

Suspend the Rules and Pass the Bill, H.R. 567, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
1ST SESSION

H. R. 567

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Mr. McCAUL introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

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.

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.**

4 This Act may be cited as the “Trans-Sahara Counter-
5 terrorism Partnership Program Act of 2021”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) terrorist and violent extremist organiza-
4 tions, such as Al Qaeda in the Islamic Maghreb,
5 Boko Haram, the Islamic State of West Africa, and
6 other affiliated groups, have killed tens of thousands
7 of innocent civilians, displaced populations, desta-
8 bilized local and national governments, and caused
9 mass human suffering in the affected communities;

10 (2) poor governance, political and economic
11 marginalization, and lack of accountability for
12 human rights abuses by security forces are drivers
13 of extremism;

14 (3) it is in the national security interest of the
15 United States to combat the spread of terrorism and
16 violent extremism and build the capacity of partner
17 countries to combat these threats in Africa;

18 (4) terrorist and violent extremist organizations
19 exploit vulnerable and marginalized communities
20 suffering from poverty, lack of economic opportunity
21 (particularly among youth populations), corruption,
22 and weak governance; and

23 (5) a comprehensive, coordinated interagency
24 approach is needed to develop an effective strategy
25 to address the security challenges in the Sahel-
26 Maghreb, appropriately allocate resources, de-con-

1 and West Africa that are conducted for any of the
2 following purposes:

3 (A) To improve governance and the capac-
4 ities of countries in North and West Africa to
5 deliver basic services, particularly with at-risk
6 communities, as a means of countering ter-
7 rorism and violent extremism by enhancing
8 state legitimacy and authority and countering
9 corruption.

10 (B) To address the factors that make peo-
11 ple and communities vulnerable to recruitment
12 by terrorist and violent extremist organizations,
13 including economic vulnerability and mistrust of
14 government and government security forces,
15 through activities such as—

16 (i) supporting strategies that increase
17 youth employment opportunities;

18 (ii) promoting girls' education and
19 women's political participation;

20 (iii) strengthening local governance
21 and civil society capacity;

22 (iv) improving government trans-
23 parency and accountability;

24 (v) fighting corruption;

1 (vi) improving access to economic op-
2 portunities; and

3 (vii) other development activities nec-
4 essary to support community resilience.

5 (C) To strengthen the rule of law in such
6 countries, including by enhancing the capability
7 of the judicial institutions to independently,
8 transparently, and credibly deter, investigate,
9 and prosecute acts of terrorism and violent ex-
10 tremism.

11 (D) To improve the ability of military and
12 law enforcement entities in partner countries to
13 detect, disrupt, respond to, and prosecute vio-
14 lent extremist and terrorist activity while re-
15 specting human rights, and to cooperate with
16 the United States and other partner countries
17 on counterterrorism and counter-extremism ef-
18 forts.

19 (E) To enhance the border security capac-
20 ity of partner countries, including the ability to
21 monitor, detain, and interdict terrorists.

22 (F) To identify, monitor, disrupt, and
23 counter the human capital and financing pipe-
24 lines of terrorism.

1 (G) To support the free expression and op-
2 erations of independent, local-language media,
3 particularly in rural areas, while countering the
4 media operations and recruitment propaganda
5 of terrorist and violent extremist organizations.

6 (2) ASSISTANCE FRAMEWORK.—Activities car-
7 ried out under the TSCTP Program shall—

8 (A) be carried out in countries where the
9 Secretary of State, in consultation with the Sec-
10 retary of Defense and the Administrator of the
11 United States Agency for International Devel-
12 opment, determines that there is an adequate
13 level of partner country commitment, and has
14 considered partner country needs, absorptive
15 capacity, sustainment capacity, and efforts of
16 other donors in the sector;

17 (B) have clearly defined outcomes;

18 (C) be closely coordinated among United
19 States diplomatic and development missions,
20 United States Africa Command, and relevant
21 participating departments and agencies;

22 (D) have specific plans with robust indica-
23 tors to regularly monitor and evaluate outcomes
24 and impact;

1 (E) complement and enhance efforts to
2 promote democratic governance, the rule of law,
3 human rights, and economic growth;

4 (F) in the case of train and equip pro-
5 grams, complement longer-term security sector
6 institution-building; and

7 (G) have mechanisms in place to track re-
8 sources and routinely monitor and evaluate the
9 efficacy of relevant programs.

