Calendar No. 475 ^{116TH CONGRESS} H.R.192

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 2019

Received; read twice and referred to the Committee on Foreign Relations

JUNE 3, 2020

Reported by Mr. RISCH, with an amendment [Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

- To establish an interagency program to assist countries in North and West Africa to improve immediate and longterm capabilities to counter terrorist threats, 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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION

GPO

4 This Act may be cited as the "Trans-Sahara Counter-

5 terrorism Partnership Act".

- 6 SEC. 2. SENSE OF CONGRESS.
- 7 It is the sense of Congress that—

1 (1) the Trans-Sahara Counterterrorism Part-2 nership, launched in 2005, is an interagency pro-3 gram to assist partner countries in the Sahel and 4 Maghreb regions of Africa on their immediate and 5 long-term capabilities to address terrorist threats 6 and prevent the spread of violent extremism;

7 (2) armed groups and violent Islamist terrorist 8 organizations, such as Al Qaeda in the Islamic 9 Maghreb, Boko Haram, the Islamic State of West 10 Africa, and other affiliated groups, have killed tens 11 of thousands of innocent civilians, displaced popu-12 lations, destabilized local and national governments, 13 and caused mass human suffering in the affected 14 communities:

15 (3) it is in the national security interest of the
16 United States to combat the spread of radical
17 Islamist extremism and build partner countries' ca18 pacity to combat these threats in Africa;

(4) extremist movements exploit vulnerable and
 marginalized communities suffering from poverty,
 lack of economic opportunity (particularly among
 youth populations), and weak governance; and

23 (5) to address critical security, political, eco24 nomic, and humanitarian challenges in these regions
25 of Africa, a coordinated, interagency approach is

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1	needed to appropriately allocate resources, share re-
2	sponsibility, de-conflict programs, and maximize the
3	effectiveness of United States defense, diplomatic,
4	and development capabilities.
5	SEC. 3. TRANS-SAHARA COUNTERTERRORISM PARTNER-
6	SHIP.
7	(a) Trans-Sahara Counterterrorism Partner-
8	SHIP.
9	(1) ESTABLISHMENT.—The Secretary of State,
10	in consultation with the Secretary of Defense and
11	the Administrator of the United States Agency for
12	International Development, shall establish a partner-
13	ship, to be known as the "Trans-Sahara Counterter-
14	rorism Partnership" (TSCTP), to coordinate all
15	United States programs, projects, and activities in
16	North and West Africa that are conducted for any
17	of the following purposes:
18	(Λ) To build the capacity of foreign mili-
19	tary and law enforcement entities in such re-
20	gions to conduct counterterrorism operations.
21	(B) To improve the ability of foreign mili-
22	tary and law enforcement entities in such re-
23	gions to cooperate with the United States and
24	other partner countries on counterterrorism ef-
25	forts.

1	(C) To enhance the border security capac-
2	ity of partner countries in such regions, includ-
3	ing the ability to monitor, restrain, and inter-
4	diet terrorists.
5	(D) To strengthen the rule of law in such
6	countries, including access to justice, and the
7	ability of the law enforcement entities of such
8	partner countries to detect, disrupt, respond to,
9	investigate, and prosecute terrorist activity.
10	(E) To monitor and counter the financing
11	of terrorism.
12	(F) To further reduce any vulnerabilities
13	among affected populations in such regions to
14	recruitment or incitement of terrorist activities
15	through public diplomacy efforts, such as sup-
16	porting youth employment, promoting meaning-
17	ful participation of women, strengthening local
18	governance and civil society capacity, and im-
19	proving access to economic opportunities and
20	education.
21	(G) To support independent, local-lan-
22	guage media, particularly in rural areas, to
23	counter media operations and recruitment prop-
24	aganda by terrorist organizations.

