

112TH CONGRESS  
2D SESSION

# H. R. 4169

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2012

Mr. MCGOVERN (for himself, Mr. WOLF, Mr. CAPUANO, Ms. LEE of California, Mr. MILLER of North Carolina, Mr. OLVER, and Ms. JACKSON LEE of Texas) 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

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## 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—The Act may be cited as the  
3 “Sudan Peace, Security, and Accountability Act of 2012”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 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 and to 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.

6 **SEC. 2. DEFINITIONS.**

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

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

14 (A) the Committee on Banking, Housing,  
15 and Urban Affairs, the Committee on Foreign  
16 Relations, the Committee on the Judiciary, and  
17 the Select Committee on Intelligence of the  
18 Senate; and

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

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

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

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

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

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

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

22 (B) supplies or services sold or provided di-  
23 rectly or indirectly to any person or government  
24 participating, supporting, or assisting in armed  
25 conflict in Sudan.

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

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

9                   (A) any type of material, financial, or  
10 logistical assistance; or

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

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

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

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

23                   (C) War crimes, as such term is defined in  
24 subsections (c) and (d) of section 2441 of title  
25 18, United States Code.

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

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

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

15 **SEC. 3. FINDINGS.**

16 (a) FINDINGS.—Congress makes the following find-  
17 ings:

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

20 (2) On July 22, 2004—

21 (A) the House of Representatives adopted  
22 House Concurrent Resolution 467 by a vote of  
23 422–0, concluding that crimes in Darfur con-  
24 stituted genocide; and

1 (B) the Senate adopted Senate Concurrent  
2 Resolution 1330 by unanimous consent and de-  
3 clared, “[T]he atrocities unfolding in Darfur,  
4 Sudan, are genocide.”

5 (3) On September 9, 2004, then-Secretary of  
6 State Colin Powell testified before the Committee on  
7 Foreign Relations of the Senate that “genocide has  
8 occurred and may still be occurring in Darfur” and  
9 “the Government of Sudan and the Janjaweed bear  
10 responsibility”.

11 (4) On December 23, 2004, the “Comprehen-  
12 sive Peace in Sudan Act of 2004” was enacted into  
13 law as Public Law 108–497.

14 (5) On October 13, 2006, the “Darfur Peace  
15 and Accountability Act of 2006” was enacted into  
16 law as Public Law 109–344.

17 (6) On April 27, 2007, the International Crimi-  
18 nal Court (ICC) issued arrest warrants for—

19 (A) former Sudanese Minister of the Inte-  
20 rior Ahmad Muhammad Harun, who currently  
21 serves as Governor of the Sudanese state of  
22 South Kordofan, on 20 counts of crimes against  
23 humanity and 22 counts of war crimes in  
24 Darfur; and

1 (B) Janjaweed Commander Ali Muham-  
2 mad Ali Abd-Al-Rahman (“Ali Kushayb”) on  
3 22 counts of crimes against humanity and 28  
4 counts of war crimes.

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

8 (8) In May 2008, the Government of Sudan in-  
9 vaded Abyei and has since forcibly removed the  
10 Ngok Dinka population, despite signing the Abyei  
11 Roadmap Agreement that called for arbitration to  
12 resolve the boundary dispute.

13 (9) On March 4, 2009, the ICC issued an ar-  
14 rest warrant for Omar al-Bashir, the sitting Presi-  
15 dent of Sudan, on two counts of war crimes and five  
16 counts of crimes against humanity related to Darfur.

17 (10) On July 10, 2010, the ICC issued a sec-  
18 ond arrest warrant for Omar al-Bashir, the sitting  
19 President of Sudan, on three counts of genocide re-  
20 lated to Darfur.

21 (11) On May 21, 2011, the Government of  
22 Sudan invaded the disputed Abyei region which re-  
23 sulted in the displacement of more than 113,000 ci-  
24 vilians, almost all of whom were Ngok Dinka, and

1 has not withdrawn its forces despite entering into an  
2 agreement to do so.

3 (12) A United Nations report, dated May 29,  
4 2011, stated that the invasion of the Abyei region by  
5 the Sudanese Armed Forces (SAF) could lead to  
6 “ethnic cleansing”.

