

114TH CONGRESS
1ST SESSION

H. R. 2989

To encourage the warring parties of South Sudan to resolve their conflict peacefully, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2015

Mr. ROONEY of Florida (for himself, Mr. CAPUANO, Mr. McCAUL, Ms. LEE, and Mr. FORTENBERRY) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To encourage the warring parties of South Sudan to resolve their conflict peacefully, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “South Sudan Peace
5 Promotion and Accountability Act of 2015”.

6 **SEC. 2. FINDINGS; STATEMENT OF CONGRESS.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) In December 2013, tensions between polit-
2 ical leaders sparked a new civil conflict in South
3 Sudan that has killed tens of thousands, displaced
4 an estimated two million people, including over
5 500,000 refugees, and left 4.6 million people—40
6 percent of the population—facing the threat of ex-
7 treme hunger and in need of immediate humani-
8 tarian assistance.

9 (2) Since the United States helped broker the
10 2005 Comprehensive Peace Agreement, which ulti-
11 mately set the framework for the 2011 South Sudan
12 referendum in which the people of South Sudan
13 chose independence, the United States has remained
14 the leading donor to South Sudan.

15 (3) The warring parties have repeatedly im-
16 peded and interfered with the delivery of humani-
17 tarian assistance and threatened aid workers, show-
18 ing little regard for the dire conditions facing the
19 people of South Sudan.

20 (4) The warring parties have often defied inter-
21 national humanitarian and human rights law, com-
22 mitting acts of sexual violence, recruiting and using
23 children as soldiers, and targeting and killing civil-
24 ians based on their ethnicity or perceived allegiances,
25 among other atrocities.

1 (5) While representatives of the warring parties
2 agreed in the January 21, 2015, Arusha Commu-
3 nique that they bear full responsibility for South Su-
4 dan’s crisis and that those individuals responsible
5 for atrocities should be held accountable, no party to
6 the conflict has taken credible steps to hold any sen-
7 ior civilian or military leader to account, and instead
8 continue to commit atrocities with impunity.

9 (6) Eight commitments and recommitments to
10 cease hostilities have been broken, and the most re-
11 cent round of peace talks held in Addis Ababa, Ethi-
12 opia, under the auspices of the Intergovernmental
13 Authority on Development (IGAD) from January
14 2014 through March 5, 2015, failed to bring mean-
15 ingful progress to end the war.

16 (7) The African Union (AU) has joined the
17 Intergovernmental Authority on Development
18 (IGAD) in pursuing other options to bring peace in
19 South Sudan, including discussion of targeted sanc-
20 tions on individuals in South Sudan who continue to
21 undermine the peace process.

22 (8) Regional actors and other external entities
23 continue to undermine the peace process through
24 various means, including through the transfer of
25 arms and other support to the warring parties, and

1 through the presence of foreign forces participating
2 in the conflict.

3 (9) The proliferation of small arms in South
4 Sudan continues to fuel the killing of innocent civil-
5 ians and is instrumental in undermining the peace
6 process.

7 (10) Attempts to establish peace and stability
8 in South Sudan have not resulted in a comprehen-
9 sive peace agreement, including mediation supported
10 by IGAD and initiatives to address divisions within
11 the Sudan People's Liberation Movement (SPLM)
12 by Tanzania and South Africa.

13 (11) On March 3, 2015, the United Nations Se-
14 curity Council (UNSC) adopted Security Council
15 Resolution 2206 which condemned the flagrant vio-
16 lations of the various cessation of hostilities agree-
17 ments, underscored its willingness to impose tar-
18 geted sanctions against those responsible for actions
19 or policies that threatened South Sudan's peace, se-
20 curity, or stability, requested that the United Na-
21 tions Secretary General form a panel of experts to
22 identify responsible individuals or entities, and indi-
23 cated a willingness to consider an arms embargo in
24 the future.

