

AMENDMENT TO RULES COMM. PRINT 116–57

OFFERED BY MR. ENGEL OF NEW YORK

At the end of title XII, add the following:

1 **Subtitle H—Sudan Democratic**
2 **Transition, Accountability, and**
3 **Fiscal Transparency Act of 2020**

4 **SEC. 1281. SHORT TITLE.**

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

8 **SEC. 1282. DEFINITIONS.**

9 Except as otherwise provided, in this subtitle:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means—

13 (A) the Committee on Foreign Affairs and
14 the Committee on Appropriations of the House
15 of Representatives; and

16 (B) the Committee on Foreign Relations
17 and the Committee on Appropriations of the
18 Senate.

1 (2) INTERNATIONAL FINANCIAL INSTITU-
2 TIONS.—The term “international financial institu-
3 tions” means—

4 (A) the International Monetary Fund;

5 (B) the International Bank for Recon-
6 struction and Development;

7 (C) the International Development Asso-
8 ciation;

9 (D) the International Finance Corporation;

10 (E) the Inter-American Development
11 Bank;

12 (F) the Asian Development Bank;

13 (G) the Inter-American Investment Cor-
14 poration;

15 (H) the African Development Bank;

16 (I) the European Bank for Reconstruction
17 and Development;

18 (J) the Multilateral Investment Guaranty
19 Agency; and

20 (K) any multilateral financial institution,
21 established after the date of enactment of this
22 Act, that could provide financial assistance to
23 the Government of Sudan.

24 (3) SOVEREIGNTY COUNCIL.—The term “Sov-
25 ereignty Council” means the governing body of

1 Sudan during the transitional period that consists
2 of—

3 (A) five civilians selected by the Forces of
4 Freedom and Change;

5 (B) five members selected by the Transi-
6 tional Military Council; and

7 (C) one member selected by agreement be-
8 tween the Forces of Freedom and Change and
9 the Transitional Military Council.

10 (4) SUDANESE SECURITY AND INTELLIGENCE
11 SERVICES.—The term “Sudanese security and intel-
12 ligence services” means—

13 (A) the Sudan Armed Forces;

14 (B) the Rapid Support Forces,

15 (C) Sudan’s Popular Defense Forces and
16 other paramilitary units;

17 (D) Sudan’s police forces;

18 (E) the General Intelligence Service, pre-
19 viously known as the National Intelligence and
20 Security Services; and

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

23 (5) TRANSITIONAL PERIOD.—The term “transi-
24 tional period” means the 39-month period beginning

1 on August 17, 2019, the date of the signing of Su-
2 dan’s constitutional charter, during which—

3 (A) the members of the Sovereignty Coun-
4 cil described in paragraph (3)(B) select a chair
5 of the Council for the first 21 months of the pe-
6 riod; and

7 (B) the members of the Sovereignty Coun-
8 cil described in paragraph (3)(A) select a chair
9 of the Council for the remaining 18 months of
10 the period.

11 **SEC. 1283. STATEMENT OF POLICY.**

12 It is the policy of the United States to—

13 (1) support a civilian-led political transition in
14 Sudan that results in a democratic government, that
15 is accountable to its people, respects and promotes
16 human rights, is at peace internally and with its
17 neighbors, and can be a partner for regional sta-
18 bility;

19 (2) support the implementation of Sudan’s con-
20 stitutional charter for the transitional period; and

21 (3) pursue a strategy of calibrated engagement
22 with Sudan that includes—

23 (A) facilitating an environment for free,
24 fair, and credible democratic elections and a
25 pluralistic and representative political system;

1 (B) supporting reforms that improve trans-
2 parency and accountability, remove restrictions
3 on civil and political liberties, and strengthen
4 the protection of human rights, including reli-
5 gious freedom;

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

8 (D) empowering civil society and inde-
9 pendent media;

10 (E) promoting national reconciliation and
11 enabling a just, comprehensive, and sustainable
12 peace;

13 (F) promoting the role of women in gov-
14 ernment, the economy, and society, in recogni-
15 tion of the seminal role that women played in
16 the social movement that ousted former presi-
17 dent Omar al-Bashir;

18 (G) promoting accountability for genocide,
19 war crimes, crimes against humanity, and sex-
20 ual and gender-based violence;

21 (H) encouraging the development of civil-
22 ian oversight over and professionalization of the
23 Sudanese security and intelligence services and
24 strengthening accountability for human rights