10 (3) CONSULTATION.—In coordinating activities
11 through the TSCTP Program, the Secretary of
12 State shall also establish a coordination mechanism
13 that ensures periodic consultation with, as appro-
14 priate, the Director of National Intelligence, the Sec-
15 retary of the Treasury, the Attorney General, the
16 Chief Executive Officer of the United States Agency
17 for Global Media (formerly known as the Broad-
18 casting Board of Governors), and the heads of other
19 relevant Federal departments and agencies, as deter-
20 mined by the President.

21 (4) CONGRESSIONAL NOTIFICATION.—Not later
22 than 15 days before obligating amounts for an activ-
23 ity of the TSCTP Program pursuant to paragraph
24 (1), the Secretary of State shall submit a notifica-
25 tion to the appropriate congressional committees, in

1 accordance with the requirements of section 634A of
2 the Foreign Assistance Act of 1961 (22 U.S.C.
3 2394–1), that includes the following:

4 (A) The foreign country and entity, as ap-
5 plicable, whose capabilities are to be enhanced
6 in accordance with the purposes specified in
7 paragraph (1).

8 (B) The amount, type, and purpose of sup-
9 port to be provided.

10 (C) An assessment of the capacity of the
11 foreign country to effectively implement, benefit
12 from, or utilize the assistance to be provided for
13 the intended purpose.

14 (D) The anticipated implementation
15 timeline for the activity.

16 (E) As applicable, a description of the
17 plans to sustain any military or security equip-
18 ment provided beyond the completion date of
19 such activity, and the estimated cost and source
20 of funds to support such sustainment.

21 (b) INTERNATIONAL COORDINATION.—Efforts car-
22 ried out under this section shall take into account partner
23 country counterterrorism, counter-extremism, and devel-
24 opment strategies and, to the extent practicable, shall be
25 aligned with such strategies. Such efforts shall be coordi-

1 nated with counterterrorism and counter-extremism activi-
2 ties and programs in the areas of defense, diplomacy, and
3 development carried out by other like-minded donors and
4 international organizations in the relevant country.

5 (c) STRATEGIES.—Not later than 270 days after the
6 date of the enactment of this Act, the Secretary of State,
7 in consultation with the Secretary of Defense and the Ad-
8 ministrator of the United States Agency for International
9 Development and other relevant Federal Government
10 agencies, shall submit to the appropriate congressional
11 committees the following strategies:

12 (1) A COMPREHENSIVE FIVE-YEAR STRATEGY
13 FOR THE SAHEL-MAGHREB.—A comprehensive five-
14 year strategy for the Sahel-Maghreb, including de-
15 tails related to whole-of-government efforts in the
16 areas of defense, diplomacy, and development to ad-
17 vance the national security, economic, and humani-
18 tarian interests of the United States, including—

19 (A) efforts to ensure coordination with
20 multilateral and bilateral partners, such as the
21 Joint Force of the Group of Five of the Sahel,
22 and with other relevant assistance frameworks;

23 (B) a public diplomacy strategy and ac-
24 tions to ensure that populations in the Sahel-
25 Maghreb are aware of the development activi-

1 ties of the United States Government, especially
2 in countries with a significant Department of
3 Defense presence or engagement through train
4 and equip programs;

5 (C) activities aimed at supporting demo-
6 cratic institutions and countering violent extre-
7 mism with measurable goals and transparent
8 benchmarks;

9 (D) plans to help each partner country ad-
10 dress humanitarian and development needs and
11 to help prevent, respond to, and mitigate inter-
12 communal violence;

