

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3127

To impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Mr. HYDE (for himself, Mr. PAYNE, Mr. SMITH of New Jersey, Mr. LANTOS, Mr. ROYCE, Mr. TANCREDO, Mr. WOLF, Ms. JACKSON-LEE of Texas, Mr. RANGEL, and Mr. CAPUANO) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

8 (2) GOVERNMENT OF SUDAN.—

9 (A) IN GENERAL.—The term “Government  
10 of Sudan” means the National Congress Party,  
11 formerly known as the National Islamic Front,  
12 government in Khartoum, Sudan, or any suc-  
13 cessor government formed on or after the date  
14 of the enactment of this Act (including the coa-  
15 lition National Unity Government agreed upon  
16 in the Comprehensive Peace Agreement for  
17 Sudan, signed in Nairobi, Kenya on January 9,  
18 2005), except that such term does not include  
19 the Government of Southern Sudan.

20 (B) OFFICIALS OF THE GOVERNMENT OF  
21 SUDAN.—The term “Government of Sudan”,  
22 when used with respect to an official of the  
23 Government of Sudan, does not include an indi-  
24 vidual—

25 (i) who was not a member of such  
26 government prior to July 1, 2005; or

1 (ii) who is a member of the Govern-  
2 ment of Southern Sudan.

3 (3) SUDAN NORTH-SOUTH PEACE AGREE-  
4 MENT.—The term “Sudan North-South Peace  
5 Agreement” means the comprehensive peace agree-  
6 ment signed by the Government of Sudan and the  
7 Sudan People’s Liberation Movement/Army (SPLM/  
8 A) in Nairobi, Kenya, on January 9, 2005.

9 **SEC. 3. FINDINGS.**

10 Congress makes the following findings:

11 (1) On July 22, 2004, the House of Represent-  
12 atives and the Senate declared that the atrocities oc-  
13 curring in the Darfur region of Sudan are genocide.

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

23 (3) On September 21, 2004, in an address be-  
24 fore the United Nations General Assembly, Presi-  
25 dent George W. Bush affirmed the Secretary of

1 State's finding and stated, "[a]t this hour, the world  
2 is witnessing terrible suffering and horrible crimes in  
3 the Darfur region of Sudan, crimes my government  
4 has concluded are genocide".

5 (4) On July 30, 2004, the United Nations Se-  
6 curity Council passed Security Council Resolution  
7 1556, calling upon the Government of Sudan to dis-  
8 arm the Janjaweed militias and to apprehend and  
9 bring to justice Janjaweed leaders and their associ-  
10 ates who have incited and carried out violations of  
11 human rights and international humanitarian law,  
12 and establishing a ban on the sale or supply of arms  
13 and related materiel of all types, including the provi-  
14 sion of related technical training or assistance, to all  
15 nongovernmental entities and individuals, including  
16 the Janjaweed.

17 (5) On September 18, 2004, the United Na-  
18 tions Security Council passed Security Council Reso-  
19 lution 1564, determining that the Government of  
20 Sudan had failed to meet its obligations under Secu-  
21 rity Council Resolution 1556, calling for a military  
22 flight ban in and over the Darfur region, demanding  
23 the names of Janjaweed militiamen disarmed and  
24 arrested for verification, establishing an Inter-  
25 national Commission of Inquiry on Darfur to inves-

1        tigate violations of international humanitarian and  
2        human rights laws, and threatening sanctions should  
3        the Government of Sudan fail to fully comply with  
4        Security Council Resolutions 1556 and 1564, includ-  
5        ing such actions as to affect Sudan’s petroleum sec-  
6        tor or individual members of the Government of  
7        Sudan.

8            (6) On February 1, 2005, the United Nations  
9        released the Report of the International Commission  
10       of Inquiry on Darfur, which had been submitted to  
11       the United Nations Secretary-General on January  
12       25, 2005.

13           (7) The Report of the International Commis-  
14       sion of Inquiry on Darfur established that the “Gov-  
15       ernment of the Sudan and the Janjaweed are re-  
16       sponsible for serious violations of international  
17       human rights and humanitarian law amounting to  
18       crimes under international law,” that “these acts  
19       were conducted on a widespread and systematic  
20       basis, and therefore may amount to crimes against  
21       humanity,” and that Sudanese officials and other in-  
22       dividuals may have acted with “genocidal intent”.

