

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

To promote peace, stability, improved governance, and economic development  
in Southern Sudan and Darfur, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. KERRY introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

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**A BILL**

To promote peace, stability, improved governance, and eco-  
nomic development in Southern Sudan and Darfur, 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 “Sudan Peace and Sta-  
5 bility Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Sudan has been the scene of terrible conflict  
9 in recent decades, including a civil war between  
10 North and South that raged for over 20 years and

1       genocidal violence in Darfur that has been carried  
2       out by government forces and their militias.

3           (2) On August 12, 1993, Secretary of State  
4       Warren Christopher designated Sudan as a state  
5       sponsor of terrorism under section 6(j) of the Ex-  
6       port Administration Act (50 U.S.C. App. 2405(j))  
7       (as continued in effect pursuant to the International  
8       Emergency Economic Powers Act; 50 U.S.C. 1701  
9       et seq.), section 40 of the Arms Export Control Act  
10      (22 U.S.C. 2780), and section 620A of the Foreign  
11      Assistance Act (22 U.S.C. 2371).

12          (3) United States Government engagement,  
13      particularly the work of then Special Envoy for  
14      Peace in Sudan, John C. Danforth, in close coordi-  
15      nation with the Intergovernmental Authority on De-  
16      velopment and the Governments of the United King-  
17      dom and Norway, helped the parties to the North-  
18      South conflict in Sudan to reach the Comprehensive  
19      Peace Agreement (CPA), which, on January 9,  
20      2005, brought a formal end to that civil war.

21          (4) The CPA called for wealth and power shar-  
22      ing, national elections, democratic and military re-  
23      forms, specific protocols for border states, the for-  
24      mation of a semi-autonomous government in the  
25      South, and referenda on self-determination for the

1 South and the territory of Abyei to be held by Janu-  
2 ary 2011.

3 (5) The CPA has maintained the larger peace  
4 to date and the parties have made progress on a  
5 number of elements of the agreement, but the pro-  
6 cess has not led to a democratic transformation, as  
7 called for in the 2005 Agreement, and key issues re-  
8 main outstanding, notably border demarcation and  
9 preparations for the 2011 referenda. As the CPA  
10 draws to a close, critical questions of post-referenda  
11 citizenship and revenue sharing must be resolved.

12 (6) At the same time that efforts were under-  
13 way to solidify peace between the North and South,  
14 the situation in Darfur deteriorated so significantly  
15 that Secretary of State Colin Powell on September  
16 3, 2004, and Congress on September 7, 2004, de-  
17 scribed actions by the National Congress Party  
18 (NCP) government and its proxy militias as geno-  
19 cide.

20 (7) According to United Nations estimates, over  
21 300,000 people were killed in the conflict in Darfur  
22 and over 2,600,000 have been displaced internally  
23 while another 250,000 Darfuris have sought refuge  
24 in Chad, and these processes of displacement con-  
25 tinue.

1           (8) On March 29, 2005, and April 25, 2006,  
2           the United Nations Security Council issued Security  
3           Council Resolutions 1591 and 1672, respectively,  
4           condemning the continued violations of human rights  
5           and international humanitarian law in the Darfur  
6           region of Sudan and, in particular, the continuation  
7           of violence against civilians and sexual violence  
8           against women and girls, determining that the situa-  
9           tion in Darfur constituted a threat to international  
10          peace and security in the region, and calling on  
11          member states to take certain measures against per-  
12          sons responsible for the continuing conflict.

13          (9) The United Nations established the United  
14          Nations Mission in Sudan (UNMIS) in 2005 and  
15          the African Union/United Nations hybrid operation  
16          in Darfur (UNAMID) in 2006 with respective au-  
17          thorized strengths of 10,715 and 25,987 troops and  
18          police.

19          (10) On March 4, 2009, the International  
20          Criminal Court issued a warrant for the arrest of  
21          President of Sudan Omar Al Bashir, charging him  
22          with 5 counts of crimes against humanity and 2  
23          counts of war crimes, and on July 12, 2010, issued  
24          an additional warrant for President Omar al-Bashir  
25          of Sudan for genocide committed in Darfur.

1           (11) In Darfur, despite peace agreements be-  
2           tween the government and certain armed groups, in-  
3           cluding the Darfur Peace Agreement (DPA) of 2006  
4           and other ceasefire and preliminary framework  
5           agreements, instability and violence, including direct  
6           conflict between and among armed groups and the  
7           government and militias, continues with ongoing ci-  
8           vilian casualties and displacement, and the griev-  
9           ances that sparked the Darfuri rebellion as well as  
10          the consequences of the genocidal violence carried  
11          out and supported by the government remain  
12          unaddressed. As stated in the Report of the African  
13          Union High-Level Panel on Darfur (AUPD), “En-  
14          suring stability in Darfur requires a political proc-  
15          ess, in which due attention is paid to the inter-con-  
16          nected pillars of peace, justice, and reconciliation.”