1 (12) On April 3, 2014, President Obama signed
2 Executive Order 13664, which allows for additional
3 targeted sanctions and a visa ban against those indi-
4 viduals whose actions threaten the peace, security or
5 stability of South Sudan, obstruct the peace talks
6 and processes, undermine democratic institutions, or
7 commit human rights abuses. The Administration
8 has already designated four individuals under this
9 order, two from the Government of South Sudan
10 and two from the opposition. Canada and the Euro-
11 pean Union have implemented similar regimes.

12 (13) On May 29, 2015, the Government of
13 South Sudan expelled the United Nations Humani-
14 tarian Coordinator, Toby Lanzer, who was tasked
15 with overseeing the vast humanitarian operation in
16 South Sudan.

17 (14) The date July 9, 2015, should signify and
18 celebrate South Sudan's independence and peaceful
19 recovery from decades of war, yet the violence
20 against children in South Sudan has reached a new
21 level of brutality. Children are being aggressively re-
22 cruited into armed groups on both sides of the con-
23 flict and forced to participate in a conflict not of
24 their making. The psychological and physical effects
25 on these children must be recognized and addressed

1 and this violence against the innocent must stop im-
2 mediately.

3 (b) STATEMENT OF CONGRESS.—Congress—

4 (1) recognizes that there has been a dramatic
5 failure of leadership in South Sudan that has left
6 South Sudanese civilians in a protracted and unac-
7 ceptable state of suffering, and that the United
8 States stands in solidarity with the people of South
9 Sudan as they call for peace;

10 (2) urges all parties involved in the conflict to
11 immediately cease all violence and work towards a
12 negotiated, publicly transparent settlement developed
13 through diplomacy and reconciliation, and urges that
14 this process be inclusive to South Sudanese civil so-
15 ciety, including women and traditional leaders, to
16 bring about peace and stability in South Sudan;

17 (3) stresses the need to adequately commu-
18 nicate to the South Sudanese people the proposed
19 process for the establishment of a transitional gov-
20 ernment to carry South Sudan through the develop-
21 ment of a fully inclusive national dialogue, constitu-
22 tional and internal government reform, national
23 peace and reconciliation efforts, and eventually an
24 inclusive, credible process towards national elections;

1 (4) stresses the need for the Administration to
2 continue to promote freedoms of association and ex-
3 pression in South Sudan, and to support the growth
4 of effective, resilient, and empowered civil society or-
5 ganizations, particularly those organizations that are
6 transparent, representative, and promote the active
7 inclusion and participation of women and girls;

8 (5) expresses concern over the March 23, 2015,
9 decision of the Parliament of South Sudan to extend
10 by three years the terms of President Kiir and other
11 elected officials, and urges the Government of South
12 Sudan to ensure that this does not curtail the ur-
13 gent need for a negotiated peace agreement with the
14 opposition and a transitional government of national
15 unity as had been committed to by both parties in
16 IGAD negotiations on May 9, 2014;

17 (6) welcomes the efforts by the Administration
18 to push for the public release of the full report by
19 the AU Commission of Inquiry (CoI) in South
20 Sudan, and emphasizes the positive impact the re-
21 lease of this report, and resulting prosecutions of
22 those individuals determined responsible for conflict
23 or human rights crimes, would have for account-
24 ability, justice, and closure for the people of South
25 Sudan;

1 (7) calls on the United States Permanent Rep-
2 resentative to the United Nations to promote human
3 rights monitoring carried out by United Nations
4 Mission in South Sudan (UNMISS) and advocate
5 for publicly releasing reports on the human rights
6 situation in South Sudan on a regular basis;

7 (8) approves of the ongoing efforts by the Ad-
8 ministration to use the necessary tools, as outlined
9 in Security Council Resolution 2206, to increase
10 pressure on the warring parties to come to the nego-
11 tiating table following the failure of the parties to
12 meet the March 5, 2015, IGAD deadline in Addis
13 Ababa, Ethiopia;

14 (9) supports the ongoing efforts by the United
15 States Permanent Representative to the United Na-
16 tions to use the voice, vote, and influence of the
17 United States at the United Nations to work with
18 regional countries and like-minded countries to fully
19 implement Security Council Resolution 2206;

