591.*

16 *(10) On March 31, 2005, the United Nations Se-*
17 *curity Council passed Security Council Resolution*
18 *1593, referring the situation in Darfur since July 1,*
19 *2002, to the prosecutor of the International Criminal*
20 *Court and calling on the Government of Sudan and*
21 *all parties to the conflict to cooperate fully with the*
22 *Court.*

23 *(11) In remarks before the G-8 Summit on June*
24 *30, 2005, President Bush reconfirmed that “the vio-*

1 *lence in Darfur is clearly genocide” and “the human*
2 *cost is beyond calculation”.*

3 *(12) On July 30, 2005, Dr. John Garang de*
4 *Mabior, the newly appointed Vice President of Sudan*
5 *and the leader of the Sudan People’s Liberation Move-*
6 *ment/Army (SPLM/A) for the past 21 years, was*
7 *killed in a tragic helicopter crash in southern Sudan,*
8 *sparking riots in Khartoum and challenging the com-*
9 *mitment of all Sudanese to the Comprehensive Peace*
10 *Agreement for Sudan.*

11 *(13) Since 1993, the Secretary of State has de-*
12 *termined that the Republic of Sudan is a country*
13 *which has repeatedly provided support for acts of*
14 *international terrorism and, pursuant to section 6(j)*
15 *of the Export Administration Act of 1979, section 40*
16 *of the Arms Export Control Act, and section 620A of*
17 *the Foreign Assistance Act of 1961, designated Sudan*
18 *as a State Sponsor of Terrorism, thereby restricting*
19 *United States assistance, defense exports and sales,*
20 *and financial and other transactions with the Gov-*
21 *ernment of Sudan.*

22 **SEC. 4. SENSE OF CONGRESS.**

23 *It is the sense of Congress that—*

24 *(1) the genocide unfolding in the Darfur region*
25 *of Sudan is characterized by acts of terrorism and*

1 *atrocities directed against civilians, including mass*
2 *murder, rape, and sexual violence committed by the*
3 *Janjaweed and associated militias with the com-*
4 *plicity and support of the National Congress Party-*
5 *led faction of the Government of Sudan;*

6 *(2) the Secretary of State should designate the*
7 *Janjaweed militia as a foreign terrorist organization*
8 *pursuant to section 219 of the Immigration and Na-*
9 *tionality Act;*

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

17 *(4) the African Union should rapidly expand the*
18 *size and amend the mandate of the African Union*
19 *Mission in Sudan to authorize such action as may be*
20 *necessary to protect civilians and humanitarian oper-*
21 *ations, and deter violence in the Darfur region with-*
22 *out delay;*

23 *(5) the international community, including the*
24 *United Nations, the North Atlantic Treaty Organiza-*
25 *tion (NATO), the European Union, and the United*

1 *States, should immediately act to mobilize sufficient*
2 *political, military, and financial resources to support*
3 *the expansion of the African Union Mission in Sudan*
4 *so that it achieves the size, strength, and capacity*
5 *necessary for protecting civilians and humanitarian*
6 *operations, and ending the continued violence in the*
7 *Darfur region;*

8 *(6) if an expanded and reinforced African Union*
9 *Mission in Sudan fails to stop genocide in the Darfur*
10 *region, the international community should take ad-*
11 *ditional, dispositive measures to prevent and suppress*
12 *acts of genocide in the Darfur region;*

13 *(7) acting under Article 5 of the Charter of the*
14 *United Nations, the United Nations Security Council*
15 *should call for suspension of the Government of Su-*
16 *dan's rights and privileges of membership by the Gen-*
17 *eral Assembly until such time as the Government of*
18 *Sudan has honored pledges to cease attacks upon ci-*
19 *vilians, demobilize and demilitarize the Janjaweed*
20 *and associated militias, and grant free and unfettered*
21 *access for deliveries of humanitarian assistance in the*
22 *Darfur region;*

23 *(8) the President should use all necessary and*
24 *appropriate diplomatic means to ensure the full dis-*
25 *charge of the responsibilities of the Committee of the*

1 *United Nations Security Council and the Panel of*
2 *Experts established pursuant to section 3(a) of Secu-*
3 *rity Council Resolution 1591 (March 29, 2005);*

