

113TH CONGRESS
1ST SESSION

H. R. 1692

To require the development of a comprehensive strategy to end serious human rights violations in Sudan, to create incentives for governments and persons to end support of and assistance to the Government of Sudan, to reinvigorate genuinely comprehensive peace efforts in Sudan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2013

Mr. MCGOVERN (for himself, Mr. WOLF, Mr. CAPUANO, Mr. MCCAUL, Ms. LEE of California, Mr. SCHOCK, Ms. BASS, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, Mr. SHERMAN, Mr. GRIJALVA, Ms. EDWARDS, Mr. CLAY, Ms. MOORE, Mrs. CAROLYN B. MALONEY of New York, Mr. CONYERS, Mr. DEFazio, Mr. CARSON of Indiana, Mr. CICILLINE, Mr. JOHNSON of Georgia, Ms. MCCOLLUM, Mr. MICHAUD, Mr. RUSH, Mr. MORAN, Mr. MARKEY, Mr. MCINTYRE, Mr. POLIS, and Mr. WELCH) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the development of a comprehensive strategy to end serious human rights violations in Sudan, to create incentives for governments and persons to end support of and assistance to the Government of Sudan, to reinvigorate genuinely comprehensive peace efforts in 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.—The Act may be cited as the
 5 “Sudan Peace, Security, and Accountability Act of 2013”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings.
- Sec. 4. Statement of policy.
- Sec. 5. Requirement of a comprehensive strategy to end serious human rights violations, promote democratic transformation, and create peace throughout Sudan.
- Sec. 6. Sanctionable acts.
- Sec. 7. Description of sanctions.
- Sec. 8. Ineligibility for visas and admission to the United States.
- Sec. 9. Prohibition on all transactions in property, goods, and technology.
- Sec. 10. Expanding sanctions and other authorities in support of peace in Sudan.
- Sec. 11. Report.
- Sec. 12. Termination of sanctions.

8 **SEC. 2. DEFINITIONS.**

9 (1) ADMITTED; ALIEN.—The terms “admitted”
 10 and “alien” have the meanings given those terms in
 11 section 101 of the Immigration and Nationality Act
 12 (8 U.S.C. 1101).

13 (2) APPROPRIATE CONGRESSIONAL COMMIT-
 14 TEES.—The term “appropriate congressional com-
 15 mittees” means—

16 (A) the Committee on Banking, Housing,
 17 and Urban Affairs, the Committee on Foreign
 18 Relations, the Committee on the Judiciary, and

1 the Select Committee on Intelligence of the
2 Senate; and

3 (B) the Committee on Financial Services,
4 the Committee on Foreign Affairs, the Com-
5 mittee on the Judiciary, and the Permanent Se-
6 lect Committee on Intelligence of the House of
7 Representatives.

8 (3) FINANCIAL INSTITUTION.—The term “fi-
9 nancial institution” has the meaning given that term
10 under section 5312(a)(2) of title 31, United States
11 Code.

12 (4) GOVERNMENT OF SUDAN.—The term “Gov-
13 ernment of Sudan” means—

14 (A) the government in Khartoum, Sudan,
15 which is led by the National Congress Party; or

16 (B) any successor government formed on
17 or after the date of the enactment of this Act.

18 (5) MILITARY EQUIPMENT.—The term “mili-
19 tary equipment” means—

20 (A) weapons, arms, supplies, or parts that
21 readily may be used for military purposes, in-
22 cluding radar systems, aerial weapons, or mili-
23 tary-grade transport vehicles; or

24 (B) supplies or services sold or provided di-
25 rectly or indirectly to any person or government

1 participating, supporting, or assisting in armed
2 conflict in Sudan.

3 (6) PERSON.—The term “person” has the
4 meaning given such term in section 2(9) of the
5 Sudan Accountability and Divestment Act of 2007
6 (50 U.S.C. 1701 note; Public Law 110–174), includ-
7 ing any board of directors or executives of such a
8 person.

9 (7) SUPPORT.—The term “support” or “sup-
10 ported” means—

11 (A) any type of material, financial, or
12 logistical assistance; or

13 (B) in the case of the Government of
14 Sudan, failure to prevent or punish serious
15 human rights violations by a person in Sudan
16 that is committing or assisting in the commis-
17 sion of serious human rights violations.

18 (8) SERIOUS VIOLATIONS OF HUMAN RIGHTS.—
19 The term “serious violations of human rights” in-
20 cludes the following:

21 (A) Genocide, as described in section 1091
22 of title 18, United States Code.

23 (B) Torture, as such term is defined in
24 section 2340 of title 18, United States Code.

1 (C) War crimes, as such term is defined in
2 subsections (c) and (d) of section 2441 of title
3 18, United States Code.

4 (D) Consistent patterns of gross violations
5 of internationally recognized human rights as
6 described in section 502b(a) of the Foreign As-
7 sistance Act of 1961.

8 (E) Persecution, as interpreted by judicial
9 and administrative case law in the application
10 of section 101(a)(42) of the Immigration and
11 Nationality Act (8 U.S.C. 1101(a)(42)).

12 (F) Acts or omissions described in the
13 President’s “Proclamation 8697—Suspension of
14 Entry as Immigrants and Nonimmigrants of
15 Persons Who Participate in Serious Human
16 Rights and Humanitarian Law Violations and
17 Other Abuses” (Aug. 4, 2011).

18 **SEC. 3. FINDINGS.**

19 (a) FINDINGS.—Congress makes the following find-
20 ings:

21 (1) On October 21, 2002, the “Sudan Peace
22 Act” was enacted into law as Public Law 107–245.