17          (12) In response to the crisis in Darfur, the  
18          international community, led by contributions from  
19          the United States, has undertaken a massive hu-  
20          manitarian operation to provide food, water, sanita-  
21          tion, medical support, and other assistance to the  
22          millions of Darfuris displaced or otherwise affected  
23          by the violence, an effort that was jeopardized by the  
24          Government of Sudan’s expulsion of 13 international  
25          nongovernmental organizations in March 2009.

1           (13) Criminal activity, widespread violence di-  
2           rected against civilians, peacekeepers, and aid work-  
3           ers in Darfur, and an environment of impunity con-  
4           tribute to ongoing instability and jeopardize humani-  
5           tarian assistance, individual and community safety  
6           and well being, and opportunities for development.

7           (14) The United States Government provides  
8           substantial capacity-building and other assistance to  
9           Southern Sudan, but the humanitarian, develop-  
10          mental, and governance challenges remain enormous  
11          and have direct implications for the stability of the  
12          larger region.

13          (15) Abyei, the subject of the Protocol between  
14          the Government of the Sudan and the Sudan Peo-  
15          ple's Liberation Movement/Army on the Resolution  
16          of the Abyei Conflict, and the scene of major vio-  
17          lence in 2008, remains a potential flashpoint and  
18          unresolved element between the parties. Serious  
19          challenges in the critical north-south border areas of  
20          Abyei, Blue Nile, and Southern Kordofan, parts of  
21          which are highly militarized, persist, and inter-ethnic  
22          tensions, growing dissatisfaction with the slow imple-  
23          mentation of the CPA, and the perceived lack of  
24          peace dividends contribute to a volatile situation.

1           (16) Ethnic and communal violence in Southern  
2 Sudan has escalated in scope and intensity, resulting  
3 in increasing loss of life and displacement and fur-  
4 ther threatening stability in the region.

5           (17) On February 2, 2010, testifying before the  
6 Select Committee on Intelligence of the Senate, Den-  
7 nis C. Blair, Director of National Intelligence, stated  
8 that a number of countries in Asia and Africa are  
9 at significant risk of a new outbreak of mass killing  
10 over the next 5 years, but identified Southern Sudan  
11 as the area in which “a new mass killing or genocide  
12 is most likely to occur.”

13           (18) In April 2010, Sudan held national elec-  
14 tions but the SPLM and other opposition parties  
15 withdrew from most contests in Northern Sudan,  
16 citing intimidation, voter fraud, insecurity in Darfur,  
17 and other factors. The United States Government  
18 characterized the elections as not meeting inter-  
19 national standards and marked by circumscribed po-  
20 litical rights and freedoms, reports of intimidation  
21 and threats of violence in Southern Sudan, insecur-  
22 ity and ongoing conflict in Darfur, and technical  
23 problems, resulting in serious irregularities.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

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

6           (2) GOVERNMENT OF SOUTHERN SUDAN.—The  
7           term “Government of Southern Sudan” includes the  
8           regional Government of Southern Sudan based in  
9           Juba as constituted as of the date of the enactment  
10          of this Act and any successor government that—

11                 (A) retains autonomy within Sudan or  
12                 achieves independence as a result of the ref-  
13                 erendum called for under the Comprehensive  
14                 Peace Agreement; or

15                 (B) is recognized as an independent nation  
16                 by the United States Government.

17          (3) MARGINALIZED POPULATIONS OF SUDAN.—  
18          The term “marginalized populations of Sudan”  
19          means—

20                 (A) adversely affected groups in regions  
21                 authorized to receive assistance under section  
22                 8(e) of the Darfur Peace and Accountability  
23                 Act (Public Law 109–344; 50 U.S.C. 1701  
24                 note); and

1 (B) marginalized areas in Northern Sudan  
2 described in section 4(9) of such Act.

3 **SEC. 4. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) as affirmed in President Barack Obama’s  
6 strategy document, “Sudan: A Critical Moment, A  
7 Comprehensive Approach,” of October 19, 2009,  
8 “The United States cannot succeed in achieving our  
9 policy goals by focusing exclusively on Darfur or  
10 CPA implementation—both must be addressed seri-  
11 ously and simultaneously, while also working to re-  
12 solve and prevent conflict throughout Sudan.”;

13 (2) the situation in Sudan, particularly in the  
14 potentially volatile year ahead, demands strength-  
15 ened diplomatic, humanitarian, and developmental  
16 efforts by the United States Government and other  
17 bilateral and multilateral partners in order to see  
18 the CPA through to a peaceful referenda process  
19 and outcome, to increase the governance and institu-  
20 tional capacities in Southern Sudan to better meet  
21 the needs of the people whether as an independent  
22 state or semi-autonomous region, and to help to fos-  
23 ter peace and stability in Darfur;

