

114TH CONGRESS
2D SESSION

H. R. 5996

To provide United States support for the full implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2016

Mr. ROONEY of Florida (for himself, Mr. SMITH of New Jersey, Mr. CAPUANO, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, 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 provide United States support for the full implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, 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 “Halt Arms and Pro-
5 mote Peace in South Sudan Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Comprehensive Peace Agreement
2 signed on January 9, 2005, provided the framework
3 for a referendum to determine the status of southern
4 Sudan in 2011, in which approximately 99 percent
5 of voters chose independence from Sudan.

6 (2) Since the onset of the civil war in the Re-
7 public of South Sudan, in December 2013, more
8 than 50,000 South Sudanese citizens have been
9 killed and 1,800,000 have been internally displaced,
10 including roughly 200,000 who have sought refuge
11 at civilian protection sites established by the United
12 Nations Mission in the Republic of South Sudan
13 (UNMISS). More than 920,000 refugees from South
14 Sudan have fled to neighboring countries to seek
15 asylum.

16 (3) Throughout the course of the civil war, both
17 government and opposition forces have been impli-
18 cated in the recruitment of more than 16,000 child
19 soldiers, and have been found culpable in other egre-
20 gious human rights violations, including ethnically
21 targeted rape and killing.

22 (4) According to recent figures from the United
23 Nations and from the Famine Early Warning Sys-
24 tems Network led by the United States Agency for
25 International Development, 4,800,000 people in

1 South Sudan are experiencing crisis-level food inse-
2 curity, and a quarter of a million children are facing
3 severe malnutrition. Emergency acute food insecur-
4 ity is widespread in parts of the Greater Upper Nile
5 and Greater Bahr el Ghazal regions of South Sudan,
6 while some households in Northern Bahr el Ghazal
7 are on the brink of famine.

8 (5) Since December 2013, 59 aid workers have
9 been killed in South Sudan. Despite the Agreement
10 on the Resolution of the Conflict in the Republic of
11 South Sudan signed on August 17, 2015, which
12 came into effect on August 26, 2015, violent clashes
13 employing tanks, helicopter gunships, and heavy
14 weaponry have continued throughout the country
15 that routinely and indiscriminately affect civilian
16 neighborhoods and United Nations compounds.

17 (6) In February 2016, forces from the Sudan
18 People's Liberation Army (SPLA) attacked a civil-
19 ian protection site established by UNMISS in
20 Malakal, killing up to 65 people, injuring over 100,
21 and displacing roughly 30,000. The forces also
22 burned down 3,700 shelters across one-third of the
23 site. A report by the United Nations Headquarters
24 Board of Inquiry later found that UNMISS failed to

1 prepare for or mitigate the attack and failed at all
2 levels to manage the crisis effectively.

3 (7) In July 2016, violence initiated by SPLA
4 forces and forces from the Sudan People's Libera-
5 tion Army-In-Opposition (SPLA–IO) in Juba in-
6 volved an attack in which SPLA forces fired over 50
7 rounds at an armored United States embassy vehi-
8 cle, an attack on the Terrain compound in which
9 SPLA soldiers sexually assaulted, beat, and raped
10 aid workers, reportedly targeting Americans, and
11 other attacks on United Nations compounds and
12 UNMISS civilian protection sites. The violence re-
13 sulted in the deaths of 300 people, including two
14 United Nations peacekeepers and two employees of
15 Doctors Without Borders.

16 **SEC. 3. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

18 (1) the international community should con-
19 tinue to support civilians, particularly women and
20 children, who have been adversely affected by the
21 civil war in South Sudan and should promote peace
22 and reconciliation dialogues within local civil society;

23 (2) it is imperative that African countries and
24 institutions, including the Intergovernmental Au-
25 thority on Development, the Peace and Security

1 Council of the African Union, and the African Union
2 Commission, are united and firm in enforcing the
3 terms of the Agreement on the Resolution of the
4 Conflict in the Republic of South Sudan (“Peace
5 Agreement”) signed on August 17, 2015, which
6 came into effect on August 26, 2015;

7 (3) the United Nations Security Council should
8 hold the Government of South Sudan accountable
9 for—

10 (A) obstructing or constraining the oper-
11 ations of the United Nations Mission in the Re-
12 public of South Sudan (UNMISS), including by
13 restricting the transportation of wounded
14 United Nations peacekeepers;