13 (E) a comprehensive plan to support secu-
14 rity sector reform in each partner country that
15 includes a detailed section on programs and ac-
16 tivities being undertaken by relevant stake-
17 holders and other international actors operating
18 in the sector and that incorporates as appro-
19 priate any lessons learned from previous initia-
20 tives to improve security sector governance; and

21 (F) a specific strategy for Mali that in-
22 cludes plans for sustained, high-level diplomatic
23 engagement with stakeholders, including coun-
24 tries in Europe and the Middle East with inter-
25 ests in the Sahel-Maghreb, regional govern-

1 ments, relevant multilateral organizations, sig-
2 natory groups of the 2015 Agreement for Peace
3 and Reconciliation in Mali, and civil society ac-
4 tors.

5 (2) A COMPREHENSIVE FIVE-YEAR STRATEGY
6 FOR TSCTP PROGRAM COUNTERTERRORISM EF-
7 FORTS.—A comprehensive five-year strategy for the
8 TSCTP Program that includes—

9 (A) a clear statement of the objectives of
10 United States counterterrorism efforts in North
11 and West Africa with respect to the use of all
12 forms of United States assistance to combat
13 terrorism and counter violent extremism, in-
14 cluding efforts to build military and civilian law
15 enforcement capacity, strengthen the rule of
16 law, promote responsive and accountable gov-
17 ernance, and address the root causes of ter-
18 rorism and violent extremism;

19 (B) a plan for coordinating programs
20 through the TSCTP Program pursuant to sub-
21 section (a)(1), including an identification of
22 which agency or bureau of the Department of
23 State, as applicable, will be responsible for lead-
24 ing, coordinating, and conducting monitoring
25 and evaluation for each such program, and the

1 process for enabling the leading agency or bu-
2 reau to establish standards, compel partners to
3 adhere to those standards, and report results;

4 (C) a plan to monitor, evaluate, and share
5 data and learning about the TSCTP Program
6 that includes quantifiable baselines, targets,
7 and results in accordance with monitoring and
8 evaluation provisions of sections 3 and 4 of the
9 Foreign Aid Transparency and Accountability
10 Act of 2016 (Public Law 114–191); and

11 (D) a plan for ensuring coordination and
12 compliance with related requirements in United
13 States law, including the Global Fragility Act of
14 2019 (title V of division J of the Further Con-
15 solidated Appropriations Act, 2020 (Public Law
16 116–94)).

17 (3) CONSULTATION.—Not later than 90 days
18 after the date of the enactment of this Act, the De-
19 partment of State shall consult with appropriate
20 congressional committees on progress made towards
21 developing the strategies required in paragraphs (1)
22 and (2).

23 (d) SUPPORTING MATERIAL IN ANNUAL BUDGET
24 REQUEST.—The Secretary of State shall include in the
25 budget materials submitted to Congress in support of the

1 President's annual budget request (submitted to Congress
2 pursuant to section 1105 of title 31, United States Code)
3 for each fiscal year beginning after the date of the enact-
4 ment of this Act, and annually thereafter for five years,
5 a description of the requirements, activities, and planned
6 allocation of amounts requested by the TSCTP Program.
7 This requirement does not apply to activities of the De-
8 partment of Defense conducted pursuant to authorities
9 under title 10, United States Code.

10 (e) MONITORING AND EVALUATION OF PROGRAMS
11 AND ACTIVITIES.—Not later than one year after the date
12 of the enactment of this Act, and annually thereafter for
13 five years, the Secretary of State, in consultation with the
14 Secretary of Defense and the Administrator of the United
15 States Agency for International Development, shall submit
16 to the appropriate congressional committees a report that
17 describes—

18 (1) the progress made in meeting the objectives
19 of the strategies required under paragraphs (1) and
20 (2) of subsection (c), including any lessons learned
21 in carrying out TSCTP Program activities and any
22 recommendations for improving such programs and
23 activities;

1 (2) the efforts taken to coordinate, de-conflict,
2 and streamline TSCTP Program activities to maxi-
3 mize resource effectiveness;

