



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To support a civilian-led democratic transition,  
peace, and stability in Sudan.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

**H. R. 4350****AMENDMENT N<sup>o</sup> 4816**By CoonsTo: Amr No 3867

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Page(s)

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Viz:

1 At the appropriate place, insert the following:

2 **Subtitle** \_\_\_\_\_ **—Sudan Democracy**3 **Act**4 **SEC. \_\_\_\_ 1. SHORT TITLE.**

5 This subtitle may be cited as the "Sudan Democracy

6 Act".

7 **SEC. \_\_\_\_ 2. DEFINITIONS.**

8 In this subtitle:

1           (1) ADMITTED; ALIEN.—The terms “admitted”  
2           and “alien” have the meanings given such terms in  
3           section 101 of the Immigration and Nationality Act  
4           (8 U.S.C. 1001).

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

8                   (A) the Committee on Foreign Relations of  
9           the Senate;

10                   (B) the Committee on Appropriations of  
11           the Senate;

12                   (C) the Committee on Foreign Affairs of  
13           the House of Representatives; and

14                   (D) the Committee on Appropriations of  
15           the House of Representatives.

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

19           (4) GROSS VIOLATIONS OF INTERNATIONALLY  
20           RECOGNIZED HUMAN RIGHTS.—The term “gross vio-  
21           lations of internationally recognized human rights”  
22           has the meaning given such term in section  
23           502B(d)(1) of the Foreign Assistance Act of 1961  
24           (22 U.S.C. 2304(d)(1)).

1           (5) 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 African Development Fund;

17                  (J) the European Bank for Reconstruction  
18           and Development; and

19                  (K) the Multilateral Investment Guaranty  
20           Agency.

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

1 (7) SECURITY AND INTELLIGENCE SERVICES.—

2 The term “security and intelligence services”  
3 means—

4 (A) the Sudan Armed Forces;

5 (B) the Rapid Support Forces;

6 (C) the Popular Defense Forces;

7 (D) other Sudanese paramilitary units;

8 (E) Sudanese police forces; and

9 (F) the General Intelligence Service (pre-  
10 viously known as the National Intelligence and  
11 Security Services).

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

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

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

22 **SEC. \_\_\_\_ 3. FINDINGS; STATEMENT OF POLICY.**

23 (a) FINDINGS.—Congress makes the following find-  
24 ings:

1           (1) On November 17, 1958, Lieutenant General  
2 Ibrahim Abboud of Sudan led the country's first  
3 coup after independence, and the first successful  
4 coup in post-independence Africa.

5           (2) There have been more than 200 coup at-  
6 tempts across Africa since the 1958 coup in Sudan,  
7 including successful coups in Sudan in 1969, 1985,  
8 1989, and 2019.

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

17           (4) On August 17, 2019—

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

1           (B) a transitional government was formed  
2           that allowed the junta leaders to remain in gov-  
3           ernment in a partnership with new civilian au-  
4           thorities nominated by the Forces for Freedom  
5           and Change, including Prime Minister Abdallah  
6           Hamdok, for a transitional period to democ-  
7           racy.

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

11           (A) seized control of the Government of  
12          Sudan;

13           (B) deployed the military to the streets of  
14          Khartoum and Omdurman;

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

16           (D) detained Prime Minister Hamdok and  
17          other civilian officials.

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

24          (7) The Troika (the United States, United  
25          Kingdom, Norway), the European Union, and Swit-

1       zerland “continue to recognize the Prime Minister  
2       and his cabinet as the constitutional leaders of the  
3       transitional government”.

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

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

16              (10) The October 25, 2021 military takeover  
17      represents a threat to—

18                      (A) Sudan’s economic recovery and sta-  
19                      bility;

20                      (B) the bilateral relationship between  
21                      Sudan and the United States; and

22                      (C) regional peace and security.

23              (b) STATEMENT OF POLICY.—It is the policy of the  
24      United States—

1           (1) to support the democratic aspirations of the  
2       people of Sudan and a political transition process  
3       that results in a civilian government that is demo-  
4       cratic, accountable, respects the human rights of its  
5       citizens, and is at peace with itself and with its  
6       neighbors;

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

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

12 **SEC. \_\_\_\_ 4. IMPOSITION OF SANCTIONS.**

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

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

19               (A) actions that undermine the transition  
20       to democracy in Sudan, or, after elections, un-  
21       dermine democratic processes or institutions;

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

24               (C) actions that prohibit, limit, or penalize  
25       the exercise of freedom of expression or assem-



1 bly by people in Sudan, or limit access to print,  
2 online, or broadcast media in Sudan;

3 (D) the arbitrary detention or torture of  
4 any person in Sudan or other gross violations of  
5 internationally recognized human rights in  
6 Sudan;