15 (B) committing other repeated violations of
16 the status of forces agreement with the United
17 Nations signed on August 8, 2011; and

18 (C) inhibiting the free movement of mem-
19 bers of the Ceasefire and Transitional Security
20 Arrangements Monitoring Mechanism estab-
21 lished by the Peace Agreement, who are tasked
22 with monitoring and reporting violations of the
23 Peace Agreement and verifying the demilitariza-
24 tion of Juba;

25 (4) the Government of South Sudan should—

1 (A) implement a permanent ceasefire as
2 called for in the Peace Agreement;

3 (B) comply with its obligations under the
4 status of forces agreement with the United Na-
5 tions;

6 (C) bear the primary responsibility as a
7 sovereign state to protect its citizens from gross
8 human rights abuses and forced displacement
9 perpetrated by the warring parties, including
10 the Sudan People’s Liberation Army (SPLA)
11 and the Sudan People’s Liberation Army-In-
12 Opposition (SPLA–IO);

13 (D) cooperate and support the work of the
14 Joint Monitoring and Evaluation Commission
15 established by the Peace Agreement;

16 (E) establish the Commission for Truth,
17 Reconciliation, and Healing, the Hybrid Court
18 for South Sudan, and the Compensation and
19 Reparation Authority, as called for in the Peace
20 Agreement; and

21 (F) adhere to the “Communique of the
22 55th Extra-Ordinary Session of the IGAD
23 Council of Ministers”, issued by the Intergov-
24 ernmental Authority on Development, which
25 urges the parties, “in the absence of an agree-

1 ment on the creation of new states, to suspend
2 further action on implementing the
3 operationalization of new states until an inclu-
4 sive, participatory National Boundary Commis-
5 sion . . . reviews proposed states and their
6 boundaries”;

7 (5) any person who committed gross violations
8 of human rights, war crimes, or crimes against hu-
9 manity in the course of the hostilities, as docu-
10 mented in reports from credible domestic or inter-
11 national bodies, should be held accountable in trans-
12 parent legal proceedings and should not be able to
13 hold office or positions in the Government of South
14 Sudan or as part of any power sharing agreement;

15 (6) given the culpability of the SPLA and the
16 SPLA–IO in the July 2016 attacks in Juba, during
17 which both parties used a variety of weapons (in-
18 cluding battle tanks and helicopter gunships
19 equipped with unguided rockets used by SPLA
20 forces) in densely populated areas and in close prox-
21 imity to United Nations compounds and civilian pro-
22 tection sites, the current transitional security ar-
23 rangements should be reevaluated and revised to
24 prioritize the demilitarization of Juba and to miti-

1 gate the risk of any future harm to civilians by secu-
2 rity forces;

3 (7) the failure to impose an international arms
4 embargo on South Sudan has resulted in the contin-
5 ued acquisition of arms and military equipment by
6 both parties and the proliferation of weapons
7 throughout the country, and in order to create con-
8 ditions for the successful implementation of the
9 Peace Agreement and to prevent further violence
10 and human suffering, the United States should lead
11 the international community, particularly allies such
12 as Australia and the European Union, in imme-
13 diately implementing an arms embargo to prevent
14 the supply, sale, or transfer to any party to hos-
15 tilities in South Sudan of arms, weapons, or related
16 material (including non-lethal equipment intended,
17 or altered by a third party, for military use);

18 (8) pursuant to United Nations Security Coun-
19 cil Resolution 2206 (2015) and Executive Order
20 13664 (50 U.S.C. 1701 note), the United States
21 should immediately impose targeted economic sanc-
22 tions, travel limitations, and asset freezes on senior
23 officials of the Government of South Sudan and offi-
24 cials throughout the chain of command, who have—

1 (A) neglected to abide by the terms of the
2 Peace Agreement;

3 (B) violated the ceasefire;

4 (C) threatened the peace, security or sta-
5 bility of South Sudan; or

6 (D) failed to cause forces under their di-
7 rect or indirect control to cease military oper-
8 ations, acts of violence, human rights violations
9 or abuses, or violations of international humani-
10 tarian law;

11 (9) given the investment of United States re-
12 sources in the success of South Sudan, including
13 more than \$1,700,000,000 in humanitarian assist-
14 ance since December 2013, it is incumbent on the
15 United States to take all necessary actions to help
16 prevent further violence and restore a lasting polit-
17 ical and social order in South Sudan; and

18 (10) the United States should complement the
19 work of the United Nations High Commissioner for
20 Refugees, the United Nations Office for the Coordi-
21 nation of Humanitarian Affairs, UNMISS, and
22 other relevant international partners, to provide for
23 the protection of civilians and assist displaced per-
24 sons to return home and to provide information to
25 communities in order for such displaced persons to

1 make informed, safe, and voluntary decisions regard-
2 ing their return.

