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(Original Signature of Member)

109TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To impose sanctions against perpetrators of crimes against humanity and  
genocide in Darfur, Sudan, and for other purposes.

\_\_\_\_\_  
**IN THE HOUSE OF REPRESENTATIVES**

Mr. PAYNE introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To impose sanctions against perpetrators of crimes against  
humanity and genocide in Darfur, Sudan, and for other  
purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:



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

6           (2) GOVERNMENT OF SUDAN.—The term “Gov-  
7           ernment of Sudan” means the National Congress  
8           Party-led government in Khartoum, Sudan, or the  
9           successor Government of National Unity to be  
10          formed pursuant to the Comprehensive Peace Agree-  
11          ment signed by the Government of Sudan and the  
12          Sudan People’s Liberation Movement in Nairobi,  
13          Kenya on January 9, 2005. Measures against the  
14          Government of Sudan, as defined in this paragraph,  
15          shall not apply to the Government of South Sudan  
16          (GOSS) or to areas formerly under the control of  
17          opposition groups.

18          (3) MEMBER STATES.—The term “member  
19          states” means the member states of the United Na-  
20          tions.

21          (4) SUDAN NORTH-SOUTH PEACE AGREE-  
22          MENT.—The term “Sudan North-South Peace  
23          Agreement” means the Comprehensive Peace Agree-  
24          ment signed by the Government of Sudan and the



1 Sudan People's Liberation Movement/Army on Jan-  
2 uary 9, 2005.

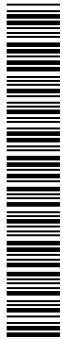
3 **SEC. 3. FINDINGS.**

4 Congress makes the following findings:

5 (1) On July 22, 2004, the House of Represent-  
6 atives and the Senate declared that the atrocities oc-  
7 ccurring in Darfur, Sudan, are genocide.

8 (2) On September 9, 2004, Secretary of State  
9 Colin L. Powell stated before the Committee on For-  
10 eign Relations of the Senate, “[w]hen we reviewed  
11 the evidence compiled by our team, along with other  
12 information available to the State Department, we  
13 concluded that genocide has been committed in  
14 Darfur and that the Government of Sudan and the  
15 [Janjaweed] bear responsibility—and genocide may  
16 still be occurring”.

17 (3) On July 30, 2004, the United Nations Se-  
18 curity Council passed Security Council Resolution  
19 1556, calling upon the Government of Sudan to dis-  
20 arm the Janjaweed militias and to apprehend and  
21 bring to justice Janjaweed leaders and their associ-  
22 ates who have incited and carried out violations of  
23 human rights and international humanitarian law  
24 and carried out other atrocities in the Darfur region.



1           (4) On September 18, 2004, the United Na-  
2           tions Security Council passed Security Council Reso-  
3           lution 1564, determining that the Government of  
4           Sudan had failed to meet its obligations under Secu-  
5           rity Council Resolution 1556, calling for a military  
6           flight ban in and over the Darfur region, demanding  
7           the names of Janjaweed militiamen disarmed and  
8           arrested for verification, establishing an Inter-  
9           national Commission of Inquiry into 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, such as actions to affect  
14          Sudan's petroleum sector.

15          (5) In late January 2005, the International  
16          Commission of Inquiry on Darfur submitted a 176-  
17          page report to Secretary General Kofi Annan detail-  
18          ing the atrocities committed by the Government of  
19          Sudan and its Janjaweed militia allies.

20          (6) The Commission declared that "based on  
21          thorough analysis of the information gathered in the  
22          course of the investigations, the Commission estab-  
23          lished that the Government of Sudan and the  
24          Janjaweed are responsible for serious violations of



1 international human rights and humanitarian law  
2 amounting to crimes under international law.”.

3 (7) The Commission further stated that Suda-  
4 nese Government officials and other individuals may  
5 have committed genocidal acts, and submitted a  
6 sealed document with 51 suspects for prosecution by  
7 the International Criminal Court (ICC).