1 violations and abuses, corruption, or other
2 abuses of power;

3 (I) promoting economic reform, private
4 sector engagement, and inclusive economic de-
5 velopment while combating corruption and illicit
6 economic activity, including that which involves
7 the Sudanese security and intelligence services;

8 (J) securing unfettered humanitarian ac-
9 cess across all regions of Sudan;

10 (K) supporting improved development out-
11 comes, domestic resource mobilization, and
12 catalyzing market-based solutions to improve
13 access to health, education, water and sanita-
14 tion, and livelihoods; and

15 (L) promoting responsible international
16 and regional engagement.

17 **SEC. 1284. SUPPORT FOR DEMOCRATIC GOVERNANCE,**
18 **RULE OF LAW, HUMAN RIGHTS, AND FUNDA-**
19 **MENTAL FREEDOMS.**

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

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

8 (1) provide for democracy and governance pro-
9 grams that strengthen and build the capacity of rep-
10 resentative civilian government institutions, political
11 parties, and civil society in Sudan;

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

14 (3) provide technical support for legal and pol-
15 icy reforms that improve transparency and account-
16 ability and protect human rights, including religious
17 freedom, and civil liberties in Sudan;

18 (4) support for human rights and fundamental
19 freedoms, including the freedoms of religion or be-
20 lief; expression, including for members of the press,
21 assembly; and association in Sudan;

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

1 (6) support other related democracy, good gov-
2 ernance, rule of law, and fundamental freedom pro-
3 grams and activities.

4 (c) **AUTHORIZATION OF APPROPRIATIONS.**—Of the
5 funds authorized to be appropriated to carry out part I
6 and chapter 4 of part II of the Foreign Assistance Act
7 of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for
8 fiscal years 2021 and 2022, \$20,000,000 is authorized to
9 be appropriated for each such fiscal year to carry out this
10 section.

11 **SEC. 1285. SUPPORT FOR DEVELOPMENT PROGRAMS.**

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

19 (1) increase agricultural and livestock produc-
20 tivity;

21 (2) promote economic growth, increase private
22 sector productivity and advance market-based solu-
23 tions to address development challenges;

1 (3) support women’s economic empowerment
2 and economic opportunities for youth and previously
3 marginalized populations;

4 (4) improve equal access to quality basic edu-
5 cation;

6 (5) support the capacity of universities to equip
7 students to participate in a pluralistic and global so-
8 ciety through virtual exchange and other programs;

9 (6) improve access to water, sanitation, and hy-
10 giene projects;

11 (7) build the capacity of national and sub-
12 national government officials to support the trans-
13 parent management of public resources, promote
14 good governance through combating corruption and
15 improving accountability, increase economic produc-
16 tivity, and increase domestic resource mobilization;
17 and

18 (8) support other related economic assistance
19 programs and activities.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
21 funds authorized to be appropriated to carry out part I
22 and chapter 4 of part II of the Foreign Assistance Act
23 of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for
24 fiscal years 2021 and 2022, \$80,000,000 is authorized to

1 be appropriated, for each such fiscal year to carry out this
2 section.

3 **SEC. 1286. SUPPORT FOR CONFLICT MITIGATION.**

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

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

17 (2) support civil society and other organizations
18 working to address conflict prevention, mitigation,
19 and resolution mechanisms and people-to-people rec-
20 onciliation in Sudan, especially those addressing
21 issues of marginalization and vulnerable groups,
22 equal protection under the law, natural resource
23 management, compensation and restoration of prop-
24 erty, voluntary return, and sustainable solutions for
25 displaced persons and refugees;

1 (3) strengthen civilian oversight of the Suda-
2 nese security and intelligence services and ensure
3 that such services are not contributing to the perpet-
4 uation of conflict in Sudan and to the limitation of
5 the civil liberties of all people in Sudan;

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

15 (5) support provisions of the Comprehensive
16 Peace Agreement of 2005 and Abyei protocol, as ap-
17 propriate, unless otherwise superseded by a new
18 agreement signed in good faith—

19 (A) between stakeholders in this region
20 and the Governments of Sudan and South
21 Sudan to hold a free, fair, and credible ref-
22 erendum on the status of Abyei; and

23 (B) between stakeholders in this region
24 and the Government of Sudan to support pop-

1 ular consultations on the status of the states of
2 South Kordofan and Blue Nile; and
3 (6) support other related conflict mitigation
4 programs and activities.

