

117TH CONGRESS
1ST SESSION

H. R. 6140

To impose sanctions on Sudan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2021

Mrs. KIM of California (for herself, Mr. PHILLIPS, and Mr. McCAUL) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To impose sanctions on 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 subtitle may be cited as the “Sudan Democracy
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this subtitle:

8 (1) ADMITTED; ALIEN.—The terms “admitted”
9 and “alien” have the meanings given such terms in

1 section 101 of the Immigration and Nationality Act
2 (8 U.S.C. 1001).

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

6 (A) the Committee on Foreign Relations of
7 the Senate;

8 (B) the Committee on Appropriations of
9 the Senate;

10 (C) the Committee on Foreign Affairs of
11 the House of Representatives; and

12 (D) the Committee on Appropriations of
13 the House of Representatives.

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

17 (4) GROSS VIOLATIONS OF INTERNATIONALLY
18 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-
19 lations of internationally recognized human rights”
20 has the meaning given such term in section
21 502B(d)(1) of the Foreign Assistance Act of 1961
22 (22 U.S.C. 2304(d)(1)).

23 (5) INTERNATIONAL FINANCIAL INSTITU-
24 TIONS.—The term “international financial institu-
25 tions” means—

1 (A) the International Monetary Fund;

2 (B) the International Bank for Recon-
3 struction and Development;

4 (C) the International Development Asso-
5 ciation;

6 (D) the International Finance Corporation;

7 (E) the Inter-American Development
8 Bank;

9 (F) the Asian Development Bank;

10 (G) the Inter-American Investment Cor-
11 poration;

12 (H) the African Development Bank;

13 (I) the African Development Fund;

14 (J) the European Bank for Reconstruction
15 and Development; and

16 (K) the Multilateral Investment Guaranty
17 Agency.

18 (6) KNOWINGLY.—The term “knowingly”
19 means, with respect to conduct, a circumstance, or
20 a result, means that a person has actual knowledge,
21 or should have known, of the conduct, the cir-
22 cumstance, or the result.

23 (7) SECURITY AND INTELLIGENCE SERVICES.—
24 The term “security and intelligence services”
25 means—

- 1 (A) the Sudan Armed Forces;
2 (B) the Rapid Support Forces;
3 (C) the Popular Defense Forces;
4 (D) other Sudanese paramilitary units;
5 (E) Sudanese police forces; and
6 (F) the General Intelligence Service (pre-
7 viously known as the National Intelligence and
8 Security Services).

9 (8) UNITED STATES PERSON.—The term
10 “United States person” means—

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

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

19 **SEC. 3. FINDINGS; STATEMENT OF POLICY.**

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

22 (1) On November 17, 1958, Lieutenant General
23 Ibrahim Abboud of Sudan led the country’s first
24 coup after independence, and the first successful
25 coup in post-independence Africa.

1 (2) There have been more than 200 coup at-
2 tempts across Africa since the 1958 coup in Sudan,
3 including successful coups in Sudan in 1969, 1985,
4 1989, and 2019.

5 (3) On April 11, 2019, President Omar al
6 Bashir of Sudan, who came to power in a military
7 coup in 1989, was overthrown after months of pop-
8 ular protests by his own security chiefs, who estab-
9 lished a Transitional Military Council, led by Lieu-
10 tenant General Abdel Fattah al-Burhan, that ig-
11 nored calls from the Sudanese people to transfer
12 power to civilians.

13 (4) On August 17, 2019—

14 (A) the Transitional Military Council,
15 under domestic and international pressure,
16 signed a power-sharing agreement with the
17 Forces for Freedom and Change, a broad coal-
18 ition of political parties and civic groups rep-
19 resenting the protest movement that had
20 pushed for the end of the Bashir regime and a
21 transition to civilian rule; and

22 (B) a transitional government was formed
23 that allowed the junta leaders to remain in gov-
24 ernment in a partnership with new civilian au-
25 thorities nominated by the Forces for Freedom

1 and Change, including Prime Minister Abdallah
2 Hamdok, for a transitional period to democ-
3 racy.

4 (5) On October 25, 2021, Lieutenant General
5 Burhan, with the support of Lieutenant Mohamed
6 Hamdan Dagalo (also known as “Hemedti”)—

7 (A) seized control of the Government of
8 Sudan;

9 (B) deployed the military to the streets of
10 Khartoum and Omdurman;

11 (C) shut down the internet in Sudan; and

12 (D) detained Prime Minister Hamdok and
13 other civilian officials.

