

116TH CONGRESS
2D SESSION

H. R. 6094

To support a civilian-led democratic transition, promote accountability for human rights abuses, and encourage fiscal transparency in Sudan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2020

Mr. ENGEL (for himself, Mr. McCAUL, Ms. BASS, Mr. SMITH of New Jersey, Mr. McGOVERN, Mr. KILDEE, and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To support a civilian-led democratic transition, promote accountability for human rights abuses, and encourage fiscal transparency in Sudan, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sudan Democratic
5 Transition, Accountability, and Fiscal Transparency Act
6 of 2020”.

1 **SEC. 2. DEFINITIONS.**

2 Except as otherwise provided, in this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Affairs and
7 the Committee on Appropriations of the House
8 of Representatives; and

9 (B) the Committee on Foreign Relations
10 and the Committee on Appropriations of the
11 Senate.

12 (2) INTERNATIONAL FINANCIAL INSTITU-
13 TIONS.—The term “international financial institu-
14 tions” means—

15 (A) the International Monetary Fund;

16 (B) the International Bank for Recon-
17 struction and Development;

18 (C) the International Development Asso-
19 ciation;

20 (D) the International Finance Corporation;

21 (E) the Inter-American Development
22 Bank;

23 (F) the Asian Development Bank;

24 (G) the Inter-American Investment Cor-
25 poration;

26 (H) the African Development Bank;

1 (I) the European Bank for Reconstruction
2 and Development;

3 (J) the Multilateral Investment Guaranty
4 Agency; and

5 (K) any multilateral financial institution,
6 established after the date of enactment of this
7 Act, that could provide financial assistance to
8 the Government of Sudan.

9 (3) SOVEREIGNTY COUNCIL.—The term “Sov-
10 ereignty Council” means the governing body of
11 Sudan during the transitional period that consists
12 of—

13 (A) five civilians selected by the Forces of
14 Freedom and Change;

15 (B) five members selected by the Transi-
16 tional Military Council; and

17 (C) one member selected by agreement be-
18 tween the Forces of Freedom and Change and
19 the Transitional Military Council.

20 (4) SUDANESE SECURITY AND INTELLIGENCE
21 SERVICES.—The term “Sudanese security and intel-
22 ligence services” means—

23 (A) the Sudan Armed Forces;

24 (B) the Rapid Support Forces,

1 (C) Sudan’s Popular Defense Forces and
2 other paramilitary units;

3 (D) Sudan’s police forces;

4 (E) the General Intelligence Service, pre-
5 viously known as the National Intelligence and
6 Security Services; and

7 (F) related entities, such as Sudan’s Mili-
8 tary Industry Corporation.

9 (5) TRANSITIONAL PERIOD.—The term “transi-
10 tional period” means the 39-month period beginning
11 on August 17, 2019, the date of the signing of Su-
12 dan’s constitutional charter, during which—

13 (A) the members of the Sovereignty Coun-
14 cil described in paragraph (3)(B) select a chair
15 of the Council for the first 21 months of the pe-
16 riod; and

17 (B) the members of the Sovereignty Coun-
18 cil described in paragraph (3)(A) select a chair
19 of the Council for the remaining 18 months of
20 the period.

21 **SEC. 3. STATEMENT OF POLICY.**

22 It is the policy of the United States to—

23 (1) support a civilian-led political transition in
24 Sudan that results in a democratic government, that
25 is accountable to its people, respects and promotes

1 human rights, is at peace internally and with its
2 neighbors, and can be a partner for regional sta-
3 bility;

4 (2) support the implementation of Sudan's con-
5 stitutional charter for the transitional period; and

6 (3) pursue a strategy of calibrated engagement
7 with Sudan that includes—

8 (A) facilitating an environment for free,
9 fair, and credible democratic elections and a
10 pluralistic and representative political system;

11 (B) supporting reforms that improve trans-
12 parency and accountability, remove restrictions
13 on civil and political liberties, and strengthen
14 the protection of human rights, including reli-
15 gious freedom;

16 (C) strengthening civilian institutions, ju-
17 dicial independence, and the rule of law;

18 (D) empowering civil society and inde-
19 pendent media;

20 (E) promoting national reconciliation and
21 enabling a just, comprehensive, and sustainable
22 peace;

23 (F) promoting the role of women in gov-
24 ernment, the economy, and society, in recogni-
25 tion of the seminal role that women played in

1 the social movement that ousted former presi-
2 dent Omar al-Bashir;

3 (G) promoting accountability for genocide,
4 war crimes, crimes against humanity, and sex-
5 ual and gender-based violence;

6 (H) encouraging the development of civil-
7 ian oversight over and professionalization of the
8 Sudanese security and intelligence services and
9 strengthening accountability for human rights
10 violations and abuses, corruption, or other
11 abuses of power;

12 (I) promoting economic reform, private
13 sector engagement, and inclusive economic de-
14 velopment while combating corruption and illicit
15 economic activity, including that which involves
16 the Sudanese security and intelligence services;

17 (J) securing unfettered humanitarian ac-
18 cess across all regions of Sudan;

19 (K) supporting improved development out-
20 comes, domestic resource mobilization, and
21 catalyzing market-based solutions to improve
22 access to health, education, water and sanita-
23 tion, and livelihoods; and

24 (L) promoting responsible international
25 and regional engagement.