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

12 **SEC. 1287. SUPPORT FOR ACCOUNTABILITY FOR WAR**
13 **CRIMES, CRIMES AGAINST HUMANITY, AND**
14 **GENOCIDE IN SUDAN.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that the Secretary of State should conduct robust
17 diplomatic engagement to promote accountability and pro-
18 vide technical support to ensure that credible, transparent,
19 and independent investigations of gross violations of
20 human rights perpetrated by the Government of Sudan
21 under former President Omar al-Bashir and the Transi-
22 tional Military Council since June 30, 1989.

23 (b) IN GENERAL.—Notwithstanding any other provi-
24 sion of law (other than the Trafficking Victims Protection
25 Act of 2000 or the Child Soldiers Prevention Act of 2008),

1 the President is authorized to provide assistance under
2 part I and chapter 4 of part II of the Foreign Assistance
3 Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.)
4 to—

5 (1) build the capacity of civilian investigators
6 within and outside of Sudan on how to document,
7 investigate, develop findings of, identify, and locate
8 those responsible for war crimes, crimes against hu-
9 manity, or genocide in Sudan;

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

17 (3) build Sudan's judicial capacity to support
18 prosecutions in domestic courts and support inves-
19 tigations by hybrid or international courts as appro-
20 priate;

21 (4) protect witnesses who participate in court
22 proceedings or other transitional justice mechanisms;
23 and

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

1 (c) 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, \$10,000,000 is authorized to
6 be appropriated for each such fiscal year to carry out this
7 section.

8 **SEC. 1288. SUSPENSION OF ASSISTANCE.**

9 (a) IN GENERAL.—The President is authorized to
10 suspend the provision of assistance authorized under sec-
11 tion 1284, 1285, 1286, or 1287 to the Government of
12 Sudan if the President determines that conditions in
13 Sudan or the composition of the Government of Sudan
14 changes such that it is no longer in the United States na-
15 tional interest to continue to provide such assistance.

16 (b) REPORT.—Not later than 30 days after making
17 a determination under subsection (a), the President shall
18 submit to the appropriate congressional committees a re-
19 port that describes—

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

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

1 **SEC. 1289. MULTILATERAL ASSISTANCE.**

2 (a) SENSE OF THE CONGRESS.—It is the sense of the
3 Congress that—

4 (1) Sudan’s economic challenges are a legacy of
5 decades of kleptocracy, economic mismanagement,
6 and war;

7 (2) Sudan’s economic recovery will depend on—

8 (A) combating corruption and illicit eco-
9 nomic activity;

10 (B) ending internal conflicts in the states
11 of Darfur, South Kordofan, and Blue Nile; and

12 (C) promoting inclusive economic growth
13 and development; and

14 (3) the COVID-19 outbreak constitutes a grave
15 danger to Sudan’s economic stability, public health,
16 and food security and jeopardizes the transition to
17 a civilian-led government that promotes the demo-
18 cratic aspirations of the Sudanese people.

19 (b) RESPONDING TO THE COVID-19 OUTBREAK.—

20 During the transitional period in Sudan, and notwith-
21 standing any other provision of law, the Secretary of the
22 Treasury may instruct the United States Executive Direc-
23 tor at each international financial institution to use the
24 voice and vote of the United States to support loans or
25 other utilization of the funds of the respective institution
26 for Sudan for the purpose of addressing basic human

1 needs, responding to the COVID-19 outbreak and its im-
2 pact on the country's economic stability, or promoting de-
3 mocracy, governance, or public financial management in
4 Sudan.

5 (c) DEBT RELIEF.—Upon the removal of Sudan from
6 the State Sponsors of Terrorism List, and once the Sov-
7 ereignty Council is chaired by a civilian leader, the Sec-
8 retary of the Treasury and the Secretary of State should
9 engage with international financial institutions and other
10 bilateral official creditors to advance agreement through
11 the Heavily Indebted Poor Countries (HIPC) Initiative to
12 restructure, reschedule, or cancel the sovereign debt of
13 Sudan.

