

are classified generally to part I (§2151 et seq.) of subchapter I and to parts IV (§2346 et seq.), V (§2347 et seq.), and VI (§2348 et seq.), respectively, of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

§ 10006. Support for accountability for war crimes, crimes against humanity, and genocide in Sudan

(a) Sense of Congress

It is the sense of Congress that the Secretary of State should conduct robust diplomatic engagement to promote accountability and provide technical support to ensure that credible, transparent, and independent investigations of gross violations of human rights perpetrated by the Government of Sudan under former President Omar al-Bashir and the Transitional Military Council since June 30, 1989.

(b) In general

Notwithstanding any other provision of law (other than the Trafficking Victims Protection Act of 2000 [22 U.S.C. 7101 et seq.] and the Child Soldiers Prevention Act of 2008), the President is authorized to provide assistance under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.)—

(1) to build the capacity of civilian investigators within and outside of Sudan on how to document, investigate, develop findings of, identify, and locate those responsible for war crimes, crimes against humanity, or genocide in Sudan;

(2) to collect, document, and protect evidence of war crimes, crimes against humanity, and genocide in Sudan and preserve the chain of custody for such evidence, including by providing support for Sudanese, foreign, and international nongovernmental organizations, and other entities engaged in such investigative activities;

(3) to build Sudan's judicial capacity to support prosecutions in domestic courts and support investigations by hybrid or international courts as appropriate;

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

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

(c) Authorization of appropriations

Of the amounts authorized to be appropriated to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) for fiscal years 2021 and 2022, \$10,000,000 is authorized to be appropriated for each such fiscal year to carry out this section.

(Pub. L. 116–283, div. A, title XII, §1267, Jan. 1, 2021, 134 Stat. 3971.)

Editorial Notes

REFERENCES IN TEXT

The Trafficking Victims Protection Act of 2000, referred to in subsec. (b), is div. A of Pub. L. 106–386, Oct. 28, 2000, 114 Stat. 1466, which is classified principally to chapter 78 (§7101 et seq.) of this title. For complete

classification of this Act to the Code, see Short Title note set out under section 7101 of this title and Tables.

The Child Soldiers Prevention Act of 2008, referred to in subsec. (b), is title IV of Pub. L. 110–457, Dec. 23, 2008, 122 Stat. 5087, which is classified principally to sections 2370c to 2370c–2 of this title. For complete classification of this Act to the Code, see Short Title of 2008 Amendment note set out under section 2151 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsecs. (b) and (c), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Part I and chapter 4 of part II of the Act are classified generally to part I (§2151 et seq.) of subchapter I and part IV (§2346 et seq.) of subchapter II, respectively, of chapter 32 of this title. For provisions deeming references to part I of subchapter I to include a reference to section 2293 of this title, see section 2293(d)(1) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

§ 10007. Suspension of assistance

(a) In general

The President is authorized to suspend the provision of assistance authorized under section 10003, 10004, 10005, or 10006 of this title to the Government of Sudan if the President determines that conditions in Sudan or the composition of the Government of Sudan changes such that it is no longer in the United States national interest to continue to provide such assistance.

(b) Report

Not later than 30 days after making a determination under subsection (a), the President shall submit to the appropriate congressional committees a report that describes—

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

(2) any planned diplomatic engagement to restart the provision of such assistance.

(Pub. L. 116–283, div. A, title XII, §1268, Jan. 1, 2021, 134 Stat. 3972.)

§ 10008. Multilateral assistance

(a) Sense of the Congress

It is the sense of the Congress that—

(1) Sudan's economic challenges are a legacy of decades of kleptocracy, economic mismanagement, and war;

(2) Sudan's economic recovery will depend on—

(A) combating corruption and illicit economic activity;

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

(C) promoting inclusive economic growth and development; and

(3) the COVID–19 outbreak constitutes a grave danger to Sudan's economic stability, public health, and food security and jeopardizes the transition to a civilian-led government that promotes the democratic aspirations of the Sudanese people.

(b) Responding to the COVID–19 outbreak

During the transitional period, and notwithstanding any other provision of law, the Secretary of the Treasury may instruct the United States Executive Director at each international

financial institution to use the voice and vote of the United States to support loans or other utilization of the funds of the respective institution for Sudan for the purpose of addressing basic human needs, responding to the COVID-19 outbreak and its impact on the country's economic stability, or promoting democracy, governance, or public financial management in Sudan.

(c) Debt relief

Upon the removal of Sudan from the State Sponsors of Terrorism List, and once the Sovereignty Council is chaired by a civilian leader, the Secretary of the Treasury and the Secretary of State should engage with international financial institutions and other bilateral official creditors to advance agreement through the Heavily Indebted Poor Countries (HIPC) Initiative to restructure, reschedule, or cancel the sovereign debt of Sudan.

(d) Reporting requirement

Not later than 3 months after January 1, 2021, and not less frequently than once every 6 months thereafter during the transitional period, the Secretary of the Treasury, in consultation with the Secretary of State, shall report to the appropriate congressional committees regarding the extent to which the transitional government of Sudan has taken demonstrable steps to strengthen governance and improve fiscal transparency, including—

(1) establishing civilian control over the finances and assets of the Sudanese security and intelligence services;

(2) developing a transparent budget that accounts for all expenditures related to the security and intelligence services;

(3) identifying the shareholdings in all public and private companies not exclusively dedicated to the national defense held or managed by the security and intelligence services, and publicly disclosing, evaluating, and transferring all such shareholdings to the Ministry of Finance of the Government of Sudan or to any specialized entity of the Government of Sudan established under law for this purpose, which is ultimately accountable to a civilian authority;

(4) ceasing the involvement of the security and intelligence services officials, and their immediate family members, in the illicit trade in mineral resources, including petroleum and gold;

(5) implementing a publicly transparent methodology for the Government of Sudan to recover, evaluate, hold, manage, or divest any state assets and the profits derived from the assets that may have been transferred to the 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).