1 (2) CONSULTATION.—In coordinating programs 2 through the TSCTP, the Secretary of State shall 3 also consult, as appropriate, with the Director of 4 National Intelligence, the Secretary of the Treasury, 5 the Attorney General, the Chief Executive Officer of 6 the United States Agency for Global Media (for-7 merly known as the Broadcasting Board of Gov-8 ernors), and the heads of other relevant Federal de-9 partments and agencies. (3) CONGRESSIONAL NOTIFICATION.—Not later 10

11 than 15 days before obligating amounts for an activ-12 ity coordinated by the TSCTP pursuant to para-13 graph (1), the Secretary of State shall submit a no-14 tification, in accordance with the requirements of 15 section 634A of the Foreign Assistance Act of 1961 16 (22 U.S.C. 2394–1), that includes the following:

17 (A) The foreign country and entity, as ap18 plicable, whose capabilities are to be enhanced
19 in accordance with the purposes specified in
20 paragraph (1).

21 (B) The amount, type, and purpose of sup22 port to be provided.

23 (C) An assessment of the capacity of the
24 foreign country or entity to absorb the assist25 ance to be provided.

1	(D) The estimated cost and anticipated im-
2	plementation timeline for assistance.
3	(E) As applicable, a description of the ar-
4	rangements to sustain any equipment provided
5	by the activity beyond the completion date of
6	such activity, if applicable, and the estimated
7	cost and source of funds to support such
8	sustainment.
9	(F) The amount, type, statutory authoriza-
10	tion, and purpose of any United States security
11	assistance provided to such foreign country dur-
12	ing the three preceding fiscal years pursuant to
13	authorities under title 10, United States Code,
14	the Foreign Assistance Act of 1961 (22 U.S.C.
15	2151 et seq.), or any other "train and equip"
16	authorities of the Department of Defense.
17	(b) Comprehensive Strategy for Counterter-
18	RORISM EFFORTS.—
19	(1) DEVELOPMENT.—Not later than 180 days
20	after the date of enactment of this Act, the See-
21	retary of State, in consultation with the Secretary of
22	Defense and the Administrator of the United States
23	Agency for International Development, shall submit
24	to the appropriate congressional committees a com-
25	prehensive, interagency strategy that—

1	(A) states the objectives of the United
2	States counterterrorism effort in North and
3	West Africa with respect to the use of all forms
4	of United States assistance to counter violent
5	extremism;
6	(B) includes a plan by the Secretary of
7	State for the manner in which programs shall
8	be coordinated by the TSCTP pursuant to sub-
9	section (a)(1), including which agency or bu-
10	reau of the Department of State, as applicable,
11	will be responsible for leading and coordinating
12	each such program; and
13	(C) outlines a plan to monitor and evaluate
14	TSCTP programs and identifies the key indica-
15	tors that will be used to measure performance
16	and progress under the strategy.
17	(2) Supporting material in annual budg-
18	ET REQUEST.—The Secretary of State shall include,
19	in the budget materials submitted in support of the
20	budget of the President (submitted to Congress pur-
21	suant to section 1105 of title 31, United States
22	Code) for each fiscal year beginning after the date
23	of the enactment of this Act, a description of the re-
24	quirements, activities, and planned allocation of
25	amounts requested by the TSCTP.

1 (c) MONITORING AND EVALUATION OF PROGRAMS 2 AND ACTIVITIES.—

3 (1) MONITORING AND EVALUATION.—The See-4 retary of State, in consultation with the Secretary of 5 Defense and the Administrator of the United States 6 Agency for International Development, shall monitor 7 and evaluate the programs coordinated by the 8 TSCTP pursuant to subsection (a)(1) in accordance 9 with the plan outlined pursuant to subsection 10 (b)(1)(C).

