

Substitute Amendment

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**S. 3861**

To require the Secretary of State to submit annual reports to Congress on the assistance provided to Somaliland and to conduct a feasibility study, in coordination with the Secretary of Defense, on establishing a security partnership with Somaliland, without recognizing Somaliland as an independent state.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. MENENDEZ

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Somaliland Partner-
5 ship Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) a stronger relationship between the United
9 States and Somaliland would provide numerous, mu-

1 tually beneficial, strategic opportunities due to
2 Somaliland’s—

3 (A) geographic location in the Horn of Af-
4 rica and next to the Gulf of Aden;

5 (B) democratic credentials, including
6 peaceful transfers of power following elections;
7 and

8 (C) relative stability in the Horn of Africa;

9 (2) Somaliland’s security situation, level of de-
10 velopment, and other challenges differ significantly
11 from the situation in Mogadishu and other regions
12 of Somalia, which necessitates—

13 (A) a different approach to engagement,
14 assistance, and travel by personnel of the De-
15 partment of State and the United States Agen-
16 cy for International Development; and

17 (B) the avoidance of a “one-size-fits-all”
18 policy approach to Somalia; and

19 (3) the status of Somaliland should not serve as
20 an obstacle for deeper and meaningful cooperation
21 that will serve the mutual interests of our two gov-
22 ernments.

23 **SEC. 3. DEFINED TERM.**

24 In this Act, the term “Somaliland” means the terri-
25 tory that—

1 (1) received its independence from the United
2 Kingdom on June 26, 1960, before the creation of
3 the Somali Republic;

4 (2) has been a self-declared independent and
5 sovereign state since 1991 that is not internationally
6 recognized; and

7 (3) exists as a semi-autonomous region of the
8 Federal Republic of Somalia.

9 **SEC. 4. REPORT ON FOREIGN ASSISTANCE AND OTHER AC-**
10 **TIVITIES IN SOMALILAND.**

11 (a) **DEFINED TERM.**—In this section, the term “ap-
12 propriate congressional committees” means—

13 (1) the Committee on Foreign Relations of the
14 Senate; and

15 (2) the Committee on Foreign Affairs of the
16 House of Representatives.

17 (b) **REPORT.**—

18 (1) **IN GENERAL.**—Not later than September
19 30, 2022, and annually thereafter until the date that
20 is 5 years after the date of the enactment of this
21 Act, the Secretary of State, in consultation with the
22 Administrator of the United States Agency for
23 International Development, shall submit a report to
24 the appropriate congressional committees that, with

1 respect to the most recently concluded 12-month pe-
2 riod—

3 (A) describes United States foreign assist-
4 ance to Somaliland, including—

5 (i) the value of such assistance (in
6 United States dollars);

7 (ii) the source from which such assist-
8 ance was funded;

9 (iii) the names of the programs
10 through which such assistance was admin-
11 istered;

12 (iv) the implementing partners
13 through which such assistance was pro-
14 vided;

15 (v) the sponsoring bureau of the
16 United States Government; and

17 (vi) if the assistance broadly targeted
18 the Federal Republic of Somalia, the por-
19 tion of such assistance that was—

20 (I) explicitly intended to support
21 Somaliland; and

22 (II) ultimately employed in
23 Somaliland;

24 (B) details the staffing and responsibilities
25 of the Department of State and the United

1 States Agency for International Development
2 supporting foreign assistance, relations, con-
3 sular services, and security initiatives in
4 Somaliland, including the location of such per-
5 sonnel (duty station) and their corresponding
6 bureau;

7 (C) provides—

8 (i) a detailed account of travel to
9 Somaliland by employees of the Depart-
10 ment of State and the United States Agen-
11 cy for International Development, if any,
12 including the position, duty station, and
13 trip purpose for each such trip; or

14 (ii) the justification for not traveling
15 to Somaliland if no such personnel traveled
16 during the reporting period;

17 (D) describes consular services provided by
18 the Department of State for the residents of
19 Somaliland;

20 (E) discusses the Department of State's
21 Travel Advisory for Somalia related to the re-
22 gion of Somaliland; and

23 (F) if the Travel Advisory for all or part
24 of Somaliland is identical to the Travel Advi-
25 sory for other regions of Somalia, justifies such

1 ranking based on a security assessment of the
2 region of Somaliland.

