

Calendar No. 405

117TH CONGRESS
2^D SESSION**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.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2022

Mr. RISCH (for himself, Mr. VAN HOLLEN, Mr. ROUNDS, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JUNE 14, 2022

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Somaliland Partner-
3 ship Act”.

4 **SEC. 2. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) a stronger relationship between the United
7 States and Somaliland would provide numerous, mu-
8 tually beneficial, strategic opportunities due to
9 Somaliland’s—

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

12 (B) democratic credentials, including
13 peaceful transfers of power following elections;
14 and

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

16 (2) Somaliland’s security situation, level of de-
17 velopment, and other challenges differ significantly
18 from the situation in Mogadishu and other regions
19 of Somalia, which necessitates—

20 (A) a different approach to engagement,
21 assistance, and travel by personnel of the De-
22 partment of State and the United States Agen-
23 cy for International Development; and

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

1 ~~(3)~~ the status of Somaliland should not serve as
 2 an obstacle for deeper and meaningful cooperation
 3 that will serve the mutual interests of our two gov-
 4 ernments.

5 **SEC. 3. DEFINED TERM.**

6 In this Act, the term “Somaliland” means the terri-
 7 tory that—

8 ~~(1)~~ received its independence from the United
 9 Kingdom on June 26, 1960, before the creation of
 10 the Somali Republic;

11 ~~(2)~~ has been a self-declared independent and
 12 sovereign state since 1991 that is not internationally
 13 recognized; and

14 ~~(3)~~ exists as a semi-autonomous region of the
 15 Federal Republic of Somalia.

16 **SEC. 4. REPORT ON FOREIGN ASSISTANCE AND OTHER AC-**
 17 **TIVITIES IN SOMALILAND.**

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

20 ~~(1)~~ the Committee on Foreign Relations of the
 21 Senate; and

22 ~~(2)~~ the Committee on Foreign Affairs of the
 23 House of Representatives.

24 ~~(b) REPORT.~~—

1 (1) IN GENERAL.—Not later than September
2 30, 2022, and annually thereafter until the date that
3 is 5 years after the date of the enactment of this
4 Act, the Secretary of State, in consultation with the
5 Administrator of the United States Agency for
6 International Development, shall submit a report to
7 the appropriate congressional committees that, with
8 respect to the most recently concluded 12-month pe-
9 riod—

10 (A) describes United States foreign assist-
11 ance to Somaliland, including—

12 (i) the value of such assistance (in
13 United States dollars);

14 (ii) the source from which such assist-
15 ance was funded;

16 (iii) the names of the programs
17 through which such assistance was admin-
18 istered;

19 (iv) the implementing partners
20 through which such assistance was pro-
21 vided;

22 (v) the sponsoring bureau of the
23 United States Government; and

(vi) if the assistance broadly targeted the Federal Republic of Somalia, the portion of such assistance that was—

(I) explicitly intended to support Somaliland; and

(II) ultimately employed in Somaliland;

(B) details the staffing and responsibilities of the Department of State and the United States Agency for International Development supporting foreign assistance, diplomatic relations, consular services, and security initiatives in Somaliland, including the location of such personnel (duty station) and their corresponding bureau;

(C) provides—

(i) a detailed account of travel to Somaliland by employees of the Department of State and the United States Agency for International Development, if any, including the position, duty station, and trip purpose for each such trip; or

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

1 ~~(D)~~ describes consular services provided by
 2 the Department of State for the residents of
 3 Somaliland;

4 ~~(E)~~ discusses the Department of State's
 5 Travel Advisory for Somalia related to the re-
 6 gion of Somaliland; and

7 ~~(F)~~ if the Travel Advisory for all or part
 8 of Somaliland is identical to the Travel Advi-
 9 sory for other regions of Somalia, justifies such
 10 ranking based on a security assessment of the
 11 region of Somaliland.

12 ~~(2) FORM.~~—The report required under para-
 13 graph ~~(1)~~ shall be submitted in unclassified form;
 14 but may contain a classified annex.

15 **SEC. 5. FEASIBILITY STUDY ON IMPROVED DIPLOMATIC**
 16 **RELATIONS AND A SECURITY AND DEFENSE**
 17 **PARTNERSHIP WITH SOMALILAND.**

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

20 ~~(1)~~ the Committee on Foreign Relations of the
 21 Senate;

22 ~~(2)~~ the Committee on Armed Services of the
 23 Senate;

24 ~~(3)~~ the Committee on Foreign Affairs of the
 25 House of Representatives; and

1 (4) the Committee on Armed Services of the
2 House of Representatives.