(2) REPORT.—For the 5-year period beginning
 180 days after the date of the enactment of this Act,
 the Secretary of State shall submit to the appro priate congressional committees an annual report on
 monitoring and evaluation efforts pursuant to para graph (1) that describes—

17 (A) the progress made in meeting the objectives listed in the strategy required by sub18 jectives listed in the strategy required by sub19 section (b)(1), including any lessons learned in
20 carrying out TSCTP programs and activities
21 and any recommendations for improving such
22 programs and activities;

23 (B) the efforts taken to coordinate, de-con24 fliet, and streamline TSCTP programs to maxi25 mize resource effectiveness;

1	(C) the extent to which each partner coun-
2	try has demonstrated the ability to absorb the
3	equipment or training provided in the year pre-
4	vious under TSCTP programs, and where appli-
5	cable, the ability to maintain and appropriately
6	utilize such equipment provided;
7	(D) the extent to which each partner coun-
8	try is investing its own resources to advance the
9	goals described in subsection $(a)(1)$ or dem-
10	onstrated a commitment and willingness to co-
11	operate with the United States to advance such
12	goals; and
13	(E) the actions taken by the government of
14	each partner country receiving assistance
15	through programs coordinated by the TSCTP
16	to combat corruption, improve transparency
17	and accountability, and promote other forms of
18	good governance.

(d) FORM.—The strategy required by subsection
(b)(1) and the report required by subsection (c)(2) shall
be submitted in unclassified form but may include a classified annex.

23 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE24 FINED.—In this section, the term "appropriate congres25 sional committees" means—

1 (1) the Committee on Armed Services, the 2 Committee on Foreign Affairs, the Committee on 3 Appropriations, and the Permanent Select Com-4 mittee on Intelligence of the House of Representa-5 tives; and 6 (2) the Committee on Armed Services, the 7 Committee on Foreign Relations, the Committee on 8 Appropriations, and the Select Committee on Intel-9 ligence of the Senate. SECTION 1. SHORT TITLE. 10 11 This Act may be cited as the "Trans-Sahara Counter-12 terrorism Partnership Program Act of 2020". 13 SEC. 2. SENSE OF CONGRESS. 14 It is the sense of Congress that— 15 (1) terrorist and violent extremist organizations, 16 such as Al Qaeda in the Islamic Maghreb, Boko 17 Haram, the Islamic State of West Africa, and other 18 affiliated groups, have killed tens of thousands of in-19 nocent civilians, displaced populations, destabilized 20 local and national governments, and caused mass 21 human suffering in the affected communities; 22 (2) poor governance, political and economic 23 marginalization, and lack of accountability for

24 human rights abuses by security forces are drivers of
25 extremism;

	11
1	(3) it is in the national security interest of the
2	United States to combat the spread of terrorism and
3	violent extremism and build the capacity of partner
4	countries to combat these threats in Africa;
5	(4) terrorist and violent extremist organizations
6	exploit vulnerable and marginalized communities suf-
7	fering from poverty, lack of economic opportunity
8	(particularly among youth populations), corruption,
9	and weak governance; and
10	(5) a comprehensive, coordinated interagency ap-
11	proach is needed to develop an effective strategy to ad-
12	dress the security challenges in the Sahel-Maghreb,
13	appropriately allocate resources, de-conflict programs,
14	and maximize the effectiveness of United States de-
15	fense, diplomatic, and development capabilities.
16	SEC. 3. STATEMENT OF POLICY.
17	It is the policy of the United States to assist countries
18	in North and West Africa, and other allies and partners
19	active in those regions, in combating terrorism and violent
20	extremism through a coordinated interagency approach
21	with a consistent strategy that appropriately balances secu-
22	rity activities with diplomatic and development efforts to
23	address the political, socioeconomic, governance, and devel-
24	opment challenges in North and West Africa that contribute
25	to tomorious and violant actuanions

25 to terrorism and violent extremism.