20 (10) applauds the United Nations Security
21 Council and the Department of the Treasury for im-
22 posing sanctions on individuals on both sides of the
23 conflict in South Sudan and supports the efforts of
24 the Department of the Treasury and the Depart-

1 ment of State to identify candidates for designation
2 under Executive Order 13664;

3 (11) urges the Department of the Treasury to
4 prioritize investigative actions that uncover the illicit
5 financial flows fueling the ongoing violence and con-
6 tributing to the extended humanitarian suffering of
7 the people caught in the conflict;

8 (12) supports the establishment of a credible,
9 independent hybrid judicial court or investigation by
10 the International Criminal Court or other credible
11 judicial court and for all parties in South Sudan to
12 deliberate in a peaceful manner for transitional jus-
13 tice and a truth and reconciliation commission;

14 (13) urges the Administration to continue to
15 offer and further expand support for resilience and
16 development programming in parts of South Sudan
17 less affected by conflict or otherwise suited for such
18 programming in order to preserve and expand where
19 possible the fragile gains in health, education, agri-
20 cultural productivity, and economic development;

21 (14) applauds the work of the United Nations
22 peacekeeping mission, which by sheltering over
23 100,000 people within its compounds has saved
24 thousands of lives, as well as the continuous humani-
25 tarian and human rights work in the region from

1 many national and international nongovernmental
2 organizations (NGOs), civil society organizations,
3 faith-based groups, and international organizations,
4 and calls on all parties to the conflict to respect and
5 support the unfettered access of humanitarian orga-
6 nizations to provide aid to all civilian populations
7 during humanitarian crises;

8 (15) condemns the expulsion of Toby Lanzer,
9 the United Nations Humanitarian Coordinator by
10 the Government of South Sudan at a time when the
11 humanitarian crisis continues to grow;

12 (16) urges all parties to respect the neutrality
13 of UNMISS sites and expresses the need for the Ad-
14 ministration to work with the Government of South
15 Sudan on its compliance with its Status of Forces
16 Agreement with UNMISS to ensure it is respecting,
17 supporting and protecting the work of UNMISS per-
18 sonnel as they endeavor to protect internally dis-
19 placed people sheltering at UNMISS bases and those
20 individuals outside these bases who are displaced by
21 the ongoing fighting; and

22 (17) expresses the need for the Administration
23 to capitalize on opportunities to engage in dialogue
24 at the highest levels with like-minded members of
25 the international community to further promote

1 positive engagement in South Sudan to bring about
2 a reform process that addresses the root causes of
3 this conflict.

4 **SEC. 3. CODIFICATION OF SANCTIONS.**

5 (a) RESTRICTION.—The sanctions imposed on indi-
6 viduals identified in the Federal Register as of the date
7 of the enactment of this Act related to South Sudan, and
8 all other such individuals so identified after such date,
9 specified in Executive Order No. 13664 of April 3, 2014
10 (Blocking Property of Certain Persons With Respect to
11 South Sudan), as in effect on the day before such date
12 of enactment, shall remain in effect until the President
13 has certified to the appropriate congressional committees
14 that such sanctions are no longer necessary.

15 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion may be construed to limit the authority of the Presi-
17 dent to impose additional sanctions pursuant to the Inter-
18 national Emergency Economic Powers Act (50 U.S.C.
19 1701 et seq.), relevant executive orders, regulations, or
20 other provisions of law.

21 **SEC. 4. REPORTING AND STRATEGY.**

22 (a) REPORT.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of the enactment of this Act, the President
25 shall transmit to the Committee on Foreign Affairs

1 of the House of Representatives and the Committee
2 on Foreign Relations of the Senate a report regard-
3 ing the United States engagement with South
4 Sudan.

5 (2) CONTENTS.—The report required under
6 paragraph (1) may contain a classified annex and
7 shall include the following:

8 (A) An update on the peace process and a
9 description of the Administration’s direct sup-
10 port for diplomatic engagement, including the
11 United States efforts to mitigate challenges
12 that arise within the negotiations, a description
13 of those challenges, and the overall diplomatic
14 strategy to end the conflict.