14 (d) REPORTING REQUIREMENT.—Not later than 3
15 months after the date of the enactment of this Act, and
16 not less than every 6 months thereafter during the transi-
17 tional period, the Secretary of the Treasury, in consulta-
18 tion with the Secretary of State, shall report to the appro-
19 priate congressional committees on the extent to which the
20 transitional government of Sudan has taken demonstrable
21 steps to strengthen governance and improve fiscal trans-
22 parency, including—

23 (1) establishing civilian control over the fi-
24 nances and assets of the Sudanese security and in-
25 telligence services;

1 (2) developing a transparent budget that ac-
2 counts for all expenditures related to the security
3 and intelligence services;

4 (3) identifying the shareholdings in all public
5 and private companies not exclusively dedicated to
6 the national defense held or managed by the security
7 and intelligence services, and publicly disclosing,
8 evaluating, and transferring all such shareholdings
9 to the Ministry of Finance of the Government of
10 Sudan or to any specialized entity of the Govern-
11 ment of Sudan established under law for this pur-
12 pose, which is ultimately accountable to a civilian
13 authority;

14 (4) ceasing the involvement of the security and
15 intelligence services officials, and their immediate
16 family members, in the illicit trade in mineral re-
17 sources, including petroleum and gold;

18 (5) implementing a publicly transparent meth-
19 odology for the Government of Sudan to recover,
20 evaluate, hold, manage, or divest any state assets
21 and the profits derived from the assets that may
22 have been transferred to the National Congress
23 Party, an affiliate of the National Congress Party,
24 or an official of the National Congress Party in the
25 individual capacity of such an official;

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

4 (7) strengthening banking regulation and su-
5 pervision and addressing anti-money laundering and
6 counter-terrorism financing deficiencies.

7 (e) APPROPRIATE CONGRESSIONAL COMMITTEES.—

8 In this section, the term “appropriate congressional com-
9 mittees” means—

10 (1) the Committee on Financial Services, the
11 Committee on Foreign Affairs, and the Committee
12 on Appropriations of the House of Representatives;
13 and

14 (2) the Committee on Foreign Relations and
15 the Committee on Appropriations of the United
16 States Senate.

17 **SEC. 1290. COORDINATED SUPPORT TO RECOVER ASSETS**
18 **STOLEN FROM THE SUDANESE PEOPLE.**

19 The Secretary of State, in coordination with the Sec-
20 retary of the Treasury and the Attorney General, shall
21 seek to advance the efforts of the Government of Sudan
22 to recover assets stolen from the Sudanese people, includ-
23 ing with regard to international efforts to—

24 (1) identify and track assets taken from the
25 people and institutions of Sudan through theft, cor-

1 ruption, money laundering, or other illicit means;
2 and

3 (2) with respect to assets identified pursuant to
4 paragraph (1), work with foreign governments and
5 international organizations to—

6 (A) share financial investigations intel-
7 ligence, as appropriate;

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

10 (C) as appropriate, advance, advance civil
11 forfeiture litigation, including providing tech-
12 nical assistance to help governments establish
13 the necessary legal framework to carry out
14 asset forfeitures; and

15 (D) work with the Government of Sudan to
16 ensure that a credible mechanism is established
17 to ensure that any recovered assets are man-
18 aged in a transparent and accountable fashion
19 and ultimately used for the benefit of the Suda-
20 nese people, provided that—

21 (i) returned assets are not used for
22 partisan political purposes; and

23 (ii) there are robust financial manage-
24 ment and oversight measures to safeguard
25 repatriated assets.

1 **SEC. 1291. LIMITATION ON ASSISTANCE TO THE SUDANESE**
2 **SECURITY AND INTELLIGENCE SERVICES.**

3 (a) IN GENERAL.—The President may not provide
4 assistance (other than assistance authorized under section
5 1286) to the Sudanese security and intelligence services
6 until the President submits to Congress a certification
7 that the Government of Sudan has met the conditions de-
8 scribed in subsection (c).

9 (b) EXCEPTION; WAIVER.—

10 (1) EXCEPTION.—The Secretary of State may,
11 as appropriate and notwithstanding any other provi-
12 sion of law, provide assistance for the purpose of
13 professionalizing the Sudanese security and intel-
14 ligence services, through institutions such as the Af-
15 rica Center for Strategic Studies and the United
16 States Institute of Peace.

