

National Congress Party, an affiliate of the National Congress Party, or an official of the National Congress Party in the individual capacity of such an official;

(6) identifying and monitoring the nature and purpose of offshore financial resources controlled by the security and intelligence services; and

(7) strengthening banking regulation and supervision and addressing anti-money laundering and counter-terrorism financing deficiencies.

(e) Appropriate congressional committees defined

Notwithstanding section 10001 of this title, in this section, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Relations of the Senate;
- (2) the Committee on Appropriations of the Senate;
- (3) Committee on Foreign Affairs of the House of Representatives;
- (4) the Committee on Appropriations of the House of Representatives; and
- (5) the Committee on Financial Services of the House of Representatives.

(Pub. L. 116–283, div. A, title XII, §1269, Jan. 1, 2021, 134 Stat. 3972.)

§ 10009. Coordinated support to recover assets stolen from the Sudanese people

The Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, shall seek to advance the efforts of the Government of Sudan to recover assets stolen from the Sudanese people, including with regard to international efforts—

- (1) to identify and track assets taken from the people and institutions of Sudan through theft, corruption, money laundering, or other illicit means; and
- (2) with respect to assets identified pursuant to paragraph (1), to work with foreign governments and international organizations—
 - (A) to share financial investigations intelligence, as appropriate;
 - (B) to oversee and manage the assets identified pursuant to paragraph (1);
 - (C) to advance civil forfeiture litigation, as appropriate, including providing technical assistance to help governments establish the necessary legal framework to carry out asset forfeitures; and
 - (D) to work with the Government of Sudan to ensure that a credible mechanism is established to ensure that any recovered assets are managed in a transparent and accountable fashion and ultimately used for the benefit of the Sudanese people, provided that—
 - (i) returned assets are not used for partisan political purposes; and
 - (ii) there are robust financial management and oversight measures to safeguard repatriated assets.

(Pub. L. 116–283, div. A, title XII, §1270, Jan. 1, 2021, 134 Stat. 3974.)

§ 10010. Limitation on assistance to the Sudanese security and intelligence services

(a) In general

The President may not provide assistance (other than assistance authorized under section 10005 of this title) to the Sudanese security and intelligence services until the President submits to Congress a certification that the Government of Sudan has met the conditions described in subsection (c).

(b) Exception; waiver

(1) Exception

The Secretary of State may, as appropriate and notwithstanding any other provision of law, provide assistance for the purpose of professionalizing the Sudanese security and intelligence services, through institutions such as the Africa Center for Strategic Studies and the United States Institute of Peace.

(2) Waiver

The President may waive the limitation on the provision of assistance under subsection (a) if, not later than 30 days before the assistance is to be provided, the President submits to the appropriate congressional committees—

- (A) a list of the activities and participants to which such waiver would apply;
- (B) a justification that the waiver is in the national security interest of the United States; and
- (C) a certification that the participants have met the requirements of either section 2378d of this title for programs funded through Department of State appropriations or section 362 of title 10 for programs funded through Department of Defense appropriations.

(c) Conditions

(1) In general

The conditions described in this subsection are that the Sudanese security and intelligence services—

- (A) have demonstrated progress in undertaking security sector reform, including reforms that professionalize such security and intelligence services, improve transparency, and reforms to the laws governing the Sudanese security forces, such as of the National Security Act, 2010 and the Armed Forces Act, 2007;
- (B) support efforts to respect human rights, including religious freedom, and hold accountable any members of such security and intelligence services responsible for human rights violations and abuses, including by taking demonstrable steps to cooperate with local or international mechanisms of accountability, to ensure that those responsible for war crimes, crimes against humanity, and genocide committed in Sudan are brought to justice;
- (C) are under civilian oversight, subject to the rule of law, and are not undertaking actions to undermine a civilian-led transitional government or an elected civilian government;
- (D) have refrained from targeted attacks against religious or ethnic minority groups,

have negotiated in good faith during the peace process and constructively participated in the implementation of any resulting peace agreements, and do not impede inclusive political participation;

(E) allow unfettered humanitarian access by United Nations organizations and specialized agencies and domestic and international humanitarian organizations to civilian populations in conflict-affected areas;

(F) cooperate with the United Nations High Commissioner for Refugees and organizations affiliated with the United Nations to allow for the protection of displaced persons and the safe, voluntary, sustainable, and dignified return of refugees and internally displaced persons; and

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

(2) Form

The certification described in subsection (a) containing the conditions described in paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) Sunset

This section shall terminate on the date that is the earlier of—

(1) the date that is 2 years after January 1, 2021; or

(2) the date on which the President determines that a successful rotation of military to civilian leadership in the Sovereignty Council has occurred.

(Pub. L. 116–283, div. A, title XII, §1270A, Jan. 1, 2021, 134 Stat. 3974.)

Editorial Notes

REFERENCES IN TEXT

The National Security Act, 2010, referred to in subsec. (c)(1)(A), was passed by the National Assembly of Sudan and entered into force on Jan. 28, 2010.

The Armed Forces Act, 2007, referred to in subsec. (c)(1)(A), was passed by the National Assembly of Sudan and entered into force on Dec. 17, 2007. The Act was amended in July 2013.

§ 10011. Reports

(a) Report on accountability for human rights abuses

Not later than 180 days after January 1, 2021, and annually thereafter for 2 years, the President shall submit a report to the appropriate congressional committees that—

(1) summarizes reports of gross violations of human rights, including sexual and gender-based violence, committed against civilians in Sudan, including members of the Sudanese security and intelligence services or any associated militias, between December 2018 and the date of the submission of the report;

(2) provides an update on any potential transitional justice mechanisms in Sudan to investigate, charge, and prosecute alleged perpetrators of gross violations of human rights in Sudan since June 30, 1989, including with respect to the June 3, 2019 massacre in Khartoum;

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

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

(b) Report on certain activities and finances of senior officials of the government of Sudan

Not later than 180 days after January 1, 2021, and 1 year thereafter, the President shall submit a report to the appropriate congressional committees that—

(1) describes the actions and involvement of any previous or current senior officials of the Government of Sudan since the establishment of the transitional government in August 2019 in—

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

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

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

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

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

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

(3) identifies any information United States Government agencies have obtained since August 2019 regarding persons, foreign governments, and Sudanese or foreign financial institutions that knowingly facilitate, finance, or otherwise benefit from corruption or illicit economic activity in Sudan, including the export of mineral resources, and, in particular, if that trade is violating any United States restrictions that remain in place by legislation or Executive order;

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

(5) identifies any information United States Government agencies have obtained since August 2019 regarding individuals or foreign governments that have provided funds to individual members of the Sovereignty Council or the Cabinet outside of the Central Bank of Sudan or the Ministry of Finance.