4 *(9) the United States should not provide assist-*
5 *ance to the Government of Sudan, other than assist-*
6 *ance necessary for the implementation of the Com-*
7 *prehensive Peace Agreement for Sudan, the support of*
8 *the regional Government of Southern Sudan and*
9 *marginalized areas in northern Sudan (including the*
10 *Nuba Mountains, Southern Blue Nile, Abyei, Eastern*
11 *Sudan (Beja), Darfur, and Nubia), as well as*
12 *marginalized peoples in and around Khartoum, or for*
13 *humanitarian purposes in Sudan, until such time as*
14 *the Government of Sudan has honored pledges to cease*
15 *attacks upon civilians, demobilize and demilitarize*
16 *the Janjaweed and associated militias, grant free and*
17 *unfettered access for deliveries of humanitarian assist-*
18 *ance in the Darfur region, and allow for the safe and*
19 *voluntary return of refugees and internally displaced*
20 *persons;*

21 *(10) the President should seek to assist members*
22 *of the Sudanese diaspora in the United States by es-*
23 *tablishing a student loan forgiveness program for*
24 *those individuals who commit to return to southern*
25 *Sudan for a period of not less than five years for the*

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

3 *(11) the President should appoint a Presidential*
4 *Envoy for Sudan with appropriate resources and a*
5 *clear mandate to provide stewardship of efforts to im-*
6 *plement the Comprehensive Peace Agreement for*
7 *Sudan, seek ways to bring stability and peace to the*
8 *Darfur region, address instability elsewhere in Sudan*
9 *and northern Uganda, and pursue a truly com-*
10 *prehensive peace throughout the region;*

11 *(12) to achieve the goals specified in paragraph*
12 *(10) and to further promote human rights and civil*
13 *liberties, build democracy, and strengthen civil soci-*
14 *ety, the Presidential Envoy for Sudan should be em-*
15 *powered to promote and encourage the exchange of in-*
16 *dividuals pursuant to educational and cultural pro-*
17 *grams, including programs funded by the Government*
18 *of the United States;*

19 *(13) the international community should strong-*
20 *ly condemn attacks against humanitarian workers*
21 *and demand that all armed groups in the Darfur re-*
22 *gion, including the forces of the Government of*
23 *Sudan, the Janjaweed, associated militias, the Sudan*
24 *Liberation Movement/Army (SLM/A), the Justice and*

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

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

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

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

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

14 *(C) remain united in the face of efforts to*
 15 *undermine the SPLM.*

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

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

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

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

1 (3) *by inserting after subsection (b) the following*
2 *new subsection:*

3 “(c) *BLOCKING OF ASSETS AND RESTRICTION ON*
4 *VISAS OF CERTAIN INDIVIDUALS IDENTIFIED BY THE*
5 *PRESIDENT.—*

6 “(1) *BLOCKING OF ASSETS.—Beginning on the*
7 *date that is 30 days after the date of the enactment*
8 *of the Darfur Peace and Accountability Act of 2006,*
9 *and in the interest of contributing to peace in Sudan,*
10 *the President shall, consistent with the authorities*
11 *granted in the International Emergency Economic*
12 *Powers Act (50 U.S.C. 1701 et seq.), block the assets*
13 *of any individual who the President determines is*
14 *complicit in, or responsible for, acts of genocide, war*
15 *crimes, or crimes against humanity in Darfur, in-*
16 *cluding the family members or any associates of such*
17 *individual to whom assets or property of such indi-*
18 *vidual was transferred on or after July 1, 2002.*

19 “(2) *RESTRICTION ON VISAS.—Beginning on the*
20 *date that is 30 days after the date of the enactment*
21 *of the Darfur Peace and Accountability Act of 2006,*
22 *and in the interest of contributing to peace in Sudan,*
23 *the President shall deny visas and entry to any indi-*
24 *vidual who the President determines is complicit in,*
25 *or responsible for, acts of genocide, war crimes, or*

1 *crimes against humanity in Darfur, including the*
2 *family members or any associates of such individual*
3 *to whom assets or property of such individual was*
4 *transferred on or after July 1, 2002.”.*

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

15 (c) *SANCTIONS AGAINST CERTAIN JANJAWEEED COM-*
16 *MANDERS AND COORDINATORS.—The President should im-*
17 *mediately consider imposing the sanctions described in sec-*
18 *tion 6(c) of the Comprehensive Peace in Sudan Act of 2004*
19 *(as added by subsection (a)) against the Janjaweed com-*
20 *manders and coordinators identified by the former United*
21 *States Ambassador-at-Large for War Crimes before the Sub-*
22 *committee on Africa of the House International Relations*
23 *Committee on June 24, 2004.*