23 (2) 2013 marks ten years from the start of
24 crimes in Darfur that were later found to constitute
25 genocide, and 2014 marks ten years from when the

1 House of Representatives, the Senate, and the
2 United States concluded that crimes in Darfur com-
3 mitted by the Government of Sudan constituted
4 genocide.

5 (3) On July 22, 2004—

6 (A) the House of Representatives adopted
7 House Concurrent Resolution 467 by a vote of
8 422–0, concluding that crimes in Darfur con-
9 stituted genocide; and

10 (B) the Senate adopted Senate Concurrent
11 Resolution 1330 by unanimous consent and de-
12 clared, “[T]he atrocities unfolding in Darfur,
13 Sudan, are genocide.”

14 (4) On September 9, 2004, then-Secretary of
15 State Colin Powell testified before the Committee on
16 Foreign Relations of the Senate that “genocide has
17 occurred and may still be occurring in Darfur” and
18 “the Government of Sudan and the Janjaweed bear
19 responsibility”.

20 (5) On December 23, 2004, the “Comprehen-
21 sive Peace in Sudan Act of 2004” was enacted into
22 law as Public Law 108–497.

23 (6) On October 13, 2006, the “Darfur Peace
24 and Accountability Act of 2006” was enacted into
25 law as Public Law 109–344.

1 (7) On April 27, 2007, the International Crimi-
2 nal Court (ICC) issued arrest warrants for—

3 (A) former Sudanese Minister of the Inte-
4 rior Ahmad Muhammad Harun, who currently
5 serves as Governor of the Sudanese state of
6 South Kordofan, on 20 counts of crimes against
7 humanity and 22 counts of war crimes in
8 Darfur; and

9 (B) Janjaweed Commander Ali Muham-
10 mad Ali Abd-Al-Rahman (“Ali Kushayb”) on
11 22 counts of crimes against humanity and 28
12 counts of war crimes.

13 (8) On December 31, 2007, the “Sudan Ac-
14 countability and Divestment Act of 2007” was en-
15 acted into law as Public Law 110–174.

16 (9) In May 2008, the Government of Sudan in-
17 vaded Abyei and has since forcibly removed the
18 Ngok Dinka population, which subsequently led to
19 the conclusion of the Abyei Roadmap agreement that
20 called for an arbitration to resolve the dispute over
21 the area’s boundaries.

22 (10) On March 4, 2009, the ICC issued an ar-
23 rest warrant for Omar al-Bashir, the sitting Presi-
24 dent of Sudan, on two counts of war crimes and five
25 counts of crimes against humanity related to Darfur.

1 (11) On July 10, 2010, the ICC issued a sec-
2 ond arrest warrant for Omar al-Bashir, the sitting
3 President of Sudan, on three counts of genocide re-
4 lated to Darfur.

5 (12) On May 21, 2011, the Government of
6 Sudan invaded the disputed Abyei region which re-
7 sulted in the displacement of more than 113,000 ci-
8 vilians, almost all of whom were Ngok Dinka, and
9 has not withdrawn its forces despite entering into an
10 agreement to do so.

11 (13) A United Nations report, dated May 29,
12 2011, stated that the invasion of the Abyei region by
13 the Sudanese Armed Forces (SAF) could lead to
14 “ethnic cleansing”.

15 (14) On June 5, 2011, fighting erupted in
16 South Kordofan, which included the aerial bombard-
17 ment of civilian areas by the Sudanese Air Force, re-
18 sulting in the displacement of more than 200,000 ci-
19 vilians. On September 1, 2011, similar fighting
20 broke out in Blue Nile.

21 (15) In July 2011, the Government of Sudan
22 signed the Doha Document for Peace in Darfur with
23 one rebel group, but the agreement did not include
24 other significant groups.

1 (16) Aerial bombardments in civilian areas of
2 South Kordofan and Blue Nile have severely im-
3 peded the ability of the population to engage in nor-
4 mal agricultural activities, leading to the potential
5 for a massive famine affecting hundreds of thou-
6 sands of people, and has caused widespread displace-
7 ment of civilians. Moreover, the Government of
8 Sudan has continually blocked humanitarian relief to
9 vulnerable populations devastated by its aerial bom-
10 bardments.

11 (17) On August 15, 2011, the United Nations
12 Office of the High Commissioner for Human Rights
13 released a preliminary report stating that alleged
14 violations of international law by Sudanese forces in
15 the South Kordofan region “may constitute war
16 crimes and crimes against humanity”. Reported vio-
17 lations included extrajudicial killings, arbitrary ar-
18 rests and illegal detention, forced disappearances,
19 aerial bombardments and attacks against civilians,
20 looting and destruction of civilian homes and vil-
21 lages, massive displacement, attacks on churches, in-
22 terference with medical and humanitarian assist-
23 ance, and allegations of targeted attacks against eth-
24 nic and racial groups and the existence of mass
25 graves. Subsequent reports by the United Nations

1 and other independent monitors document the con-
2 tinuation of these violations throughout 2012 and
3 the beginning of 2013.

4 (18) On March 1, 2012, the ICC issued an ar-
5 rest warrant against the current Sudanese Defense
6 Minister Abdel Raheem Muhammad Hussein for
7 crimes against humanity and war crimes committed
8 in Darfur from August 2003 to March 2004.

9 (19) Recent offensive operations in South
10 Kordofan and Blue Nile by Sudanese Armed Forces
11 have led to significant and increasing flows of refu-
12 gees to Ethiopia and South Sudan, and on Novem-
13 ber 10, 2011, reports by the United Nations indi-
14 cated that aerial bombardment by the Sudanese
15 Armed Forces was used against a refugee camp in
16 South Sudan. On January 24, 2012, UNHCR again
17 condemned an air raid carried out at a refugee tran-
18 sit site located within South Sudan.