7 (13) On June 5, 2011, fighting erupted in  
8 South Kordofan, which included the aerial bombard-  
9 ment of civilian areas by the Sudanese Air Force, re-  
10 sulting in the displacement of more than 200,000 ci-  
11 vilians. On September 1, 2011, similar fighting  
12 broke out in Blue Nile.

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

17 (15) Aerial bombardments in civilian areas of  
18 South Kordofan and Blue Nile have severely im-  
19 peded the ability of the population to engage in nor-  
20 mal agricultural activities, leading to the potential  
21 for a massive famine affecting hundreds of thou-  
22 sands of people, and has caused widespread displace-  
23 ment of civilians. Moreover, the Government of  
24 Sudan has continually blocked humanitarian relief to  
25 vulnerable populations devastated by its aerial bom-



1       bairdments. The Famine Early Warning Systems  
2       Network warns that conditions in these two states  
3       are anticipated to reach emergency levels by March  
4       2012. This is one level short of famine.

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

20              (17) On March 1, 2012, the ICC issued an ar-  
21     rest warrant against the current Sudanese Defense  
22     Minister Abdel Raheem Muhammad Hussein for  
23     crimes against humanity and war crimes committed  
24     in Darfur from August 2003 to March 2004.

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

11          (19) Reports of cross border ground attacks by  
12          Sudan into South Sudan, aerial bombardment inside  
13          South Sudan and the increasing presence of Suda-  
14          nese military forces close to the border between  
15          Sudan and South Sudan are provocative acts that  
16          raise tensions between the two countries, increasing  
17          the risk of a military conflict and the aggravation of  
18          the humanitarian crisis.

19          (20) During 2011, the United Nations docu-  
20          mented that over half a million people had been dis-  
21          placed as a result of violence in Darfur, South  
22          Kordofan, Blue Nile, and Abyei.

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

1 are using military equipment to commit or assist in  
2 committing serious human rights violations.

3 **SEC. 4. STATEMENT OF POLICY.**

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

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

14 (2) identify actions to provide immediate pro-  
15 tection to noncombatants throughout Sudan who  
16 have been victims of serious human rights violations  
17 or are vulnerable to becoming victims of serious  
18 human rights violations, including—

19 (A) demanding that the Government of  
20 Sudan permit free and unfettered access for  
21 international humanitarian aid throughout  
22 Sudan, including throughout Darfur, South  
23 Kordofan, Blue Nile, and Abyei, and absent  
24 such agreement, the United States should seek

1 other mechanisms to mitigate the effects of the  
2 lack of such humanitarian aid;

3 (B) considering options, including in con-  
4 sultation with key international and regional ac-  
5 tors described in paragraph (6), in which the  
6 United States could enforce the existing United  
7 Nations-imposed ban on offensive military  
8 flights over Darfur, as well as an extension of  
9 that ban to include South Kordofan, Blue Nile,  
10 and Abyei;

11 (C) calling upon all persons and govern-  
12 ments to immediately cease all selling, leasing,  
13 loaning, exporting, or otherwise transferring of  
14 military equipment to the Government of Sudan  
15 or to any person controlled or supported by the  
16 Government of Sudan; and

17 (D) urging the United Nations Security  
18 Council to—

19 (i) ban all sales, leases, loans, exports,  
20 or transfers of military equipment to the  
21 Government of Sudan or any person con-  
22 trolled or supported by the Government of  
23 Sudan;

24 (ii) expand the existing ban on all  
25 military flights over Darfur provided for

1 under paragraph 6 of United Nations Se-  
2 curity Council Resolution 1591 (2005) to  
3 other areas of Sudan where there are cur-  
4 rently serious human rights violations oc-  
5 ccurring, including in South Kordofan, Blue  
6 Nile, and Abyei; and

7 (iii) authorize a peacekeeping force to  
8 any area of Sudan not currently served by  
9 such a force and for which there is credible  
10 evidence of serious human rights viola-  
11 tions;

12 (3) promote free and transparent democratic  
13 reform in Sudan, including exploring methods  
14 through which the United States can provide tech-  
15 nical support and funding to promote democratic in-  
16 stitutions, nongovernmental organizations, civil soci-  
17 ety, and representative political participation in  
18 Sudan;