3 (a) TRANS-SAHARA COUNTERTERRORISM PARTNER4 SHIP PROGRAM.—

5 (1) ESTABLISHMENT.—The Secretary of State, 6 in consultation with the Secretary of Defense and the 7 Administrator of the United States Agency for Inter-8 national Development, shall establish a partnership 9 program, to be known as the "Trans-Sahara Counter-10 terrorism Partnership (TSCTP) Program" to coordi-11 nate all programs, projects, and activities of the 12 United States Government in countries in North and West Africa that are conducted for any of the fol-13 lowing purposes: 14

(A) To improve governance and the capacities of countries in North and West Africa to deliver basic services, particularly with at-risk
communities, as a means of countering terrorism
and violent extremism by enhancing state legitimacy and authority and countering corruption.

(B) To address the factors that make people
and communities vulnerable to recruitment by
terrorist and violent extremist organizations, including economic vulnerability and mistrust of
government and government security forces,
through activities such as—

1	(i) supporting strategies that increase
2	youth employment opportunities;
3	(ii) promoting girls' education and
4	women's political participation;
5	(iii) strengthening local governance
6	and civil society capacity;
7	(iv) improving government trans-
8	parency and accountability;
9	(v) fighting corruption;
10	(vi) improving access to economic op-
11	portunities; and
12	(vii) other development activities nec-
13	essary to support community resilience.
14	(C) To strengthen the rule of law in such
15	countries, including by enhancing the capability
16	of the judicial institutions to independently,
17	transparently, and credibly deter, investigate,
18	and prosecute acts of terrorism and violent extre-
19	mism.
20	(D) To improve the ability of military and
21	law enforcement entities in partner countries to
22	detect, disrupt, respond to, and prosecute violent
23	extremist and terrorist activity while respecting
24	human rights, and to cooperate with the United

1	States and other partner countries on counterter-
2	rorism and counter-extremism efforts.
3	(E) To enhance the border security capacity
4	of partner countries, including the ability to
5	monitor, detain, and interdict terrorists.
6	(F) To identify, monitor, disrupt, and
7	counter the human capital and financing pipe-
8	lines of terrorism.
9	(G) To support the free expression and op-
10	erations of independent, local-language media,
11	particularly in rural areas, while countering the
12	media operations and recruitment propaganda
13	of terrorist and violent extremist organizations.
14	(2) Assistance framework.—Activities carried
15	out under the TSCTP Program shall—
16	(A) be carried out in countries where the
17	Secretary of State, in consultation with the Sec-
18	retary of Defense and the Administrator of the
19	United States Agency for International Develop-
20	ment, determines that there is an adequate level
21	of partner country commitment, and has consid-
22	ered partner country needs, absorptive capacity,
23	sustainment capacity, and efforts of other donors
24	in the sector;
25	(B) have clearly defined outcomes;

(B) have clearly defined outcomes;

1	(C) be closely coordinated among United
2	States diplomatic and development missions,
3	United States Africa Command, and relevant
4	participating departments and agencies;
5	(D) have specific plans with robust indica-
6	tors to regularly monitor and evaluate outcomes
7	and impact;
8	(E) complement and enhance efforts to pro-
9	mote democratic governance, the rule of law,
10	human rights, and economic growth;
11	(F) in the case of train and equip pro-
12	grams, complement longer-term security sector
13	institution-building; and
14	(G) have mechanisms in place to track re-
15	sources and routinely monitor and evaluate the
16	efficacy of relevant programs.
17	(3) Consultation.—In coordinating activities
18	through the TSCTP Program, the Secretary of State
19	shall also consult, as appropriate, with the Director
20	of National Intelligence, the Secretary of the Treas-
21	ury, the Attorney General, the Chief Executive Officer
22	of the United States Agency for Global Media (for-
23	merly known as the Broadcasting Board of Gov-
24	ernors), and the heads of other relevant Federal de-

partments and agencies, as determined by the Presi dent.

