

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**S. 615**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. MENENDEZ

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) terrorist and violent extremist organiza-  
9 tions, such as Al Qaeda in the Islamic Maghreb,  
10 Boko Haram, the Islamic State of West Africa, and  
11 other affiliated groups, have killed tens of thousands

1 of innocent civilians, displaced populations, desta-  
2 bilized local and national governments, and caused  
3 mass human suffering in the affected communities;

4 (2) poor governance, political and economic  
5 marginalization, and lack of accountability for  
6 human rights abuses by security forces are drivers  
7 of extremism;

8 (3) it is in the national security interest of the  
9 United States—

10 (A) to combat the spread of terrorism and  
11 violent extremism; and

12 (B) to build the capacity of partner coun-  
13 tries to combat such threats in Africa;

14 (4) terrorist and violent extremist organizations  
15 exploit vulnerable and marginalized communities  
16 suffering from poverty, lack of economic opportunity  
17 (particularly among youth populations), corruption,  
18 and weak governance; and

19 (5) a comprehensive, coordinated interagency  
20 approach is needed to develop an effective strategy—

21 (A) to address the security challenges in  
22 the Sahel-Maghreb;

23 (B) to appropriately allocate resources and  
24 de-conflict programs; and

1 (C) to maximize the effectiveness of United  
2 States defense, diplomatic, and development ca-  
3 pabilities.

4 **SEC. 3. STATEMENT OF POLICY.**

5 It is the policy of the United States to assist coun-  
6 tries in North Africa and West Africa, and other allies  
7 and partners that are active in those regions, in combating  
8 terrorism and violent extremism through a coordinated  
9 interagency approach with a consistent strategy that ap-  
10 propriately balances security activities with diplomatic and  
11 development efforts to address the political, socioeconomic,  
12 governance, and development challenges in North Africa  
13 and West Africa that contribute to terrorism and violent  
14 extremism.

15 **SEC. 4. TRANS-SAHARA COUNTERTERRORISM PARTNER-**  
16 **SHIP PROGRAM.**

17 (a) IN GENERAL.—

18 (1) ESTABLISHMENT.—The Secretary of State,  
19 in consultation with the Secretary of Defense and  
20 the Administrator of the United States Agency for  
21 International Development, shall establish a partner-  
22 ship program, which shall be known as the “Trans-  
23 Sahara Counterterrorism Partnership Program” (re-  
24 ferred to in this section as the “Program”), to co-  
25 ordinate all programs, projects, and activities of the

1 United States Government in countries in North Af-  
2 rica and West Africa that are conducted—

3 (A) to improve governance and the capac-  
4 ities of countries in North Africa and West Af-  
5 rica to deliver basic services, particularly to at-  
6 risk 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—

13 (i) to detect, disrupt, respond to, and  
14 prosecute violent extremist and terrorist  
15 activity, while respecting human rights;  
16 and

17 (ii) to cooperate with the United  
18 States and other partner countries on  
19 counterterrorism and counter-extremism  
20 efforts;

21 (E) to enhance the border security capacity  
22 of partner countries, including the ability to  
23 monitor, detain, and interdict terrorists;

1 (F) to identify, monitor, disrupt, and  
2 counter the human capital and financing pipe-  
3 lines of terrorism; or

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

9 (2) ASSISTANCE FRAMEWORK.—Program activi-  
10 ties shall—

11 (A) be carried out in countries in which  
12 the Secretary of State, in consultation with the  
13 Secretary of Defense and the Administrator of  
14 the United States Agency for International De-  
15 velopment—

16 (i) determines that there is an ade-  
17 quate level of partner country commitment;  
18 and

19 (ii) has considered partner country  
20 needs, absorptive capacity, sustainment ca-  
21 pacity, and efforts of other donors in the  
22 sector;

23 (B) have clearly defined outcomes;

24 (C) be closely coordinated among United  
25 States diplomatic and development missions,

1 United States Africa Command, and relevant  
2 participating departments and agencies;

3 (D) have specific plans with robust indica-  
4 tors to regularly monitor and evaluate outcomes  
5 and impact;

6 (E) complement and enhance efforts to  
7 promote democratic governance, the rule of law,  
8 human rights, and economic growth;

9 (F) in the case of train and equip pro-  
10 grams, complement longer-term security sector  
11 institution-building; and

12 (G) have mechanisms in place to track re-  
13 sources and routinely monitor and evaluate the  
14 efficacy of relevant programs.

15 (3) CONSULTATION.—In coordinating activities  
16 through the Program, the Secretary of State shall  
17 consult, as appropriate, with the Director of Na-  
18 tional Intelligence, the Secretary of the Treasury,  
19 the Attorney General, the Chief Executive Officer of  
20 the United States Agency for Global Media (for-  
21 merly known as the Broadcasting Board of Gov-  
22 ernors), and the heads of other relevant Federal de-  
23 partments and agencies, as determined by the Presi-  
24 dent.