23           (8) The Report of the International Commis-  
24       sion of Inquiry on Darfur further notes that, pursu-  
25       ant to its mandate and in the course of its work, the

1 Commission had collected information relating to in-  
2 dividual perpetrators of acts constituting “violations  
3 of international human rights law and international  
4 humanitarian law, including crimes against human-  
5 ity and war crimes” and that a sealed file containing  
6 the names of those individual perpetrators had been  
7 delivered to the United Nations Secretary-General.

8 (9) On March 24, 2005, the United Nations Se-  
9 curity Council passed Security Council Resolution  
10 1590, establishing the United Nations Mission in  
11 Sudan (UNMIS), consisting of up to 10,000 military  
12 personnel and 715 civilian police and tasked with  
13 supporting implementation of the Sudan North-  
14 South Peace Agreement and “closely and continu-  
15 ously liais[ing] and coordinat[ing] at all levels with  
16 the African Union Mission in Sudan (AMIS) with a  
17 view towards expeditiously reinforcing the effort to  
18 foster peace in Darfur”.

19 (10) On March 29, 2005, the United Nations  
20 Security Council passed Security Council Resolution  
21 1591, extending the military embargo established by  
22 Security Council Resolution 1556 to all the parties  
23 to the N’djamena Ceasefire Agreement and any  
24 other belligerents in the states of North Darfur,  
25 South Darfur, and West Darfur, calling for an asset

1 freeze and travel ban against those individuals who  
2 impede the peace process, constitute a threat to sta-  
3 bility in Darfur and the region, commit violations of  
4 international humanitarian or human rights law or  
5 other atrocities, or violate the military embargo, and  
6 establishing a Panel of Experts to assist in moni-  
7 toring compliance with Security Council Resolutions  
8 1556 and 1591.

9 (11) On March 31, 2005, the United Nations  
10 Security Council passed Security Council Resolution  
11 1593, referring the situation in Darfur since July 1,  
12 2002, to the prosecutor of the International Crimi-  
13 nal Court and calling on the Government of Sudan  
14 and all parties to the conflict to cooperate fully with  
15 the Court, while recognizing that “[s]tates not party  
16 to the Rome Statute have no obligation under the  
17 [S]tatute”.

18 **SEC. 4. SENSE OF CONGRESS.**

19 It is the sense of Congress that—

20 (1) the atrocities unfolding in the Darfur region  
21 of Sudan have been and continue to be genocide;

22 (2) the African Union should rapidly expand  
23 the size and amend the mandate of the African  
24 Union Mission in Sudan (AMIS) to authorize such  
25 action as may be necessary to protect civilians and

1 humanitarian operations, and deter violence in the  
2 Darfur region without delay;

3 (3) the international community, including the  
4 United Nations, the North Atlantic Treaty Organi-  
5 zation (NATO), the European Union, and the  
6 United States, should immediately act to mobilize  
7 sufficient political, military, and financial resources  
8 to support the expansion of the African Union Mis-  
9 sion in Sudan so that it achieves the size, strength,  
10 and capacity necessary for protecting civilians and  
11 humanitarian operations, and ending the continued  
12 violence in the Darfur region;

13 (4) if an expanded and reinforced African  
14 Union Mission in Sudan fails to stop genocide in the  
15 Darfur region, the international community should  
16 take additional, dispositive measures to prevent and  
17 suppress acts of genocide in the Darfur region;

18 (5) acting under Article 5 of the Charter of the  
19 United Nations, the United Nations Security Coun-  
20 cil should call for suspension of the Government of  
21 Sudan's rights and privileges of membership by the  
22 General Assembly until such time as the Govern-  
23 ment of Sudan has honored pledges to cease attacks  
24 upon civilians, demobilize the Janjaweed and associ-  
25 ated militias, and grant free and unfettered access

1 for deliveries of humanitarian assistance in the  
2 Darfur region;

3 (6) pursuant to the adoption of resolutions on  
4 July 22, 2004, by both the House of Representatives  
5 and the Senate, and the declaration on September 9,  
6 2004, by former Secretary of State Colin Powell  
7 that the atrocities unfolding in Darfur, Sudan, are  
8 genocide, and notwithstanding the American  
9 Servicemembers' Protection Act of 2002 (title II of  
10 the 2002 Public Law 107–206), the United States  
11 should render assistance to the efforts of the Inter-  
12 national Criminal Court (ICC) to bring to justice  
13 persons accused of genocide, war crimes, or crimes  
14 against humanity in Darfur, Sudan, provided that  
15 assurances have been received by the United Nations  
16 Security Council or the ICC that no current or  
17 former United States Government official or em-  
18 ployee (including any contractor), member of the  
19 United States Armed Forces, or United States na-  
20 tional will be subject to prosecution by the ICC in  
21 connection with those efforts;