3 (2) FORM.—The report required under para-
4 graph (1) shall be submitted in unclassified form,
5 but may contain a classified annex.

6 **SEC. 5. FEASIBILITY STUDY.**

7 (a) DEFINED TERM.—In this section, the term “ap-
8 propriate congressional committees” means—

9 (1) the Committee on Foreign Relations of the
10 Senate;

11 (2) the Committee on Armed Services of the
12 Senate;

13 (3) the Committee on Foreign Affairs of the
14 House of Representatives; and

15 (4) the Committee on Armed Services of the
16 House of Representatives.

17 (b) FEASIBILITY STUDY.—The Secretary of State, in
18 coordination with the Secretary of Defense, shall conduct
19 a feasibility study that—

20 (1) includes coordination with Somaliland secu-
21 rity organs;

22 (2) determines opportunities for collaboration in
23 the pursuit of United States national security inter-
24 ests in the Horn of Africa, the Gulf of Aden, and
25 the broader Indo-Pacific region;

1 (3) identifies the practicability of improving the
2 professionalization and capacity of Somaliland secu-
3 rity sector actors; and

4 (4) identifies the most effective way to conduct
5 and carry out programs, transactions, and other re-
6 lations in the City of Hargeisa on behalf of the
7 United States Government.

8 (c) REPORT TO CONGRESS.—Not later than 180 days
9 after the date of the enactment of this Act, the Secretary
10 of State, in coordination with the Secretary of Defense
11 and the heads of other relevant Federal departments and
12 agencies, shall submit a classified report to the appro-
13 priate congressional committees that contains the results
14 of the feasibility study required under subsection (b), in-
15 cluding an assessment of the extent to which—

16 (1) opportunities exist for the United States to
17 support the training of Somaliland’s security sector
18 actors with a specific focus on counterterrorism and
19 border and maritime security;

20 (2) Somaliland’s security forces were impli-
21 cated, if any, in gross violations of human rights
22 during the 3-year period immediately preceding the
23 date of the enactment of this Act;

1 (3) the United States has provided or discussed
2 with officials of Somaliland the provision of training
3 to security forces, including—

4 (A) where such training has occurred;

5 (B) the extent to which Somaliland secu-
6 rity forces have demonstrated the ability to ab-
7 sorb previous training; and

8 (C) the ability of Somaliland security
9 forces to maintain and appropriately utilize
10 such training, as applicable;

11 (4) a United States diplomatic and security en-
12 gagement partnership with Somaliland would have a
13 strategic impact, including by protecting the United
14 States and allied maritime interests in the Bab-el-
15 Mandeb Strait and at Somaliland's Port of Berbera;

16 (5) Somaliland could—

17 (A) serve as a maritime gateway in East
18 Africa for the United States and its allies; and

19 (B) counter Iran's presence in the Gulf of
20 Aden and China's growing regional military
21 presence;

22 (6) a United States security and defense part-
23 nership could—

24 (A) bolster cooperation between Somaliland
25 and Taiwan;

1 (B) stabilize this semi-autonomous region
2 of Somalia further as a democratic counter-
3 weight to anti-democratic forces in the greater
4 Horn of Africa region; and

5 (C) impact the capacity of the United
6 States to achieve policy objectives in Somalia,
7 particularly to degrade and ultimately defeat
8 the terrorist threat posed by Al-Shabaab, the
9 Islamic State in Somalia (the Somalia-based Is-
10 lamic State affiliate), and other terrorist groups
11 operating in Somalia;

12 (7) the extent to which an improved relation-
13 ship with Somaliland could—

14 (A) support United States policy focused
15 on the Red Sea corridor, the Indo-Pacific re-
16 gion, and the Horn of Africa;

17 (B) improve cooperation on counterter-
18 rorism and intelligence sharing;

19 (C) enable cooperation on counter-traf-
20 ficking, including the trafficking of humans,
21 wildlife, weapons, and illicit goods; and

22 (D) support trade and development, includ-
23 ing how Somaliland could benefit from Prosper
24 Africa and other regional trade initiatives.

1 (d) FORM.—The report required under subsection (c)
2 shall be submitted in unclassified form, but may contain
3 a classified annex.

4 **SEC. 6. RULE OF CONSTRUCTION.**

5 Nothing in this Act, including the reporting require-
6 ment under section 4 and the conduct of the feasibility
7 study under section 5, may be construed to convey United
8 States recognition of Somaliland as an independent state.