1 **SEC. 4. SUPPORT FOR DEMOCRATIC GOVERNANCE, RULE**
2 **OF LAW, HUMAN RIGHTS, AND FUNDA-**
3 **MENTAL FREEDOMS.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the political transition in Sudan, following sev-
6 eral months of popular protests against the regime of
7 Omar al-Bashir, represents an opportunity for the United
8 States to support democracy, good governance, rule of law,
9 human rights, and fundamental freedoms in Sudan.

10 (b) IN GENERAL.—Notwithstanding any other provi-
11 sion of law (other than the Trafficking Victims Protection
12 Act of 2000 or the Child Soldiers Prevention Act of 2008),
13 the President is authorized to provide assistance under
14 part I and chapter 4 of part II of the Foreign Assistance
15 Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.)
16 to—

17 (1) provide for democracy and governance pro-
18 grams that strengthen and build the capacity of rep-
19 resentative civilian government institutions, political
20 parties, and civil society in Sudan;

21 (2) support the organization of free, fair, and
22 credible elections in Sudan;

23 (3) provide technical support for legal and pol-
24 icy reforms that improve transparency and account-
25 ability and protect human rights, including religious
26 freedom, and civil liberties in Sudan;

1 (4) support for human rights and fundamental
2 freedoms, including the freedoms of religion or be-
3 lief; expression, including for members of the press,
4 assembly; and association in Sudan;

5 (5) support measures to improve and increase
6 women’s participation in the political, economic, and
7 social sectors of Sudan; and

8 (6) support other related democracy, good gov-
9 ernance, rule of law, and fundamental freedom pro-
10 grams and activities.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—Of the
12 funds authorized to be appropriated to carry out part I
13 and chapter 4 of part II of the Foreign Assistance Act
14 of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for
15 fiscal years 2021 and 2022, \$20,000,000 is authorized to
16 be appropriated for each such fiscal year to carry out this
17 section.

18 **SEC. 5. SUPPORT FOR DEVELOPMENT PROGRAMS.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law (other than the Trafficking Victims Protection
21 Act of 2000 or the Child Soldiers Prevention Act of 2008),
22 the President is authorized to provide assistance under
23 part I and chapter 4 of part II of the Foreign Assistance
24 Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.)
25 for programs in Sudan to—

- 1 (1) increase agricultural and livestock produc-
- 2 tivity;
- 3 (2) promote economic growth, increase private
- 4 sector productivity and advance market-based solu-
- 5 tions to address development challenges;
- 6 (3) support women's economic empowerment
- 7 and economic opportunities for youth and previously
- 8 marginalized populations;
- 9 (4) improve equal access to quality basic edu-
- 10 cation;
- 11 (5) support the capacity of universities to equip
- 12 students to participate in a pluralistic and global so-
- 13 ciety through virtual exchange and other programs;
- 14 (6) improve access to water, sanitation, and hy-
- 15 giene projects;
- 16 (7) build the capacity of national and sub-
- 17 national government officials to support the trans-
- 18 parent management of public resources, promote
- 19 good governance through combating corruption and
- 20 improving accountability, increase economic produc-
- 21 tivity, and increase domestic resource mobilization;
- 22 and
- 23 (8) support other related economic assistance
- 24 programs and activities.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
2 funds authorized to be appropriated to carry out part I
3 and chapter 4 of part II of the Foreign Assistance Act
4 of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for
5 fiscal years 2021 and 2022, \$80,000,000 is authorized to
6 be appropriated, for each such fiscal year to carry out this
7 section.

8 **SEC. 6. SUPPORT FOR CONFLICT MITIGATION.**

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law (other than the Trafficking Victims Protection
11 Act of 2000 or the Child Soldiers Prevention Act of 2008),
12 the President is authorized to provide assistance under
13 part I and chapters 4, 5, and 6 of part II of the Foreign
14 Assistance Act of 1961 (22 U.S.C. 2151 et seq., 2346 et
15 seq., and 2348 et seq.) to—

16 (1) support long-term peace and stability in
17 Sudan by promoting national reconciliation and ena-
18 bling a just, comprehensive, and sustainable peace,
19 especially in regions that have been underdeveloped
20 or affected by war, such as the states of Darfur,
21 South Kordofan, Blue Nile, Red Sea, and Kassala;

22 (2) support civil society and other organizations
23 working to address conflict prevention, mitigation,
24 and resolution mechanisms and people-to-people rec-
25 onciliation in Sudan, especially those addressing

1 issues of marginalization and vulnerable groups,
2 equal protection under the law, natural resource
3 management, compensation and restoration of prop-
4 erty, voluntary return, and sustainable solutions for
5 displaced persons and refugees;

6 (3) strengthen civilian oversight of the Suda-
7 nese security and intelligence services and ensure
8 that such services are not contributing to the perpet-
9 uation of conflict in Sudan and to the limitation of
10 the civil liberties of all people in Sudan;