1 **SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUP-**
 2 **PRESS GENOCIDE IN DARFUR.**

3 (a) UNITED STATES ASSISTANCE TO SUPPORT
 4 AMIS.—Section 7 of the Comprehensive Peace in Sudan
 5 Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note)
 6 is amended—

7 (1) by striking “Notwithstanding” and inserting
 8 “(a) GENERAL ASSISTANCE.—Notwithstanding”; and
 9 (2) by adding at the end the following new sub-
 10 section:

11 “(b) ASSISTANCE TO SUPPORT AMIS.—Notwith-
 12 standing any other provision of law, the President is au-
 13 thorized to provide assistance, on such terms and conditions
 14 as the President may determine and in consultation with
 15 the appropriate congressional committees, to reinforce the
 16 deployment and operations of an expanded African Union
 17 Mission in Sudan (AMIS) with the mandate, size, strength,
 18 and capacity to protect civilians and humanitarian oper-
 19 ations, stabilize the Darfur region of Sudan and dissuade
 20 and deter air attacks directed against civilians and human-
 21 itarian workers, including but not limited to providing as-
 22 sistance in the areas of logistics, transport, communica-
 23 tions, materiel support, technical assistance, training, com-
 24 mand and control, aerial surveillance, and intelligence.”.

25 (b) NATO ASSISTANCE TO SUPPORT AMIS.—The
 26 President should instruct the United States Permanent

1 *Representative to the North Atlantic Treaty Organization*
 2 *(NATO) to use the voice, vote, and influence of the United*
 3 *States at NATO to advocate NATO reinforcement of the Af-*
 4 *rican Union Mission in Sudan (AMIS), upon the request*
 5 *of the African Union, including but not limited to the pro-*
 6 *vision of assets to dissuade and deter offensive air strikes*
 7 *directed against civilians and humanitarian workers in the*
 8 *Darfur region of Sudan and other logistical, transpor-*
 9 *tation, communications, training, technical assistance,*
 10 *command and control, aerial surveillance, and intelligence*
 11 *support.*

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

14 (1) *IN GENERAL.—The President should take all*
 15 *necessary and appropriate steps to deny the Govern-*
 16 *ment of Sudan access to oil revenues, including by*
 17 *prohibiting entry at United States ports to cargo*
 18 *ships or oil tankers engaged in business or trade ac-*
 19 *tivities in the oil sector of Sudan or involved in the*
 20 *shipment of goods for use by the armed forces of*
 21 *Sudan until such time as the Government of Sudan*
 22 *has honored its commitments to cease attacks on civil-*
 23 *ians, demobilize and demilitarize the Janjaweed and*
 24 *associated militias, grant free and unfettered access*
 25 *for deliveries of humanitarian assistance, and allow*

1 *for the safe and voluntary return of refugees and in-*
2 *ternally displaced persons.*

3 (2) *EXCEPTION.—Paragraph (1) shall not apply*
4 *with respect to cargo ships or oil tankers involved in*
5 *an internationally-recognized demobilization program*
6 *or the shipment of non-lethal assistance necessary to*
7 *carry out elements of the Comprehensive Peace Agree-*
8 *ment for Sudan.*

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

12 (1) *PROHIBITION.—Amounts made available to*
13 *carry out the Foreign Assistance Act of 1961 (22*
14 *U.S.C. 2151 et seq.) may not be used to provide as-*
15 *sistance (other than humanitarian assistance) to the*
16 *government of a country that is in violation of the*
17 *embargo on military assistance with respect to Sudan*
18 *imposed pursuant to United Nations Security Coun-*
19 *cil Resolutions 1556 (July 30, 2004) and 1591*
20 *(March 29, 2005).*

21 (2) *WAIVER.—The President may waive the ap-*
22 *plication of paragraph (1) if the President determines*
23 *and certifies to the appropriate congressional commit-*
24 *tees that it is in the national interests of the United*
25 *States to do so.*

1 **SEC. 7. MULTILATERAL EFFORTS.**

2 *The President shall direct the United States Perma-*
3 *nent Representative to the United Nations to use the voice*
4 *and vote of the United States to urge the adoption of a reso-*
5 *lution by the United Nations Security Council that—*