3 (b) FEASIBILITY STUDY.—The Secretary of State, in
4 coordination with the Secretary of Defense, shall conduct
5 a feasibility study regarding the establishment of a part-
6 nership between the United States and Somaliland that—

7 (1) includes coordination with Somaliland gov-
8 ernment security organs, including Somaliland’s
9 Ministry of Foreign Affairs and Ministry of Defense;

10 (2) determines opportunities for collaboration in
11 the pursuit of United States national security inter-
12 ests in the Horn of Africa, the Gulf of Aden, and
13 the broader Indo-Pacific region;

14 (3) identifies opportunities for United States
15 training of Somaliland security sector actors to im-
16 prove their professionalization and capacity; and

17 (4) assesses the prospect of establishing a non-
18 profit corporation, to be known as the “American
19 Institute of Somaliland”, for the purpose of con-
20 ducting and carrying out programs, transactions,
21 and other relations with Somaliland in the City of
22 Hargeisa on behalf of the United States Govern-
23 ment.

24 (c) REPORT TO CONGRESS.—Not later than 180 days
25 after the date of the enactment of this Act, the Secretary

1 of State, in coordination with the Secretary of Defense
2 and the heads of other relevant Federal departments and
3 agencies, shall submit a classified report to the appro-
4 priate congressional committees that contains the results
5 of the feasibility study required under subsection (b), in-
6 cluding an assessment of the extent to which—

7 (1) opportunities exist for the United States to
8 support the training of Somaliland's security sector
9 actors with a specific focus on counterterrorism and
10 border and maritime security;

11 (2) Somaliland's security forces were impli-
12 cated, if any, in gross violations of human rights
13 during the 3-year period immediately preceding the
14 date of the enactment of this Act;

15 (3) the United States has provided or discussed
16 with government and military officials of Somaliland
17 the provision of training to security forces, includ-
18 ing—

19 (A) where such training has occurred;

20 (B) the extent to which Somaliland secu-
21 rity forces have demonstrated the ability to ab-
22 sorb previous training; and

23 (C) the ability of Somaliland security
24 forces to maintain and appropriately utilize
25 such training, as applicable;

1 (4) a United States security and defense part-
2 nership with Somaliland would have a strategic im-
3 pact, including by protecting the United States and
4 allied maritime interests in the Bab-el-Mandeb
5 Strait and at Somaliland's Port of Berbera;

6 (5) Somaliland could—

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

9 (B) counter Iran's presence in the Gulf of
10 Aden and China's growing regional military
11 presence;

12 (6) a United States security and defense part-
13 nership would—

14 (A) bolster security and defense coopera-
15 tion and capabilities between Somaliland and
16 Taiwan;

17 (B) stabilize this semi-autonomous region
18 of Somalia further as a democratic counter-
19 weight to anti-democratic forces in the greater
20 Horn of Africa region; and

21 (C) impact the capacity of the United
22 States to achieve policy objectives in Somalia;
23 particularly to degrade and ultimately defeat
24 the terrorist threat posed by Al-Shabaab, the
25 Islamic State in Somalia (the Somalia-based Is-

1 lamie State affiliate); and other terrorist groups
 2 operating in Somalia;

3 ~~(7) the extent to which an improved diplomatic~~
 4 ~~relationship with Somaliland could—~~

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

8 (B) improve cooperation on counterter-
 9 rorism and intelligence sharing;

10 (C) enable cooperation on counter-traf-
 11 ficking, including the trafficking of humans,
 12 wildlife, weapons, and illicit goods; and

13 (D) support trade and development, includ-
 14 ing how Somaliland could benefit from Prosper
 15 Africa and other regional trade initiatives.

16 ~~(d) FORM.—The report required under subsection (c)~~
 17 ~~shall be submitted in unclassified form, but may contain~~
 18 ~~a classified annex.~~

19 **SEC. 6. RULE OF CONSTRUCTION.**

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Somaliland Partnership*
 3 *Act”.*

4 **SEC. 2. SENSE OF CONGRESS.**

5 *It is the sense of Congress that—*

6 (1) *a stronger relationship between the United*
 7 *States and Somaliland would provide numerous, mu-*
 8 *tually beneficial, strategic opportunities due to*
 9 *Somaliland’s—*

10 (A) *geographic location in the Horn of Afri-*
 11 *ca and next to the Gulf of Aden;*

12 (B) *democratic credentials, including peace-*
 13 *ful transfers of power following elections; and*