24 (3) other governments and actors in the region  
25 influence the security situation in Sudan and are in

1 turn affected by it, thus elevating the importance for  
2 the United States Government of working with part-  
3 ners in the region and heightening the responsibility  
4 and interest of Sudan's neighbors and others in con-  
5 tributing to the process to enhance peace and sta-  
6 bility throughout the region;

7 (4) the peace process in Darfur requires the on-  
8 site participation of the organized parties to the con-  
9 flict who are willing to make a constructive commit-  
10 ment to the peace process, the Government of  
11 Sudan, and elements of civil society, including  
12 women, in negotiations in order to achieve a lasting  
13 settlement;

14 (5) United States support for the Darfur peace  
15 process would be enhanced by the appointment of a  
16 full-time senior official to assist in those efforts;

17 (6) the ongoing rapprochement between the  
18 Governments of Chad and Sudan offers an impor-  
19 tant opportunity for larger regional stability and  
20 peace;

21 (7) countries with significant economic invest-  
22 ments in Sudan, including the People's Republic of  
23 China, have a vested interest in peace and stability  
24 in Sudan and a role and responsibility to work to-  
25 ward that goal;

1           (8) to prepare for potential outcomes before  
2           and after the scheduled referenda on secession, the  
3           United States Government should continue to en-  
4           gage with local and international partners in contin-  
5           gency planning, especially to consider ways to help  
6           prevent or respond to possible large-scale violence,  
7           dislocation, or other humanitarian emergencies;

8           (9) it is critical that the parties to the CPA, as-  
9           sisted by mediators and other witnesses to the agree-  
10          ment, which included the representatives of Kenya,  
11          Uganda, Egypt, Italy, the Netherlands, Norway, the  
12          United Kingdom, the African Union, the European  
13          Union, the Intergovernmental Authority on Develop-  
14          ment (IGAD), the League of Arab States, the  
15          United Nations, and the United States, address un-  
16          resolved issues and finalize preparations for the Jan-  
17          uary 2011 referenda, reach basic agreements on key  
18          issues, and establish a framework for post-referenda  
19          negotiations;

20          (10) while the United States Government is a  
21          major contributor to humanitarian and develop-  
22          mental work in Sudan, increased assistance from  
23          multilateral, regional, and other bilateral sources will  
24          be critical to sustaining peace and promoting hu-  
25          manitarian relief, economic development, and recov-

1       ery, and it is important that the international com-  
2       munity resolve difficulties in the delivery of assist-  
3       ance through multilateral vehicles make a sufficient  
4       commitment of food assistance and provide over-  
5       sight;

6           (11) resource management, transparency, ac-  
7       countability, and service delivery are critical compo-  
8       nents of effective governance, and the Government  
9       of Southern Sudan and state and local authorities in  
10      Southern Sudan, as they continue to receive outside  
11      assistance, should demonstrate a commitment to im-  
12      provements in these sectors;

13          (12) in the event that the Government of  
14      Southern Sudan achieves independence and is recog-  
15      nized by the United States Government, and in the  
16      months leading up to such a potential development,  
17      it is important for the Secretary of State and the  
18      Secretary of the Treasury to examine the statutory  
19      and other sanctions currently applicable to Sudan, to  
20      determine how the sanctions regime would be af-  
21      fected by the independence of Southern Sudan, and  
22      to consult with Congress on changes that may be  
23      needed under such circumstances;

24          (13) in order to increase the diplomatic capacity  
25      of the United States Government, facilitate humani-

1       tarian and developmental assistance and oversight of  
2       aid, and support efforts of the Government of South-  
3       ern Sudan to improve governance and enhance secu-  
4       rity, the United States Government should maintain  
5       the position of a special envoy, appoint a senior offi-  
6       cial to assist with the Darfur peace process, and ac-  
7       celerate plans for construction on additional or ex-  
8       panded facilities and other housing for personnel to  
9       support an enhanced United States diplomatic and  
10      development presence and to allow for expanded de-  
11      ployment of personnel;

12               (14) the United States Government—

13                   (A) recognizes the importance of the  
14                   UNMIS and UNAMID missions and anticipates  
15                   the continued need for their presence in the  
16                   coming years;

17                   (B) emphasizes the importance of proactive  
18                   diplomacy and contingency planning by the  
19                   international community for Darfur, Southern  
20                   Sudan, the “Three Areas” of Southern  
21                   Kordofan, Blue Nile State, and Abyei, and  
22                   other vulnerable populations, including those in  
23                   Eastern Sudan, and recognizes the importance  
24                   of the full implementation of the Abyei Protocol

1 and that resolution of Abyei's status is a crit-  
2 ical element of a sustained peace;

3 (C) notes that UNAMID continues to lack  
4 critical enablers, including utility helicopters,  
5 and that the absence of such enablers undercuts  
6 the ability of the mission to carry out its civil-  
7 ian protection mandate, and notes with concern  
8 that UNMIS is facing diminishing aviation re-  
9 sources at a moment when mobility is critical;

