

111TH CONGRESS
2D SESSION

S. 1067

AN ACT

To support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, 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 “Lord’s Resistance
5 Army Disarmament and Northern Uganda Recovery Act
6 of 2009”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

9 (1) For over 2 decades, the Government of
10 Uganda engaged in an armed conflict with the
11 Lord’s Resistance Army (LRA) in northern Uganda
12 that led to the internal displacement of more than
13 2,000,000 Ugandans from their homes.

14 (2) The members of the Lord’s Resistance
15 Army used brutal tactics in northern Uganda, in-
16 cluding mutilating, abducting and forcing individuals
17 into sexual servitude and forcing a large number of
18 children and youth in Uganda, estimated by the Sur-
19 vey for War Affected Youth to be over 66,000, to
20 fight as part of the rebel force.

21 (3) The Secretary of State has placed the
22 Lord’s Resistance Army on the Terrorist Exclusion
23 list pursuant to section 212(a)(3) of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1182(a)(3)), and
25 LRA leader Joseph Kony has been designated a

1 “specially designated global terrorist” pursuant to
2 Executive Order 13224.

3 (4) In late 2005, according to the United Na-
4 tions Office for Coordination of Humanitarian Af-
5 fairs, the Lord’s Resistance Army shifted their pri-
6 mary base of operations from southern Sudan to
7 northeastern Democratic Republic of Congo, and the
8 rebels have since withdrawn from northern Uganda.

9 (5) Representatives of the Government of
10 Uganda and the Lord’s Resistance Army began
11 peace negotiations in 2006, mediated by the Govern-
12 ment of Southern Sudan in Juba, Sudan, and signed
13 the Cessation of Hostilities Agreement on August
14 20, 2006, which provided for hundreds of thousands
15 of internally displaced people to return home in safe-
16 ty.

17 (6) After nearly 2 years of negotiations, rep-
18 resentatives from the parties reached the Final
19 Peace Agreement in April 2008, but Joseph Kony,
20 the leader of the Lord’s Resistance Army, refused to
21 sign the Final Peace Agreement in May 2008 and
22 his forces launched new attacks in northeastern
23 Congo.

24 (7) According to the United Nations Office for
25 the Coordination of Humanitarian Relief and the

1 United Nations High Commissioner for Refugees,
2 the new activity of the Lord's Resistance Army in
3 northeastern Congo and southern Sudan since Sep-
4 tember 2008 has led to the abduction of at least
5 1,500 civilians, including hundreds of children, and
6 the displacement of more than 540,000 people.

7 (8) In December 2008, the military forces of
8 Uganda, the Democratic Republic of Congo, and
9 southern Sudan launched a joint operation against
10 the Lord's Resistance Army's bases in northeastern
11 Congo, but the operation failed to apprehend Joseph
12 Kony, and his forces retaliated with a series of new
13 attacks and massacres in Congo and southern
14 Sudan, killing an estimated 900 people in 2 months
15 alone.

16 (9) Despite the refusal of Joseph Kony to sign
17 the Final Peace Agreement, the Government of
18 Uganda has committed to continue reconstruction
19 plans for northern Uganda, and to implement those
20 mechanisms of the Final Peace Agreement not con-
21 ditional on the compliance of the Lord's Resistance
22 Army.

23 (10) Since 2008, recovery efforts in northern
24 Uganda have moved forward with the financial sup-
25 port of the United States and other donors, but have

1 been hampered by a lack of strategic coordination,
2 logistical delays, and limited leadership from the
3 Government of Uganda.

4 **SEC. 3. STATEMENT OF POLICY.**

5 It is the policy of the United States to work with re-
6 gional governments toward a comprehensive and lasting
7 resolution to the conflict in northern Uganda and other
8 affected areas by—

9 (1) providing political, economic, military, and
10 intelligence support for viable multilateral efforts to
11 protect civilians from the Lord's Resistance Army,
12 to apprehend or remove Joseph Kony and his top
13 commanders from the battlefield in the continued
14 absence of a negotiated solution, and to disarm and
15 demobilize the remaining Lord's Resistance Army
16 fighters;

17 (2) targeting assistance to respond to the hu-
18 manitarian needs of populations in northeastern
19 Congo, southern Sudan, and Central African Repub-
20 lic currently affected by the activity of the Lord's
21 Resistance Army; and

22 (3) further supporting and encouraging efforts
23 of the Government of Uganda and civil society to
24 promote comprehensive reconstruction, transitional
25 justice, and reconciliation in northern Uganda as af-

1 firmed in the Northern Uganda Crisis Response Act
2 of 2004 (Public Law 108–283) and subsequent reso-
3 lutions, including Senate Resolution 366, 109th
4 Congress, agreed to February 2, 2006, Senate Reso-
5 lution 573, 109th Congress, agreed to September
6 19, 2006, Senate Concurrent Resolution 16, 110th
7 Congress, agreed to in the Senate March 1, 2007,
8 and House Concurrent Resolution 80, 110th Con-
9 gress, agreed to in the House of Representatives
10 June 18, 2007.