6 *(1) supports the expansion of the African Union*
7 *Mission in Sudan (AMIS) so that it achieves the*
8 *mandate, size, strength, and capacity needed to pro-*
9 *tect civilians and humanitarian operations, and dis-*
10 *suade and deter fighting and violence in the Darfur*
11 *region of Sudan, and urges Member States of the*
12 *United Nations to accelerate political, material, fi-*
13 *nancial, and other assistance to the African Union to-*
14 *ward this end;*

15 *(2) reinforces efforts of the African Union to ne-*
16 *gotiate peace talks between the Government of Sudan,*
17 *the Sudan Liberation Movement/Army (SLM/A), the*
18 *Justice and Equality Movement (JEM), and associ-*
19 *ated armed groups in the Darfur region, calls on the*
20 *Government of Sudan, the SLM/A, and the JEM to*
21 *abide by their obligations under the N'Djamena*
22 *Ceasefire Agreement of April 8, 2004 and subsequent*
23 *agreements, urges all parties to engage in peace talks*
24 *without preconditions and seek to resolve the conflict,*
25 *and strongly condemns all attacks against humani-*

1 *tarian workers and African Union personnel in the*
2 *Darfur region;*

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

15 *(4) extends the military embargo established by*
16 *United Nations Security Council Resolutions 1556*
17 *(July 30, 2004) and 1591 (March 29, 2005) to in-*
18 *clude a total prohibition on the sale or supply of of-*
19 *fensive military equipment to the Government of*
20 *Sudan, except for use in an internationally-recog-*
21 *nized demobilization program or for non-lethal assist-*
22 *ance necessary to carry out elements of the Com-*
23 *prehensive Peace Agreement for Sudan; and*

24 *(5) calls upon those Member States of the United*
25 *Nations that continue to undermine efforts to foster*

1 *peace in Sudan by providing military assistance and*
 2 *equipment to the Government of Sudan, the SLM/A,*
 3 *the JEM, and associated armed groups in the Darfur*
 4 *region in violation of the embargo on such assistance*
 5 *and equipment, as called for in United Nations Secu-*
 6 *rity Council Resolutions 1556 and 1591, to imme-*
 7 *diately cease and desist.*

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

9 (a) *CONTINUATION OF RESTRICTIONS.—Restrictions*
 10 *against the Government of Sudan that were imposed pursu-*
 11 *ant to Executive Order 13067 of November 3, 1997 (62 Fed-*
 12 *eral Register 59989), title III and sections 508, 512, 527,*
 13 *and 569 of the Foreign Operations, Export Financing, and*
 14 *Related Programs Appropriations Act, 2006, or any other*
 15 *similar provision of law, shall remain in effect and shall*
 16 *not be lifted pursuant to such provisions of law until the*
 17 *President transmits to the appropriate congressional com-*
 18 *mittees a certification that the Government of Sudan is act-*
 19 *ing in good faith to—*

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

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

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

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

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

9 (6) *fully implement the Comprehensive Peace*
10 *Agreement for Sudan without manipulation or delay,*
11 *including by—*

12 (A) *implementing the recommendations of*
13 *the Abyei Commission Report;*

14 (B) *establishing other appropriate commis-*
15 *sions and implementing and adhering to the rec-*
16 *ommendations of such commissions consistent*
17 *with the terms of the Comprehensive Peace*
18 *Agreement for Sudan;*

19 (C) *adhering to the terms of the Wealth*
20 *Sharing Agreement; and*

21 (D) *withdrawing government forces from*
22 *southern Sudan consistent with the terms of the*
23 *Comprehensive Peace Agreement for Sudan.*

24 (b) *WAIVER.—The President may waive the applica-*
25 *tion of subsection (a) if the President determines and cer-*

1 *tifies to the appropriate congressional committees that it*
 2 *is in the national interests of the United States to do so.*

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

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

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

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

11 *(2) by inserting “civil administrations,” after*
 12 *“indigenous groups,”;*

13 *(3) by striking “areas outside of control of the*
 14 *Government of Sudan” and inserting “southern*
 15 *Sudan, southern Kordofan/Nuba Mountains State,*
 16 *Blue Nile State, and Abyei”;*

17 *(4) by inserting at the end before the period the*
 18 *following: “, including the Comprehensive Peace*
 19 *Agreement for Sudan”; and*

20 *(5) by adding at the end the following new para-*
 21 *graph:*

22 *“(2) CONGRESSIONAL NOTIFICATION.—*

23 *“(A) IN GENERAL.—Assistance may not be*
 24 *obligated under this subsection until 15 days*
 25 *after the date on which the President has pro-*