8 **SEC. 4. SENSE OF CONGRESS.**

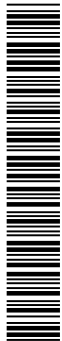
9 It is the sense of Congress that—

10 (1) the atrocities unfolding in Darfur, Sudan,  
11 are genocide;

12 (2) the Comprehensive Peace Agreement be-  
13 tween the Government of Sudan and the Sudan Peo-  
14 ple’s Liberation Movement/Army must be fully and  
15 unconditionally implemented and a new coalition  
16 government established under such Agreement;

17 (3) the African Union must amend the mandate  
18 of the African Union Mission in the Sudan to focus  
19 directly on protecting civilians from attacks and to  
20 neutralize the Janjaweed militia and other militia  
21 groups engaged in attacks against civilians;

22 (4) the United Nations or NATO should deploy  
23 at least 10,000 troops to the Darfur region to aug-  
24 ment the African Union Mission in the Sudan;



1           (5) the United States strongly condemns at-  
2           tacks on humanitarian workers and calls on all  
3           forces in Darfur, including forces of the Government  
4           of Sudan, all militia, and forces of the Sudan Lib-  
5           eration Army/Movement and the Justice and Equal-  
6           ity Movement, to refrain from such attacks;

7           (6) the President should appoint a Presidential  
8           Special Envoy to Sudan—

9                   (A) to seek comprehensive peace through-  
10                  out Sudan;

11                   (B) to support the implementation of the  
12                  Sudan North-South Peace Agreement;

13                   (C) to find ways to bring stability and  
14                  peace to Darfur;

15                   (D) to address instability throughout  
16                  Sudan; and

17                   (E) to address the related crisis in North-  
18                  ern Uganda;

19           (7) the United States should support account-  
20           ability through action by the United Nations Secu-  
21           rity Council, pursuant to chapter VII of the Charter  
22           of the United Nations, to ensure the prompt pros-  
23           ecution and adjudication in a competent inter-  
24           national court of justice or the United States-pro-  
25           posed Sudan Tribunal of individuals responsible for



1 war crimes, crimes against humanity, and genocide;  
2 and

3 (8) the President of the United States shall in-  
4 struct the United States Permanent Representative  
5 to the United Nations to demand—

6 (A) the extension of the military embargo  
7 to the Government of Sudan, as called for in  
8 paragraphs 7 through 9 of United Nations Se-  
9 curity Council Resolution 1556;

10 (B) the freezing of property and assets of  
11 government and military officials and their fam-  
12 ily members; Janjaweed leaders; and individuals  
13 engaged in planning, directing, and imple-  
14 menting of the atrocities in Darfur;

15 (C) that member states significantly re-  
16 duce the number and the level of the staff at  
17 Sudanese diplomatic missions and consular  
18 posts and restrict or control the movement  
19 within their territory of all such staff who re-  
20 main;

21 (D) steps to restrict the entry into or tran-  
22 sit through their territory of members of the  
23 Government of Sudan, military officials of that  
24 Government, militia leaders, and other individ-



1           uals involved in the planning, directing, and en-  
2           forcing measures against civilians; and

3                   (E) steps to discourage international and  
4           regional organizations from convening any con-  
5           ference in Sudan.

6   **SEC. 5. IMPOSITION OF SANCTIONS.**

7           (a) **BLOCKING OF ASSETS.**—Beginning on the date  
8           that is 30 days after the date of enactment of this Act  
9           or 30 days after the formation of the National Unity Gov-  
10          ernment of Sudan, the President shall, consistent with the  
11          authorities granted in the International Emergency Eco-  
12          nomic Powers Act (50 U.S.C. 1701 et seq.), block the  
13          property and assets of officials of the Government of  
14          Sudan and their family members; military officials and  
15          their family members; individuals implicated in the atroc-  
16          ities in Darfur as well as businesses partially or fully con-  
17          trolled by the above aforementioned individuals; and prop-  
18          erty and assets controlled by the National Congress Party.

19          (b) **VISA RESTRICTION.**—Notwithstanding section  
20          428(b) of the Homeland Security Act of 2002 (6 U.S.C.  
21          236(b)), the Secretary of State shall prohibit the granting  
22          of a visa to—

23                   (1) officials of the Government of Sudan impli-  
24          cated in the atrocities in Darfur;



1           (2) officials of the military of Sudan implicated  
2           in the atrocities in Darfur;

3           (3) militia members or other individuals impli-  
4           cated in the atrocities in Darfur; and

5           (4) family members of an individual described  
6           in paragraphs (1), (2), and (3).

7           (c) TRAVEL RESTRICTIONS.—The Secretary of State  
8           shall take measures to significantly reduce the number  
9           and the level of the staff at the Sudanese diplomatic mis-  
10          sion in Washington, D.C., and restrict or control the  
11          movement within the United States of all such staff who  
12          remain.