19 (4) hold persons and governments accountable  
20 for committing or assisting in the commission of in-  
21 serious human rights violations, or for supporting or  
22 assisting those persons and governments that com-  
23 mit or assist in the commission of human rights vio-  
24 lations, including—

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

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

18          (C) formulating and enforcing sanctions  
19          against persons or governments outside of  
20          Sudan that support or assist the Government of  
21          Sudan or persons controlled or supported by  
22          the Government of Sudan in the commission or  
23          assistance of serious human rights violations in  
24          Sudan;

1 (D) urging the United Nations Security  
2 Council to—

3 (i) create a more comprehensive,  
4 international set of sanctions against the  
5 Government of Sudan and persons con-  
6 trolled or supported by the Government of  
7 Sudan that commit, assist in, or otherwise  
8 support serious human rights violations in  
9 Sudan;

10 (ii) expand the ICC’s mandate beyond  
11 only Darfur to cover all of Sudan, includ-  
12 ing South Kordofan, Blue Nile, and Abyei;  
13 and

14 (iii) adopt the broadest authority pos-  
15 sible, including the application of the  
16 United Nations’ Charter Chapter 7 powers,  
17 to execute any ICC arrest warrants issued  
18 against any person in Sudan;

19 (E) encouraging countries to cooperate in  
20 executing ICC arrest warrants related to allega-  
21 tions of genocide, war crimes, and crimes  
22 against humanity in Sudan; and

23 (F) determining the extent of serious  
24 human rights violations throughout Sudan, in-  
25 cluding in Darfur, South Kordofan, Blue Nile,

1 and Abyei, which may include sending an as-  
2 sessment team to interview refugees in Ethiopia  
3 and South Sudan;

4 (5) ensure the resolution of all outstanding  
5 issues between the Governments of Sudan and South  
6 Sudan, including—

7 (A) enhancing diplomacy with the African  
8 Union High Level Implementation Panel, the  
9 United Nations, and other key international  
10 and regional actors described in paragraph (6)  
11 that have significant influence or interests re-  
12 lated to the region to assist the Governments of  
13 Sudan and South Sudan to continue high level  
14 engagement to resolve outstanding issues, in-  
15 cluding the final status of Abyei, the disputed  
16 border areas, transitional financial arrange-  
17 ments, and outstanding oil-related issues in  
18 order to address points of conflict and ensure a  
19 peaceful relationship between the two countries;  
20 and

21 (B) insisting that the Governments of  
22 Sudan and South Sudan respect the political  
23 independence and territorial integrity of neigh-  
24 boring countries; and



1           (6) engage with key international and regional  
2           actors, including the African Union, the United Na-  
3           tions, the European Union, the League of Arab  
4           States, China, Russia, Ethiopia, Qatar, Turkey, and  
5           other governments and persons that have significant  
6           influence or interests related to Sudan, in order to  
7           achieve the policies of this section and the overall  
8           goals of this Act.

9   **SEC. 5. REQUIREMENT OF A COMPREHENSIVE STRATEGY**  
10                   **TO END SERIOUS HUMAN RIGHTS VIOLA-**  
11                   **TIONS AND TO CREATE PEACE THROUGHOUT**  
12                   **SUDAN.**

13           (a) **REQUIREMENT FOR DEVELOPMENT AND SUBMIS-**  
14           **SION OF COMPREHENSIVE STRATEGY.**—Not later than  
15           180 days after the date of the enactment of this Act, the  
16           President shall develop and transmit to the appropriate  
17           congressional committees a comprehensive strategy in ac-  
18           cordance with the statement of policy specified in section  
19           4.

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

22                   (1) The development of an interagency frame-  
23                   work to plan, coordinate, and review the diplomatic,  
24                   economic, intelligence, and military actions and ca-

1 pabilities of United States policy regarding Sudan.

2 The agencies involved shall include the following:

3 (A) The Department of State and the  
4 United States Agency for International Devel-  
5 opment (USAID), including the Special Envoy  
6 for Sudan, the Bureau of Democracy, Human  
7 Rights, and Labor (DRL), the Bureau of Con-  
8 flict and Stabilization Operations, and USAID's  
9 Bureau of Democracy, Conflict, and Humanitarian Assistance.