19 (20) Reports of cross border ground attacks by
20 Sudan into South Sudan, aerial bombardment inside
21 South Sudan and the increasing presence of Suda-
22 nese military forces close to the border between
23 Sudan and South Sudan are provocative acts that
24 raise tensions between the two countries, increasing

1 the risk of a military conflict and the aggravation of
2 the humanitarian crisis.

3 (21) In January 2013, the United Nations Of-
4 fice for the Coordination of Humanitarian Affairs
5 (OCHA) stated that some 900,000 Sudanese people
6 are in need of humanitarian aid in South Kordofan
7 and Blue Nile provinces and in neighboring coun-
8 tries where they have sought refuge, describing their
9 situation as bleak and urgent. OCHA further re-
10 ported that there is a deficit of political will by both
11 sides of the conflict to do what is necessary to pro-
12 vide access to international humanitarian agencies to
13 help the people where they so urgently and des-
14 perately need aid.

15 (22) In February 2013, the United Nations
16 documented that over 1.5 million people have been
17 displaced or severely affected as a result of violence
18 in Darfur, Abyei, South Kordofan, and Blue Nile
19 provinces, including some 90,000–100,000 Darfuris
20 newly displaced in 2012. In addition, over 40,000
21 people of South Sudanese origin remain stranded in
22 Khartoum State and are living in dire conditions
23 awaiting repatriation to South Sudan.

24 (23) There is sufficient evidence to conclude
25 that the Government of Sudan and persons con-

1 trolled or supported by the Government of Sudan
2 are using military equipment to commit or assist in
3 committing serious human rights violations.

4 (24) In May 2012, the United Nations Security
5 Council passed Resolution 2046, calling on the Gov-
6 ernments of Sudan and South Sudan to address sev-
7 eral remaining unresolved issues, including humani-
8 tarian access to South Kordofan and Blue Nile, or
9 face consequences under Chapter VII of the United
10 Nations Charter, including possible sanctions.

11 (25) In July 2012, the Government of Sudan
12 signed a Tripartite Agreement with the African
13 Union, the League of Arab States, and the United
14 Nations to allow international humanitarian access
15 to South Kordofan and Blue Nile, but as of the be-
16 ginning of March 2013, such access continues to be
17 blocked by the Government of Sudan.

18 (26) In September 2012, the Governments of
19 Sudan and South Sudan signed a series of security
20 and economic framework agreements. In March
21 2013, the two sides agreed to an implementation
22 matrix and modalities for the demilitarized buffer
23 zone along their shared borders, but the slow pace
24 of implementation of those agreements and the lack
25 of an agreement over the final status of Abyei and

1 the demarcation of the north-south border threaten
2 peace and stability in the region, and in particular
3 peace and stability along the north-south borders of
4 these countries.

5 **SEC. 4. STATEMENT OF POLICY.**

6 (a) STATEMENT OF POLICY.—It shall be the policy
7 of the United States to take urgent action to—

8 (1) promote a genuinely comprehensive ap-
9 proach to resolving all issues related to serious
10 human rights violations and political instability in
11 Sudan, with the goal of encouraging a single, com-
12 prehensive agreement that provides a framework for
13 democratic reform and lasting peace throughout all
14 of Sudan, as well as a transparent, fair, and all-in-
15 clusive constitutional process;

16 (2) ensure that work on a single, comprehensive
17 solution to Sudan’s multiple conflicts runs parallel to
18 negotiations between the Governments of Sudan and
19 South Sudan but such comprehensive solution is not
20 conditioned on the status of Sudan-South Sudan ne-
21 gotiations, and is coordinated effectively so as to
22 prevent obstacles that may arise in Sudan-South
23 Sudan from delaying or derailing work on such com-
24 prehensive solution;

1 (3) identify actions to provide immediate pro-
2 tection to noncombatants throughout Sudan who
3 have been victims of serious human rights violations
4 or are vulnerable to becoming victims of serious
5 human rights violations, including—

6 (A) demanding that the Government of
7 Sudan permit free and unfettered access for
8 international humanitarian aid throughout
9 Sudan, including throughout Darfur, South
10 Kordofan, Blue Nile, and Abyei, and absent
11 such agreement, the United States should seek
12 other mechanisms to mitigate the effects of the
13 lack of such humanitarian aid;

14 (B) considering options, including in con-
15 sultation with key international and regional ac-
16 tors described in paragraph (6), in which the
17 United States could enforce the existing United
18 Nations-imposed ban on offensive military
19 flights over Darfur, as well as an extension of
20 that ban to include South Kordofan, Blue Nile,
21 and Abyei;

22 (C) calling upon all persons and govern-
23 ments to immediately cease all selling, leasing,
24 loaning, exporting, or otherwise transferring of
25 military equipment to the Government of Sudan

1 or to any person controlled or supported by the
2 Government of Sudan;

3 (D) engaging United States allies to adopt
4 and impose sanctions against the Government
5 of Sudan similar to the sanctions already en-
6 acted by the United States and the sanctions
7 described in this Act so as to strengthen multi-
8 lateral coordination and action to achieve a
9 comprehensive resolution to Sudan's multiple
10 conflicts and unfettered access for international
11 humanitarian aid for Sudan's vulnerable popu-
12 lations; and

13 (E) urging the United Nations Security
14 Council to—

15 (i) ban all sales, leases, loans, exports,
16 or transfers of military equipment to the
17 Government of Sudan or any person con-
18 trolled or supported by the Government of
19 Sudan;

20 (ii) expand the existing ban on all
21 military flights over Darfur provided for
22 under paragraph 6 of United Nations Se-
23 curity Council Resolution 1591 (2005) to
24 other areas of Sudan where there are cur-
25 rently serious human rights violations oc-