3 **SEC. 4. EXPORT LICENSE REQUIREMENTS AND COORDI-**
4 **NATED SANCTIONS.**

5 (a) EXPORT OF DEFENSE ITEMS AND DUAL-USE
6 GOODS AND TECHNOLOGIES.—

7 (1) DUAL-USE GOODS.—A validated license
8 shall be required for the export to South Sudan of
9 any goods or technology described in section
10 6(j)(1)(B) of the Export Administration Act of 1979
11 (50 U.S.C. 4605(j)(1)(B)) (as continued in effect
12 pursuant to the International Emergency Economic
13 Powers Act (50 U.S.C. 1701 et seq.)).

14 (2) DEFENSE ITEMS.—No license may be
15 issued for the export to South Sudan of any item on
16 the United States Munitions List (maintained pur-
17 suant to part 121 of title 22, Code of Federal Regu-
18 lations).

19 (b) IMPLEMENTATION OF COORDINATED SANCTIONS
20 BY EUROPEAN UNION.—The Secretary of State, in coordi-
21 nation with the Secretary of the Treasury, should seek to
22 engage with the relevant representatives of the European
23 Union, the African Union, and any other relevant institu-
24 tion to achieve a coordinated imposition of asset blocking

1 and travel ban sanctions on persons identified by the
2 President pursuant to section 6(a)(1).

3 (c) IMPLEMENTATION OF SANCTIONS AT THE
4 UNITED NATIONS.—The President shall direct the United
5 States Permanent Representative to the United Nations
6 to use the voice, vote, and influence of the United States
7 to seek—

8 (1) the robust imposition of targeted sanctions
9 with respect to all parties to hostilities in South
10 Sudan, in accordance with United Nations Security
11 Council Resolution 2206 (2015); and

12 (2) an arms embargo against the Government
13 of South Sudan and all other parties to hostilities in
14 South Sudan, including against persons knowingly
15 facilitating or financing the supply, sale, or transfer
16 to any party to hostilities in South Sudan of arms,
17 weapons, or related material (including non-lethal
18 equipment intended, or altered by a third party, for
19 military use).

20 **SEC. 5. CONDITIONS FOR SUPPORT FOR THE RECOVERY**
21 **AND RECONSTRUCTION OF SOUTH SUDAN.**

22 (a) UNITED STATES PROGRAMS TO SUPPORT RE-
23 CONSTRUCTION.—Not later than 60 days after the date
24 on which the Secretary of State submits a determination
25 under subsection (c)(2), the Secretary shall—

1 (1) develop a strategy, in coordination with the
2 Administrator of the United States Agency for
3 International Development, to strengthen food secu-
4 rity and food stock resilience in South Sudan by—

5 (A) addressing the immediate needs of the
6 most vulnerable food-insecure communities suf-
7 fering from the civil war, as identified by the
8 Famine Early Warning Systems Network;

9 (B) developing the long-term capacity of
10 the agricultural and livestock sectors in South
11 Sudan; and

12 (C) supporting livelihoods based on sus-
13 tainable agriculture for the people of South
14 Sudan;

15 (2) assess the suitability, in consultation with
16 the Administrator, of the participation of South
17 Sudan in the “Feed the Future” initiative developed
18 pursuant to the Global Food Security Act of 2016
19 (22 U.S.C. 9301 et. seq.);

20 (3) facilitate the participation of South Sudan
21 in the “Power Africa” program, as authorized by the
22 Electrify Africa Act of 2015 (22 U.S.C. 2293 note),
23 with a special emphasis on participation in activities
24 that are also part of the “Beyond the Grid” initia-
25 tive; and

1 (4) facilitate the participation of South Sudan
2 in the “Trade Africa” program announced by the
3 President in 2013, with a special emphasis on pro-
4 moting micro-enterprise development, infrastructure,
5 and support of private enterprise, in order to expand
6 trade and investment in South Sudan, promote re-
7 gional integration, and foster the trade competitive-
8 ness of South Sudan.