7 (E) significant efforts to impede investiga-  
8 tions or prosecutions of alleged serious human  
9 rights abuses in Sudan;

10 (F) actions that result in the misappro-  
11 priation of significant state assets of Sudan or  
12 manipulation of the currency, or that hinder  
13 government oversight of parastatal budgets and  
14 revenues;

15 (G) actions that violate medical neutrality,  
16 including blocking access to care and targeting  
17 first responders, medical personnel, or medical  
18 institutions; or

19 (H) disrupting access to communication  
20 technologies and information on the internet;

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

23 (3) forms an entity for the purpose of evading  
24 sanctions that would otherwise be imposed pursuant  
25 to subsection (b);

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

3           (5) is an entity that is owned or controlled (di-  
4           rectly or indirectly) by security and intelligence serv-  
5           ices, from which 1 or more persons or entities de-  
6           scribed in paragraph (1) derive significant revenue  
7           or financial benefit; or

8           (6) has knowingly—

9           (A) provided significant financial, material,  
10          or technological support—

11                 (i) to a foreign person or entity de-  
12                 scribed in paragraph (1) in furtherance of  
13                 any of the acts described in subparagraph  
14                 (A) or (B) of such paragraph; or

15                 (ii) to any entity owned or controlled  
16                 by such person or entity or an immediate  
17                 family member of such person; or

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

23           (b) SANCTIONS; EXCEPTIONS.—

24           (1) SANCTIONS.—

1           (A) ASSET BLOCKING.—Notwithstanding  
2           section 202 of the International Emergency  
3           Economic Powers Act (50 U.S.C. 1701), the ex-  
4           ercise of all powers granted to the President by  
5           such Act to the extent necessary to block and  
6           prohibit all transactions in all property and in-  
7           terests in property of a foreign person the  
8           President determines meets 1 or more of the  
9           criteria described in subsection (a) if such prop-  
10          erty and interests in property are in the United  
11          States, come within the United States, or are or  
12          come within the possession or control of a  
13          United States person.

14           (B) ALIENS INADMISSIBLE FOR VISAS, AD-  
15          MISSION, OR PAROLE.—

16           (i) VISAS, ADMISSION, OR PAROLE.—  
17          An alien who the Secretary of State or the  
18          Secretary of Homeland Security (or a des-  
19          ignee of one of such Secretaries) knows, or  
20          has reason to believe, meets any of the cri-  
21          teria described in subsection (a)—

22                   (I) is inadmissible to the United  
23                   States;

1 (II) is ineligible to receive a visa  
2 or other documentation to enter the  
3 United States; and

4 (III) is otherwise ineligible to be  
5 admitted or paroled into the United  
6 States or to receive any other benefit  
7 under the Immigration and Nation-  
8 ality Act (8 U.S.C. 1101 et seq.).

9 (ii) CURRENT VISAS REVOKED.—

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

21 (II) EFFECT OF REVOCATION.—

22 A revocation under subclause (I) shall  
23 take effect immediately and shall  
24 automatically cancel any other valid

1 visa or entry documentation that is in  
2 the alien's possession.

3 (2) EXCEPTION TO COMPLY WITH UNITED NA-  
4 TIONS HEADQUARTERS AGREEMENT.—Sanctions  
5 under paragraph (1)(B) shall not apply with respect  
6 to an alien if admitting or paroling the alien into the  
7 United States is necessary to permit the United  
8 States to comply with the Agreement regarding the  
9 Headquarters of the United Nations, signed at Lake  
10 Success June 26, 1947, and entered into force No-  
11 vember 21, 1947, between the United Nations and  
12 the United States, or other applicable international  
13 obligations.

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

23 (4) IMPLEMENTATION.—The President—

24 (A) may exercise all authorities provided  
25 under sections 203 and 205 of the International

Emergency Economic Powers Act (50 U.S.C.  
1702 and 1704) to carry out this section; and  
(B) shall issue such regulations, licenses,  
and orders as may be necessary to carry out  
this section.

(5) EXCEPTION TO COMPLY WITH NATIONAL SECURITY.—Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) and any authorized intelligence or law enforcement activities of the United States shall be exempt from sanctions under this section.

(c) WAIVER.—The President may annually waive the application of sanctions imposed on a foreign person pursuant to subsection (a) if the President—

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

(2) not later than the date on which such waiver will take effect, submits notice of, and justification for, such waiver to—

22 (A) the appropriate congressional commit-  
23 tees;

24 (B) the Committee on Banking, Housing,  
25 and Urban Affairs of the Senate; and

1 (C) the Committee on Financial Services of  
2 the House of Representatives.  
3 (d) SUNSET.—The requirement to impose sanctions  
4 under this section shall cease to be effective on December  
5 31, 2026.