1 curring, including in South Kordofan, Blue
2 Nile, and Abyei; and

3 (iii) authorize a peacekeeping force
4 that contains a human rights monitoring
5 component and the appropriate mandate
6 and resources necessary to protect civilians
7 to any area of Sudan not currently served
8 by such a force and for which there is
9 credible evidence of serious human rights
10 violations;

11 (4) promote free and transparent democratic
12 reform in Sudan, including exploring methods
13 through which the United States can provide tech-
14 nical support, training, capacity building, and fund-
15 ing to promote and strengthen democratic institu-
16 tions, nongovernmental organizations, civil society,
17 and representative political participation in Sudan,
18 including those institutions and organizations that
19 can represent and articulate the demands of
20 marginalized constituencies, such as the peripheries,
21 youth, women, nomads, and urban and rural poor;

22 (5) hold persons and governments accountable
23 for committing or assisting in the commission of se-
24 rious human rights violations, or for supporting or
25 assisting those persons and governments that com-

1 mit or assist in the commission of human rights vio-
2 lations, including—

3 (A) ensuring that all sanctions in effect
4 against the Government of Sudan are exercised
5 against all applicable Government of Sudan-
6 controlled or supported persons and property,
7 bearing in mind that the Government of Sudan
8 may have nominally transferred certain state-
9 controlled or supported persons and property to
10 leaders within the National Congress Party
11 (NCP) while preserving Government of Sudan
12 control over or support of those persons and fi-
13 nancial interests;

14 (B) expanding sanctions to target the Gov-
15 ernment of Sudan and persons controlled or
16 supported by the Government of Sudan in the
17 commission or assistance of serious human
18 rights violations throughout Sudan, including in
19 Darfur, South Kordofan, Blue Nile, or Abyei;

20 (C) formulating and enforcing sanctions
21 against persons or governments outside of
22 Sudan that support or assist the Government of
23 Sudan or persons controlled or supported by
24 the Government of Sudan in the commission or

1 assistance of serious human rights violations in
2 Sudan;

3 (D) formulating and enforcing sanctions
4 against persons or governments that fail to exe-
5 cute an International Criminal Court arrest
6 warrant against any Government of Sudan offi-
7 cial as described under section 6(d);

8 (E) urging the United Nations Security
9 Council to—

10 (i) create a more comprehensive,
11 international set of sanctions against the
12 Government of Sudan and persons con-
13 trolled or supported by the Government of
14 Sudan that commit, assist in, or otherwise
15 support serious human rights violations in
16 Sudan;

17 (ii) expand the ICC’s mandate beyond
18 only Darfur to cover all of Sudan, includ-
19 ing South Kordofan, Blue Nile, and Abyei;
20 and

21 (iii) adopt the broadest authority pos-
22 sible, including the application of the
23 United Nations’ Charter Chapter 7 powers,
24 to execute any ICC arrest warrants issued
25 against any person in Sudan;

1 (F) encouraging countries to cooperate in
2 executing ICC arrest warrants related to allega-
3 tions of genocide, war crimes, and crimes
4 against humanity in Sudan; and

5 (G) determining the extent of serious
6 human rights violations throughout Sudan, in-
7 cluding in Darfur, South Kordofan, Blue Nile,
8 and Abyei, which may include sending an as-
9 sessment team to interview refugees in Ethiopia
10 and South Sudan;

11 (6) ensure the resolution of all outstanding
12 issues between the Governments of Sudan and South
13 Sudan, including—

14 (A) enhancing diplomacy with the African
15 Union High Level Implementation Panel, the
16 United Nations, and other key international
17 and regional actors described in paragraph (6)
18 that have significant influence or interests re-
19 lated to the region to assist the Governments of
20 Sudan and South Sudan to continue high level
21 engagement to resolve outstanding issues, ad-
22 dress points of conflict, and ensure a peaceful
23 relationship between the two countries, includ-
24 ing—

1 (i) reaching agreement on the final
2 status of Abyei and the disputed border
3 areas; and

4 (ii) implementing fully the framework
5 and cooperation agreements signed in Sep-
6 tember 2012 on security, oil, financial mat-
7 ters, nationality, trade, and other critical
8 issues; and

9 (B) insisting that the Governments of
10 Sudan and South Sudan respect the political
11 independence and territorial integrity of neigh-
12 boring countries; and

13 (7) engage with key international and regional
14 actors, including the African Union, the United Na-
15 tions, the European Union, the League of Arab
16 States, China, Russia, Ethiopia, Qatar, Turkey, and
17 other governments and persons that have significant
18 influence or interests related to Sudan, in order to
19 achieve the policies of this section and the overall
20 goals of this Act.

1 **SEC. 5. REQUIREMENT OF A COMPREHENSIVE STRATEGY**
2 **TO END SERIOUS HUMAN RIGHTS VIOLA-**
3 **TIONS, PROMOTE DEMOCRATIC TRANS-**
4 **FORMATION, AND CREATE PEACE THROUGH-**
5 **OUT SUDAN.**

6 (a) REQUIREMENT FOR DEVELOPMENT AND SUBMIS-
7 SION OF COMPREHENSIVE STRATEGY.—Not later than
8 180 days after the date of the enactment of this Act, the
9 President shall develop and transmit to the appropriate
10 congressional committees a comprehensive strategy in ac-
11 cordance with the statement of policy specified in section
12 4.

13 (b) CONTENTS OF STRATEGY.—The strategy re-
14 quired under subsection (a) shall include the following:

15 (1) The development of an interagency plan and
16 the commitment of resources to end serious human
17 rights violations in Sudan, create a nationwide, com-
18 prehensive peace, and promote democratic reform.