1 *vided notice thereof to the congressional commit-*
 2 *tees specified in section 634A of the Foreign As-*
 3 *sistance Act of 1961 (22 U.S.C. 2394–1) in ac-*
 4 *cordance with the procedures applicable to re-*
 5 *programming notifications under such section.*

6 *“(B) RULE OF CONSTRUCTION.—The notifi-*
 7 *cation requirement of subparagraph (A) shall*
 8 *not apply in the case of assistance subject to no-*
 9 *tification in accordance with section 634A of the*
 10 *Foreign Assistance Act of 1961 pursuant to any*
 11 *provision of an Act making appropriations for*
 12 *foreign operations, export financing, and related*
 13 *programs.”.*

14 *(b) EXCEPTION TO PROHIBITIONS IN EXECUTIVE*
 15 *ORDER NO. 13067.—Section 501(b) of the Assistance for*
 16 *International Malaria Control Act (50 U.S.C. 1701 note)*
 17 *is amended—*

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

21 *(2) by striking “any export from an area in*
 22 *Sudan outside of control of the Government of Sudan,*
 23 *or to any necessary transaction directly related to*
 24 *that export” and inserting “activities or related*
 25 *transactions with respect to southern Sudan, southern*

1 *Kordofan/Nuba Mountains State, Blue Nile State, or*
 2 *Abyei*"; and

3 *(3) by striking "the export or related trans-*
 4 *action" and all that follows and inserting "such ac-*
 5 *tivities or related transactions would directly benefit*
 6 *the economic recovery and development of those areas*
 7 *and people."*.

8 **SEC. 10. REPORTS.**

9 *(a) REPORT ON AFRICAN UNION MISSION IN SUDAN*
 10 *(AMIS).—Section 8 of the Sudan Peace Act (Public Law*
 11 *107–245; 50 U.S.C. 1701 note) is amended—*

12 *(1) by redesignating subsection (c) as subsection*
 13 *(d); and*

14 *(2) by inserting after subsection (b) the following*
 15 *new subsection:*

16 *“(c) REPORT ON AFRICAN UNION MISSION IN SUDAN*
 17 *(AMIS).—In conjunction with reports required under sub-*
 18 *sections (a) and (b) of this section, the Secretary of State*
 19 *shall submit to the appropriate congressional committees a*
 20 *report, to be prepared in conjunction with the Secretary*
 21 *of Defense, on—*

22 *“(1) efforts to fully deploy the African Union*
 23 *Mission in Sudan (AMIS) with the size, strength, and*
 24 *capacity necessary to stabilize the Darfur region of*

1 *Sudan and protect civilians and humanitarian oper-*
2 *ations;*

3 *“(2) the needs of AMIS to ensure success, includ-*
4 *ing in the areas of housing, transport, communica-*
5 *tions, equipment, technical assistance, training, com-*
6 *mand and control, intelligence, and such assistance as*
7 *is necessary to dissuade and deter attacks, including*
8 *by air, directed against civilians and humanitarian*
9 *operations;*

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

13 *“(4) the status of North Atlantic Treaty Organi-*
14 *zation (NATO) plans and assistance to support*
15 *AMIS; and*

16 *“(5) the performance of AMIS in carrying out*
17 *its mission in the Darfur region.”.*

18 **(b) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN**
19 **DARFUR.**—*Section 8 of the Sudan Peace Act (Public Law*
20 *107–245; 50 U.S.C. 1701 note), as amended by subsection*
21 *(a), is further amended—*

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

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

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

8 “(1) *a description of each sanction imposed*
9 *under such provisions of law; and*

10 “(2) *the name of the individual or entity subject*
11 *to the sanction, if applicable.*”.

12 **SEC. 11. RULE OF CONSTRUCTION.**

13 *Nothing in this Act (or any amendment made by this*
14 *Act) or any other provision of law shall be construed to*
15 *preempt any State law that prohibits investment of State*
16 *funds, including State pension funds, in or relating to the*
17 *Republic of the Sudan.*

Chairman SENSENBRENNER. The Chair recognizes himself for 5 minutes to explain the bill.

This bill was introduced by International Relations Committee Chairman Hyde to combat the ongoing genocide of non-Arab tribes in the Darfur region of Sudan. Reports by refugees detail a systematic pattern of attacks against civilians by Government-sponsored militias, who have employed scorched-earth tactics backed by air and land strikes by Sudanese Government forces. Entire villages have been razed, crops burned, and wells and irrigation systems destroyed.