10 (D) notes that the mission and potentially  
11 the personnel of UNMIS should continue to  
12 evolve after the completion of the terms of the  
13 CPA in order to maintain its civilian protection  
14 function while strengthening its institution-  
15 building abilities; and

16 (E) urges each to pursue its mandate of ci-  
17 vilian protection assertively;

18 (15) key benchmarks to measure progress with  
19 respect to the relationship between the United  
20 States and Sudan include humanitarian and peace-  
21 keeper access to and within Darfur, committed en-  
22 gagement to resolve the conflict there and uphold  
23 justice and accountability, demarcation of borders,  
24 adherence to the Comprehensive Peace Agreement,  
25 including holding the referenda for Southern Sudan

1 and Abyei as provided for in such agreement within  
2 the time provided, and a framework agreement for  
3 the resolution of post-referenda issues;

4 (16) in the event of the obstruction of efforts  
5 to achieve these benchmarks, additional responses to  
6 such obstruction include expanded travel restrictions  
7 against individuals responsible for such actions,  
8 blocking the assets of such individuals and, as prac-  
9 tical, transactions with the financial institutions that  
10 support them, opposition to international debt relief  
11 measures, engagement to promote multilateral sanc-  
12 tions, and stricter enforcement of multilateral arms  
13 embargoes;

14 (17) in the event of the achievement of these  
15 benchmarks, phased and graduated responses in-  
16 clude steps to permit certain forms of trade and in-  
17 vestment in Sudan in specific sectors (other than the  
18 petroleum sector), the exchange of ambassadors, and  
19 a review of foreign assistance restrictions, economic  
20 sanctions, and other statutory provisions; and

21 (18) the full normalization of relations between  
22 the United States and Sudan, including support for  
23 international debt relief, requires the peaceful imple-  
24 mentation of the Comprehensive Peace Agreement, a  
25 comprehensive peace agreement in Darfur that is

1 credibly implemented, sustained improvement in se-  
2 curity and services that improve living conditions in  
3 Darfur, including humanitarian access, full coopera-  
4 tion with UNAMID and UNMIS, a cessation of all  
5 support for international terrorism, and credible and  
6 locally supported efforts to achieve accountability,  
7 justice, and reconciliation, as consistent with existing  
8 United States law and the terms of relevant United  
9 Nations Security Council resolutions.

10 **SEC. 5. STATEMENT OF POLICY.**

11 It is the policy of the United States—

12 (1) to support efforts to help create a more  
13 democratic, accountable, and inclusive government in  
14 Sudan that respects human rights, protects civil lib-  
15 erties, and contributes to peace and stability in the  
16 region;

17 (2) to promote and work toward a definitive  
18 end to conflict, gross human rights abuses, and  
19 genocide in Darfur, and to promote peace through-  
20 out Sudan;

21 (3) to respond vigorously to efforts that either  
22 undermine the credibility of the self-determination  
23 referenda provided for by the CPA, undermine peace  
24 and stability in Southern Sudan, or prevent the end  
25 of the conflict in Darfur, including working with bi-

1 lateral and multilateral partners, including the  
2 United Nations, the African Union, the European  
3 Union, and the North Atlantic Treaty Organization,  
4 to take appropriate measures in the event of such ef-  
5 forts;

6 (4) to promote and, together with the parties to  
7 the CPA and others, to work toward full implemen-  
8 tation of the agreement in such a way that results  
9 in a peaceful, unified Sudan or an orderly path to-  
10 ward 2 separate and viable states at peace with each  
11 other;

12 (5) in order to help create conditions more con-  
13 ducive to peace, development, democracy, and sta-  
14 bility in Sudan, to—

15 (A) work with nongovernmental organiza-  
16 tions, the Government of Southern Sudan, and  
17 other bilateral and multilateral entities to pro-  
18 vide critical humanitarian assistance in South-  
19 ern Sudan and other areas;

20 (B) promote implementation of the CPA  
21 by all parties, including the conducting of  
22 peaceful and credible referenda on self-deter-  
23 mination in January 2011 and foster commit-  
24 ments from countries in the region, multilateral

1 partners, and other key countries to accept the  
2 outcome of such a process;

3 (C) support capacity building of the Gov-  
4 ernment of Southern Sudan and that of state  
5 and local authorities in the South, including  
6 through the possible support of technical advi-  
7 sors, in order to strengthen the abilities of the  
8 Government of Southern Sudan to provide crit-  
9 ical services to their people, whether as an inde-  
10 pendent state or semi-autonomous region;

11 (D) assist the parties to the CPA and rein-  
12 vigorate international engagement from regional  
13 partners and others, including the People's Re-  
14 public of China, in resolving post-referendum  
15 issues, including questions regarding citizenship  
16 and migration, future cooperation in the oil sec-  
17 tor and wealth-sharing, security arrangements,  
18 security of border areas, water use, liabilities  
19 and assets, and matters of currency and fi-  
20 nance;