19 Such interagency plan shall describe—

20 (A) the diplomatic, economic, intelligence,
21 and military activities to be undertaken to ad-
22 dress and end human rights violations,
23 strengthen democratic institutions, and expand
24 democratic participation and governance, in-
25 cluding capacity building of Sudanese civil soci-

1 ety, political parties, and nongovernmental or-
2 ganizations seeking peaceful democratic change;

3 (B) the resources required to carry out the
4 activities described in subparagraph (A), and
5 the additional diplomatic personnel required in
6 Sudan for such activities and outreach to civil
7 society;

8 (C) options for expanding United States
9 diplomatic engagement with countries with close
10 political or economic relations with Sudan, in-
11 cluding China, Russia, Qatar, Egypt, and other
12 traditional allies of Sudan, and with multilat-
13 eral organizations, in order to promote and
14 achieve a comprehensive peace process within
15 Sudan; and

16 (D) how sanctions against the Government
17 of Sudan or Sudanese individuals shall be more
18 effectively enforced, including by providing ade-
19 quate resources and personnel to the Office of
20 Foreign Assets Control (OFAC) within the De-
21 partment of the Treasury, prioritizing the en-
22 forcement of sanctions against Sudan within
23 OFAC, and mandating increased collection of
24 intelligence information on Sudanese targets of
25 sanctions.

1 (2) A description of the United States diplo-
2 matic, economic, intelligence, and military actions
3 and capabilities engaged, as of the date of the enact-
4 ment of this Act, with Sudan, including multilateral
5 efforts.

6 (3) A review of governments and persons out-
7 side of Sudan that provide diplomatic, economic, in-
8 telligence, and military support or assistance to the
9 Government of Sudan, including governments and
10 persons that facilitate the export of military equip-
11 ment to Sudan.

12 (4) A list of governments and persons identified
13 in paragraph 3 that may be committing sanctionable
14 acts (as defined in section 6).

15 (5) A process for providing timely and regular
16 information to the President for the purpose of de-
17 termining whether a government or person may be
18 committing sanctionable acts (as defined in section
19 6).

20 (6) An assessment of the United States diplo-
21 matic, economic, intelligence, and military actions
22 and capabilities that reasonably may be utilized,
23 strengthened, or improved to further the objective of
24 ending serious human rights violations in Sudan and
25 of promoting a nationwide, comprehensive peace and

1 democratic reform strategy. This assessment should
2 include multilateral and bilateral efforts through the
3 United Nations, other governments and persons that
4 have significant influence or interests in Sudan, and
5 humanitarian NGOs.

6 (c) AGENCIES SPECIFIED.—The agencies involved in
7 the development of the interagency plan required under
8 subsection (b)(1) are the following:

9 (1) The Department of State and the United
10 States Agency for International Development
11 (USAID), including the Special Envoy for Sudan
12 and South Sudan, the Bureau of Democracy,
13 Human Rights, and Labor (DRL), the Bureau of
14 Conflict and Stabilization Operations, and USAID’s
15 Bureau of Democracy, Conflict, and Humanitarian
16 Assistance.

17 (2) The Department of the Treasury, including
18 the Office of Foreign Assets Control (OFAC).

19 (3) The Department of Homeland Security.

20 (4) The Department of Commerce, including
21 the Bureau of Industry and Security (BIS).

22 (5) The Department of Defense.

23 (6) The National Security Council.

24 (7) The Office of the Director of National Intel-
25 ligence and the Central Intelligence Agency.

1 (8) The Department of Justice.

2 (d) FORM.—The strategy required under this section
3 shall be submitted in unclassified form, but may include
4 a classified annex.

5 **SEC. 6. SANCTIONABLE ACTS.**

6 (a) PROVIDING SUPPORT OR ASSISTANCE IN THE
7 COMMISSION OF SERIOUS HUMAN RIGHTS VIOLATIONS IN
8 SUDAN.—The President shall impose on any person or
9 government at least two of the sanctions specified in sec-
10 tion 7 if the President determines and certifies to the ap-
11 propriate congressional committees that such person or
12 government has supported or assisted the Government of
13 Sudan or any person controlled or supported by the Gov-
14 ernment of Sudan in the commission, or assistance in the
15 commission, of serious human rights violations in Sudan,
16 including by—

17 (1) selling, leasing, loaning, exporting, or other-
18 wise transferring military equipment to the Govern-
19 ment of Sudan or any person controlled or sup-
20 ported by the Government of Sudan; or

21 (2) providing in any 12-month period any prop-
22 erty, goods, technology, services, or other support in
23 the amount of \$500,000 or more, or any combina-
24 tion of such items or support the aggregate of which
25 exceeds \$500,000 in any such period, that directly

1 and significantly contributes to the Government of
2 Sudan or any person controlled or supported by the
3 Government of Sudan to commit or assist in the
4 commission of serious human rights violations.

5 (b) INTERFERING WITH HUMANITARIAN AID.—The
6 President shall impose on any person or government at
7 least two of the sanctions specified in section 7 if the
8 President determines and certifies to the appropriate con-
9 gressional committees that such person or government is
10 interfering or has interfered with the delivery of humani-
11 tarian aid to Sudan.

12 (c) IMPEDING OR THREATENING PEACE AND STA-
13 BILITY IN SUDAN.—The President shall impose on any
14 person or government at least two of the sanctions speci-
15 fied in section 7 if the President determines and certifies
16 to the appropriate congressional committees that such per-
17 son or government is impeding the peace process or
18 threatening the stability of any part of Sudan or the re-
19 gion.