9 (b) PROGRAMS AND ACTIVITIES OF INTERNATIONAL
10 FINANCIAL INSTITUTIONS.—Not later than 30 days after
11 the date on which the Secretary of State submits a deter-
12 mination under subsection (c)(2), the Secretary of the
13 Treasury shall instruct the United States Executive Direc-
14 tors at the International Bank for Reconstruction and De-
15 velopment and the African Development Bank to use the
16 voice, vote, and influence of the United States at the re-
17 spective institution to support programs, activities, and
18 technical assistance for the development and recovery of
19 South Sudan or to build the capacity of financial or eco-
20 nomic institutions in South Sudan.

21 (c) DETERMINATION WITH RESPECT TO UNINTER-
22 RUPTED CEASEFIRE.—

23 (1) IN GENERAL.—The Secretary shall monitor
24 and assess the situation in South Sudan until the

1 Secretary determines that both of the following con-
2 ditions have been satisfied:

3 (A) There has been an uninterrupted
4 ceasefire in South Sudan for at least 180 days.

5 (B) The Government of South Sudan has
6 made significant progress in implementing the
7 Peace Agreement and has ensured that individ-
8 uals who violated international human rights
9 law or international humanitarian law during
10 the civil war were held accountable for such vio-
11 lations.

12 (2) DETERMINATION.—The Secretary shall sub-
13 mit the determination under paragraph (1) to the
14 appropriate congressional committees.

15 **SEC. 6. REPORTING REQUIREMENTS.**

16 (a) REPORT ON IMPOSITION OF SANCTIONS.—Not
17 later than 60 days after the date of the enactment of this
18 Act, and every 180 days thereafter until the date of termi-
19 nation described in subsection (f), the President shall sub-
20 mit to the appropriate congressional committees a report
21 that includes—

22 (1) a list of each person the President deter-
23 mines has—

24 (A) undermined the implementation of the
25 Peace Agreement through any involvement in

1 violating the provisions of an ongoing ceasefire
2 in South Sudan; or

3 (B) knowingly facilitated or financed the
4 supply, sale, or transfer to any party to hos-
5 tilities in South Sudan of arms, weapons, or re-
6 lated material (including non-lethal equipment
7 intended, or altered by a third party, for mili-
8 tary use);

9 (2) a determination whether the actions of each
10 such person meets the requirements to impose sanc-
11 tions under the International Emergency Economic
12 Powers Act (50 U.S.C. 1701 et seq.) in accordance
13 with Executive Order 13664 (50 U.S.C. 1701 note),
14 and an explanation of the specific reasons for such
15 determination; and

16 (3) a description of any sanctions imposed on
17 each such person or an explanation of the specific
18 reasons for the determination not to impose sanc-
19 tions on one or more such persons.

20 (b) REPORT ON ACTIVITIES AND FINANCES OF PER-
21 SONS SUPPLYING ARMS TO SOUTH SUDAN.—Not later
22 than 180 days after the date of the enactment of this Act,
23 and annually thereafter until the date of termination de-
24 scribed in subsection (f), the President shall submit to the
25 appropriate congressional committees a report that—

1 (1) identifies and describes the actions or in-
2 volvement of any person who facilitated or financed
3 the supply, sale, or transfer to any party to hos-
4 tilities in South Sudan of arms, weapons, or related
5 material (including non-lethal equipment intended,
6 or altered by a third party, for military use), if any
7 such items were subsequently used to—

8 (A) direct, carry out, or order acts that
9 violate international human rights law or inter-
10 national humanitarian law;

11 (B) direct, carry out, or order the use or
12 recruitment of children by armed groups or
13 armed forces in the context of the civil war in
14 South Sudan;

15 (C) direct, carry out, or order significant
16 acts of corruption; or

17 (D) direct, carry out, or order attacks on
18 humanitarian workers, raids on humanitarian
19 facilities, or the obstruction of the delivery of
20 humanitarian assistance; and

21 (2) identifies any South Sudanese financial in-
22 stitution or other financial institution in which any
23 person whose action or involvement is described in
24 paragraph (1) holds significant assets and assesses
25 of the value of such assets.