11 (4) assist in the human rights vetting and pro-
12 fessional training of security force personnel due to
13 be employed or deployed by the Sudanese security
14 and intelligence services in regions that have been
15 underdeveloped or affected by war, such as the
16 states of Darfur, South Kordofan, Blue Nile, Red
17 Sea, and Kassala, including members of any security
18 forces being established pursuant to a peace agree-
19 ment relating to such regions;

20 (5) support provisions of the Comprehensive
21 Peace Agreement of 2005 and Abyei protocol, as ap-
22 propriate, unless otherwise superseded by a new
23 agreement signed in good faith—

24 (A) between stakeholders in this region
25 and the Governments of Sudan and South

1 Sudan to hold a free, fair, and credible ref-
2 erendum on the status of Abyei; and

3 (B) between stakeholders in this region
4 and the Government of Sudan to support pop-
5 ular consultations on the status of the states of
6 South Kordofan and Blue Nile; and

7 (6) support other related conflict mitigation
8 programs and activities.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
10 funds authorized to be appropriated to carry out part I
11 and chapters 4 and 6 of part II of the Foreign Assistance
12 Act of 1961 (22 U.S.C. 2151 et seq., 2346 et seq., and
13 2348 et seq.) for fiscal years 2021 and 2022, \$20,000,000
14 is authorized to be appropriated for each such fiscal year
15 to carry out this section.

16 **SEC. 7. SUPPORT FOR ACCOUNTABILITY FOR WAR CRIMES,**
17 **CRIMES AGAINST HUMANITY, AND GENOCIDE**
18 **IN SUDAN.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that the Secretary of State should conduct robust
21 diplomatic engagement to promote accountability and pro-
22 vide technical support to ensure that credible, transparent,
23 and independent investigations of gross violations of
24 human rights perpetrated by the Government of Sudan

1 under former President Omar al-Bashir and the Transi-
2 tional Military Council since June 30, 1989.

3 (b) IN GENERAL.—Notwithstanding any other provi-
4 sion of law (other than the Trafficking Victims Protection
5 Act of 2000 or the Child Soldiers Prevention Act of 2008),
6 the President is authorized to provide assistance under
7 part I and chapter 4 of part II of the Foreign Assistance
8 Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.)
9 to—

10 (1) build the capacity of civilian investigators
11 within and outside of Sudan on how to document,
12 investigate, develop findings of, identify, and locate
13 those responsible for war crimes, crimes against hu-
14 manity, or genocide in Sudan;

15 (2) collect, document, and protect evidence of
16 war crimes, crimes against humanity, and genocide
17 in Sudan and preserve the chain of custody for such
18 evidence, including by providing support for Suda-
19 nese, foreign, and international nongovernmental or-
20 ganizations, and other entities engaged in such in-
21 vestigative activities;

22 (3) build Sudan’s judicial capacity to support
23 prosecutions in domestic courts and support inves-
24 tigations by hybrid or international courts as appro-
25 priate;

1 (4) protect witnesses who participate in court
2 proceedings or other transitional justice mechanisms;
3 and

4 (5) support other related conflict mitigation
5 programs and activities.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—Of the
7 funds authorized to be appropriated to carry out part I
8 and chapter 4 of part II of the Foreign Assistance Act
9 of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.), for
10 fiscal years 2021 and 2022, \$10,000,000 is authorized to
11 be appropriated for each such fiscal year to carry out this
12 section.

13 **SEC. 8. SUSPENSION OF ASSISTANCE.**

14 (a) IN GENERAL.—The President is authorized to
15 suspend the provision of assistance authorized under sec-
16 tion 4, 5, 6, or 7 to the Government of Sudan if the Presi-
17 dent determines that conditions in Sudan or the composi-
18 tion of the Government of Sudan changes such that it is
19 no longer in the United States national interest to con-
20 tinue to provide such assistance.

21 (b) REPORT.—Not later than 30 days after making
22 a determination under subsection (a), the President shall
23 submit to the appropriate congressional committees a re-
24 port that describes—

1 (1) the political and security conditions in
2 Sudan that led to such determination; and

3 (2) any planned diplomatic engagement to re-
4 start the provision of such assistance.

5 **SEC. 9. SUPPORT FOR DEBT RELIEF AND OTHER FINAN-**
6 **CIAL ASSISTANCE.**

7 (a) SENSE OF THE CONGRESS.—It is the sense of the
8 Congress that Sudan’s economic challenges are a legacy
9 of decades of kleptocracy, economic mismanagement, and
10 war, and Sudan’s economic recovery will depend on—

11 (1) combating corruption and illicit economic
12 activity;

13 (2) ending internal conflicts in the states of
14 Darfur, South Kordofan, and Blue Nile; and

15 (3) promoting inclusive economic growth and
16 development.

17 (b) DEBT RELIEF AND OTHER FINANCIAL ASSIST-
18 ANCE.—Upon the removal of Sudan from the State Spon-
19 sors of Terrorism List, the Secretary of the Treasury and
20 the Secretary of State shall, notwithstanding any other
21 provision of law, engage with international financial insti-
22 tutions and other bilateral official creditors to advance
23 agreement through the Heavily Indebted Poor Countries
24 (HIPC) Initiative to restructure, reschedule, or cancel the
25 sovereign debt of Sudan following the receipt by the appro-

1 piate congressional committees of the certification de-
2 scribed in subsection (c).