4 (3) the extent to which each partner country
5 has demonstrated the ability to absorb the equip-
6 ment or training provided in the previous year under
7 the TSCTP Program, and where applicable, the abil-
8 ity to maintain and appropriately utilize such equip-
9 ment;

10 (4) the extent to which each partner country is
11 investing its own resources to advance the goals de-
12 scribed in subsection (a)(1) or is demonstrating a
13 commitment and willingness to cooperate with the
14 United States to advance such goals;

15 (5) the actions taken by the government of each
16 partner country receiving assistance under the
17 TSCTP Program to combat corruption, improve
18 transparency and accountability, and promote other
19 forms of democratic governance;

20 (6) the assistance provided in each of the three
21 preceding fiscal years under this program, broken
22 down by partner country, to include the type, statu-
23 tory authorization, and purpose of all United States
24 security assistance provided to the country pursuant
25 to authorities under title 10, United States Code,

1 the Foreign Assistance Act of 1961 (22 U.S.C. 2151
2 et seq.), or any other “train and equip” authorities
3 of the Department of Defense; and

4 (7) any changes or updates to the Comprehen-
5 sive Five-Year Strategy for the TSCTP Program re-
6 quired under paragraph (2) of subsection (c) neces-
7 sitated by the findings in this annual report.

8 (f) REPORTING REQUIREMENT RELATED TO AUDIT
9 OF BUREAU OF AFRICAN AFFAIRS MONITORING AND CO-
10 ORDINATION OF THE TRANS-SAHARA COUNTERTER-
11 RORISM PARTNERSHIP PROGRAM.—Not later than 90
12 days after the date of the enactment of this Act, and every
13 120 days thereafter until all 13 recommendations in the
14 September 2020 Department of State Office of Inspector
15 General audit entitled “Audit of the Department of State
16 Bureau of African Affairs Monitoring and Coordination
17 of the Trans-Sahara Counterterrorism Partnership Pro-
18 gram” (AUD–MERO–20–42) are closed or until the date
19 that is three years after the date of the enactment of this
20 Act, whichever is earlier, the Secretary of State shall sub-
21 mit to the appropriate congressional committees a report
22 that identifies—

23 (1) which of the 13 recommendations in AUD–
24 MERO–20–42 have not been closed;

1 (2) a description of progress made since the
2 last report toward closing each recommendation
3 identified under paragraph (1);

4 (3) additional resources needed, including as-
5 sessment of staffing capacity, if any, to complete ac-
6 tion required to close each recommendation identi-
7 fied under paragraph (1); and

8 (4) the anticipated timeline for completion of
9 action required to close each recommendation identi-
10 fied under paragraph (1), including application of all
11 recommendations into all existing security assistance
12 programs managed by the Department of State
13 under the TSCTP Program.

14 (g) PROGRAM ADMINISTRATION.—Not later than 120
15 days after the date of the enactment of this Act, the Sec-
16 retary of State shall report to Congress plans for con-
17 ducting a written review of a representative sample of each
18 of the security assistance programs administered by the
19 Bureau of African Affairs to identify potential waste,
20 fraud, abuse, inefficiencies, or deficiencies. The review
21 shall include an analysis of staff capacity, including
22 human resource needs, available resources, procedural
23 guidance, and monitoring and evaluation processes to en-
24 sure the Bureau of African Affairs is managing programs
25 efficiently and effectively.

1 (h) FORM.—The strategies required under para-
2 graphs (1) and (2) of subsection (c) and the reports re-
3 quired under subsections (e), (f), and (g) shall be sub-
4 mitted in unclassified form but may include a classified
5 annex.

6 (i) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
7 FINED.—In this section, the term “appropriate congres-
8 sional committees” means—

9 (1) the Committee on Foreign Relations, the
10 Committee on Armed Services, the Committee on
11 Appropriations, and the Select Committee on Intel-
12 ligence of the Senate; and

13 (2) the Committee on Foreign Affairs, the
14 Committee on Armed Services, the Committee on
15 Appropriations, and the Permanent Select Com-
16 mittee on Intelligence of the House of Representa-
17 tives.