11 (B) The Department of Treasury, includ-  
12 ing the Office of Foreign Assets Control  
13 (OFAC).

14 (C) The Department of Homeland Secu-  
15 rity.

16 (D) The Department of Commerce, includ-  
17 ing the Bureau of Industry and Security (BIS).

18 (E) The Department of Defense.

19 (F) The National Security Council.

20 (G) The Office of the Director of National  
21 Intelligence and the Central Intelligence Agen-  
22 cy.

23 (2) A description of the United States diplo-  
24 matic, economic, intelligence, and military actions  
25 and capabilities engaged, as of the date of the enact-

1       ment of this Act, with Sudan, including multilateral  
2       efforts.

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

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

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

17          (6) An assessment of the United States diplo-  
18      matic, economic, intelligence, and military actions  
19      and capabilities that reasonably may be utilized,  
20      strengthened, or improved to further the objective of  
21      ending serious human rights violations in Sudan and  
22      of promoting a nationwide, comprehensive peace and  
23      democratic reform strategy. This assessment should  
24      include multilateral and bilateral efforts through the  
25      United Nations, other governments and persons that

1        have significant influence or interests in Sudan, and  
2        humanitarian NGOs.

3        (c) FORM.—The strategy shall be submitted in un-  
4        classified form, but may include 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 2012”; 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 2012” 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 and inserting “the Government  
13 of Sudan has met the requirements described in para-  
14 graphs (1) through (10) of section 12 of the Sudan Peace,  
15 Security, and Accountability Act of 2012”.

16 (e) REPORTING REQUIREMENTS.—The Sudan Peace  
17 Act (Public Law 107–245; 50 U.S.C. 1701 note) is  
18 amended by striking section 8.

19 **SEC. 11. REPORT.**

20 (a) REPORT REQUIRED.—Not later than one year  
21 after the transmission of the strategy required under sec-  
22 tion 5 and every 180 days thereafter, the President shall  
23 prepare and transmit to the appropriate congressional



1 committees a report on the progress made toward the im-  
2 plementation of the strategy.

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

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

8 (2) a description of efforts to identify any per-  
9 son or government that has engaged in any action  
10 under section 6 that would trigger the imposition of  
11 sanctions under section 7;

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

20 (4) a description of efforts taken and progress  
21 made to update and expand the sanctions regime to  
22 target and include Government of Sudan and per-  
23 sons who have committed serious human rights vio-  
24 lations in Sudan;

1           (5) a description of efforts to work with the Af-  
2           rican Union, the United Nations, the European  
3           Union, the League of Arab States, China, Russia,  
4           Ethiopia, Qatar, Turkey, and other governments and  
5           persons that have significant influence or interests  
6           related to Sudan to develop a comprehensive ap-  
7           proach to Sudan’s many conflicts and engage the  
8           Government of Sudan in achieving a comprehensive  
9           agreement for democratic reform; and

10           (6) a description of efforts to ensure, and the  
11           degree of success in ensuring, free and unfettered  
12           access and delivery of humanitarian aid to those in-  
13           dividuals who need it, protect civilians from attack,  
14           and the cessation of attacks on noncombatants.

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

18           **SEC. 12. TERMINATION OF SANCTIONS.**

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

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

4           (2) permanently ceased all attacks on non-  
5 combatants throughout Sudan;

6           (3) demobilized and demilitarized any person  
7 controlled or supported by the Government of Sudan  
8 which has committed or assisted in serious human  
9 rights violations;

10          (4) cooperated with efforts to disarm, demobi-  
11 lize, and deny safe haven in Sudan to members of  
12 the Lord's Resistance Army;

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

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

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

21          (8) permitted free, transparent, and all-inclu-  
22 sive democratic reform in Sudan, with a constitu-  
23 tional process leading to free and fair elections hav-  
24 ing occurred or scheduled to occur in a reasonable  
25 amount of time;

1           (9) complied in substance and spirit with all  
2           peace agreements signed since 2006, including the  
3           Darfur Peace Agreement (Abuja), the Doha Docu-  
4           ment for Peace in Darfur, all existing agreements  
5           with South Sudan, and any future agreements that  
6           may be reached to achieve the goals of this Act; and

7           (10) negotiated in good faith for a resolution of  
8           all conflicts in Sudan.

○