22 (7) the United States should not provide assist-  
23 ance to the Government of Sudan, other than assist-  
24 ance necessary for the implementation of the Sudan  
25 North-South Peace Agreement, the support of the

1 southern regional government in Sudan, or for hu-  
2 manitarian purposes in Sudan, until such time as  
3 the Government of Sudan has honored pledges to  
4 cease attacks upon civilians, demobilize the  
5 Janjaweed and associated militias, and grant free  
6 and unfettered access for deliveries of humanitarian  
7 assistance in the Darfur region;

8 (8) the President should seek to assist members  
9 of the Sudanese diaspora in the United States by es-  
10 tablishing a student loan forgiveness program for  
11 those individuals who commit to return to southern  
12 Sudan for a period of not less than five years for the  
13 purpose of contributing professional skills needed for  
14 the reconstruction of southern Sudan;

15 (9) the President should appoint a Presidential  
16 Envoy for Sudan to provide stewardship of efforts to  
17 implement the Sudan North-South Peace Agree-  
18 ment, seek ways to bring stability and peace to the  
19 Darfur region, address instability elsewhere in  
20 Sudan and northern Uganda, and pursue a truly  
21 comprehensive peace throughout the region;

22 (10) the international community should  
23 strongly condemn attacks against humanitarian  
24 workers and demand that all armed groups in the  
25 Darfur region, including the forces of the Govern-

1 ment of Sudan, the Janjaweed, associated militias,  
2 the Sudan Liberation Movement/Army (SLM/A), the  
3 Justice and Equality Movement (JEM), and all  
4 other armed groups to refrain from such attacks;

5 (11) the United States should fully support the  
6 Sudan North-South Peace Agreement and urge  
7 rapid implementation of its terms; and

8 (12) the Sudan People’s Liberation Movement  
9 should seek to play a constructive role in bringing  
10 about a political settlement to the crisis in the  
11 Darfur region.

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

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

17 (1) in the heading of subsection (b), by insert-  
18 ing “OF APPROPRIATE SENIOR OFFICIALS OF THE  
19 SUDANESE GOVERNMENT” after “ASSETS”;

20 (2) by redesignating subsections (c) through (e)  
21 as subsections (d) through (f), respectively; and

22 (3) by inserting after subsection (b) the fol-  
23 lowing new subsection:

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

4               “(1) BLOCKING OF ASSETS.—Beginning on the  
5 date that is 30 days after the date of the enactment  
6 of the Darfur Peace and Accountability Act of 2005,  
7 and in the interest of contributing to peace in  
8 Sudan, the President shall, consistent with the au-  
9 thorities granted in the International Emergency  
10 Economic Powers Act (50 U.S.C. 1701 et seq.),  
11 block the assets of any individual who the President  
12 determines is responsible, either by commission or  
13 omission, for acts of genocide, war crimes, or crimes  
14 against humanity in Sudan, including the family  
15 members or any associates of such individual to  
16 whom assets or property of such individual was  
17 transferred on or after July 1, 2002.

18               “(2) RESTRICTION ON VISAS.—Beginning on  
19 the date that is 30 days after the date of the enact-  
20 ment of the Darfur Peace and Accountability Act of  
21 2005, and in the interest of contributing to peace in  
22 Sudan, the President shall deny visas and entry to  
23 any individual who the President determines is re-  
24 sponsible, either by commission or omission, for acts  
25 of genocide, war crimes, or crimes against humanity

1 in Sudan, including the family members or any asso-  
2 ciates of such individual to whom assets or property  
3 of such individual was transferred on or after July  
4 1, 2002.”.

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

14 **SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUP-**  
15 **PRESS GENOCIDE IN DARFUR.**

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

20 (1) by striking “Notwithstanding” and insert-  
21 ing “(a) GENERAL ASSISTANCE.—Notwithstanding”;  
22 and

23 (2) by adding at the end the following new sub-  
24 section:

1       “(b) ASSISTANCE TO SUPPORT AMIS.—Notwith-  
2 standing any other provision of law, the President is au-  
3 thorized to provide assistance, on such terms and condi-  
4 tions as the President may determine and in consultation  
5 with the appropriate congressional committees, to rein-  
6 force the deployment and operations of an expanded Afri-  
7 can Union Mission in Sudan (AMIS) with the mandate,  
8 size, strength, and capacity to protect civilians and hu-  
9 manitarian operations, stabilize the Darfur region of  
10 Sudan and, as necessary, dissuade and deter air attacks  
11 directed against civilians and humanitarian workers, in-  
12 cluding but not limited to providing assistance in the areas  
13 of logistics, transport, communications, materiel support,  
14 technical assistance, training, command and control, aerial  
15 surveillance, and intelligence.”.

