

SEC. 11 __. SENSE OF CONGRESS RELATING TO ERITREA .

1. (a) *Findings.*--Congress finds the following:

(1) Section 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, and section 640A of the Foreign Assistance Act of 1961 stipulate that a designated state sponsor of terrorism is one ``that repeatedly provides support to acts of international terrorism".

(2) Eritrea repeatedly has provided support for terrorists in Somalia, including the al-Shabaab insurgent group, which maintains links to the al-Qaeda network, and has been designated a Foreign Terrorist Organization by the Secretary of State pursuant to section 219 of the Immigration and Nationality Act (INA), as amended.

(3) The UN Sanctions Monitoring Group on Somalia, established by a committee of the United Nations Security Council pursuant to resolutions 751 (1992) and 1519 (2003), reported in July 2007 that ``huge quantities of arms have been provided to the Shabaab by and through Eritrea ,'' and ``the weapons in caches and otherwise in possession of the Shabaab include an unknown number of surface-to-air missiles, suicide belts, and explosives with timers and detonators".

(4) On August 17, 2007, former Assistant Secretary of State for African Affairs Jendayi Frazer stated, ``Eritrea has played a key role in financing, funding and arming the terror and insurgency activities which are taking place in Somalia, and is the primary source of support for that insurgency and terror activity.".

(5) In September 2007, Eritrea hosted the Congress for Somali Liberation and Reconciliation conference, offering sanctuary to al-Qaeda linked factions of the Somali opposition, including Sheik Hassan Dahir Aweys, who has been designated as a terrorist under Executive Order No. 13224 and United Nations Security Council Resolution 1267 for his associations with al-Qaeda, and since has provided substantial political, diplomatic, financial and military support to the Asmara-based Alliance for the Reconstruction of Somalia (ARS) led by Aweys.

(6) In April 2008, the UN Sanctions Monitoring Group on Somalia reported, ``the Government of Eritrea continues to provide support to groups that oppose the Transitional Federal Government in the form of arms and military training to fighters of the Shabaab," and that on or about January 8, 2008, an arms shipment from Eritrea arrived in Mogadishu containing dismantled RPG-7s, hand grenades, anti-tank mines, detonators, pistols, mortar shells, AK-47 assault rifles, PKM machine guns, RPG-2s, small mortars, FAL assault rifles, rifle-fired grenades for the FAL, M-16s and explosives.

(7) The April 2008 report of the UN Sanctions Monitoring Group also found that, ``towards the end of 2007, about 120 fighters of the Shabaab travelled to Eritrea for the purpose of attending military training at a military base located near the Ethiopian border."

(8) In its December 2008 report, the UN Sanctions Monitoring Group on Somalia identified Eritrea as a ``principal violator" of the arms embargo on Somalia and asserted that ``Eritrean arms embargo violations take place with the knowledge and authorization of senior officials within the Eritrean Government and the ruling People's Front for Democracy and Justice (PFDJ)."

(9) In testimony before the Senate Permanent Select Committee on Intelligence on February 12, 2009, Director of the Defense Intelligence Agency Lieutenant General Michael Maples stated, ``Senior East Africa-based al-Qaida operatives remain at large and likely continue attack planning against U.S. and Western interests in the region," and ``Recent propaganda from both

al-Qaida and the Somalia-based terrorist group al-Shabaab highlighting their shared ideology suggests a formal merger announcement is forthcoming."

(10) On May 20, 2009, Assistant Secretary of State for Africa Affairs Johnnie Carson testified before the Senate Foreign Relations Committee that, "al-Shabaab continues to harbor terrorists, target civilians and humanitarian workers, and attempt to overthrow the TFG through violent means," and that "a loose coalition of forces under the banner of Hizbul al-Islam, have been attacking TFG forces and other moderates in Mogadishu in an attempt to forcefully overthrow the transitional government. We have clear evidence that Eritrea is supporting these extremist elements, including credible reports that the Government of Eritrea continues to supply weapons and munitions to extremists and terrorist elements."

(11) Assistant Secretary Carson also testified, "There is also clear evidence of an al-Qaeda presence in Somalia. In 2008, East Africa al-Qaeda operative Saleh al-Nabhan distributed a video showing training camp activity in Somalia and inviting foreigners to travel there for training. A small number of senior Al-Qaeda operatives have worked closely with al-Shabaab leaders in Somalia, where they enjoy safe haven. We have credible reports of foreigners fighting with al-Shabaab."