20 (d) FAILURE TO EXECUTE ICC ARREST WARRANTS
21 AGAINST GOVERNMENT OF SUDAN OFFICIALS.—The
22 President shall impose on any person or government at
23 least two of the sanctions specified in section 7 if the
24 President determines and certifies to the appropriate con-
25 gressional committees that such person or government has

1 failed to execute an International Criminal Court arrest
2 warrant against any Government of Sudan official if such
3 person or government—

4 (1) had the jurisdictional authority to execute
5 the warrant;

6 (2) had the opportunity to execute the warrant;
7 and

8 (3) failed to do so without reasonable justifica-
9 tion.

10 (e) EXCEPTION FOR SOUTH SUDAN.—No sanctions
11 or other prohibitions described in this Act shall be imposed
12 on any government or person that is acting on behalf of
13 the Government of South Sudan in connection with—

14 (1) the shipment or payment for oil from South
15 Sudan; or

16 (2) the advancement of peace between Sudan
17 and South Sudan.

18 (f) EXCEPTION FOR SALES OF HUMANITARIAN AID,
19 INCLUDING FOOD, MEDICINE, AND MEDICAL DEVICES.—
20 No sanctions or other prohibitions described in this Act
21 shall be imposed on any government or person that is or
22 has conducted or facilitated the provision or sale of hu-
23 manitarian aid, including food, medicine, or medical de-
24 vices, to the Government of Sudan or any person con-
25 trolled or supported by the Government of Sudan.

1 **SEC. 7. DESCRIPTION OF SANCTIONS.**

2 (a) SANCTIONS.—The sanctions referred to in section
3 6 are the following:

4 (1) The withdrawal, limitation, or suspension of
5 United States development assistance under part I
6 of the Foreign Assistance Act of 1961.

7 (2) Directing the Export-Import Bank of the
8 United States, the Overseas Private Investment Cor-
9 poration, or the Trade and Development Agency to
10 not approve the issuance of any (or a specified num-
11 ber of) guarantees, insurance, extensions of credit,
12 or participation in an extension of credit with re-
13 spect to the person or government identified by the
14 President under section 6 of this Act.

15 (3) The withdrawal, limitation, or suspension of
16 United States security assistance under part II of
17 the Foreign Assistance Act of 1961.

18 (4) In accordance with section 701 of the Inter-
19 national Financial Institutions Act, directing the
20 United States executive director at international fi-
21 nancial institutions referred to in such section to op-
22 pose and vote against loans primarily benefitting the
23 person or government identified by the President
24 under section 6 of this Act.

25 (5) Ordering the heads of the appropriate
26 United States departments and agencies not to issue

1 any (or a specified number of) specific licenses, and
2 not to grant any other specific authority (or a speci-
3 fied number of authorities), to export any goods or
4 technology to the person or government identified by
5 the President under section 6 of this Act, under—

6 (A) the Export Administration Act of 1979

7 (as continued in effect by the International
8 Emergency Economic Powers Act);

9 (B) the Arms Export Control Act;

10 (C) the Atomic Energy Act of 1954; or

11 (D) any other statute that requires the
12 prior review and approval of the United States
13 Government as a condition for the export or re-
14 export of goods or services.

15 (6) Prohibiting any United States financial in-
16 stitution or person from making loans or providing
17 credits totaling more than \$500,000 in any 12-
18 month period to the person or government identified
19 by the President under section 6 of this Act.

20 (7) Prohibiting the United States Government
21 from procuring, or entering into any contract for the
22 procurement of, any goods or services from the per-
23 son or government identified by the President under
24 section 6 of this Act.

1 (8) Downgrading, suspending, or canceling at
2 least one official, economic, cultural, or scientific
3 visit, meeting, or contact between any person or gov-
4 ernment within the jurisdiction of the United States
5 and the government identified by the President
6 under section 6 of this Act.

7 (b) **PRESIDENTIAL AUTHORITY FOR ADDITIONAL**
8 **SANCTIONS.**—The President may impose additional sanc-
9 tions not specified in subsection (a) pursuant to the Inter-
10 national Emergency Economic Powers Act (50 U.S.C.
11 1701 et seq.) with respect to any person or government
12 identified by the President under section 6 of this Act.

13 (c) **WAIVER.**—The President may waive the applica-
14 tion of section 6 of this Act with respect to any person
15 or government identified by the President under such sec-
16 tion if the President determines that such a waiver is in
17 the national interests of the United States. At least 30
18 days before granting such a waiver, the President shall
19 provide the appropriate congressional committees notice
20 of, and a justification for, such waiver.

21 **SEC. 8. INELIGIBILITY FOR VISAS AND ADMISSION TO THE**
22 **UNITED STATES.**

23 (a) **IN GENERAL.**—An alien is ineligible to receive
24 any visa to enter the United States if the President has

1 made a determination regarding the alien under section
2 6.

3 (b) REVOCATION.—The Secretary of State shall re-
4 voke, including retroactively revoke if the alien has been
5 admitted to the United States, in accordance with section
6 221(i) of the Immigration and Nationality Act (8 U.S.C.
7 1201(i)), the visa or other documentation of any alien if
8 the President has made a determination regarding the
9 alien under section 6 of this Act.

10 (c) INADMISSIBILITY AND REMOVABILITY.—

11 (1) INADMISSIBILITY.—An arriving alien may
12 be charged under any applicable provision of section
13 212 of the Immigration and Nationality Act if the
14 President has made a determination regarding the
15 alien under section 6.

16 (2) REMOVABILITY.—An alien admitted to the
17 United States may be charged under any applicable
18 provision of section 237 of the Immigration and Na-
19 tionality Act if the President has made a determina-
20 tion regarding the alien under section 6.

21 (d) CERTAIN FAMILY MEMBERS ALSO INELIGIBLE
22 FOR VISAS AND ADMISSION.—The following persons, if
23 they are aliens, are subject to subsections (a) through (c)
24 if the President has made a determination under section
25 6 with respect to an alien:

1 (1) The spouse of the alien identified by the
2 President under section 6.