17 (2) WAIVER.—The President may waive the
18 limitation on the provision of assistance under sub-
19 section (a) if, not later than 30 days before the as-
20 sistance is to be provided, the President submits to
21 the appropriate congressional committees—

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

24 (B) a justification that the waiver is in the
25 national security interest of the United States;
26 and

1 (C) a certification that the participants
2 have met the requirements of either section
3 620M of the Foreign Assistance Act of 1961
4 (22 U.S.C. 2378d) for programs funded
5 through Department of State appropriations or
6 section 362 of title 10, United States Code, for
7 programs funded through Department of De-
8 fense appropriations.

9 (c) CONDITIONS.—

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

13 (A) have demonstrated progress in under-
14 taking security sector reform, including reforms
15 that professionalize such security and intel-
16 ligence services, improve transparency, and re-
17 forms to the laws governing the security forces,
18 such as of the National Security Act of 2010
19 and the Sudan Armed Forces Act of 2007;

20 (B) support efforts to respect human
21 rights, including religious freedom, and hold ac-
22 countable any members of such security and in-
23 telligence services responsible for human rights
24 violations and abuses, including by taking de-
25 monstrable steps to cooperate with local or

1 international mechanisms of accountability, to
2 ensure that those responsible for war crimes,
3 crimes against humanity, and genocide com-
4 mitted in Sudan are brought to justice;

5 (C) are under civilian oversight, subject to
6 the rule of law, and are not undertaking actions
7 to undermine a civilian-led transitional govern-
8 ment or an elected civilian government;

9 (D) have refrained from targeted attacks
10 against religious or ethnic minority groups,
11 have negotiated in good faith during the peace
12 process and constructively participated in the
13 implementation of any resulting peace agree-
14 ments, and do not impede inclusive political
15 participation;

16 (E) allow unfettered humanitarian access
17 by United Nations organizations and specialized
18 agencies and domestic and international hu-
19 manitarian organizations to civilian populations
20 in conflict-affected areas;

21 (F) cooperate with the United Nations
22 High Commissioner for Refugees and organiza-
23 tions affiliated with the United Nations to allow
24 for the protection of displaced persons and the
25 safe, voluntary, sustainable, and dignified re-

1 turn of refugees and internally displaced per-
2 sons; and

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

7 (2) FORM.—The certification described in sub-
8 section (a) containing the conditions described in
9 paragraph (1) shall be submitted in unclassified
10 form but may include a classified annex.

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

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

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

18 **SEC. 1292. AUTHORIZATION OF IMPOSITION OF SANCTIONS**
19 **WITH RESPECT TO CERTAIN GOVERNMENT**
20 **OF SUDAN OFFICIALS AND OTHER INDIVID-**
21 **UALS.**

22 (a) IN GENERAL.—The President shall impose the
23 sanctions described in subsection (b) with respect to any
24 senior official of the Government of Sudan and any other

1 foreign person that the President determines, on or after
2 the date of enactment of this Act—

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

5 (A) significant actions or policies that
6 threaten the peace, security, or stability of
7 Sudan, including through the use of armed
8 groups;

9 (B) significant actions or policies that ob-
10 struct, undermine, delay, or impede, or pose a
11 significant risk of obstructing, undermining, de-
12 laying, or impeding, the civil and political rights
13 of the Sudanese people and the political transi-
14 tion in Sudan;

15 (C) corruption, including the misappropria-
16 tion of state assets, the expropriation of private
17 assets for personal gain, corruption related to
18 government contracts or the extraction of nat-
19 ural resources, or bribery;

20 (D) serious human rights abuses that may
21 include the targeting of civilians through the
22 commission of acts of violence, abduction,
23 forced displacement, or attacks on schools, hos-
24 pitals, religious sites, or locations where civil-

1 ians are seeking refuge, or a violation of inter-
2 national humanitarian law; or

3 (E) illicit exploitation of natural resources
4 in Sudan;

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

8 (3) has materially assisted, sponsored, or pro-
9 vided financial, material, logistical, or technological
10 support for, or goods or services to or in support
11 of—

12 (A) any activity described in paragraph
13 (1); or

14 (B) any person whose property and inter-
15 ests in property are blocked pursuant to Execu-
16 tive Order 13400 (2006); or

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

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

22 (B) Executive Order 13400 (2006).

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

1 (1) BLOCKING OF PROPERTY.—The President
2 shall exercise all of the powers granted to the Presi-
3 dent under the International Emergency Economic
4 Powers Act (50 U.S.C. 1701 et seq.) to the extent
5 necessary to block and prohibit all transactions in
6 property and interests in property of the foreign per-
7 son if such property and interests in property—

8 (A) are in the United States;

9 (B) come within the United States; or

10 (C) come within the possession or control
11 of a United States person.

