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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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SEC. 2. FINDINGS.

Congress finds the following:

(1) On August 12, 1993, Sudan was designated by the Secretary of State pursuant to section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, and other provisions of law, as a country that has repeatedly provided support for acts of international terrorism, more commonly known as a “state sponsor of terrorism”.

(2) For over two decades, the Lord’s Resistance Army (LRA) has terrorized northern Uganda and central Africa, killing civilians and using brutal tactics such as mutilating, abducting, and forcing individuals into sexual servitude and forcing as many as 65,000 children to fight as part of the rebel force.

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

(4) Similarly, the leader of the LRA, Joseph Kony, has been designated a “specially designated global terrorist”, pursuant to Executive Order 13224, and found by the Secretary of State to pose...
“a significant risk of committing, acts of terrorism
that threaten the security of United States nationals
or the national security, foreign policy, or economy
of the United States”.

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

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

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

(8) The finding of paragraph (7) has been
echoed by former LRA commanders and abductees.
(9) The Ugandan military, which is leading the regional counter-LRA effort, is operational in Southern Sudan through an agreement with the Governments of Sudan and Southern Sudan, but it is not operational in South Darfur, making it a possible safe haven for LRA fighters.

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

(11) The Obama Administration has announced that the United States is willing to begin the process to remove Sudan from the list of state sponsors of terrorism provided that Sudan allows the referendum on Southern Sudan’s independence to proceed peacefully and accepts the results.

(12) In an open session convened by the House Foreign Affairs Committee on January 18, 2011, Ambassador Princeton Lyman, Department of State Special Advisor for Sudan, indicated that Sudan could be removed from the state sponsor of terrorism list by July 2011, but stated that, “any support of [the LRA] by proxies or other such entities
would preclude our following through on [removing Sudan from the state sponsor of terrorism list]”.

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

(a) IN GENERAL.—Restrictions against the Republic of Sudan that were imposed before, on, or after the date of the enactment of this Act by reason of a determination of the Secretary of State that the Republic of Sudan, for purposes of section 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism, shall remain in effect, and may not be lifted pursuant to such provisions of law, unless, in addition to meeting the applicable requirements under such provisions of law to lift such restrictions, the President submits to Congress a written certification described in subsection (b).

(b) CERTIFICATION.—A certification referred to in subsection (a) is a certification that contains a determination of the President that the Republic of Sudan is no longer engaged in training, harboring, supplying, financing, or supporting in any way the Lord’s Resistance Army, its leader Joseph Kony, or his top commanders.