21 (E) help the parties to defuse tension in  
22 Abyei, Southern Kordofan, and Blue Nile State  
23 through successful conducting of the ref-  
24 erendum for Abyei and the popular consultation  
25 process for the other two areas, as required

1 under the CPA, and the promotion of construc-  
2 tive political engagement to address other con-  
3 cerns in those areas;

4 (F) assist the Government of Southern  
5 Sudan in enhancing governance and service de-  
6 livery, reintegrating returnees, strengthening  
7 the rule of law, building an effective police force  
8 and criminal justice system, helping to trans-  
9 form its security forces into a professional body  
10 abiding by principles of civilian rule, protection  
11 of human rights, and accountability, reducing  
12 corruption, improving transparency, and build-  
13 ing effective political capacity in a democratic  
14 environment;

15 (G) assist the Government of Southern  
16 Sudan in creating comprehensive controls over  
17 small arms stockpiles, clearing landmines and  
18 explosive remnants of war, and implementing  
19 the Nairobi Protocol for the Prevention, Con-  
20 trol, and Reduction of Small Arms and Light  
21 Weapons in the Great Lakes Region and the  
22 Horn of Africa, done at Nairobi April 21, 2004;

23 (H) promote improved financial manage-  
24 ment within the Government of Southern  
25 Sudan;

1 (I) engage in intense dialogue with key bi-  
2 lateral and multilateral partners to identify con-  
3 crete steps that could be taken multilaterally to  
4 respond to actions by the North or the South  
5 or any other party that undermines peace in  
6 Sudan, interferes with humanitarian relief, im-  
7 pedes future development, or undercuts stability  
8 in Darfur; and

9 (J) support viable local efforts to prevent  
10 and mitigate conflict and enhance reconcili-  
11 ation, including disarmament, demobilization,  
12 and reintegration of remaining militias and  
13 other armed groups, including potential hybrid  
14 tribunals for acts committed in Darfur as called  
15 for by the Peace and Security Council of the  
16 African Union; and

17 (6) in order to help create conditions more con-  
18 ducive to peace, the distribution of humanitarian re-  
19 lief, future development, and stability in Darfur,  
20 to—

21 (A) promote peace and security for the  
22 people of Darfur, including through sustainable  
23 peace agreements arrived at with consultation  
24 with civil society;

1           (B) identify and prioritize the filling of  
2 gaps in humanitarian assistance by sector, in-  
3 cluding protection, and by access to under-  
4 served populations in need;

5           (C) support international mediation efforts  
6 to help create a lasting peace in Darfur;

7           (D) promote simultaneous stabilization ef-  
8 forts where conditions permit while maintaining  
9 vital humanitarian assistance;

10          (E) support and enhance the efforts of  
11 UNAMID and others to provide civilian protec-  
12 tion, including protection against sexual and  
13 gender-based violence;

14          (F) encourage and strengthen initiatives  
15 for ending violent conflict;

16          (G) support international efforts, including  
17 those of the International Criminal Court, to  
18 bring those responsible for genocide and war  
19 crimes in Darfur to justice and to work with  
20 Darfuri civil society to support locally owned  
21 accountability and reconciliation mechanisms  
22 that may hasten peace and make it more sus-  
23 tainable;

24          (H) promote livelihood and other opportu-  
25 nities for youth, women, and others;

1           (I) assist with the rehabilitation and  
2 strengthening of ecosystems and natural re-  
3 source management as part of a broader effort  
4 to reduce environmental drivers of conflict and  
5 enhance rural and urban development;

6           (J) work with key bilateral and multilat-  
7 eral partners, as well as local actors, to develop  
8 contingency plans to address potential post-  
9 2011 scenarios and humanitarian and other  
10 needs; and

11           (K) promote democratic processes and po-  
12 litical reforms at the national and subnational  
13 levels that enhance the government's respon-  
14 siveness to the needs of the people of Darfur.

15 **SEC. 6. SECURITY, CIVIL AVIATION, AND POLICE ASSIST-**  
16 **ANCE.**

17       (a) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that—

19           (1) security assistance to the Government of  
20 Southern Sudan is intended to—

21           (A) assist with the continuing efforts of  
22 the Government of Southern Sudan to trans-  
23 form the Sudan People's Liberation Army and  
24 its constituent parts into a more efficient, reg-

1 ular, nonpartisan professional army in accord-  
2 ance with the Comprehensive Peace Agreement;

3 (B) enhance the ability of the Government  
4 of Southern Sudan to prevent and respond to  
5 internal conflict in order to protect the lives,  
6 well being, and property of civilians while civil-  
7 ian police capacities are being built; and

8 (C) enhance the ability of the Government  
9 of Southern Sudan to respond to the threats  
10 posed by transborder armed groups, such as the  
11 Lord's Resistance Army, maintain its territorial  
12 integrity, and promote regional stability; and

13 (2) assistance to the civilian police and criminal  
14 justice sector in Southern Sudan is intended to—

15 (A) enhance the effectiveness and account-  
16 ability of the Southern Sudan Police Service  
17 and its ability to carry out critical functions of  
18 civilian protection and law enforcement, includ-  
19 ing through support for community-based polic-  
20 ing; and

21 (B) support efforts within the judiciary to  
22 establish and uphold the rule of law, protect  
23 human rights, and ensure due process.