3 (2) The natural, adopted, or step-son or
4 daughter of the alien so identified.

5 (3) The natural or legal parents, step-parents,
6 or guardians of the alien so identified.

7 (4) The natural or legal grandparents or step-
8 grandparents of the alien so identified.

9 (e) VISA WAIVER.—The Secretary of State may waive
10 the application of subsections (a), (b), and (d) if the Sec-
11 retary determines that such a waiver is in the national
12 interests of the United States. At least 30 days before
13 granting such a waiver, the Secretary shall provide to the
14 appropriate congressional committees notice of, and a jus-
15 tification for, the waiver.

16 (f) INADMISSIBILITY AND REMOVAL WAIVER.—The
17 Secretary of Homeland Security may waive the application
18 of subsections (c) and (d) if the Secretary determines that
19 such a waiver is in the national interests of the United
20 States. At least 30 days before granting such a waiver,
21 the Secretary shall provide to the appropriate congres-
22 sional committees notice of, and a justification for, the
23 waiver.

1 **SEC. 9. PROHIBITION ON ALL TRANSACTIONS IN PROP-**
2 **ERTY, GOODS, AND TECHNOLOGY.**

3 (a) PROHIBITION OF PROPERTY TRANSACTIONS.—

4 The Secretary of the Treasury shall block and prohibit all
5 transactions in all property and interests in property, in-
6 cluding any goods or technology, of any person or govern-
7 ment in the United States, that come within the United
8 States, or that are or come within the possession or con-
9 trol of a person within the jurisdiction of the United
10 States, if a person or government—

11 (1) is designated by the President under section
12 6; or

13 (2) acts as an agent of or on behalf of a person
14 or government designated by the President under
15 section 6 in a matter relating to the activity for
16 which the person or government was added to that
17 list.

18 (b) WAIVER FOR NATIONAL INTERESTS.—The Sec-
19 retary of the Treasury may waive the application of sub-
20 section (a) if the Secretary determines that such a waiver
21 is in the national interests of the United States. At least
22 30 days before granting such a waiver, the Secretary shall
23 provide to the appropriate congressional committees notice
24 of, and a justification for, the waiver.

25 (c) ENFORCEMENT.—

1 (1) PENALTIES.—A person or government that
2 violates, attempts to violate, conspires to violate, or
3 causes a violation of this section or any regulation,
4 license, or order issued to carry out this section shall
5 be subject to the penalties specified in subsections
6 (b) and (c) of section 206 of the International
7 Emergency Economic Powers Act (50 U.S.C. 1705)
8 to the same extent as a person that commits an un-
9 lawful act described in subsection (a) of such sec-
10 tion.

11 (2) REQUIREMENTS FOR FINANCIAL INSTITU-
12 TIONS.—

13 (A) IN GENERAL.—Not later than 120
14 days after the date of the enactment of this
15 Act, the Secretary of the Treasury shall pre-
16 scribe regulations to require each financial in-
17 stitution in the United States—

18 (i) to perform an audit of the assets
19 within the possession or control of the fi-
20 nancial institution to determine whether
21 any of such assets are required to be fro-
22 zen pursuant to subsection (a); and

23 (ii) to submit to the Secretary—

24 (I) a report containing the re-
25 sults of the audit; and

1 (II) a certification that, to the
2 best of the knowledge of the financial
3 institution, the financial institution
4 has frozen all assets within the pos-
5 session or control of the financial in-
6 stitution that are required to be so
7 frozen.

8 (B) PENALTIES.—The penalties provided
9 for in sections 5321(a) and 5322 of title 31,
10 United States Code, shall apply to a financial
11 institution that violates a regulation prescribed
12 under subparagraph (A) in the same manner
13 and to the same extent as such penalties would
14 apply to any person that is otherwise subject to
15 such sections 5321(a) or 5322.

16 (d) REGULATORY AUTHORITY.—The Secretary of the
17 Treasury shall issue such regulations, licenses, or orders
18 as are necessary to carry out this section.

19 **SEC. 10. EXPANDING SANCTIONS AND OTHER AUTHORITIES**
20 **IN SUPPORT OF PEACE IN SUDAN.**

21 (a) BLOCKING OF ASSETS AND RESTRICTION ON
22 VISAS OF CERTAIN INDIVIDUALS IDENTIFIED BY THE
23 PRESIDENT.—Section 6(c) of the Comprehensive Peace in
24 Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701
25 note) is amended—

1 (1) by striking “Darfur Peace and Account-
2 ability Act of 2006” each place it appears and in-
3 serting “Sudan Peace, Security, and Accountability
4 Act of 2013”; and

5 (2) by striking “in Darfur” each place it ap-
6 pears and inserting “in Sudan”.

7 (b) SANCTIONS AGAINST JANJAWEEED COMMANDERS
8 AND COORDINATORS OR OTHER INDIVIDUALS.—Section
9 5(c) of the Darfur Peace and Accountability Act of 2006
10 (Public Law 109–344; 50 U.S.C. 1701 note) is amend-
11 ed—

12 (1) by inserting “and as amended by section
13 10(a) of the Sudan Peace, Security, and Account-
14 ability Act of 2013,” after “as added by subsection
15 (a)”; and

16 (2) by striking “in Darfur” and inserting “in
17 Sudan”.

18 (c) ADDITIONAL AUTHORITIES TO DETER AND SUP-
19 PRESS GENOCIDE IN SUDAN.—

20 (1) IN GENERAL.—Section 6 of the Darfur
21 Peace and Accountability Act of 2006 (Public Law
22 109–344; 50 U.S.C. 1701 note) is amended—

23 (A) in the section heading, by striking
24 “**GENOCIDE IN DARFUR**” and inserting
25 “**HUMAN RIGHTS VIOLATIONS IN SUDAN**”;

1 (B) by striking subsections (a) through
2 (d); and

3 (C) by redesignating subsections (e) and
4 (f) as subsections (a) and (b), respectively.

