

**AMENDMENT TO H.R. 2410, AS REPORTED
OFFERED BY MR. ROYCE OF CALIFORNIA**

At the end of subtitle B of title XI, add the following:

1 SEC. 11 ____ . SENSE OF CONGRESS RELATING TO ERITREA.

2 (a) FINDINGS.—Congress finds the following:

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

9 (2) Eritrea repeatedly has provided support for
10 terrorists in Somalia, including the al-Shabaab in-
11 surgent group, which maintains links to the al-
12 Qaeda network, and has been designated a Foreign
13 Terrorist Organization by the Secretary of State
14 pursuant to section 219 of the Immigration and Na-
15 tionality Act (INA), as amended.

16 (3) The UN Sanctions Monitoring Group on
17 Somalia, established by a committee of the United
18 Nations Security Council pursuant to resolutions
19 751 (1992) and 1519 (2003), reported in July 2007

1 that “huge quantities of arms have been provided to
2 the Shabaab by and through Eritrea,” and “the
3 weapons in caches and otherwise in possession of the
4 Shabaab include an unknown number of surface-to-
5 air missiles, suicide belts, and explosives with timers
6 and detonators”.

7 (4) On August 17, 2007, former Assistant Sec-
8 retary of State for African Affairs Jendayi Frazer
9 stated, “Eritrea has played a key role in financing,
10 funding and arming the terror and insurgency activi-
11 ties which are taking place in Somalia, and is the
12 primary source of support for that insurgency and
13 terror activity.”.

14 (5) In September 2007, Eritrea hosted the Con-
15 gress for Somali Liberation and Reconciliation con-
16 ference, offering sanctuary to al-Qaeda linked fac-
17 tions of the Somali opposition, including Sheik Has-
18 san Dahir Aweys, who has been designated as a ter-
19 rorist under Executive Order No. 13224 and United
20 Nations Security Council Resolution 1267 for his as-
21 sociations with al-Qaeda, and since has provided
22 substantial political, diplomatic, financial and mili-
23 tary support to the Asmara-based Alliance for the
24 Reconstruction of Somalia (ARS) led by Aweys.

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

13 (7) The April 2008 report of the UN Sanctions
14 Monitoring Group also found that, “towards the end
15 of 2007, about 120 fighters of the Shabaab travelled
16 to Eritrea for the purpose of attending military
17 training at a military base located near the Ethio-
18 pian border.”

19 (8) In its December 2008 report, the UN Sanc-
20 tions Monitoring Group on Somalia identified Eri-
21 trea as a “principal violator” of the arms embargo
22 on Somalia and asserted that “Eritrean arms em-
23 bargo violations take place with the knowledge and
24 authorization of senior officials within the Eritrean

1 Government and the ruling People's Front for De-
2 mocracy and Justice (PFDJ).”.

3 (9) In testimony before the Senate Permanent
4 Select Committee on Intelligence on February 12,
5 2009, Director of the Defense Intelligence Agency
6 Lieutenant General Michael Maples stated, “Senior
7 East Africa-based al-Qaida operatives remain at
8 large and likely continue attack planning against
9 U.S. and Western interests in the region,” and “Re-
10 cent propaganda from both al-Qaida and the Soma-
11 lia-based terrorist group al-Shabaab highlighting
12 their shared ideology suggests a formal merger an-
13 nouncement is forthcoming.”.

14 (10) On May 20, 2009, Assistant Secretary of
15 State for Africa Affairs Johnnie Carson testified be-
16 fore the Senate Foreign Relations Committee that,
17 “al-Shabaab . . . continues to harbor terrorists, tar-
18 get civilians and humanitarian workers, and attempt
19 to overthrow the TFG through violent means,” and
20 that “a loose coalition of forces under the banner of
21 Hizbul al-Islam, have been attacking TFG forces
22 and other moderates in Mogadishu in an attempt to
23 forcefully overthrow the transitional government. We
24 have clear evidence that Eritrea is supporting these
25 extremist elements, including credible reports that

1 the Government of Eritrea continues to supply
2 weapons and munitions to extremists and terrorist
3 elements.”.

4 (11) Assistant Secretary Carson also testified,
5 “There is also clear evidence of an al-Qaeda pres-
6 ence in Somalia. In 2008, East Africa al-Qaeda op-
7 erative Saleh al-Nabhan distributed a video showing
8 training camp activity in Somalia and inviting for-
9 eigners to travel there for training. A small number
10 of senior Al-Qaeda operatives have worked closely
11 with al-Shabaab leaders in Somalia, where they
12 enjoy safe haven. We have credible reports of for-
13 eigners fighting with al-Shabaab.”.

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

23 (13) In a Presidential Statement issued on May
24 18, 2009, the UN Security Council expressed “con-
25 cern over reports that Eritrea has supplied arms to

1 those opposing the Transitional Federal Government
2 of Somalia in breach of the UN arms embargo, and
3 called on the UN Sanctions Monitoring Group to in-
4 vestigate”.

5 (14) On May 21, 2009, the Inter Governmental
6 Authority on Development (IGAD), a regional group
7 made up of Djibouti, Ethiopia, Kenya, Somalia,
8 Sudan and Uganda, stated, “The government of Eri-
9 trea and its financiers continue to instigate, finance,
10 recruit, train, fund and supply the criminal elements
11 in and/or to Somalia,” and called on the Security
12 Council of the United Nations “to impose sanctions
13 on the government of Eritrea without any further
14 delay.”.

15 (15) The Peace and Security Council of the Af-
16 rican Union, at its 190th meeting held on May 22,
17 2009, issued a communiqué expressing, “deep con-
18 cern at the reports regarding the support provided
19 to these armed groups, through training, provision
20 of weapons and ammunitions and funding, by exter-
21 nal actors, including Eritrea, in flagrant violation of
22 the United Nations arms embargo” and called on
23 the UN Security Council to impose sanctions against
24 Eritrea.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) Eritrea’s ongoing and well-documented sup-
4 port for armed insurgents in Somalia, including for
5 designated Foreign Terrorist Organizations and in-
6 dividuals linked to the deadly bombings by al-Qaeda
7 of the United States Embassies in Nairobi, Kenya
8 and Dar es Salaam, Tanzania in 1998, poses a sig-
9 nificant threat to the national security interests of
10 the United States and East African nations;

11 (2) the Secretary of State should designate the
12 State of Eritrea as a State Sponsor of Terrorism
13 pursuant to section 6(j) of the Export Administra-
14 tion Act of 1979, section 40 of the Arms Export
15 Control Act, and section 640A of the Foreign Assist-
16 ance Act of 1961; and

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