16       (b) NATO ASSISTANCE TO SUPPORT AMIS.—The  
17 President shall instruct the United States Permanent  
18 Representative to the North Atlantic Treaty Organization  
19 (NATO) to use the voice, vote, and influence of the United  
20 States at NATO to advocate NATO reinforcement of the  
21 African Union Mission in Sudan (AMIS), upon the request  
22 of the African Union, including but not limited to the pro-  
23 vision of assets to dissuade and deter offensive air strikes  
24 directed against civilians and humanitarian workers in the  
25 Darfur region of Sudan and other logistical, transpor-

1 tation, communications, training, technical assistance,  
2 command and control, aerial surveillance, and intelligence  
3 support.

4 (c) DENIAL OF ENTRY AT UNITED STATES PORTS  
5 TO CERTAIN CARGO SHIPS OR OIL TANKERS.—Section  
6 6(b)(2)(C) of the Sudan Peace Act (Public Law 107–245;  
7 50 U.S.C. 1701 note) is amended by inserting “, including  
8 by prohibiting the entry at United States ports to cargo  
9 ships or oil tankers engaged in business or trade activities  
10 in the oil sector of Sudan or involved in the shipment of  
11 goods for use by the armed forces of Sudan,” after “access  
12 to oil revenues”.

13 (d) PROHIBITION ON ASSISTANCE TO COUNTRIES IN  
14 VIOLATION OF UNITED NATIONS SECURITY COUNCIL  
15 RESOLUTIONS 1556 AND 1591.—

16 (1) PROHIBITION.—United States assistance  
17 (other than humanitarian assistance) may not be  
18 provided to a country that is in violation of the em-  
19 bargo on military assistance with respect Sudan im-  
20 posed pursuant to United Nations Security Council  
21 Resolutions 1556 (July 30, 2004) and 1591 (March  
22 29, 2005).

23 (2) WAIVER.—The President may waive the ap-  
24 plication of paragraph (1) if the President deter-  
25 mines and certifies to the appropriate congressional

1 committees that it is in the national interest of the  
2 United States to do so.

3 **SEC. 7. MULTILATERAL EFFORTS.**

4 The President shall direct the United States Perma-  
5 nent Representative to the United Nations to use the voice  
6 and vote of the United States to urge the adoption of a  
7 resolution by the United Nations Security Council which—

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

17 (2) reinforces efforts of the African Union to  
18 negotiate peace talks between the Government of  
19 Sudan, the Sudan Liberation Movement/Army  
20 (SLM/A), the Justice and Equality Movement  
21 (JEM), and associated armed groups in the Darfur  
22 region, calls on the Government of Sudan, the SLM/  
23 A, and the JEM to abide by their obligations under  
24 the N'Djamena Ceasefire Agreement of April 8,  
25 2004 and subsequent agreements, urges all parties

1 to engage in peace talks without preconditions and  
2 seek to resolve the conflict, and strongly condemns  
3 all attacks against humanitarian workers in the  
4 Darfur region;

5 (3) imposes sanctions against the Government  
6 of Sudan, including sanctions against individual  
7 members of the Government of Sudan, and entities  
8 controlled or owned by officials of the Government  
9 of Sudan or the National Congress Party in Sudan;

10 (4) calls upon those member states of the  
11 United Nations that continue to undermine efforts  
12 to foster peace in Sudan by providing military assist-  
13 ance and equipment to the Government of Sudan,  
14 the SLM/A, the JEM, and associated armed groups  
15 in the Darfur region in violation of the embargo on  
16 such assistance and equipment, as called for in  
17 United Nations Security Council Resolutions 1556  
18 (July 30, 2004) and 1591 (March 29, 2005), to im-  
19 mediately cease and desist; and

20 (5) acting under Article 5 of the Charter of the  
21 United Nations, calls for suspension of the Govern-  
22 ment of Sudan's rights and privileges of membership  
23 by the General Assembly until such time as the Gov-  
24 ernment of Sudan has honored pledges to cease at-  
25 tacks upon civilians, demobilize the Janjaweed and

1 associated militias, and grant free and unfettered ac-  
2 cess for deliveries of humanitarian assistance in the  
3 Darfur region.