5 (2) CLERICAL AMENDMENT.—The table of con-
6 tents for such Act is amended by striking the item
7 relating to section 6 and inserting the following:

“Sec. 6. Additional authorities to deter and suppress human rights violations
in Sudan.”.

8 (d) CONTINUATION OF RESTRICTIONS.—Section 7(a)
9 of the Darfur Peace and Accountability Act of 2006 (Pub-
10 lic Law 109–344; 50 U.S.C. 1701 note) is amended by
11 striking “the Government of Sudan is acting in good faith
12 to” and all that follows through the period at the end and
13 inserting “the Government of Sudan has met the require-
14 ments described in paragraphs (1) through (10) of section
15 12 of the Sudan Peace, Security, and Accountability Act
16 of 2013.”.

17 (e) RULE OF CONSTRUCTION.—The amendments
18 made to section 6 of the Comprehensive Peace in Sudan
19 Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note)
20 and section 7(a) of the Darfur Peace and Accountability
21 Act of 2006 (Public Law 109–344; 50 U.S.C. 1701 note)
22 by this section may not be construed to affect in any man-
23 ner any sanctions that were imposed pursuant to such sec-
24 tion 6 or any restrictions imposed in accordance with such

1 section 7(a), as the case may be, on or before the date
2 of the enactment of this Act.

3 (f) REPORTING REQUIREMENTS.—The Sudan Peace
4 Act (Public Law 107–245; 50 U.S.C. 1701 note) is
5 amended by striking section 8.

6 **SEC. 11. REPORT.**

7 (a) REPORT REQUIRED.—Not later than one year
8 after the transmission of the strategy required under sec-
9 tion 5 and every 180 days thereafter, the President shall
10 prepare and transmit to the appropriate congressional
11 committees a report on the progress made toward the im-
12 plementation of the strategy.

13 (b) CONTENTS.—The report required under sub-
14 section (a) shall include—

15 (1) a description and evaluation of actions
16 taken toward the implementation of the comprehen-
17 sive strategy required under section 5;

18 (2) a description of efforts to address and end
19 human rights violations and to strengthen and ex-
20 pand the capacity of civil society in the areas of gov-
21 ernance and democratic reform;

22 (3) a description of efforts to ensure, and the
23 degree of success in ensuring, free and unfettered
24 access and delivery of humanitarian aid to those in-

1 individuals who need it, protect civilians from attack,
2 and the cessation of attacks on noncombatants;

3 (4) a description of efforts to identify any per-
4 son or government that has engaged in any action
5 under section 6 that would trigger the imposition of
6 sanctions under section 7;

7 (5) a description of efforts to renew engage-
8 ment with key regional and international actors, in-
9 cluding the African Union, the United Nations, the
10 European Union, the League of Arab States, China,
11 Russia, Ethiopia, Qatar, Turkey, and other govern-
12 ments and persons that have significant influence or
13 interests related to Sudan on the issue of sanctions
14 with respect to Sudan;

15 (6) a description of efforts taken and progress
16 made to update and expand the sanctions regime to
17 target and include Government of Sudan and per-
18 sons who have committed serious human rights vio-
19 lations in Sudan; and

20 (7) a description of efforts to work with the Af-
21 rican Union, the United Nations, the European
22 Union, the League of Arab States, China, Russia,
23 Ethiopia, Qatar, Turkey, and other governments and
24 persons that have significant influence or interests
25 related to Sudan to develop a comprehensive ap-

1 proach to Sudan’s many conflicts and engage the
2 Government of Sudan in achieving a comprehensive
3 agreement for democratic reform.

4 (c) FORM.—The report under subsection (a) shall be
5 submitted in unclassified form, but may include a classi-
6 fied annex.

7 **SEC. 12. TERMINATION OF SANCTIONS.**

8 The imposition of sanctions under sections 6 and 7
9 and the restrictions under sections 8 and 9 shall terminate
10 on the date that is 30 days after the date on which the
11 President certifies to the appropriate congressional com-
12 mittees that the Government of Sudan has—

13 (1) abided by all United Nations Security
14 Council Resolutions related to peace and humani-
15 tarian issues in Sudan;

16 (2) permanently ceased all attacks on non-
17 combatants throughout Sudan;

18 (3) demobilized and demilitarized any person
19 controlled or supported by the Government of Sudan
20 which has committed or assisted in serious human
21 rights violations;

22 (4) cooperated with efforts to disarm, demobi-
23 lize, and deny safe haven in Sudan to members of
24 the Lord’s Resistance Army;

1 (5) granted free and unfettered access for deliv-
2 ery of humanitarian assistance;

3 (6) allowed for the safe and voluntary return of
4 refugees and internally displaced persons;

5 (7) provided genuine accountability for persons
6 who have committed or assisted in serious human
7 rights violations, including those persons with polit-
8 ical or military command authority;

9 (8) permitted free, transparent, and all-inclu-
10 sive democratic reform in Sudan, with a constitu-
11 tional process leading to free and fair elections hav-
12 ing occurred or scheduled to occur in a reasonable
13 amount of time;

14 (9) complied in substance and spirit with all
15 peace agreements signed since 2005, including the
16 Darfur Peace Agreement (Abuja), the Doha Docu-
17 ment for Peace in Darfur, all existing agreements
18 with South Sudan, and any future agreements that
19 may be reached to achieve the goals of this Act; and

20 (10) negotiated in good faith for a resolution of
21 all conflicts in Sudan.

○