3 (c) CERTIFICATION.—The certification described in
4 this subsection is a certification submitted to the appro-
5 piate congressional committees of a determination made
6 by the President that the Government of Sudan has taken
7 demonstrable steps to improve fiscal transparency, includ-
8 ing—

9 (1) establishing civilian control over the fi-
10 nances and assets of the Sudanese security and in-
11 telligence services;

12 (2) developing a transparent budget that in-
13 cludes all expenditures related to the security and
14 intelligence services;

15 (3) identifying all shareholdings in all public
16 and private companies held or managed by the secu-
17 rity and intelligence services, and transferring all
18 such shareholdings to the Ministry of Finance of the
19 Government of Sudan or to any specialized entity of
20 the Government of Sudan established under law for
21 this purpose, which is ultimately accountable to a ci-
22 vilian authority;

23 (4) ceasing any involvement of the security and
24 intelligence services in the illicit trade in mineral re-
25 sources, including petroleum and gold;

1 (5) determining and implementing a method-
2 ology for the Government of Sudan to recover any
3 state assets and the profits derived from the assets
4 that may have been transferred to the National Con-
5 gress Party, an affiliate of the National Congress
6 Party, or an official of the National Congress Party
7 in the individual capacity of such an official; and

8 (6) establishing transparency with respect to
9 any offshore financial resources controlled by the se-
10 curity and intelligence services.

11 (d) MULTILATERAL FINANCING RESTRICTION.—The
12 Secretary of the Treasury shall instruct the United States
13 Executive Director at each international financial institu-
14 tion to use the voice and vote of the United States to ab-
15 stain from any extension by the respective institution of
16 any loan, credit, or guarantee to, or any other use of funds
17 of the respective institution for, Sudan until the appro-
18 priate congressional committees receive the certification
19 described in subsection (e).

20 (e) CERTIFICATION.—The certification described in
21 this subsection is a certification submitted to the appro-
22 priate congressional committees of a determination made
23 by the President that—

24 (1) the Sovereignty Council is headed by a civil-
25 ian leader not later than May 2021, as stated in the

1 2019 Constitutional Charter for the Transitional Pe-
2 riod;

3 (2) the Transitional Legislative Council of Su-
4 dan's transitional government is constituted in ac-
5 cordance with the provisions of the 2019 constitu-
6 tional charter for the transitional period; and

7 (3)(A) Sudan has held general elections that
8 are widely accepted as free, fair, and credible by
9 independent international monitors, and the presi-
10 dent-elect is free to assume the duties of the office;
11 or

12 (B) if the certification is made before the gen-
13 eral election is held, the Government of Sudan has
14 sufficiently taken steps to open the civic and political
15 space in Sudan, including legal reforms to the laws
16 governing the security forces, such as the National
17 Security Act of 2010 and the Sudan Armed Forces
18 Act of 2007, to make clear that immunity from
19 prosecution in a civilian court will not be provided
20 to any official or member of the security and intel-
21 ligence forces who are responsible for serious human
22 rights violations and abuses.

23 (f) EXCEPTIONS.—Subsection (d) shall not apply
24 with respect to the certification described in subsection (e)
25 with respect to any loan, credit, or financial or technical

1 assistance proposed to be provided to address basic human
2 needs or to promote democracy, governance, or public fi-
3 nancial management in Sudan.

4 **SEC. 10. COORDINATED SUPPORT TO RECOVER ASSETS**
5 **STOLEN FROM THE SUDANESE PEOPLE.**

6 The Secretary of State, in coordination with the Sec-
7 retary of the Treasury and the Attorney General, shall
8 seek to advance the efforts of the Government of Sudan
9 to recover assets stolen from the Sudanese people, includ-
10 ing with regard to international efforts to—

11 (1) identify and track assets taken from the
12 people and institutions of Sudan through theft, cor-
13 ruption, money laundering, or other illicit means;
14 and

15 (2) with respect to assets identified pursuant to
16 paragraph (1), work with foreign governments and
17 international organizations to—

18 (A) share financial investigations intel-
19 ligence, as appropriate;

20 (B) oversee and manage the assets identi-
21 fied pursuant to paragraph (1);

22 (C) as appropriate, advance, advance civil
23 forfeiture litigation, including providing tech-
24 nical assistance to help governments establish

1 the necessary legal framework to carry out
2 asset forfeitures; and

3 (D) work with the Government of Sudan to
4 ensure that a credible mechanism is established
5 to ensure that any recovered assets are man-
6 aged in a transparent and accountable fashion
7 and ultimately used for the benefit of the Suda-
8 nese people, provided that—

9 (i) returned assets are not used for
10 partisan political purposes; and

11 (ii) there are robust financial manage-
12 ment and oversight measures to safeguard
13 repatriated assets.