14 (6) The African Union Peace and Security
15 Council has condemned the military takeover, re-
16 jected the unconstitutional change of government,
17 and on October 27, 2021, suspended Sudan from
18 the Council until the civilian-led transitional govern-
19 ment is restored.

20 (7) The Troika (the United States, United
21 Kingdom, Norway), the European Union, and Swit-
22 zerland “continue to recognize the Prime Minister
23 and his cabinet as the constitutional leaders of the
24 transitional government”.

1 (8) The Sudanese people have condemned the
2 military takeover and launched a campaign of peace-
3 ful civil disobedience, continuing the protests for de-
4 mocracy that began in late 2018 and reflecting a
5 historic tradition of non-violence protests led by pre-
6 vious generations in Sudan against military regimes
7 in 1964 and 1985.

8 (9) In response to public calls for civilian rule
9 since October 25, 2021, Sudanese security forces
10 have arbitrarily detained civilians and used excessive
11 and lethal force against peaceful protesters that has
12 resulted in civilian deaths across the country.

13 (10) The October 25, 2021, military takeover
14 represents a threat to—

15 (A) Sudan’s economic recovery and sta-
16 bility;

17 (B) the bilateral relationship between
18 Sudan and the United States; and

19 (C) regional peace and security.

20 (b) STATEMENT OF POLICY.—It is the policy of the
21 United States—

22 (1) to support the democratic aspirations of the
23 people of Sudan and a political transition process
24 that results in a civilian government that is demo-
25 cratic, accountable, respects the human rights of its

1 citizens, and is at peace with itself and with its
2 neighbors;

3 (2) to encourage the reform of the security sec-
4 tor of Sudan to one that is protects citizens under
5 a democracy and respects civilian authority; and

6 (3) to deter military coups and efforts by exter-
7 nal parties to support them.

8 **SEC. 4. IMPOSITION OF SANCTIONS.**

9 (a) IN GENERAL.—The President shall impose the
10 sanctions described in subsection (b) with respect to any
11 person or entity that the President determines, on or after
12 the date of enactment of this Act—

13 (1) is responsible for, complicit in, or directly or
14 indirectly engaged or attempted to engage in—

15 (A) actions that undermine the transition
16 to democracy in Sudan, or, after elections, un-
17 dermine democratic processes or institutions;

18 (B) actions that threaten the peace, secu-
19 rity, or stability of Sudan;

20 (C) actions that prohibit, limit, or penalize
21 the exercise of freedom of expression or assem-
22 bly by people in Sudan, or limit access to print,
23 online, or broadcast media in Sudan;

24 (D) the arbitrary detention or torture of
25 any person in Sudan or other gross violations of

1 internationally recognized human rights in
2 Sudan;

3 (E) significant efforts to impede investiga-
4 tions or prosecutions of alleged serious human
5 rights abuses in Sudan;

6 (F) actions that result in the misappro-
7 priation of significant state assets of Sudan or
8 manipulation of the currency, or that hinder
9 government oversight of parastatal budgets and
10 revenues;

11 (G) actions that violate medical neutrality,
12 including blocking access to care and targeting
13 first responders, medical personnel, or medical
14 institutions; or

15 (H) disrupting access to communication
16 technologies and information on the internet;

17 (2) is an entity owned or controlled by any per-
18 son or entity described in paragraph (1);

19 (3) forms an entity for the purpose of evading
20 sanctions that would otherwise be imposed pursuant
21 to subsection (b);

22 (4) is acting for, or on behalf of, a person or
23 entity referred to in paragraph (1), (2), or (3);

24 (5) is an entity that is owned or controlled (di-
25 rectly or indirectly) by security and intelligence serv-

1 ices, from which one or more persons or entities de-
2 scribed in paragraph (1) derive significant revenue
3 or financial benefit; or

4 (6) has knowingly—

5 (A) provided significant financial, material,
6 or technological support—

7 (i) to a foreign person or entity de-
8 scribed in paragraph (1) in furtherance of
9 any of the acts described in subparagraph
10 (A) or (B) of such paragraph; or

11 (ii) to any entity owned or controlled
12 by such person or entity or an immediate
13 family member of such person; or

14 (B) received significant financial, material,
15 or technological support from a foreign person
16 or entity described in paragraph (1) or an enti-
17 ty owned or controlled by such person or entity
18 or an immediate family member of such person.