1 (c) REPORT ON PROGRESS TOWARDS PEACE IN
2 SOUTH SUDAN.—Not later than 180 days after the date
3 of the enactment of this Act, and every 180 days there-
4 after until the date of termination described in subsection
5 (f), the Secretary of State shall submit to the appropriate
6 congressional committees a report that includes—

7 (1) a description of the progress made by the
8 Government of South Sudan in establishing the in-
9 stitutions described in section section 3(4)(E) and
10 the progress made by such institutions in holding in-
11 dividuals accountable for committing atrocities,
12 human rights violations, or crimes against humanity
13 during the civil war in South Sudan;

14 (2) an assessment of degree to which the Gov-
15 ernment of South Sudan has—

16 (A) complied with the recommendations
17 provided in the Communique described in sec-
18 tion section 3(4)(F);

19 (B) supported the work of the Ceasefire
20 and Transitional Security Arrangements Moni-
21 toring Mechanism and the Joint Monitoring
22 and Evaluation Commission established by the
23 Peace Agreement to demilitarize Juba; and

1 (C) implemented any changes to the tran-
2 sitional security arrangements in accordance
3 with section section 3(6); and

4 (3) a description of the progress made by the
5 Government of South Sudan in amalgamating secu-
6 rity forces.

7 (d) REPORT ON COLLECTION AND PUBLICATION OF
8 DATA RELATED TO THE CIVIL WAR.—Not later than 180
9 days after the date of the enactment of this Act, the Sec-
10 retary of State shall submit to the appropriate congres-
11 sional committees a report, incorporating information
12 from the United Nations, the African Union, and other
13 credible international bodies, documenting the atrocities
14 committed during the civil war in South Sudan and includ-
15 ing—

16 (1) an assessment of the incidence and causes
17 of severe food insecurity in South Sudan;

18 (2) an assessment of the number of ceasefire
19 violations and attacks against civilians;

20 (3) the total number of deaths incurred since
21 the onset of the civil war;

22 (4) the number of victims of sexual violence
23 committed by any party to hostilities; and

24 (5) the number of documented violations of
25 international humanitarian and human rights law.

1 (e) CLASSIFIED ANNEX FOR REPORTS.—Each report
2 required under this subsection shall be submitted in un-
3 classified form and may include a classified annex.

4 (f) DATE OF TERMINATION.—The date of termi-
5 nation described in this subsection is the date on which
6 the Secretary of State submits the determination under
7 section 5(c)(2).

8 (g) ASSESSMENT OF MONEY LAUNDERING CON-
9 CERNS.—Not later than 180 days after the date of the
10 enactment of this Act, the Secretary of the Treasury, in
11 consultation with the Secretary of State and the Attorney
12 General, shall determine whether South Sudan is a juris-
13 diction of primary money laundering concern in accord-
14 ance with section 5318A(c) of title 31, United States
15 Code, and submit the determination to the appropriate
16 congressional committees.

17 (h) DEFINITIONS.—In this subsection:

18 (1) FINANCIAL INSTITUTION.—The term “fi-
19 nancial institution” includes depository institutions,
20 banks, savings banks, money service businesses,
21 trust companies, securities brokers and dealers, com-
22 modities exchanges, clearing corporations, invest-
23 ment companies, and employee benefit plans, and
24 any holding company, affiliate, or subsidiary of any
25 such entity.

1 (2) SOUTH SUDANESE FINANCIAL INSTITU-
2 TION.—The term “South Sudanese financial institu-
3 tion” means any financial institution that—

4 (A) is located in South Sudan;

5 (B) is owned or controlled by the Govern-
6 ment of South Sudan;

7 (C) is organized under the laws of South
8 Sudan or any jurisdiction within South Sudan
9 (including a foreign branch of such an institu-
10 tion); or

11 (D) is owned or controlled by a financial
12 institution meeting the requirements described
13 in subparagraph (A), (B), or (C).

14 **SEC. 7. DEFINITIONS.**

15 In this Act:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Foreign Affairs and
20 the Committee on Appropriations of the House
21 of Representatives; and

22 (B) the Committee on Foreign Relations
23 and the Committee on Appropriations of the
24 Senate.

1 (2) GOVERNMENT OF SOUTH SUDAN.—The
2 term “Government of South Sudan” includes the
3 Transitional Government of National Unity, the
4 Government in Juba, South Sudan as of the date of
5 the enactment of this Act, and any successor govern-
6 ment that is formed on or after the date of the en-
7 actment of this Act that is recognized by the United
8 States as the Government of the Republic of South
9 Sudan.

10 (3) PEACE AGREEMENT.—The term “Peace
11 Agreement” means the Agreement on the Resolution
12 of the Conflict in the Republic of South Sudan
13 signed on August 17, 2015, which came into effect
14 on August 26, 2015.

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