11 **SEC. 4. REQUIREMENT OF A STRATEGY TO SUPPORT THE**
12 **DISARMAMENT OF THE LORD'S RESISTANCE**
13 **ARMY.**

14 (a) REQUIREMENT FOR STRATEGY.—Not later than
15 180 days after the date of the enactment of this Act, the
16 President shall develop and submit to the appropriate
17 committees of Congress a strategy to guide future United
18 States support across the region for viable multilateral ef-
19 forts to mitigate and eliminate the threat to civilians and
20 regional stability posed by the Lord's Resistance Army.

21 (b) CONTENT OF STRATEGY.—The strategy shall in-
22 clude the following:

23 (1) A plan to help strengthen efforts by the
24 United Nations and regional governments to protect
25 civilians from attacks by the Lord's Resistance

1 Army while supporting the development of institutions
2 in affected areas that can help to maintain the
3 rule of law and prevent conflict in the long term.

4 (2) An assessment of viable options through
5 which the United States, working with regional governments,
6 could help develop and support multilateral efforts to eliminate the threat posed by the
7 Lord's Resistance Army.

8 (3) An interagency framework to plan, coordinate, and review diplomatic, economic, intelligence, and military elements of United States policy across the region regarding the Lord's Resistance Army.

9 (4) A description of the type and form of diplomatic engagement across the region undertaken to coordinate and implement United States policy regarding the Lord's Resistance Army and to work multilaterally with regional mechanisms, including the Tripartite Plus Commission and the Great Lakes
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20 (5) A description of how this engagement will fit within the context of broader efforts and policy
21 objectives in the Great Lakes Region.

22 (c) FORM.—The strategy under this section shall be
23 submitted in unclassified form, but may include a classi-
24 fied annex.

1 **SEC. 5. HUMANITARIAN ASSISTANCE FOR AREAS OUTSIDE**
2 **UGANDA AFFECTED BY THE LORD'S RESIST-**
3 **ANCE ARMY.**

4 In accordance with section 491 of the Foreign Assist-
5 ance Act of 1961 (22 U.S.C. 2292) and section 2 of the
6 Migration and Refugee Assistance Act of 1962 (22 U.S.C.
7 2601), the President is authorized to provide additional
8 assistance to the Democratic Republic of Congo, southern
9 Sudan, and Central African Republic to respond to the
10 humanitarian needs of populations directly affected by the
11 activity of the Lord's Resistance Army.

12 **SEC. 6. ASSISTANCE FOR RECOVERY AND RECONSTRUC-**
13 **TION IN NORTHERN UGANDA.**

14 (a) **AUTHORITY.**—It is the sense of Congress that the
15 President should support efforts by the people of northern
16 Uganda and the Government of Uganda—

17 (1) to assist internally displaced people in trans-
18 ition and returnees to secure durable solutions by
19 spurring economic revitalization, supporting liveli-
20 hoods, helping to alleviate poverty, and advancing
21 access to basic services at return sites, specifically
22 clean water, health care, and schools;

23 (2) to enhance the accountability and adminis-
24 trative competency of local governance institutions
25 and public agencies in northern Uganda with regard

1 to budget management, provision of public goods
2 and services, and related oversight functions;

3 (3) to strengthen the operational capacity of the
4 civilian police in northern Uganda to enhance public
5 safety, prevent crime, and deal sensitively with gen-
6 der-based violence, while strengthening account-
7 ability measures to prevent corruption and abuses;

8 (4) to rebuild and improve the capacity of the
9 justice system in northern Uganda, including the
10 courts and penal systems, with particular sensitivity
11 to the needs and rights of women and children;

12 (5) to establish mechanisms for the disar-
13 mament, demobilization, and reintegration of former
14 combatants and those abducted by the LRA, includ-
15 ing vocational education and employment opportuni-
16 ties, with attention given to the roles and needs of
17 men, women and children; and

18 (6) to promote programs to address psycho-
19 social trauma, particularly post-traumatic stress dis-
20 order.

21 (b) FUTURE YEAR FUNDING.—It is the sense of Con-
22 gress that the Secretary of State and Administrator of the
23 United States Agency for International Development
24 should work with the appropriate committees of Congress
25 to increase assistance in future fiscal years to support ac-

1 tivities described in this section if the Government of
2 Uganda demonstrates a commitment to transparent and
3 accountable reconstruction in war-affected areas of north-
4 ern Uganda, specifically by—

5 (1) finalizing the establishment of mechanisms
6 within the Office of the Prime Minister to suffi-
7 ciently manage and coordinate the programs under
8 the framework of the Peace Recovery and Develop-
9 ment Plan for Northern Uganda (PRDP);

10 (2) increasing oversight activities and reporting,
11 at the local and national level in Uganda, to ensure
12 funds under the Peace Recovery and Development
13 Plan for Northern Uganda framework are used effi-
14 ciently and with minimal waste; and

15 (3) committing substantial funds of its own,
16 above and beyond standard budget allocations to
17 local governments, to the task of implementing the
18 Peace Recovery and Development Plan for Northern
19 Uganda such that communities affected by the war
20 can recover.