14 **SEC. 11. LIMITATION ON ASSISTANCE TO THE SUDANESE**
15 **SECURITY AND INTELLIGENCE SERVICES.**

16 (a) IN GENERAL.—The President may not provide
17 assistance (other than assistance authorized under section
18 6 of this Act) to the Sudanese security and intelligence
19 services until the President submits to Congress a certifi-
20 cation that the Government of Sudan has met the condi-
21 tions described in subsection (c).

22 (b) EXCEPTION; WAIVER.—

23 (1) EXCEPTION.—The Secretary of State may,
24 as appropriate and notwithstanding any other provi-
25 sion of law, provide assistance for the purpose of

1 professionalizing the Sudanese security and intel-
2 ligence services, through institutions such as the Af-
3 rica Center for Strategic Studies and the United
4 States Institute of Peace.

5 (2) WAIVER.—The President may waive the
6 limitation on the provision of assistance under sub-
7 section (a) if, not later than 30 days before the as-
8 sistance is to be provided, the President submits to
9 the appropriate congressional committees—

10 (A) a list of the activities and participants
11 to which such waiver would apply;

12 (B) a justification that the waiver is in the
13 national security interest of the United States;
14 and

15 (C) a certification that the participants
16 have met the requirements of either section
17 620M of the Foreign Assistance Act of 1961
18 (22 U.S.C. 2378d) for programs funded
19 through Department of State appropriations or
20 section 362 of title 10, United States Code, for
21 programs funded through Department of De-
22 fense appropriations.

23 (c) CONDITIONS.—

1 (1) IN GENERAL.—The conditions described in
2 this subsection are that the Sudanese security and
3 intelligence services—

4 (A) have demonstrated progress in under-
5 taking security sector reform, including reforms
6 that professionalize such security and intel-
7 ligence services, improve transparency, and re-
8 forms to the laws governing the security forces,
9 such as of the National Security Act of 2010
10 and the Sudan Armed Forces Act of 2007;

11 (B) support efforts to respect human
12 rights, including religious freedom, and hold ac-
13 countable any members of such security and in-
14 telligence services responsible for human rights
15 violations and abuses, including by taking de-
16 monstrable steps to cooperate with local or
17 international mechanisms of accountability, to
18 ensure that those responsible for war crimes,
19 crimes against humanity, and genocide com-
20 mitted in Sudan are brought to justice;

21 (C) are under civilian oversight, subject to
22 the rule of law, and are not undertaking actions
23 to undermine a civilian-led transitional govern-
24 ment or an elected civilian government;

1 (D) have refrained from targeted attacks
2 against religious or ethnic minority groups,
3 have negotiated in good faith during the peace
4 process and constructively participated in the
5 implementation of any resulting peace agree-
6 ments, and do not impede inclusive political
7 participation;

8 (E) allow unfettered humanitarian access
9 by United Nations organizations and specialized
10 agencies and domestic and international hu-
11 manitarian organizations to civilian populations
12 in conflict-affected areas;

13 (F) cooperate with the United Nations
14 High Commissioner for Refugees and organiza-
15 tions affiliated with the United Nations to allow
16 for the protection of displaced persons and the
17 safe, voluntary, sustainable, and dignified re-
18 turn of refugees and internally displaced per-
19 sons; and

20 (G) take constructive steps to investigate
21 all reports of unlawful recruitment of children
22 by Sudanese security forces and prosecute those
23 found to be responsible.

24 (2) FORM.—The certification described in sub-
25 section (a) containing the conditions described in

1 paragraph (1) shall be submitted in unclassified
2 form but may include a classified annex.

3 (d) SUNSET.—This section shall terminate on the
4 date that is the earlier of—

5 (1) the date that is two years after the date of
6 the enactment of this Act; or

7 (2) the date on which the President determines
8 that a successful rotation of military to civilian lead-
9 ership in the Sovereignty Council has occurred.

10 **SEC. 12. AUTHORIZATION OF IMPOSITION OF SANCTIONS**
11 **WITH RESPECT TO CERTAIN GOVERNMENT**
12 **OF SUDAN OFFICIALS AND OTHER INDIVID-**
13 **UALS.**

14 (a) IN GENERAL.—The President shall impose the
15 sanctions described in subsection (b) with respect to any
16 senior official of the Government of Sudan and any other
17 foreign person that the President determines, on or after
18 the date of enactment of this Act—

19 (1) is knowingly responsible for, complicit in, or
20 has directly or indirectly engaged in—

21 (A) significant actions or policies that
22 threaten the peace, security, or stability of
23 Sudan, including through the use of armed
24 groups;

1 (B) significant actions or policies that ob-
2 struct, undermine, delay, or impede, or pose a
3 significant risk of obstructing, undermining, de-
4 laying, or impeding, the civil and political rights
5 of the Sudanese people and the political transi-
6 tion in Sudan;

7 (C) corruption, including the misappropria-
8 tion of state assets, the expropriation of private
9 assets for personal gain, corruption related to
10 government contracts or the extraction of nat-
11 ural resources, or bribery;

12 (D) serious human rights abuses that may
13 include the targeting of civilians through the
14 commission of acts of violence, abduction,
15 forced displacement, or attacks on schools, hos-
16 pitals, religious sites, or locations where civil-
17 ians are seeking refuge, or a violation of inter-
18 national humanitarian law; or