3	(4) Congressional notification.—Not later
4	than 15 days before obligating amounts for an activ-
5	ity coordinated through the TSCTP Program pursu-
6	ant to paragraph (1), the Secretary of State shall sub-
7	mit a notification to the appropriate congressional
8	committees, in accordance with the requirements of
9	section 634A of the Foreign Assistance Act of 1961
10	(22 U.S.C. 2394–1), that includes the following:
11	(A) The foreign country and entity, as ap-
12	plicable, whose capabilities are to be enhanced in
13	accordance with the purposes specified in para-
14	graph (1).
15	(B) The amount, type, and purpose of sup-
16	port to be provided.
17	(C) An assessment of the absorptive capac-
18	ity of the foreign country to effectively imple-
19	ment the assistance to be provided.
20	(D) The anticipated implementation
21	timeline for the activity.
22	(E) As applicable, a description of the plans
23	to sustain any military or security equipment
24	provided beyond the completion date of such ac-

tivity, and the estimated cost and source of funds to support such sustainment.

3 (b) INTERNATIONAL COORDINATION.—Efforts carried 4 out under this section shall take into account partner coun-5 try counterterrorism, counter-extremism, and development strategies and, to the extent practicable, shall be aligned 6 7 with such strategies. Such efforts shall be coordinated with 8 counterterrorism and counter-extremism activities and pro-9 grams in the areas of defense, diplomacy, and development 10 carried out by other like-minded donors and international organizations in the relevant country. 11

12 (c) STRATEGIES.— Not later than 180 days after the 13 date of the enactment of this Act, the Secretary of State, 14 in consultation with the Secretary of Defense and the Ad-15 ministrator of the United States Agency for International 16 Development and other relevant Federal Government agen-17 cies, shall submit to the appropriate congressional commit-18 tees the following strategies:

(1) A COMPREHENSIVE FIVE-YEAR STRATEGY
FOR THE SAHEL-MAGHREB.—A comprehensive fiveyear strategy for the Sahel-Maghreb, including details
related to whole-of-government efforts in the areas of
defense, diplomacy, and development to advance the
national security, economic, and humanitarian interests of the United States, including—

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1	(A) efforts to ensure coordination with mul-
2	tilateral and bilateral partners, such as the Joint
3	Force of the Group of Five of the Sahel, and with
4	other relevant assistance frameworks;
5	(B) a public diplomacy strategy and ac-
6	tions to ensure that populations in the Sahel-
7	Maghreb are aware of the development activities
8	of the United States Government, especially in
9	countries with a significant Department of De-
10	fense presence or engagement through train and
11	equip programs;
12	(C) activities aimed at supporting demo-
13	cratic institutions and countering violent extre-
14	mism with measurable goals and transparent
15	benchmarks;
16	(D) plans to help each partner country ad-
17	dress humanitarian and development needs and
18	to help prevent, respond to, and mitigate inter-
19	communal violence;
20	(E) a comprehensive plan to support secu-
21	rity sector reform in each partner country that
22	includes a detailed section on programs and ac-
23	tivities being undertaken by relevant stakeholders
24	and other international actors operating in the
25	sector; and

1	(F) a specific strategy for Mali that in-
2	cludes plans for sustained, high-level diplomatic
3	engagement with stakeholders, including coun-
4	tries in Europe and the Middle East with inter-
5	ests in the Sahel-Maghreb, regional governments,
6	relevant multilateral organizations, signatory
7	groups of the 2015 Agreement for Peace and Rec-
8	onciliation in Mali, and civil society actors.
9	(2) A comprehensive five-year strategy
10	FOR TSCTP PROGRAM COUNTERTERRORISM EF-
11	FORTS.—A comprehensive five-year strategy for the
12	TSCTP Program that includes—
13	(A) a clear statement of the objectives of
14	United States counterterrorism efforts in North
15	and West Africa with respect to the use of all
16	forms of United States assistance to combat ter-
17	rorism and counter violent extremism, including
18	efforts to build military and civilian law en-
19	forcement capacity, strengthen the rule of law,
20	promote responsive and accountable governance,
21	and address the root causes of terrorism and vio-
22	lent extremism;
23	(B) a plan for coordinating programs
24	through the TSCTP Program pursuant to sub-
25	section (a)(1), including an identification of