12 (2) INADMISSIBILITY FOR VISAS, ADMISSION, OR
13 PAROLE.—

14 (A) VISAS, ADMISSION, OR PAROLE.—The
15 foreign person is—

16 (i) inadmissible to the United States;

17 (ii) ineligible to receive a visa or other
18 documentation to enter the United States;

19 and

20 (iii) otherwise ineligible to be admitted
21 or paroled into the United States or to re-
22 ceive any other benefit under the Immigra-
23 tion and Nationality Act (8 U.S.C. 1101 et
24 seq.).

1 (B) CURRENT VISAS REVOKED.—The visa
2 or other entry documentation of the foreign
3 person shall be revoked, regardless of when
4 such visa or other entry documentation is or
5 was issued. A revocation under this subpara-
6 graph shall take effect immediately and auto-
7 matically cancel any other valid visa or entry
8 documentation that is in the foreign person’s
9 possession.

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

21 (d) IMPLEMENTATION; PENALTIES.—

22 (1) IMPLEMENTATION.—The President may ex-
23 ercise all authorities provided under sections 203
24 and 205 of the International Emergency Economic
25 Powers Act (50 U.S.C. 1702 and 1704) to carry out

1 this section and shall issue such regulations, li-
2 censes, and orders as are necessary to carry out this
3 section.

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

13 (e) WAIVER.—The President may waive the applica-
14 tion of sanctions imposed with respect to a foreign person
15 pursuant to subsection (a) if the President—

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

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

22 (f) TERMINATION OF AUTHORITY TO IMPOSE SANC-
23 TIONS.—The authority to impose sanctions under this sec-
24 tion shall terminate on the date that is the earlier of 3
25 years after the date of the enactment of this Act or the

1 date on which the President determines and certifies to
2 the appropriate congressional committees that the Govern-
3 ment of Sudan—

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

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

15 (3) is compliant with international norms and
16 standards concerning the transparent allocation and
17 disbursement of government directed funds;

18 (4) respects the right to freedom of religion,
19 speech, press, assembly, and association for all Su-
20 danese citizens;

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

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

1 (7) has ceased any material support or assist-
2 ance to groups associated or linked to international
3 terrorism.

4 (g) EXCEPTION RELATING TO IMPORTATION OF
5 GOODS.—

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

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

15 (h) EXCEPTIONS TO COMPLY WITH NATIONAL SECU-
16 RITY.—The following activities shall be exempt from sanc-
17 tions under this section:

18 (1) Activities subject to the reporting require-
19 ments under title V of the National Security Act of
20 1947 (50 U.S.C. 3091 et seq.).

21 (2) Any authorized intelligence or law enforce-
22 ment activities of the United States.

23 (i) DEFINITIONS.—In this section:

24 (1) ADMITTED; ALIEN.—The terms “admitted”
25 and “alien” have the meanings given those 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 Affairs, the
7 Committee on Appropriations, and the Com-
8 mittee on Financial Services of the House of
9 Representatives; and

10 (B) the Committee on Foreign Relations,
11 the Committee on Appropriations, and the
12 Committee on Banking, Housing, and Urban
13 Affairs of the Senate.

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

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

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

24 (A) a United States citizen, an alien law-
25 fully admitted for permanent residence to the

1 United States, or any other individual subject
2 to the jurisdiction of the United States;

3 (B) an entity organized under the laws of
4 the United States or of any jurisdiction within
5 the United States, including a foreign branch of
6 such entity; or

7 (C) any person in the United States.

8 **SEC. 1293. REPORTS.**

9 (a) REPORT ON ACCOUNTABILITY FOR HUMAN
10 RIGHTS ABUSES.—Not later than 180 days after the date
11 of the enactment of this Act, and annually thereafter for
12 two years, the President shall submit to the appropriate
13 congressional committees a report that—

14 (1) summarizes reports of gross violations of
15 human rights, including sexual and gender-based vi-
16 olence, committed against civilians in Sudan, includ-
17 ing members of the Sudanese security and intel-
18 ligence services or any associated militias, between
19 December 2018 and the date of the submission of
20 the report;