15 (B) An assessment of the strengths and
16 weaknesses of the existing peace process and re-
17 lated regional activities impacting the process,
18 and a plan to strengthen that process or to de-
19 velop complementary or alternative diplomatic
20 efforts to achieve peace and foster stability in
21 South Sudan.

22 (C) An assessment of the impact of exist-
23 ing targeted sanctions on South Sudan, includ-
24 ing those sanctions imposed under Executive
25 Order No. 13664 and subsequent actions by the

1 Administration and international community to
2 expand targeted sanctions, and the efforts made
3 to date, including an assessment of the pro-
4 posed impact of and challenges associated with,
5 building an international consensus to enforce
6 an arms embargo.

7 (D) The Administration's current policy
8 regarding the export, sale, distribution, trans-
9 fer, lending, or gift of defense articles or de-
10 fense services (as such terms are defined in sec-
11 tion 47 of the Arms Export Control Act (22
12 U.S.C. 2794)) to the Government of the Repub-
13 lic of South Sudan and those armed forces in
14 opposition to the Government of the Republic of
15 South Sudan.

16 (E) A detailed description of the known
17 sources of arms and related material dispatched
18 to the warring parties since the onset of the
19 conflict.

20 (F) A description of the efforts taken by
21 the Administration to support, develop, main-
22 tain, or expand foreign assistance programming
23 in parts of South Sudan less affected by conflict
24 or otherwise suited for such programming.

1 (G) An assessment of South Sudan’s do-
2 mestic capacity to support a hybrid judicial
3 court and the options for the establishment of
4 such a court.

5 (b) STRATEGY.—

6 (1) IN GENERAL.—Not later than 90 days after
7 the date of transmission of the report required
8 under subsection (a), the President shall transmit to
9 the Committee on Foreign Affairs of the House of
10 Representatives and the Committee on Foreign Re-
11 lations of the Senate a strategy to guide future
12 United States engagement with South Sudan.

13 (2) CONTENT OF STRATEGY.—The strategy re-
14 quired under paragraph (1) may contain a classified
15 annex and shall include the following:

16 (A) A plan to help strengthen efforts by
17 the United Nations peacekeeping mission in
18 concert with the regional and international dip-
19 lomatic and donor community to protect South
20 Sudanese civilians affected by the conflict, par-
21 ticularly women and children.

22 (B) A strategy to advance peace and rec-
23 onciliation efforts in the South Sudan and for
24 supporting the rule of law in affected areas.

1 (C) An interagency framework plan to co-
2 ordinate and review diplomatic, development,
3 and military elements of United States policy,
4 including expended, obligated, and requested
5 funding amounts contained in annual budget
6 submissions to Congress, for South Sudan and
7 the region.

8 (D) A description of the Administration's
9 strategy to support documentation and inves-
10 tigation of instances of human rights abuses
11 and corruption, parties' financing of the con-
12 flict, and to monitor and combat illicit financial
13 flows fueling the ongoing violence, and the re-
14 sources necessary to adequately support these
15 efforts.

16 (E) A description of ways the United
17 States is working with the United Nations to
18 gather information on events taking place on
19 the ground in South Sudan that may be attrib-
20 uting to instability, as well as information on
21 those individuals of South Sudan or non-native
22 entities that are implicated in violations of
23 international and human rights law, and infor-
24 mation regarding the root causes of the pro-
25 liferation of weapons in South Sudan, and a

1 plan for sharing information with the United
2 Nations Panel of Experts.

3 (F) A plan to assist in refugee and inter-
4 nally displaced persons' (IDPs) voluntary re-
5 turn and reintegration into communities once
6 they determine conditions are appropriate for
7 return, including efforts to provide support for
8 children needing both psychological and phys-
9 ical rehabilitation.

10 (G) A plan to pursue high-level engage-
11 ment with the regional and like-minded govern-
12 ments in order promote a better environment
13 for resolution of the crisis, to halt the flow of
14 arms from all external sources, and to support
15 the creation, implementation, and enforcement
16 of a United Nations Security Council arms em-
17 bargo and targeted individual sanctions on all
18 parties to the conflict in South Sudan.

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