1	which agency or bureau of the Department of
2	State, as applicable, will be responsible for lead-
3	ing and coordinating each such program;
4	(C) a plan to monitor, evaluate, and share
5	data and learning about the TSCTP Program in
6	accordance with monitoring and evaluation pro-
7	visions of sections 3 and 4 of the Foreign Aid
8	Transparency and Accountability Act of 2016
9	(Public Law 114–191); and
10	(D) a plan for ensuring coordination and
11	compliance with related requirements in United
12	States law, including the Global Fragility Act of
13	2019 (title V of division J of Public Law 116–
14	94).
15	(d) Supporting Material in Annual Budget Re-
16	QUEST.—The Secretary of State shall include in the budget
17	materials submitted to Congress in support of the Presi-
18	dent's annual budget request (submitted to Congress pursu-
19	ant to section 1105 of title 31, United States Code) for each
20	fiscal year beginning after the date of the enactment of this
21	Act and annually thereafter for five years, a description
22	of the requirements, activities, and planned allocation of
23	amounts requested by the TSCTP Program.
24	(e) Monitoring and Evaluation of Programs and
25	Activities.—Not later than one year after the date of the

enactment of this Act, and annually thereafter for five
 years, the Secretary of State, in consultation with the Sec retary of Defense and the Administrator of the United
 States Agency for International Development, shall submit
 to the appropriate congressional committees a report that
 describes—

7 (1) the progress made in meeting the objectives
8 of the strategies required under paragraphs (1) and
9 (2) of subsection (c), including any lessons learned in
10 carrying out TSCTP Program activities and any rec11 ommendations for improving such programs and ac12 tivities;

13 (2) the efforts taken to coordinate, de-conflict,
14 and streamline TSCTP Program activities to maxi15 mize resource effectiveness;

(3) the extent to which each partner country has
demonstrated the ability to absorb the equipment or
training provided in the previous year under the
TSCTP Program, and where applicable, the ability to
maintain and appropriately utilize such equipment;

(4) the extent to which each partner country is
investing its own resources to advance the goals described in subsection (a)(1) or is demonstrating a
commitment and willingness to cooperate with the
United States to advance such goals;

1	(5) the actions taken by the government of each
2	partner country receiving assistance under the
3	TSCTP Program to combat corruption, improve
4	transparency and accountability, and promote other
5	forms of democratic governance;
6	(6) the assistance provided in each of the three
7	preceding fiscal years under this program, broken
8	down by partner country, to include the type, statu-
9	tory authorization, and purpose of all United States
10	security assistance provided to the country pursuant
11	to authorities under title 10, United States Code, the
12	Foreign Assistance Act of 1961 (22 U.S.C. 2151 et
13	seq.), or any other "train and equip" authorities of
14	the Department of Defense; and
15	(7) any changes or updates to the Comprehensive
16	Five-Year Strategy for the TSCTP Program required
17	under paragraph (2) of subsection (c) necessitated by
18	the findings in this annual report.
19	(f) FORM.—The strategies required under paragraphs
20	(1) and (2) of subsection (c) and the report required by sub-
21	section (e) shall be submitted in unclassified form but may
22	include a classified annex.
23	(g) Appropriate Congressional Committees De-
24	FINED.—In this section, the term "appropriate congres-

25 sional committees" means—

(1) the Committee on Foreign Relations, the
 Committee on Armed Services, the Committee on Ap propriations, and the Select Committee on Intel ligence of the Senate; and
 (2) the Committee on Foreign Affairs, the Com mittee on Armed Services, the Committee on Appro priations, and the Permanent Select Committee on

8 Intelligence of the House of Representatives.

Calendar No. 475

¹¹⁶TH CONGRESS H. R. 192

AN ACT

To establish an interagency program to assist countries in North and West Africa to improve immediate and long-term capabilities to counter terrorist threats, and for other purposes.

June 3, 2020

Reported with an amendment