There are widespread reports of arbitrary killings, abductions, looting, torture, and rape. Between 180,000 and 400,000 have already died, and over 2 million have been displaced.

Section 5 of this bill falls within the jurisdiction of the Judiciary Committee and provides the basis for the Committee's sequential referral of this legislation. It requires that the U.S. deny visas and entry to any individual who is complicit in or responsible for acts of genocide, war crimes, or crimes against humanity in Darfur. This would include family members or any associates of such individuals to whom assets and property was improperly transferred on or after July 1, 2002, so that we can deny entry to family members or associates or profiteers. A waiver with respect to an individual is available if the President determines it to be in the national interest.

This section also provides that the President should consider imposing this sanction against Janjaweed commanders and coordinators identified by the former U.S. Ambassador at Large for War Crimes. I should note that the current immigration law already makes inadmissible aliens who have committed genocide, torture, or extrajudicial killings or whose entry would have potentially serious adverse foreign policy consequences for the United States.

This legislation reemphasizes and confirms the ability of the United States to deny entry to such criminals. I urge my colleagues to support this bill and recognize the gentleman from Michigan for whatever comments he wishes to make.

Mr. CONYERS. Mr. Chairman, I rise to enthusiastically support this measure, H.R. 3127, and I invite the gentlelady from Texas, I just wanted to know if she wanted any time so I could cut mine short if she was desirous.

Ms. JACKSON LEE. I would appreciate your kindness in some time, Mr. Ranking Member.

Mr. CONYERS. Thank you.

This Darfur Peace and Accountability Act of 2005, in my view, is something that might have been passed even earlier than now. I think we absolutely have to pass it at this time. The genocide there is an embarrassment to us, to the United Nations, and to the people on the planet. And so, it is my hope that with the support of the administration, which has supported sanctions, that we would be able to move this measure as quickly as we can.

But since the U.N. Security Council adopted calling for a travel ban for these perpetrators of heinous crime, not a single sanction has been imposed upon Sudanese officials or military members, and given the composition of the Security Council at the U.N., it seems unlikely that these sanctions will come any time soon.

And so, I am again appreciative to the Chairman of this Committee for allowing our staffs to work together and to bring this measure to the full membership at this time.

And I would yield to the distinguished gentlelady from Texas, Ms. Sheila Jackson Lee, who has been very deeply concerned about this matter.

Ms. JACKSON LEE. Thank you very much, Mr. Conyers, and thank you for your leadership continually on this issue and thank the Chairman for his joining in the effective movement of this legislation and in support thereof.

This is what you call relief, and we may be the only body that can help in essence stem some of the vicious tide of murder and rape and pillage that is still going on in Sudan; in fact, plain genocide.

If I may just cite the January 2005 International Commission of Inquiry in Darfur submitted a report, and it provided a detailed accounting of atrocities committed by the Government of Sudan, the Janjaweed Militia, and concluded that the Government of Sudan and the Janjaweed were responsible for serious violations of international human rights and humanitarian law. The Commission found, however, that the Government of Sudan had not pursued, if you will, any efforts in stopping this violence.

I, too, believe that the Darfur Peace and Accountability Act of 2005 is a vital legislative initiative, and the amendment that we are putting forward today is crucial. In particular, what it provides is the opportunity for the administration to deny visas to those individuals who have been determined to have committed acts of genocide, war crimes, or crimes against humanity.

This is a convention that exists at the United Nations. Unfortunately, however, they have not been able to enforce this particular convention, and so, therefore, we may be, as I have said, the only hope. I would hope as we move forward in this issue we would also find broader ways to address the question of genocide in Sudan, and might I just conclude by saying, Mr. Chairman and Mr. Ranking Member, I attended a meeting with the Ambassador to the U.N. on Monday at the United Nations who would welcome a suggestion I made that we convene at the United Nations Members of Congress interested in this issue to highlight Sudan and to impress upon the United Nations to take a much stronger, forceful role in the cessation of genocide in Sudan.

I rise to support this amendment, and I thank the gentleman, and I yield back my time.

Chairman SENSENBRENNER. The time belongs to the gentleman from Michigan.

Mr. CONYERS. I return all unused time.

Chairman SENSENBRENNER. Without objection, all Members may place opening statements in the record at this point. Are there amendments?