19 (b) SANCTIONS; EXCEPTIONS.—

20 (1) SANCTIONS.—

21 (A) ASSET BLOCKING.—Notwithstanding
22 section 202 of the International Emergency
23 Economic Powers Act (50 U.S.C. 1701), the ex-
24 ercise of all powers granted to the President by
25 such Act to the extent necessary to block and

1 prohibit all transactions in all property and in-
2 terests in property of a foreign person the
3 President determines meets one or more of the
4 criteria described in subsection (a) if such prop-
5 erty and interests in property are in the United
6 States, come within the United States, or are or
7 come within the possession or control of a
8 United States person.

9 (B) ALIENS INADMISSIBLE FOR VISAS, AD-
10 MISSION, OR PAROLE.—

11 (i) VISAS, ADMISSION, OR PAROLE.—

12 An alien who the Secretary of State or the
13 Secretary of Homeland Security (or a des-
14 ignee of one of such Secretaries) knows, or
15 has reason to believe, meets any of the cri-
16 teria described in subsection (a)—

17 (I) is inadmissible to the United
18 States;

19 (II) is ineligible to receive a visa
20 or other documentation to enter the
21 United States; and

22 (III) is otherwise ineligible to be
23 admitted or paroled into the United
24 States or to receive any other benefit

1 under the Immigration and Nation-
2 ality Act (8 U.S.C. 1101 et seq.).

3 (ii) CURRENT VISAS REVOKED.—

4 (I) IN GENERAL.—The issuing
5 consular officer, the Secretary of
6 State, or a designee of the Secretary
7 of State, in accordance with section
8 221(i) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1201(i)), shall
10 revoke any visa or other entry docu-
11 mentation issued to an alien described
12 in clause (i) regardless of when the
13 visa or other entry documentation was
14 issued.

15 (II) EFFECT OF REVOCATION.—

16 A revocation under subclause (I) shall
17 take effect immediately and shall
18 automatically cancel any other valid
19 visa or entry documentation that is in
20 the alien's possession.

21 (2) EXCEPTION TO COMPLY WITH UNITED NA-
22 TIONS HEADQUARTERS AGREEMENT.—Sanctions
23 under paragraph (1)(B) shall not apply with respect
24 to an alien if admitting or paroling the alien into the
25 United States is necessary to permit the United

1 States to comply with the Agreement regarding the
2 Headquarters of the United Nations, signed at Lake
3 Success June 26, 1947, and entered into force No-
4 vember 21, 1947, between the United Nations and
5 the United States, or other applicable international
6 obligations.

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

16 (4) IMPLEMENTATION.—The President—

17 (A) may exercise all authorities provided
18 under sections 203 and 205 of the International
19 Emergency Economic Powers Act (50 U.S.C.
20 1702 and 1704) to carry out this section; and

21 (B) shall issue such regulations, licenses,
22 and orders as may be necessary to carry out
23 this section.

24 (5) EXCEPTION TO COMPLY WITH NATIONAL
25 SECURITY.—Activities subject to the reporting re-

1 requirements under title V of the National Security
2 Act of 1947 (50 U.S.C. 3091 et seq.) and any au-
3 thorized intelligence or law enforcement activities of
4 the United States shall be exempt from sanctions
5 under this section.

6 (c) WAIVER.—The President may annually waive the
7 application of sanctions imposed on a foreign person pur-
8 suant to subsection (a) if the President—

9 (1) determines that such waiver with respect to
10 such foreign person is in the national interest of the
11 United States; and

12 (2) not later than the date on which such waiv-
13 er will take effect, submits notice of, and justifica-
14 tion for, such waiver to—

15 (A) the Committee on Foreign Relations of
16 the Senate;

17 (B) the Committee on Foreign Affairs of
18 the House of Representatives;

19 (C) the Committee on Banking, Housing,
20 and Urban Affairs of the Senate; and

21 (D) the Committee on Financial Services
22 of the House of Representatives.

1 (d) SUNSET.—The requirement to impose sanctions
2 under this section shall cease to be effective on December
3 31, 2026.

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