19 (E) illicit exploitation of natural resources
20 in Sudan;

21 (2) is a leader of an entity that has, or whose
22 members have, engaged in any activity described in
23 subparagraphs (A) through (E) of paragraph (1);

24 (3) has materially assisted, sponsored, or pro-
25 vided financial, material, logistical, or technological

1 support for, or goods or services to or in support
2 of—

3 (A) any activity described in paragraph
4 (1); or

5 (B) any person whose property and inter-
6 ests in property are blocked pursuant to Execu-
7 tive Order 13400 (2006); or

8 (4) is owned or controlled by, or has acted or
9 purported to act for or on behalf of, any other per-
10 son whose property and interests in property are
11 blocked pursuant to—

12 (A) subsection (b)(1); or

13 (B) Executive Order 13400 (2006).

14 (b) SANCTIONS DESCRIBED.—The sanctions to be
15 imposed with respect to any foreign person described in
16 subsection (a) are the following:

17 (1) BLOCKING OF PROPERTY.—The President
18 shall exercise all of the powers granted to the Presi-
19 dent under the International Emergency Economic
20 Powers Act (50 U.S.C. 1701 et seq.) to the extent
21 necessary to block and prohibit all transactions in
22 property and interests in property of the foreign per-
23 son if such property and interests in property—

24 (A) are in the United States;

25 (B) come within the United States; or

1 (C) come within the possession or control
2 of a United States person.

3 (2) INADMISSIBILITY FOR VISAS, ADMISSION, OR
4 PAROLE.—

5 (A) VISAS, ADMISSION, OR PAROLE.—The
6 foreign person is—

7 (i) inadmissible to the United States;

8 (ii) ineligible to receive a visa or other
9 documentation to enter the United States;
10 and

11 (iii) otherwise ineligible to be admitted
12 or paroled into the United States or to re-
13 ceive any other benefit under the Immigra-
14 tion and Nationality Act (8 U.S.C. 1101 et
15 seq.).

16 (B) CURRENT VISAS REVOKED.—The visa
17 or other entry documentation of the foreign
18 person shall be revoked, regardless of when
19 such visa or other entry documentation is or
20 was issued. A revocation under this subpara-
21 graph shall take effect immediately and auto-
22 matically cancel any other valid visa or entry
23 documentation that is in the foreign person's
24 possession.

1 (c) EXCEPTIONS TO COMPLY WITH UNITED NA-
2 TIONS HEADQUARTERS AGREEMENT.—Sanctions under
3 subsection (b)(2) shall not apply with respect to a foreign
4 person described in subsection (a) if admitting or paroling
5 the foreign person into the United States is necessary to
6 permit the United States to comply with the Agreement
7 regarding the Headquarters of the United Nations, signed
8 at Lake Success June 26, 1947, and entered into force
9 November 21, 1947, between the United Nations and the
10 United States, or other applicable international obliga-
11 tions.

12 (d) EXCEPTION TO CARRY OUT OR ASSIST LAW EN-
13 FORCEMENT ACTIVITIES.—Sanctions under this section
14 shall not apply to a foreign person, if admitting or parol-
15 ing the foreign person into the United States is necessary
16 to carry out or assist law enforcement activity in the
17 United States.

18 (e) IMPLEMENTATION; PENALTIES.—

19 (1) IMPLEMENTATION.—The President may ex-
20 ercise all authorities provided under sections 203
21 and 205 of the International Emergency Economic
22 Powers Act (50 U.S.C. 1702 and 1704) to carry out
23 this section and shall issue such regulations, li-
24 censes, and orders as are necessary to carry out this
25 section.

1 (2) PENALTIES.—Any person that violates, at-
2 tempts to violate, conspires to violate, or causes a
3 violation of this section or any regulation, license, or
4 order issued to carry out paragraph (1) shall be sub-
5 ject to the penalties set forth in subsections (b) and
6 (c) of section 206 of the International Emergency
7 Economic Powers Act (50 U.S.C. 1705) to the same
8 extent as a person that commits an unlawful act de-
9 scribed in subsection (a) of that section.

10 (f) WAIVER.—The President may waive the applica-
11 tion of sanctions imposed with respect to a foreign person
12 pursuant to subsection (a) if the President—

13 (1) determines that a waiver is in the national
14 interest of the United States; and

15 (2) not later than the date on which such waiv-
16 er will take effect, submits a notice of and justifica-
17 tion for such waiver to the appropriate congressional
18 committees.