4 **SEC. 8. REPORTS.**

5 (a) REPORT ON SANCTIONS IN SUPPORT OF PEACE  
6 IN DARFUR.—Section 8 of the Sudan Peace Act (Public  
7 Law 107–245; 50 U.S.C. 1701 note) is amended—

8 (1) by redesignating subsection (c) as sub-  
9 section (d); and

10 (2) by inserting after subsection (b) the fol-  
11 lowing new subsection:

12 “(c) REPORT ON SANCTIONS IN SUPPORT OF PEACE  
13 IN DARFUR.—Not later than 30 days after the date of  
14 the enactment of the Darfur Peace and Accountability Act  
15 of 2005, and in conjunction with reports required under  
16 subsections (a) and (b) of this section thereafter, the Sec-  
17 retary of State shall prepare and submit to the appro-  
18 priate congressional committees a report regarding sanc-  
19 tions imposed under subsections (a) through (d) of section  
20 6 of the Comprehensive Peace in Sudan Act of 2004, in-  
21 cluding—

22 “(1) a description of each sanction imposed  
23 under such provisions of law; and

24 “(2) the name of the individual or entity sub-  
25 ject to the sanction, if applicable.”.

1 (b) REPORT ON STABILIZATION IN SUDAN.—Not  
2 later than 30 days after the date of enactment of this Act,  
3 the Secretary of State shall submit to the appropriate con-  
4 gressional committees a report, to be prepared in conjunc-  
5 tion with the Secretary of Defense, on—

6 (1) efforts to deploy an African Union Mission  
7 in Sudan (AMIS) with the size, strength and capac-  
8 ity necessary to stabilize the Darfur region of Sudan  
9 and protect civilians and humanitarian operations;

10 (2) the needs of AMIS to ensure success, in-  
11 cluding in the areas of housing, transport, commu-  
12 nications, equipment, technical assistance, training,  
13 command and control, intelligence, and such assist-  
14 ance as is necessary to dissuade and deter air at-  
15 tacks directed against civilians and humanitarian  
16 workers; and

17 (3) the current level of United States assistance  
18 and other assistance provided to AMIS, and a re-  
19 quest for additional United States assistance, if nec-  
20 essary.

21 **SEC. 9. DEFINITION.**

22 (a) COMPREHENSIVE PEACE IN SUDAN ACT OF  
23 2004.—Section 2(2) of the Comprehensive Peace in  
24 Sudan Act of 2004 (50 U.S.C. 1701 note) is amended to  
25 read as follows:

1           “(2) GOVERNMENT OF SUDAN.—

2                   “(A) IN GENERAL.—The term ‘Govern-  
3           ment of Sudan’ means the National Congress  
4           Party, formerly known as the National Islamic  
5           Front, government in Khartoum, Sudan, or any  
6           successor government formed on or after the  
7           date of the enactment of the Darfur Peace and  
8           Accountability Act of 2005 (including the coali-  
9           tion National Unity Government agreed upon in  
10          the Comprehensive Peace Agreement for Sudan,  
11          signed in Nairobi, Kenya on January 9, 2005),  
12          except that such term does not include the Gov-  
13          ernment of Southern Sudan.

14                   “(B) OFFICIALS OF THE GOVERNMENT OF  
15          SUDAN.—The term ‘Government of Sudan’,  
16          when used with respect to an official of the  
17          Government of Sudan, does not include an indi-  
18          vidual—

19                           “(i) who was not a member of such  
20                           government prior to July 1, 2005; or

21                           “(ii) who is a member of the Govern-  
22                           ment of Southern Sudan.”.

23          (b) SUDAN PEACE ACT.—Section 12(b) of the Sudan  
24          Peace Act (50 U.S.C. 1701 note) is amended to read as  
25          follows:

1           “(b) GOVERNMENT OF SUDAN DEFINED.—In this  
2 section, the term ‘Government of Sudan’ means the Na-  
3 tional Congress Party, formerly known as the National Is-  
4 lamic Front, government in Khartoum, Sudan, or any suc-  
5 cessor government formed on or after the date of the en-  
6 actment of the Darfur Peace and Accountability Act of  
7 2005 (including the coalition National Unity Government  
8 agreed upon in the Comprehensive Peace Agreement for  
9 Sudan, signed in Nairobi, Kenya on January 9, 2005),  
10 except that such term does not include the Government  
11 of Southern Sudan. Such term, when used with respect  
12 to an official of the Government of Sudan, does not in-  
13 clude an individual who was not a member of such govern-  
14 ment prior to July 1, 2005, or an individual who is a mem-  
15 ber of the Government of Southern Sudan.”.

○