[The prepared statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS

The Darfur Peace and Accountability Act of 2005, H.R. 3127, is a bipartisan effort to impose sanctions on the Government of Sudan, its officials, and the Janjaweed militia who have engaged in genocidal acts in the Darfur region of Sudan over the past two years.

On July 22, 2004, Congress passed a resolution which requested the Secretary General of the United Nations to establish an international commission of inquiry to investigate reports of violations of international humanitarian law and human rights law in Darfur, to determine whether or not acts of genocide had occurred, and to identify the perpetrators of such violations.

In late January 2005, the International Commission of Inquiry on Darfur submitted a report. The report provided a detailed accounting of atrocities committed by the Government of Sudan and its Janjaweed militia allies and concluded that the Government of Sudan and the Janjaweed were responsible for serious violations of international human rights and humanitarian law. The Commission found, however, that the Government of Sudan had not pursued a policy of genocide. According to the Commission, the crucial element of genocidal intent appeared to be missing.

I am surprised and disappointed by that report. I met a few days ago with U.S. Ambassador John R. Bolton and the President of the United Nations General Assembly about the role of the United Nations in combating human trafficking. I was impressed by their sincerity about wanting to deal with that horrendous problem. I am sure that they also condemn what is happening in Sudan.

H.R. 3127 has been referred to the Judiciary for consideration of Section 5 of the bill. This section would amend the Comprehensive Peace in Sudan Act of 2004 by denying visas to those in Sudan whom the President determines have committed acts of genocide, war crimes, or crimes against humanity. Currently, this Act imposes financial sanctions on senior officials of the Government of Sudan, but it does deny visas to them or to the Janjaweed leaders.

I support Section 5 of H.R. 3127, but I am concerned about the absence of a provision to challenge names that are mistakenly placed on the list. I worked on a constituent case a few years ago that illustrates why such a provision is necessary.

In a Presidential Proclamation dated January 14, 1998, President Clinton suspended the entry of persons who were or had been members of the military junta in Sierra Leone. The constituent's husband was a high ranking civil servant in the Government of Sierra Leone when the military junta occurred. He remained in that post until he could escape from Sierra Leone and travel to the United States to join his wife here. Nevertheless, his name was placed on the proclamation list. When he was refused admission to the United States, he requested an asylum hearing.

An immigration judge found him eligible for asylum on the ground that he had a well-founded fear of persecution in Sierra Leone, but the immigration judge concluded that he could not grant him asylum without violating the proclamation.

The constituent's husband was held in detention for several years, while fruitless efforts were made to challenge his inclusion on the proclamation list, and then he was deported to a country in the vicinity of Sierra Leone. From there, he was transferred to Sierra Leon. I have not heard from him since.

This unfortunate man was deported without a hearing of any kind on whether his name belonged on the proclamation list. I was going to offer an amendment to Section 5 that would require the President to establish a procedure for challenging the names that are placed on this list, but I have decided instead to work on a bill with my colleague Congressman Tom Lantos that would establish due process proceedings for challenging entries on every federal list of this type, not just the list that will be established pursuant to the provisions in Section 5.

In the meantime, I urge you to vote for Section 5 of H.R. 3127 to send a message to the Government of Sudan and the Janjaweed militia that we condemn the acts of genocide that they have committed.

Thank you.

If there are no amendments, a reporting quorum is not present. Without objection, the previous question—strike that for a second. Without objection, the version of the bill reported by the International Relations Committee and laid down as the base text is adopted. Hearing none, so ordered.

Now, a reporting quorum is not present. Without objection, the previous question is ordered on reporting the bill as amended by the base text, which has been agreed to.

[Intervening business.]

Chairman SENSENBRENNER. The question now occurs on the motion to report the bill H.R. 3127 favorably as amended by the Committee on International Relations, which is the base text. A reporting quorum is present.

All those in favor will say aye.

Opposed no.

The ayes appear to have it. The ayes have it, and the motion to report favorably is agreed to. Without objection, the staff is directed to make any technical and conforming changes, and all Members will be given 2 days as provided by the rules in which to submit additional dissenting, supplemental, or minority views.

[Intervening business.]

Chairman SENSENBRENNER. This concludes the items on the agenda. The Chair would like to thank everybody for their efficient processing of today's business, and without objection, the Committee stands adjourned.

[Whereupon, at 11:16 a.m., the Committee was adjourned.]