19 (g) TERMINATION OF AUTHORITY TO IMPOSE SANC-
20 TIONS.—The authority to impose sanctions under this sec-
21 tion shall terminate on the date that is the earlier of 3
22 years after the date of the enactment of this Act or the
23 date on which the President determines and certifies to
24 the appropriate congressional committees that the Govern-
25 ment of Sudan—

1 (1) has held free, fair, and credible general elec-
2 tions in accordance with the 2019 constitutional
3 charter for the transitional period and a democrat-
4 ically elected head of state has been sworn in and
5 taken office;

6 (2) is making significant progress towards re-
7 specting the freedoms of religion, speech, press, as-
8 sembly, and association as described in the 2019
9 constitutional charter for the transitional period and
10 toward holding free, fair, and credible elections by
11 the end of the transitional period;

12 (3) is compliant with international norms and
13 standards concerning the transparent allocation and
14 disbursement of government directed funds;

15 (4) respects the right to freedom of religion,
16 speech, press, assembly, and association for all Su-
17 danese citizens;

18 (5) has ceased attacks on civilians, including
19 through the use of militias;

20 (6) has negotiated in good faith to reach formal
21 peace agreements with armed movements that had
22 been in conflict with the Government of Sudan; and

23 (7) has ceased any material support or assist-
24 ance to groups associated or linked to international
25 terrorism.

1 (h) EXCEPTION RELATING TO IMPORTATION OF
2 GOODS.—

3 (1) IN GENERAL.—The authorities and require-
4 ments to impose sanctions authorized under this sec-
5 tion shall not include the authority or requirement
6 to impose sanctions on the importation of goods.

7 (2) GOOD DEFINED.—In this subsection, the
8 term “good” means any article, natural or man-
9 made substance, material, supply or manufactured
10 product, including inspection and test equipment,
11 and excluding technical data.

12 (i) DEFINITIONS.—In this section:

13 (1) ADMITTED; ALIEN.—The terms “admitted”
14 and “alien” have the meanings given those terms in
15 section 101 of the Immigration and Nationality Act
16 (8 U.S.C. 1001).

17 (2) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Foreign Affairs, the
21 Committee on Appropriations, and the Com-
22 mittee on Financial Services of the House of
23 Representatives; and

24 (B) the Committee on Foreign Relations,
25 the Committee on Appropriations, and the

1 Committee on Banking, Housing, and Urban
2 Affairs of the Senate.

3 (3) FOREIGN PERSON.—The term “foreign per-
4 son” means a person that is not a United States
5 person.

6 (4) KNOWINGLY.—The term “knowingly”
7 means, with respect to conduct, a circumstance, or
8 a result, that a person has actual knowledge, or
9 should have known, of the conduct, the cir-
10 cumstance, or the result.

11 (5) UNITED STATES PERSON.—The term
12 “United States person” means—

13 (A) a United States citizen, an alien law-
14 fully admitted for permanent residence to the
15 United States, or any other individual subject
16 to the jurisdiction of the United States;

17 (B) an entity organized under the laws of
18 the United States or of any jurisdiction within
19 the United States, including a foreign branch of
20 such entity; or

21 (C) any person in the United States.

22 **SEC. 13. REPORTS.**

23 (a) REPORT ON ACCOUNTABILITY FOR HUMAN
24 RIGHTS ABUSES.—Not later than 180 days after the date
25 of the enactment of this Act, and annually thereafter for

1 two years, the President shall submit to the appropriate
2 congressional committees a report that—

3 (1) summarizes reports of gross violations of
4 human rights, including sexual and gender-based vi-
5 olence, committed against civilians in Sudan, includ-
6 ing members of the Sudanese security and intel-
7 ligence services or any associated militias, between
8 December 2018 and the date of the submission of
9 the report;

10 (2) provides an update on any potential transi-
11 tional justice mechanisms in Sudan to investigate,
12 charge, and prosecute alleged perpetrators of gross
13 violations of human rights in Sudan since June 30,
14 1989, including with respect to the June 3, 2019
15 massacre in Khartoum;

16 (3) provides an analysis of whether the gross
17 violations of human rights summarized pursuant to
18 paragraph (1) amount to war crimes, crimes against
19 humanity, or genocide; and

20 (4) identifies specific cases since the beginning
21 of the transitional period in which members of the
22 Sudanese security and intelligence services have been
23 charged and prosecuted for actions that constitute
24 gross violations of human rights perpetrated since
25 June 30, 1989.

1 (b) REPORT ON CERTAIN ACTIVITIES AND FINANCES
2 OF SENIOR OFFICIALS OF THE GOVERNMENT OF
3 SUDAN.—Not later than 180 days after the date of the
4 enactment of this Act, and annually thereafter for one
5 year, the President shall submit to the appropriate con-
6 gressional committees a report that—

7 (1) describes the actions and involvement of any
8 previous or current senior officials of the Govern-
9 ment of Sudan since the establishment of the transi-
10 tional government in August 2019 in—

11 (A) directing, carrying out, or overseeing
12 gross violations of human rights;

13 (B) directing, carrying out, or overseeing
14 the unlawful use or recruitment of children by
15 armed groups or armed forces in the context of
16 conflicts in Sudan, Libya, Yemen, or other
17 countries;

18 (C) directing, carrying out, or colluding in
19 significant acts of corruption;

20 (D) directing, carrying out, or overseeing
21 any efforts to circumvent the establishment of
22 civilian control over the finances and assets of
23 the Sudanese security and intelligence services;
24 or

1 (E) facilitating, supporting, or financing
2 terrorist activity in Sudan or other countries;

3 (2) identifies Sudanese and foreign financial in-
4 stitutions, including offshore financial institutions,
5 in which senior officials of the Government of Sudan
6 whose actions are described in paragraph (1) hold
7 significant assets, and provides an estimate of the
8 value of such assets;

