

112TH CONGRESS
1ST SESSION

H. R. 895

To provide for the continuation of restrictions against the Republic of Sudan unless the President certifies to Congress that Sudan is no longer engaged in training, harboring, supplying, financing, or supporting in any way the Lord's Resistance Army.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2011

Mr. ROYCE (for himself and Mr. MCGOVERN) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

To provide for the continuation of restrictions against the Republic of Sudan unless the President certifies to Congress that Sudan is no longer engaged in training, harboring, supplying, financing, or supporting in any way the Lord's Resistance Army.

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 “Sudan Cessation of
5 Support for the Lord's Resistance Army Certification Act
6 of 2011”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) On August 12, 1993, Sudan was designated
4 by the Secretary of State pursuant to section 6(j) of
5 the Export Administration Act of 1979, section
6 620A of the Foreign Assistance Act of 1961, section
7 40 of the Arms Export Control Act, and other provi-
8 sions of law, as a country that has repeatedly pro-
9 vided support for acts of international terrorism,
10 more commonly known as a “state sponsor of ter-
11 rorism”.

12 (2) For over two decades, the Lord’s Resistance
13 Army (LRA) has terrorized northern Uganda and
14 central Africa, killing civilians and using brutal tac-
15 tics such as mutilating, abducting, and forcing indi-
16 viduals into sexual servitude and forcing as many as
17 65,000 children to fight as part of the rebel force.

18 (3) In recognition of those atrocities, the Sec-
19 retary of State has since 2001 included the Lord’s
20 Resistance Army on the “Terrorist Exclusion List”
21 pursuant to section 212(a)(3) of the Immigration
22 and Nationality Act (8 U.S.C. 1182(a)(3)).

23 (4) Similarly, the leader of the LRA, Joseph
24 Kony, has been designated a “specially designated
25 global terrorist”, pursuant to Executive Order
26 13224, and found by the Secretary of State to pose

1 “a significant risk of committing, acts of terrorism
2 that threaten the security of United States nationals
3 or the national security, foreign policy, or economy
4 of the United States”.

5 (5) The Government of Sudan has a history of
6 supporting the LRA as a proxy force against the
7 Ugandan Government, and in an effort to destabilize
8 Southern Sudan, providing weapons, supplies, intel-
9 ligence, and safe haven to members of the group,
10 making it the only documented state-supporter of
11 the LRA.

12 (6) According to the International Crisis Group,
13 the Sudanese Armed Forces provided material sup-
14 port to the LRA as late as 2005.

15 (7) In its November 2010 report, the United
16 Nations Group of Experts on the Democratic Repub-
17 lic of the Congo asserted that high-level LRA mem-
18 bers met with Sudanese Armed Forces commanders
19 in the Darfur region of Sudan and sought “to re-es-
20 tablish relations with the Sudanese authorities and
21 to request assistance, including safe passage and po-
22 litical asylum for Joseph Kony”.

23 (8) The finding of paragraph (7) has been
24 echoed by former LRA commanders and abductees.

1 (9) The Ugandan military, which is leading the
2 regional counter-LRA effort, is operational in South-
3 ern Sudan through an agreement with the Govern-
4 ments of Sudan and Southern Sudan, but it is not
5 operational in South Darfur, making it a possible
6 safe haven for LRA fighters.

7 (10) Pursuant to the Lord’s Resistance Army
8 Disarmament and Northern Uganda Recovery Act of
9 2009 (Public Law 111–172), which was signed into
10 law May 24, 2010, it is the policy of the United
11 States to “disarm and demobilize” the Lord’s Re-
12 sistance Army.

13 (11) The Obama Administration has announced
14 that the United States is willing to begin the process
15 to remove Sudan from the list of state sponsors of
16 terrorism provided that Sudan allows the ref-
17 erendum on Southern Sudan’s independence to pro-
18 ceed peacefully and accepts the results.

19 (12) In an open session convened by the House
20 Foreign Affairs Committee on January 18, 2011,
21 Ambassador Princeton Lyman, Department of State
22 Special Advisor for Sudan, indicated that Sudan
23 could be removed from the state sponsor of ter-
24 rorism list by July 2011, but stated that, “any sup-
25 port of [the LRA] by proxies or other such entities

1 would preclude our following through on [removing
2 Sudan from the state sponsor of terrorism list]”.

3 **SEC. 3. CONTINUATION OF RESTRICTIONS AGAINST THE**
4 **REPUBLIC OF SUDAN.**

5 (a) IN GENERAL.—Restrictions against the Republic
6 of Sudan that were imposed before, on, or after the date
7 of the enactment of this Act by reason of a determination
8 of the Secretary of State that the Republic of Sudan, for
9 purposes of section 6(j) of the Export Administration Act
10 of 1979, section 40 of the Arms Export Control Act, sec-
11 tion 620A of the Foreign Assistance Act of 1961, or other
12 provision of law, is a government that has repeatedly pro-
13 vided support for acts of international terrorism, shall re-
14 main in effect, and may not be lifted pursuant to such
15 provisions of law, unless, in addition to meeting the appli-
16 cable requirements under such provisions of law to lift
17 such restrictions, the President submits to Congress a
18 written certification described in subsection (b).

19 (b) CERTIFICATION.—A certification referred to in
20 subsection (a) is a certification that contains a determina-
21 tion of the President that the Republic of Sudan is no
22 longer engaged in training, harboring, supplying, financ-
23 ing, or supporting in any way the Lord’s Resistance Army,
24 its leader Joseph Kony, or his top commanders.

○