21 (2) provides an update on any potential transi-
22 tional justice mechanisms in Sudan to investigate,
23 charge, and prosecute alleged perpetrators of gross
24 violations of human rights in Sudan since June 30,

1 1989, including with respect to the June 3, 2019
2 massacre in Khartoum;

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

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

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

19 (1) describes the actions and involvement of any
20 previous or current senior officials of the Govern-
21 ment of Sudan since the establishment of the transi-
22 tional government in August 2019 in—

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

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

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

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

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

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

21 (3) identifies any information United States
22 Government agencies have obtained since August
23 2019 regarding persons, foreign governments, and
24 Sudanese or foreign financial institutions that know-
25 ingly facilitate, finance, or otherwise benefit from

1 corruption or illicit economic activity in Sudan, in-
2 cluding the export of mineral resources, and, in par-
3 ticular, if that trade is violating any United States
4 restrictions that remain in place by legislation or ex-
5 ecutive order;

6 (4) identifies any information United States
7 Government agencies have obtained since August
8 2019 regarding senior officials of the Government of
9 Sudan who are personally involved in the illicit trade
10 in mineral resources, including petroleum and gold;
11 and

12 (5) identifies any information United States
13 Government agencies have obtained since August
14 2019 regarding individuals or foreign governments
15 that have provided funds to individual members of
16 the Sovereignty Council or the Cabinet outside of
17 the Central Bank of Sudan or the Ministry of Fi-
18 nance.

19 (c) REPORT ON SANCTIONS PURSUANT TO EXECU-
20 TIVE ORDER 13400.—Not later than 180 days after the
21 date of the enactment of this Act, the President shall sub-
22 mit to the appropriate congressional committees a report
23 containing the names of senior Sudanese government offi-
24 cials that President determines meet the criteria to be
25 sanctionable pursuant to Executive Order 13400 (71 Fed.

1 Reg. 25483; relating to blocking property of persons in
2 connection with the conflict in Sudan's Darfur region).

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

6 **SEC. 1294. UNITED STATES STRATEGY FOR SUPPORT TO A**
7 **CIVILIAN-LED GOVERNMENT IN SUDAN.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary of State,
10 in coordination with the Administrator of the United
11 States Agency for International Development and the Sec-
12 retary of the Treasury, shall submit to the appropriate
13 congressional committees a strategy that includes—

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

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

23 (3) an assessment of the legal and policy re-
24 forms that have been and need to be taken by the

1 government in Sudan during the transitional period
2 in order to promote—

3 (A) human rights;

4 (B) freedom of religion, speech, press, as-
5 sembly, and association; and

6 (C) accountability for human rights
7 abuses, including for sexual and gender-based
8 violence perpetrated by members of the Suda-
9 nese security and intelligence services;

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

12 (5) a description of humanitarian and develop-
13 ment assistance to Sudan and a plan for coordi-
14 nating such assistance with international donors, re-
15 gional partners, and local partners;

16 (6) a description of monitoring and evaluation
17 plans for all forms of assistance to be provided
18 under the strategy in accordance with the moni-
19 toring and evaluation requirements of section 4 of
20 the Foreign Aid Transparency and Accountability
21 Act of 2016 (Public Law 114–191), to include a de-
22 tailed description of all associated goals and bench-
23 marks for measuring impact; and

24 (7) an assessment of security sector reforms
25 undertaken by the Government of Sudan, including

1 efforts to demobilize or integrate militias and to fos-
2 ter civilian control of the armed services.

3 (b) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Secretary of State, in
5 coordination with the Administrator of the United States
6 Agency for International Development and the Secretary
7 of the Treasury, shall submit to the appropriate congres-
8 sional committees a report that includes—

9 (1) a detailed description of the efforts taken to
10 implement this subtitle; and

11 (2) recommendations for legislative or adminis-
12 trative measures to facilitate the implementation of
13 this subtitle.

14 **SEC. 1295. AMENDMENTS TO THE DARFUR PEACE AND AC-**
15 **COUNTABILITY ACT OF 2006.**

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

21 **SEC. 1296. REPEAL OF SUDAN PEACE ACT AND THE COM-**
22 **PREHENSIVE PEACE IN SUDAN ACT.**

23 (a) SUDAN PEACE ACT.—Effective January 1, 2020,
24 the Sudan Peace Act (Public Law 107–245; 50 U.S.C.
25 1701 note) is repealed.

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