24 (b) SECURITY, AVIATION, AND POLICE ASSIST-  
25 ANCE.—

1 (1) IN GENERAL.—

2 (A) AUTHORITY.—If the President has not  
3 made a certification under section 12(a)(3) of  
4 the Sudan Peace Act (Public Law 107–245; 50  
5 U.S.C. 1701 note) regarding the noncompliance  
6 of the Sudan People’s Liberation Movement/  
7 Army (SPLM/A) or the Government of South-  
8 ern Sudan with the Comprehensive Peace  
9 Agreement for Sudan, the President, notwith-  
10 standing any other provision of law, may, for  
11 the purpose of constituting a professional mili-  
12 tary force and strengthening police capabilities  
13 to provide civilian protection and uphold the  
14 rule of law, authorize the provision of the fol-  
15 lowing assistance to the Government of South-  
16 ern Sudan:

17 (i) Non-lethal military equipment and  
18 related defense services, including training,  
19 controlled under the International Traffic  
20 in Arms Regulations (22 C.F.R. 120.1 et  
21 seq.) if the President—

22 (I) determines that the provision  
23 of such items is in the national inter-  
24 est of the United States; and

1 (II) not later than 15 days before  
2 the provision of any such items, noti-  
3 fies the Committee on Foreign Rela-  
4 tions of the Senate and the Com-  
5 mittee on Foreign Affairs of the  
6 House of Representatives of such de-  
7 termination.

8 (ii) Equipment and training related to  
9 civil aviation infrastructure to promote  
10 safety, security, and air navigation in  
11 Southern Sudan, if the President—

12 (I) determines that the provision  
13 of such items is in the national inter-  
14 est of the United States; and

15 (II) not later than 15 days before  
16 the provision of any such items, noti-  
17 fies the Committee on Foreign Rela-  
18 tions of the Senate and the Com-  
19 mittee on Foreign Affairs of the  
20 House of Representatives of such de-  
21 termination.

22 (iii) Training and equipment for police  
23 forces, including training on human rights,  
24 civilian protection, gender-based violence,  
25 and the role of security forces in maintain-

1           ing the rule of law. Assistance in this Act  
2           may be made available to the Government  
3           of Southern Sudan to provide appropriate  
4           lethal equipment and training of police if  
5           the President—

6                       (I) determines that the provision  
7                       of such items is in the national inter-  
8                       est of the United States and appro-  
9                       priate oversight and accountability  
10                      mechanisms exist; and

11                     (II) not later than 15 days before  
12                     the provision of any such assistance,  
13                     notifies the appropriate congressional  
14                     committees of such determination.

15           (B) SUNSET.—The authority provided  
16           under subparagraph (A) shall expire on Sep-  
17           tember 30, 2014.

18           (2) NOTIFICATION REQUIREMENT FOR SECU-  
19           RITY ASSISTANCE TO INDEPENDENT STATE OF  
20           SOUTHERN SUDAN.—For fiscal years 2011 through  
21           2014, in the event of the recognition by the Presi-  
22           dent of the State of Southern Sudan as an inde-  
23           pendent country, the President shall notify the ap-  
24           propriate congressional committees not later than 15

1 days before obligating any lethal or non-lethal secu-  
2 rity assistance.

3 (3) END USE ASSURANCES.—For each item ex-  
4 ported pursuant to this subsection, the President  
5 shall include with the notification to Congress under  
6 clauses (i)(II) and (ii)(II) of paragraph (1)(A) and  
7 under paragraph (2)—

8 (A) an identification of the end users to  
9 which the of assistance is being made;

10 (B) the dollar value of the items being pro-  
11 vided;

12 (C) a description of the items being pro-  
13 vided; and

14 (D) a description of the end use  
15 verification procedures that will be applied to  
16 such items, including—

17 (i) any special assurances obtained  
18 from the Government of Southern Sudan  
19 or other authorized end users regarding  
20 such equipment; and

21 (ii) the end use or retransfer controls  
22 that will be applied to any items provided  
23 under this subsection.

1           (4) WAIVER AUTHORITY.—Section 40 of the  
2           Arms Export Control Act (22 U.S.C. 2780) shall not  
3           apply to assistance provided under paragraph (1).