9 (3) identifies any information United States
10 Government agencies have obtained since August
11 2019 regarding persons, foreign governments, and
12 Sudanese or foreign financial institutions that know-
13 ingly facilitate, finance, or otherwise benefit from
14 corruption or illicit economic activity in Sudan, in-
15 cluding the export of mineral resources, and, in par-
16 ticular, if that trade is violating any United States
17 restrictions that remain in place by legislation or ex-
18 ecutive order;

19 (4) identifies any information United States
20 Government agencies have obtained since August
21 2019 regarding senior officials of the Government of
22 Sudan who are personally involved in the illicit trade
23 in mineral resources, including petroleum and gold;
24 and

1 (5) identifies any information United States
2 Government agencies have obtained since August
3 2019 regarding individuals or foreign governments
4 that have provided funds to individual members of
5 the Sovereignty Council or the Cabinet outside of
6 the Central Bank of Sudan or the Ministry of Fi-
7 nance.

8 (c) REPORT ON SANCTIONS PURSUANT TO EXECU-
9 TIVE ORDER 13400.—Not later than 180 days after the
10 date of the enactment of this Act, the President shall sub-
11 mit to the appropriate congressional committees a report
12 containing the names of senior Sudanese government offi-
13 cials that President determines meet the criteria to be
14 sanctionable pursuant to Executive Order 13400 (71 Fed.
15 Reg. 25483; relating to blocking property of persons in
16 connection with the conflict in Sudan’s Darfur region).

17 (d) FORM.—The reports required under subsections
18 (b) and (c) shall be submitted in unclassified form but
19 may include a classified annex.

20 **SEC. 14. UNITED STATES STRATEGY FOR SUPPORT TO A CI-**
21 **VILIAN-LED GOVERNMENT IN SUDAN.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary of State,
24 in coordination with the Administrator of the United
25 States Agency for International Development and the Sec-

1 retary of the Treasury, shall submit to the appropriate
2 congressional committees a strategy that includes—

3 (1) a clear articulation of specific United States
4 goals and objectives with respect to a successful
5 completion of the transitional period and a plan to
6 achieve such goals and objectives;

7 (2) a description of assistance and diplomatic
8 engagement to support a civilian-led government in
9 Sudan for the remainder of the transitional period,
10 including any possible support for the organization
11 of free, fair, and credible elections;

12 (3) an assessment of the legal and policy re-
13 forms that have been and need to be taken by the
14 government in Sudan during the transitional period
15 in order to promote—

16 (A) human rights;

17 (B) freedom of religion, speech, press, as-
18 sembly, and association; and

19 (C) accountability for human rights
20 abuses, including for sexual and gender-based
21 violence perpetrated by members of the Suda-
22 nese security and intelligence services;

23 (4) a description of efforts to address the legal
24 and policy reforms mentioned in paragraph (3);

1 (5) a description of humanitarian and develop-
2 ment assistance to Sudan and a plan for coordi-
3 nating such assistance with international donors, re-
4 gional partners, and local partners;

5 (6) a description of monitoring and evaluation
6 plans for all forms of assistance to be provided
7 under the strategy in accordance with the moni-
8 toring and evaluation requirements of section 4 of
9 the Foreign Aid Transparency and Accountability
10 Act of 2016 (Public Law 114–191), to include a de-
11 tailed description of all associated goals and bench-
12 marks for measuring impact; and

13 (7) an assessment of security sector reforms
14 undertaken by the Government of Sudan, including
15 efforts to demobilize or integrate militias and to fos-
16 ter civilian control of the armed services.

17 (b) REPORT.—Not later than one year after the date
18 of the enactment of this Act, the Secretary of State, in
19 coordination with the Administrator of the United States
20 Agency for International Development and the Secretary
21 of the Treasury, shall submit to the appropriate congres-
22 sional committees a report that includes—

23 (1) a detailed description of the efforts taken to
24 implement this Act; and

1 (2) recommendations for legislative or adminis-
2 trative measures to facilitate the implementation of
3 this Act.

4 **SEC. 15. AMENDMENTS TO THE DARFUR PEACE AND AC-**
5 **COUNTABILITY ACT OF 2006.**

6 Section 8(c)(1) of the Darfur Peace and Account-
7 ability Act of 2006 (Public Law 109–344; 50 U.S.C. 1701
8 note) is amended by striking “Southern Sudan,” and all
9 that following through “Khartoum,” and inserting
10 “Sudan”.

11 **SEC. 16. REPEAL OF SUDAN PEACE ACT AND THE COM-**
12 **PREHENSIVE PEACE IN SUDAN ACT.**

13 (a) SUDAN PEACE ACT.—Effective January 1, 2020,
14 the Sudan Peace Act (Public Law 107–245; 50 U.S.C.
15 1701 note) is repealed.

16 (b) COMPREHENSIVE PEACE IN SUDAN ACT.—Effec-
17 tive January 1, 2020, the Comprehensive Peace in Sudan
18 Act of 2004 (Public Law 108–497; 50 U.S.C. note) is re-
19 pealed.

○