(12) On May 14, 2009, Ian Kelly, Spokesman for the U.S. Department of State, stated, "Over the past week, extremists in Mogadishu have repeatedly attacked the people of Somalia and the Transitional Federal Government in pursuit of a radical agenda that can only promote further acts of terrorism and lead to greater regional instability. Eritrea has been instrumental in facilitating support of the extremists to commit these attacks.."

(13) In a Presidential Statement issued on May 18, 2009, the UN Security Council expressed "concern over reports that Eritrea has supplied arms to those opposing the Transitional Federal Government of Somalia in breach of the UN arms embargo, and

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called on the UN Sanctions Monitoring Group to investigate".

(14) On May 21, 2009, the Inter Governmental Authority on Development (IGAD), a regional group made up of Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda, stated, "The government of Eritrea and its financiers continue to instigate, finance, recruit, train, fund and supply the criminal elements in and/or to Somalia," and called on the Security Council of the United Nations "to impose sanctions on the government of Eritrea without any further delay."

(15) The Peace and Security Council of the African Union, at its 190th meeting held on May 22, 2009, issued a communiqué expressing, "deep concern at the reports regarding the support provided to these armed groups, through training, provision of weapons and ammunitions and funding, by external actors, including Eritrea , in flagrant violation of the United Nations arms embargo" and called on the UN Security Council to impose sanctions against Eritrea .

(b) *Sense of Congress*.--It is the sense of Congress that--

(1) Eritrea's ongoing and well-documented support for armed insurgents in Somalia, including for designated Foreign Terrorist Organizations and individuals linked to the deadly bombings by al-Qaeda of the United States Embassies in Nairobi, Kenya and Dar es Salaam, Tanzania in 1998, poses a significant threat to the national security interests of the United States and East African nations;

(2) the Secretary of State should designate the State of Eritrea as a State Sponsor of Terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 40 of the Arms Export Control Act, and section 640A of the Foreign Assistance Act of 1961; and

(3) the United Nations Security Council should impose sanctions against the State of Eritrea until such time as it ceases its support for armed insurgents, including radical Islamist militants, engaged in destabilizing activities in Somalia.

The Acting CHAIR. Pursuant to House Resolution 522, the gentleman from California (Mr. Royce) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROYCE. I yield myself such time as I may consume.

Mr. Chairman, I currently serve as the ranking member of the Foreign Affairs Subcommittee on Terrorism. Previously, for 8 years, I served as the chairman of the Africa Subcommittee, so I long have followed the issues surrounding Eritrea and the Horn of Africa.

And this particular amendment calls on the Secretary of State to designate Eritrea as a "state sponsor of terrorism." The Horn of Africa is a combustible mix. You have al Qaeda, you have piracy, a failed state in Somalia, border tensions, and a key instigator of this violence has been the government of Eritrea .

As the amendment indicates, U.N. report after U.N. report cites Eritrea for providing arms and military training to members of the Shabaab, and that's an al Qaeda-linked group that has been designated by the United States as a "foreign terrorist organization."

Mr. Chairman, if you take a look at this picture which appeared in a U.N. report, this is the actual Shabaab fighter who shot down a cargo plane with that shoulder-fired missile supplied by Eritrea . And the reason that we know that is the propaganda footage used by this al Qaeda-linked organization in order to try to recruit fighters to their goal. And they showed the footage of the successful attack on the cargo plane.

Now, what if that had been a civilian jetliner? How many lives would have been lost?

Indeed, our FBI is greatly concerned about Somali Americans who have gone missing from American cities. They are worried that they have gone to Somalia and are linking up with these terrorist groups. And it is Eritrea that is providing the weapons, including shoulder-fired missiles that can take out an airliner and that are providing this military training.

The case for adding Eritrea to the state sponsor of terrorism list is compelling. It's even overwhelming. It has been so for some time. The Obama administration's Assistant Secretary of State for African Affairs, Johnny Carson, has noted that "we have clear evidence that Eritrea is supporting extremists," and that "the government of Eritrea continues to supply weapons and munitions to extremists and terrorist elements."

And this isn't new. The previous administration took a similar view of the destructive role that Eritrea plays in the horn. Some will say that this is counterproductive or the wrong time. Well, it has been a delicate time in this region for a decade now, and it's gotten a whole lot worse.

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It is a complex region. One thing, though, is not complex; this is a clear national security threat.