14 (C) *relative stability in the Horn of Africa;*

15 (2) *Somaliland’s security situation, level of de-*
 16 *velopment, and other challenges differ significantly*
 17 *from the situation in Mogadishu and other regions of*
 18 *Somalia, which necessitates—*

19 (A) *a different approach to engagement, as-*
 20 *sistance, and travel by personnel of the Depart-*
 21 *ment of State and the United States Agency for*
 22 *International Development; and*

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

25 (3) *the status of Somaliland should not serve as*
 26 *an obstacle for deeper and meaningful cooperation*

4 *In this Act, the term “Somaliland” means the territory*
5 *that—*

9 (2) has been a self-declared independent and sov-
10 ereign state since 1991 that is not internationally rec-
11 ognized; and

14 *SEC. 4. REPORT ON FOREIGN ASSISTANCE AND OTHER AC-*
15 *TIVITIES IN SOMALILAND.*

18 (1) *the Committee on Foreign Relations of the*
19 *Senate; and*

22 (b) *REPORT.*—

(1) *IN GENERAL.*—Not later than September 30, 2022, and annually thereafter until the date that is 5 years after the date of the enactment of this Act, the

1 *Secretary of State, in consultation with the Adminis-*
2 *trator of the United States Agency for International*
3 *Development, shall submit a report to the appropriate*
4 *congressional committees that, with respect to the*
5 *most recently concluded 12-month period—*

6 *(A) describes United States foreign assist-*
7 *ance to Somaliland, including—*

8 *(i) the value of such assistance (in*
9 *United States dollars);*

10 *(ii) the source from which such assist-*
11 *ance was funded;*

12 *(iii) the names of the programs*
13 *through which such assistance was adminis-*
14 *tered;*

15 *(iv) the implementing partners through*
16 *which such assistance was provided;*

17 *(v) the sponsoring bureau of the United*
18 *States Government; and*

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

22 *(I) explicitly intended to support*
23 *Somaliland; and*

24 *(II) ultimately employed in*
25 *Somaliland;*

1 (B) details the staffing and responsibilities
2 of the Department of State and the United States
3 Agency for International Development sup-
4 porting foreign assistance, relations, consular
5 services, and security initiatives in Somaliland,
6 including the location of such personnel (duty
7 station) and their corresponding bureau;

8 (C) provides—

9 (i) a detailed account of travel to
10 Somaliland by employees of the Department
11 of State and the United States Agency for
12 International Development, if any, includ-
13 ing the position, duty station, and trip pur-
14 pose for each such trip; or

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

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

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

24 (F) if the Travel Advisory for all or part of
25 Somaliland is identical to the Travel Advisory

1 *for other regions of Somalia, justifies such rank-*
 2 *ing based on a security assessment of the region*
 3 *of Somaliland.*

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

7 **SEC. 5. FEASIBILITY STUDY.**

8 (a) *DEFINED TERM.*—*In this section, the term “appro-*
 9 *priate congressional committees” means—*

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

12 (2) *the Committee on Armed Services of the Sen-*
 13 *ate;*

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

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

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

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

23 (2) *determines opportunities for collaboration in*
 24 *the pursuit of United States national security inter-*

1 *ests in the Horn of Africa, the Gulf of Aden, and the*
 2 *broader Indo-Pacific region;*

3 *(3) identifies the practicability of improving the*
 4 *professionalization and capacity of Somaliland secu-*
 5 *rity sector actors; and*

6 *(4) identifies the most effective way to conduct*
 7 *and carry out programs, transactions, and other rela-*
 8 *tions in the City of Hargeisa on behalf of the United*
 9 *States Government.*

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 15 *gressional committees that contains the results of the feasi-*
 16 *bility study required under subsection (b), including an as-*
 17 *essment of the extent to which—*

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 19 *support the training of Somaliland’s security sector*
 20 *actors with a specific focus on counterterrorism and*
 21 *border and maritime security;*

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 23 *if any, in gross violations of human rights during the*
 24 *3-year period immediately preceding the date of the*
 25 *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;*

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6 *forces have demonstrated the ability to absorb*
7 *previous training; and*

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9 *to maintain and appropriately utilize such*
10 *training, as applicable;*

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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 partner-*
23 *ship could—*

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

1 *(B) stabilize this semi-autonomous region of*
 2 *Somalia further as a democratic counterweight*
 3 *to anti-democratic forces in the greater Horn of*
 4 *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 the*
 8 *terrorist threat posed by Al-Shabaab, the Islamic*
 9 *State in Somalia (the Somalia-based Islamic*
 10 *State affiliate), and other terrorist groups oper-*
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 13 *with Somaliland could—*

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