21 (c) COORDINATION WITH OTHER DONOR NA-
22 TIONS.—The United States should work with other donor
23 nations to increase contributions for recovery efforts in
24 northern Uganda and better leverage those contributions
25 to enhance the capacity and encourage the leadership of

1 the Government of Uganda in promoting transparent and
2 accountable reconstruction in northern Uganda.

3 (d) TERMINATION OF ASSISTANCE.—It is the sense
4 of Congress that the Secretary of State should withhold
5 non-humanitarian bilateral assistance to the Republic of
6 Uganda if the Secretary determines that the Government
7 of Uganda is not committed to reconstruction and rec-
8 onciliation in the war-affected areas of northern Uganda
9 and is not taking proactive steps to ensure this process
10 moves forward in a transparent and accountable manner.

11 **SEC. 7. ASSISTANCE FOR RECONCILIATION AND TRANSI-
12 TIONAL JUSTICE IN NORTHERN UGANDA.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that, despite reconstruction and development efforts,
15 a continued failure to take meaningful steps toward na-
16 tional reconciliation and accountability risks perpetuating
17 longstanding political grievances and fueling new conflicts.

18 (b) AUTHORITY.—In accordance with section 531 of
19 the Foreign Assistance Act of 1961 (22 U.S.C. 2346), the
20 President is authorized to support efforts by the people
21 of northern Uganda and the Government of Uganda to
22 advance efforts to promote transitional justice and rec-
23 onciliation on both local and national levels, including to
24 encourage implementation of the mechanisms outlined in
25 the Annexure to the Agreement on Accountability and

1 Reconciliation between the Government of Uganda and the
2 Lord's Resistance Army/Movement, signed at Juba Feb-
3 ruary 19, 2008, namely—

4 (1) a body to investigate the history of the con-
5 flict, inquire into human rights violations committed
6 during the conflict by all sides, promote truth-telling
7 in communities, and encourage the preservation of
8 the memory of events and victims of the conflict
9 through memorials, archives, commemorations, and
10 other forms of preservation;

11 (2) a special division of the High Court of
12 Uganda to try individuals alleged to have committed
13 serious crimes during the conflict, and a special unit
14 to carry out investigations and prosecutions in sup-
15 port of trials;

16 (3) a system for making reparations to victims
17 of the conflict; and

18 (4) a review and strategy for supporting transi-
19 tional justice mechanisms in affected areas to pro-
20 mote reconciliation and encourage individuals to
21 take personal responsibility for their conduct during
22 the war.

23 **SEC. 8. REPORT.**

24 (a) REPORT REQUIRED.—Not later than 1 year after
25 the submission of the strategy required under section 4,

1 the Secretary of State shall prepare and submit to the ap-
2 propriate committees of Congress a report on the progress
3 made toward the implementation of the strategy required
4 under section 4 and a description and evaluation of the
5 assistance provided under this Act toward the policy objec-
6 tives described in section 3.

7 (b) CONTENTS.—The report required under section
8 (a) shall include—

9 (1) a description and evaluation of actions
10 taken toward the implementation of the strategy re-
11 quired under section 4;

12 (2) a description of assistance provided under
13 sections 5, 6, and 7;

14 (3) an evaluation of bilateral assistance pro-
15 vided to the Republic of Uganda and associated pro-
16 grams in light of stated policy objectives;

17 (4) a description of the status of the Peace Re-
18 covery and Development Plan for Northern Uganda
19 and the progress of the Government of Uganda in
20 fulfilling the steps outlined in section 6(b); and

21 (5) a description of amounts of assistance com-
22 mitted, and amounts provided, to northern Uganda
23 during the reporting period by the Government of
24 Uganda and each donor country.

1 (c) FORM.—The report under this section shall be
2 submitted in unclassified form, but may include a classi-
3 fied annex.

4 **SEC. 9. SENSE OF CONGRESS ON FUNDING.**

5 It is the sense of Congress that—

6 (1) of the total amounts to be appropriated for
7 fiscal year 2011 for the Department of State and
8 foreign operations, up to \$10,000,000 should be
9 used to carry out activities under section 5; and

10 (2) of the total amounts to be appropriated for
11 fiscal year 2011 through 2013 for the Department
12 of State and foreign operations, up to \$10,000,000
13 in each such fiscal year should be used to carry out
14 activities under section 7.

15 **SEC. 10. DEFINITIONS.**

16 In this Act:

17 (1) APPROPRIATE COMMITTEES OF CON-
18 GRESS.—The term “appropriate committees of Con-
19 gress” means the Committee on Appropriations and
20 the Committee on Foreign Relations of the Senate
21 and the Committee on Appropriations and the Com-
22 mittee on Foreign Affairs of the House of Rep-
23 resentatives.

24 (2) GREAT LAKES REGION.—The term “Great
25 Lakes Region” means the region comprising Bu-

Passed the Senate March 10, 2010.

Attest:

Secretary.

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