

(c) Report on sanctions pursuant to Executive Order No. 13400

Not later than 180 days after January 1, 2021, the President shall submit a report to the appropriate congressional committees that identifies the senior Sudanese government officials that President determines meet the criteria to be sanctionable pursuant to Executive Order No. 13400 (71 Fed. Reg. 25483; relating to blocking property of persons in connection with the conflict in Sudan’s Darfur region).

(d) Form

The reports required under subsections (b) and (c) shall be submitted in unclassified form, but may include a classified annex.

(Pub. L. 116–283, div. A, title XII, § 1270B, Jan. 1, 2021, 134 Stat. 3975.)

Editorial Notes

REFERENCES IN TEXT

Executive Order No. 13400, referred to in subsec. (c), is Ex. Ord. No. 13400, Apr. 26, 2006, 71 F.R. 25483, which is listed in a table under section 1701 of Title 50, War and National Defense.

§ 10012. United States strategy for support to a civilian-led government in Sudan

(a) In general

Not later than 180 days after January 1, 2021, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a strategy to the appropriate congressional committees that includes—

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

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

(3) an assessment of the legal and policy reforms that have been and need to be taken by the government in Sudan during the transitional period in order to promote—

(A) human rights;

(B) freedom of religion, speech, press, assembly, and association; and

(C) accountability for human rights abuses, including for sexual and gender-based violence perpetrated by members of the Sudanese security and intelligence services;

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

(5) a description of humanitarian and development assistance to Sudan and a plan for coordinating such assistance with international donors, regional partners, and local partners;

(6) a description of monitoring and evaluation plans for all forms of assistance to be provided under the strategy in accordance with

the monitoring and evaluation requirements of section 2394c of this title, including a detailed description of all associated goals and benchmarks for measuring impact; and

(7) an assessment of security sector reforms undertaken by the Government of Sudan, including efforts to demobilize or integrate militias and to foster civilian control of the armed services.

(b) Report

Not later than 1 year after January 1, 2021, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, shall submit a report to the appropriate congressional committees that includes—

(1) a detailed description of the efforts taken to implement this chapter; and

(2) recommendations for legislative or administrative measures to facilitate the implementation of this chapter.

(Pub. L. 116–283, div. A, title XII, § 1270C, Jan. 1, 2021, 134 Stat. 3977.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this subtitle”, meaning subtitle G (§§ 1261–1270E) of title XII of div. A of Pub. L. 116–283, known as the Sudan Democratic Transition, Accountability, and Fiscal Transparency Act of 2020, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

CHAPTER 108—GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY

Sec.

10101. Definitions.

10102. Authorization of imposition of sanctions.

10103. Reports to Congress.

§ 10101. Definitions

In this chapter:

(1) Foreign person

The term “foreign person” has the meaning given that term in section 595.304 of title 31, Code of Federal Regulations (as in effect on the day before December 23, 2016).

(2) Gross violations of internationally recognized human rights

The term “gross violations of internationally recognized human rights” has the meaning given that term in section 2304(d)(1) of this title.

(3) Person

The term “person” has the meaning given that term in section 591.308 of title 31, Code of Federal Regulations (as in effect on the day before December 23, 2016).

(4) United States person

The term “United States person” has the meaning given that term in section 595.315 of title 31, Code of Federal Regulations (as in effect on the day before December 23, 2016).

(Pub. L. 114–328, div. A, title XII, § 1262, Dec. 23, 2016, 130 Stat. 2533.)

Editorial Notes**CODIFICATION**

Section was formerly set out in a note under section 2656 of this title.

Statutory Notes and Related Subsidiaries**SHORT TITLE**

Pub. L. 114-328, div. A, title XII, §1261, Dec. 23, 2016, 130 Stat. 2533, provided that: “This subtitle [subtitle F (§§1261-1264) of title XII of div. A of Pub. L. 114-328, enacting this chapter] may be cited as the ‘Global Magnitsky Human Rights Accountability Act.’”

§ 10102. Authorization of imposition of sanctions**(a) In general**

The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

(1) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country who seek—

(A) to expose illegal activity carried out by government officials; or

(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections;

(2) acted as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1);

(3) is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; or

(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (3).

(b) Sanctions described

The sanctions described in this subsection are the following:

(1) Inadmissibility to United States

In the case of a foreign person who is an individual—

(A) ineligibility to receive a visa to enter the United States or to be admitted to the United States; or

(B) if the individual has been issued a visa or other documentation, revocation, in accordance with section 1201(i) of title 8, of the visa or other documentation.

(2) Blocking of property**(A) In general**

The blocking, in accordance with the International Emergency Economic Powers

Act (50 U.S.C. 1701 et seq.), of all transactions in all property and interests in property of a foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) Inapplicability of national emergency requirement

The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(C) Exception relating to importation of goods**(i) In general**

The authority to block and prohibit all transactions in all property and interests in property under subparagraph (A) shall not include the authority to impose sanctions on the importation of goods.

(ii) Good

In this subparagraph, the term “good” has the meaning given that term in section 16¹ of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(c) Consideration of certain information in imposing sanctions

In determining whether to impose sanctions under subsection (a), the President shall consider—

(1) information provided jointly by the chairperson and ranking member of each of the appropriate congressional committees; and

(2) credible information obtained by other countries and nongovernmental organizations that monitor violations of human rights.

(d) Requests by appropriate congressional committees**(1) In general**

Not later than 120 days after receiving a request that meets the requirements of paragraph (2) with respect to whether a foreign person has engaged in an activity described in subsection (a), the President shall—

(A) determine if that person has engaged in such an activity; and

(B) submit a classified or unclassified report to the chairperson and ranking member of the committee or committees that submitted the request with respect to that determination that includes—

(i) a statement of whether or not the President imposed or intends to impose sanctions with respect to the person; and

(ii) if the President imposed or intends to impose sanctions, a description of those sanctions.

(2) Requirements**(A) Requests relating to human rights violations**

A request under paragraph (1) with respect to whether a foreign person has engaged in

¹ See References in Text note below.