4 **SEC. 7. MULTILATERAL FINANCIAL INSTITUTIONS.**

5           (a) RULE OF CONSTRUCTION REGARDING VOTES OP-  
6           POSING LOANS.—Provisions of law that direct the United  
7           States Government to vote against or oppose loans or  
8           other uses of funds, including for financial or technical  
9           assistance, in international financial institutions for  
10          Sudan shall not be construed as applying to Southern  
11          Sudan or to technical assistance relating to the implemen-  
12          tation and peaceful fulfillment of the Comprehensive  
13          Peace Agreement of 2005. The Secretary of Treasury  
14          shall submit a notification to the appropriate committees  
15          of Congress prior to relying upon the rule of construction  
16          set forth in this section to vote for or support a loan or  
17          other use of funds.

18          (b) APPROPRIATE COMMITTEES OF CONGRESS DE-  
19          FINED.—In this section, the term “appropriate commit-  
20          tees of Congress” means the Committee on Foreign Rela-  
21          tions and the Committee on Banking, Housing, and Urban  
22          Affairs of the Senate and the Committee on Foreign Af-  
23          fairs and the Committee on Financial Services of the  
24          House of Representatives.

1 **SEC. 8. MEASURE TO PROMOTE ECONOMIC VIABILITY AND**  
2 **SECURITY IN SOUTHERN SUDAN.**

3 (a) **AUTHORITY.**—Notwithstanding any other provi-  
4 sion of law, in the event that the Government of Southern  
5 Sudan is recognized as an independent country by the  
6 United States Government and has agreed to a revenue  
7 sharing arrangement with Sudan, in order to facilitate the  
8 economic development and self-sufficiency of such inde-  
9 pendent country and to promote peace prior to and fol-  
10 lowing the culmination of the CPA, the President may  
11 waive the prohibition on the transshipment of petroleum  
12 originating in Southern Sudan through the country of  
13 Sudan upon prior notification to the appropriate commit-  
14 tees of Congress that the exercising of such a waiver is  
15 in the national interest of the United States.

16 (b) **APPROPRIATE COMMITTEES OF CONGRESS DE-**  
17 **FINED.**—In this section, the term “appropriate commit-  
18 tees of Congress” means the Committee on Foreign Rela-  
19 tions and the Committee on Banking, Housing, and Urban  
20 Affairs of the Senate and the Committee on Foreign Af-  
21 fairs and the Committee on Financial Services of the  
22 House of Representatives.

23 **SEC. 9. CONSOLIDATION AND AMENDMENT OF REPORTING**  
24 **REQUIREMENTS.**

25 (a) **REPORT ON SOUTHERN SUDAN.**—Not later than  
26 one year after the date of the enactment of this Act, and

1 annually thereafter for 5 years, the Secretary of State, in  
2 consultation with the Secretary of Defense and the heads  
3 of other relevant agencies, shall submit to the appropriate  
4 congressional committees a classified report, together with  
5 an unclassified executive summary, that includes the fol-  
6 lowing:

7 (1) An assessment of progress made during the  
8 previous calendar year toward meeting the policy ob-  
9 jectives set forth in section 5.

10 (2) A description of United States Government  
11 programs contributing to the achievement of the pol-  
12 icy objectives set forth in section 5, including the  
13 amounts obligated and expended on such programs  
14 during the preceding fiscal year.

15 (3) An assessment of the levels and nature of  
16 violence, human rights violations, and conflict within  
17 or involving Southern Sudan, including sexual and  
18 gender-based violence and the role played by other  
19 governments and actors in the continuation of vio-  
20 lence, and a description of prevention and resolution  
21 efforts by the United States Government, the Gov-  
22 ernment of Southern Sudan, civil society, the United  
23 Nations, and other parties.

24 (4) a description of incidents which may con-  
25 stitute crimes against humanity, genocide, war

1 crimes, and other violations of international humani-  
2 tarian law by all parties to the conflict in Sudan, in-  
3 cluding slavery, rape, and aerial bombardment of ci-  
4 vilian targets.

5 (5) A description, to the degree practical, of the  
6 accrual, transparency regarding, and management of  
7 oil and gas revenues by the Government of Southern  
8 Sudan and of the state of oil production and re-  
9 gional transshipment of oil and gas from Southern  
10 Sudan to other markets.

11 (6) A description of transit patterns across bor-  
12 ders between Northern and Southern Sudan and of  
13 the status of marginalized populations, including dis-  
14 placed persons from Southern Sudan living in the vi-  
15 cinity of Khartoum.

16 (7) A description of the status of Abyei, if  
17 Abyei becomes separate from Sudan as a result of  
18 its referendum, and an assessment of the level and  
19 nature of conflict in Abyei.

20 (8) A description of the role and size of United  
21 Nations peacekeeping missions in Southern Sudan,  
22 including conflict prevention and mitigation activi-  
23 ties.