U.N. reports have noted that over 100 Shabaab terrorists have traveled to Eritrea for their military training at an Eritrean military base and then traveled back. The same U.N. reports have identified Eritrea as a "principal violator" of the arms embargo on Somalia and have asserted that these violations "take place with the knowledge and authorization of senior officials within the Eritrean government." Plainly, it is state policy of Eritrea to support international terrorism.

The U.N. Security Council has made similar statements citing Eritrea's destructive role in the horn, and so have many neighboring countries. So it is time that Eritrea should be named a state sponsor of terrorism.

Mr. Chairman, I reserve the balance of my time.

Mr. PAYNE. Mr. Chairman, I claim the time in opposition and rise in strong opposition to the Royce amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PAYNE. Mr. Chairman, the Royce amendment to the Foreign Relations Authorization Act, H.R. 2410, which would designate Eritrea as a state sponsor of terrorism and call on the United Nations Security Council to impose sanctions against Eritrea, I strongly oppose.

While I certainly respect my esteemed colleague from California, *Ed Royce*, who served as an excellent chairman on the Subcommittee on Africa for several years, and we worked closely together on many issues, and I have a great deal of respect for him, I must oppose this amendment. This amendment could undermine critical engagements currently going on between the U.S. and Eritrea. I urge my colleagues to vote "no."

The Royce amendment expresses the sense of Congress that the Secretary of State should designate Eritrea a state sponsor of terrorism and that the U.N. Security Council should impose sanctions against Eritrea. I urge you to vote against this amendment for the following reasons:

First, some of the assertions made in the amendment are factually wrong and dated.

Second, the geopolitical dynamics and interstate rivalries in the Horn of Africa cannot be addressed properly without concerted diplomatic engagement. Declaring Eritrea a state sponsor of terrorism and imposing international sanctions would do nothing to further our diplomatic aims and would impose further hardship on the people who are struggling to survive on a daily basis.

Thirdly, while Mr. *Royce's* amendment lays out a long list of reasons why he feels Eritrea should be placed on a state sponsor of terrorism list, the proposed amendment does not recognize the diplomatic efforts currently underway by the State Department to address the complex issues surrounding the Horn of Africa. Just last month, Eritrea President Isaias Akwerki sent a letter to President Obama expressing the desire to engage on these issues and is sending a high-level delegation to Washington. Additionally, a senior State Department official is expected to visit Asmara in a few weeks. Moreover, the Somali Government has said they want to engage with Asmara.

Lastly, putting Eritrea on a sanctions list would have limited effect on our effort to try to stabilize the region and build alliances with governments in a wider battle against extremism.

We should urge the administration to take careful note of the issues raised by Representative *Royce*, and I have written a letter to the President to that effect. The administration is engaging Asmara. We must allow these diplomatic discussions to continue.

In my last trip to Asmara 1 year ago, I met with the President and did indicate changes that would have to be made. The current President of Somalia, Sheikh Sharif Sheikh Ahmed, was in Asmara and went back, and now is trying to lead a government which is fighting against al Shabaab and al

Qaeda. And so at this time, I think that this amendment would disrupt sensitive diplomatic issues that are going on. I urge my colleagues to vote against the Royce amendment.

Madam Chairman, I yield back the balance of my time.

Mr. ROYCE. Let me respond that, first of all, I have a great deal of respect for Chairman *Payne*. We have worked together for years on Africa issues. We worked together on Darfur, Sudan. But this is the very issue of why we disagree here, because all Members should know that it was Eritrea that was the first country to invite Sudan's President, al-Bashir, to visit Eritrea following an arrest warrant for his crimes against humanity in Darfur.

Now, with respect to the issue, I can think of numerous issues and times when Congress has had to push--and we'll take Sudan as an example, since the example I'm giving here is an example in which Eritrea has welcomed al-Bashir at a time when the international community is trying to get him to prevent the crimes that he has committed in Darfur. We have had to push to take more assertive actions. We did that with genocide in Sudan. And in my view, there is nothing wrong now, especially with respect to a state sponsorship of terrorism. I think that the Assistant Secretary of State for Africa's words speak for themselves. Again, this is Secretary Carson before the Senate Foreign Relations Committee last month, in which he said, We have clear evidence that Eritrea is supporting these extremist elements, including credible reports that they continue to supply weapons and munitions to terrorist elements.

I ask for an ``aye" vote.

The Acting CHAIR (Ms. *DeGette*). The question is on the amendment offered by the gentleman from California (Mr. *Royce*).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROYCE. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. BERMAN. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.