13          (d) RESTRICTION ON INTERNATIONAL CON-  
14          FERENCES.—The Secretary of State shall instruct the  
15          United States Permanent Representative to the United  
16          Nations to oppose any conference organized by United Na-  
17          tions member agencies or other international and regional  
18          organizations from being held in Sudan.

19          (e) REPORTING REQUIREMENT.—Not later than 30  
20          days after a decision to freeze the property or assets of,  
21          or deny a visa or entry to, any person under this section,  
22          the President shall report the name of such person to the  
23          appropriate congressional committees.



1 **SEC. 6. AUTHORIZATION TO USE FORCE TO STOP GENO-**  
2 **CIDE IN DARFUR, SUDAN.**

3 (a) AUTHORIZATION TO USE FORCE.—The President  
4 is authorized to use all necessary means, including use of  
5 the United States armed forces, to stop genocide in  
6 Darfur, Sudan, consistent with the Convention on the Pre-  
7 vention and Punishment of the Crime of Genocide, to en-  
8 force United Nations Security Council Resolutions 1556  
9 and 1564, and in response to the Comprehensive Sudan  
10 Peace Act of 2004.

11 (b) AUTHORIZATION TO NEUTRALIZE PERPETRA-  
12 TORS OF THE VIOLENCE.—The President is authorized  
13 and strongly encouraged to consider utilizing unmanned  
14 armed planes and other military assets to neutralize—

15 (1) Janjaweed or other militia groups intent in  
16 targeting civilians;

17 (2) helicopters or fixed aircraft used to attack  
18 civilians or to provide cover and assistance to militia  
19 groups; and

20 (3) intelligence or military headquarters used to  
21 plan and direct attacks against civilians.

22 (c) NO-FLY ZONES.—The President is authorized to  
23 use force to enforce a no-fly zone over the Darfur region  
24 by utilizing American military assets, including—

25 (1) those currently stationed in the Horn of Af-  
26 rica region and/or use of NATO forces;





1 apply to violations under subsection (a) to the same extent  
2 as such penalties apply to violations under that Act.

3 (c) WAIVER.—The President may waive the applica-  
4 tion of sanctions in section 5 and this section if the Presi-  
5 dent determines and certifies to the appropriate congres-  
6 sional committees that such a waiver is in the national  
7 interest of the United States.

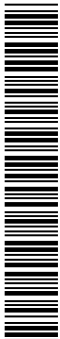
8 (d) NOTIFICATION OF WAIVERS OF SANCTIONS.—  
9 Not later than 30 days before waiving the provisions of  
10 any sanctions currently in force with regard to Sudan, the  
11 President shall submit to the appropriate congressional  
12 committees a report describing the waiver and the reasons  
13 therefor.

14 **SEC. 8. REPORTS TO CONGRESS.**

15 (a) DISCLOSURE OF BUSINESS ACTIVITIES IN  
16 SUDAN.—

17 (1) ANNUAL REPORT TO CONGRESS.—The Sec-  
18 retary of the Treasury shall, not later than 6  
19 months after the date of the enactment of this Act,  
20 and not later than the end of each 1-year period  
21 thereafter, submit to the Congress a report that  
22 includes—

23 (A) the identity of all entities that are en-  
24 gaged in commercial activity in Sudan;



1 (B) the nature and extent of that commer-  
2 cial activity in Sudan, including any plans for  
3 expansion or diversification;

4 (C) the identity of all agencies of the Su-  
5 danese Government with which any such entity  
6 is doing business; and

7 (D) the relationship of the commercial ac-  
8 tivity to any violations of religious freedom and  
9 other human rights in Sudan.

10 (2) DISCLOSURE TO THE PUBLIC.—The Sec-  
11 retary of the Treasury shall publish or otherwise  
12 make available to the public each report submitted  
13 under subsection (a).

14 (b) CONFORMING AMENDMENT.—Section 8(b)(1) of  
15 the Sudan Peace Act (50 U.S.C.1701 note) is amended  
16 to read as follows:

17 “(1) The best estimates of the extent of aerial  
18 bombardment of, as well as the extent of militia ac-  
19 tivity against, civilian centers in Sudan, by the Gov-  
20 ernment of Sudan, including targets, frequency, and  
21 best estimates of damage.”.