24 (9) A description of efforts by the Government  
25 of Southern Sudan to undertake security and justice

1 sector reform, including an assessment of the capa-  
2 bilities of the military and civilian police force and  
3 progress on implementing both the SPLA Act and  
4 the Police Act.

5 (10) A description of United States security as-  
6 sistance provided in the period covered by this re-  
7 port, and a description of any unauthorized re-  
8 transfer or use of security assistance furnished by  
9 the United States.

10 (11) A description of efforts by the Government  
11 of Southern Sudan to develop accountability mecha-  
12 nisms for the security forces, including the develop-  
13 ment of a military justice system.

14 (12) In all reports except the initial report, a  
15 description, sector by sector of the implementation  
16 of the Southern Sudan development and stabilization  
17 strategy submitted under subsection (b).

18 (b) STRATEGY ON SOUTHERN SUDAN.—Not later  
19 than January 31, 2012, the Secretary of State shall sub-  
20 mit to the appropriate congressional committees a multi-  
21 year strategy to provide assistance in support of govern-  
22 ance and the rule of law, humanitarian aid, development,  
23 and security in Southern Sudan, including—

24 (1) specific and measurable goals;

25 (2) benchmarks and timeframes;

1           (3) an implementation plan to achieve the pol-  
2           icy objectives set forth in section 5; and

3           (4) a monitoring and evaluation plan.

4           (c) REPORT ON DARFUR AND OTHER MARGINALIZED  
5 AREAS IN SUDAN.—Not later than one year after the date  
6 of the enactment of this Act, and annually thereafter for  
7 5 years, the Secretary of State, in consultation with the  
8 Secretary of Defense and other relevant agencies, shall  
9 submit to the appropriate congressional committees a re-  
10 port that includes the following:

11           (1) An assessment of progress made during the  
12           previous calendar year toward meeting the policy ob-  
13           jectives set forth in section 5.

14           (2) A description of United States Government  
15           programs contributing to the achievement of the pol-  
16           icy objectives set forth in section 5, including the  
17           amounts obligated and expended on such programs  
18           during the preceding fiscal year.

19           (3) An assessment of the levels and nature of  
20           violence, human rights violations, and conflict within  
21           Darfur, including sexual and gender-based violence,  
22           and a description of as prevention and resolution ef-  
23           forts by the United States Government, the Govern-  
24           ment of Sudan, civil society, the United Nations,  
25           and other parties.

1           (4) An assessment of the roles played by other  
2 governments and actors in the continuation or pre-  
3 vention and resolution of conflict in Darfur.

4           (5) A description of incidents that may con-  
5 stitute crimes against humanity, genocide, war  
6 crimes, and other violations of international humani-  
7 tarian law by all parties to the conflict in Sudan, in-  
8 cluding slavery, rape, and aerial bombardment of ci-  
9 vilian targets.

10          (6) A description of aerial bombardment of ci-  
11 vilians by government forces, capabilities and role of  
12 peacekeeping forces in providing civilian protection,  
13 and the impact of criminal activity on the security  
14 environment for civilians and aid workers.

15          (7) A description of the political status, levels  
16 and nature of violence, and other developments with-  
17 in Southern Kordofan and Blue Nile States.

18          (8) A description of the political status, levels  
19 and nature of violence, and other developments with-  
20 in Eastern Sudan.

21          (9) A description of the economic impact of oil  
22 exploitation within Sudan and of other sources of oil  
23 investment or revenue within the country.

24          (10) In all reports except the initial report, a  
25 description, sector by sector, of the implementation

1 of the strategy on Darfur and other areas in Sudan  
2 submitted under subsection (d).

3 (d) STRATEGY ON DARFUR AND OTHER  
4 MARGINALIZED AREAS IN SUDAN.—Not later than Janu-  
5 ary 31, 2012, the Secretary of State shall submit to the  
6 appropriate congressional committees a multi-year strat-  
7 egy to support the objectives for Darfur and other areas  
8 in Sudan included in this Act, including—

9 (1) specific and measurable goals;

10 (2) benchmarks and timeframes;

11 (3) an implementation plan to achieve the pol-  
12 icy objectives set forth in section 5; and

13 (4) a monitoring and evaluation plan.

14 (e) ELIMINATION OF EXISTING REPORTING RE-  
15 QUIREMENTS.—The Sudan Peace Act (Public Law 107–  
16 245; 50 U.S.C. 1791 note) is amended—

17 (1) in section 8—

18 (A) by striking subsections (b), (c), and  
19 (e); and

20 (B) in subsection (g), by striking “or (b)”;  
21 and

22 (2) by striking section 11.

23 **SEC. 10. SENSE OF CONGRESS.**

24 It is the sense of Congress that, of all amounts appro-  
25 priated for fiscal years 2011 through 2014 for the Depart-

1 ment of State and foreign operations, such sums as may  
2 be necessary should be used to carry out activities author-  
3 ized under this Act.