1           (4) CONGRESSIONAL NOTIFICATION.—Not later  
2 than 15 days before obligating amounts for an activ-  
3 ity coordinated through the Program under para-  
4 graph (1), the Secretary of State shall notify the ap-  
5 propriate congressional committees, in accordance  
6 with section 634A of the Foreign Assistance Act of  
7 1961 (22 U.S.C. 2394–1), of—

8           (A) the foreign country and entity, as ap-  
9 plicable, whose capabilities are to be enhanced  
10 in accordance with the purposes described in  
11 paragraph (1);

12           (B) the amount, type, and purpose of sup-  
13 port to be provided;

14           (C) the absorptive capacity of the foreign  
15 country to effectively implement the assistance  
16 to be provided;

17           (D) the extent to which state security  
18 forces of the foreign country have been impli-  
19 cated in gross violations of human rights and  
20 the risk that obligated funds may be used to  
21 perpetrate further abuses;

22           (E) the anticipated implementation  
23 timeline for the activity; and

24           (F) the plans to sustain any military or se-  
25 curity equipment provided beyond the comple-

1           tion date of such activity, if applicable, and the  
2           estimated cost and source of funds to support  
3           such sustainment.

4           (b) INTERNATIONAL COORDINATION.—Efforts car-  
5 ried out under this section—

6           (1) shall take into account partner country  
7           counterterrorism, counter-extremism, and develop-  
8           ment strategies;

9           (2) shall be aligned with such strategies, to the  
10          extent practicable; and

11          (3) shall be coordinated with counterterrorism  
12          and counter-extremism activities and programs in  
13          the areas of defense, diplomacy, and development  
14          carried out by other like-minded donors and inter-  
15          national organizations in the relevant country.

16          (c) STRATEGIES.—

17          (1) IN GENERAL.—Not later than 180 days  
18          after the date of the enactment of this Act, the Sec-  
19          retary of State, in consultation with the Secretary of  
20          Defense and the Administrator of the United States  
21          Agency for International Development and other rel-  
22          evant Federal Government agencies, shall submit the  
23          strategies described in paragraph (2) and (3) to the  
24          appropriate congressional committees.

1           (2) COMPREHENSIVE, 5-YEAR STRATEGY FOR  
2 THE SAHEL-MAGHREB.—The Secretary of State  
3 shall develop a comprehensive, 5-year strategy for  
4 the Sahel-Maghreb, including details related to  
5 whole-of-government efforts in the areas of defense,  
6 diplomacy, and development to advance the national  
7 security, economic, and humanitarian interests of  
8 the United States, including—

9           (A) efforts to ensure coordination with  
10 multilateral and bilateral partners, such as the  
11 Joint Force of the Group of Five of the Sahel,  
12 and with other relevant assistance frameworks;

13           (B) a public diplomacy strategy and ac-  
14 tions to ensure that populations in the Sahel-  
15 Maghreb are aware of the development activi-  
16 ties of the United States Government, especially  
17 in countries with a significant Department of  
18 Defense presence or engagement through train  
19 and equip programs;

20           (C) activities aimed at supporting demo-  
21 cratic institutions and countering violent extre-  
22 mism with measurable goals and transparent  
23 benchmarks;

24           (D) plans to help each partner country ad-  
25 dress humanitarian and development needs and

1 to help prevent, respond to, and mitigate inter-  
2 communal violence;

3 (E) a comprehensive plan to support secu-  
4 rity sector reform in each partner country that  
5 includes a detailed section on programs and ac-  
6 tivities being undertaken by relevant stake-  
7 holders and other international actors operating  
8 in the sector; and

9 (F) a specific strategy for Mali that in-  
10 cludes plans for sustained, high-level diplomatic  
11 engagement with stakeholders, including coun-  
12 tries in Europe and the Middle East with inter-  
13 ests in the Sahel-Maghreb, regional govern-  
14 ments, relevant multilateral organizations, sig-  
15 natory groups of the Agreement for Peace and  
16 Reconciliation in Mali, done in Algiers July 24,  
17 2014, and civil society actors.

18 (3) A COMPREHENSIVE FIVE-YEAR STRATEGY  
19 FOR PROGRAM COUNTERTERRORISM EFFORTS.—The  
20 Secretary of State shall develop a comprehensive 5-  
21 year strategy for the Program that includes—

22 (A) a clear statement of the objectives of  
23 United States counterterrorism efforts in North  
24 Africa and West Africa with respect to the use  
25 of all forms of United States assistance to com-

1           bat terrorism and counter violent extremism, in-  
2           cluding efforts—

3                   (i) to build military and civilian law  
4                   enforcement capacity;

5                   (ii) to strengthen the rule of law;

6                   (iii) to promote responsive and ac-  
7                   countable governance; and

8                   (iv) to address the root causes of ter-  
9                   rorism and violent extremism;

10           (B) a plan for coordinating programs  
11           through the Program pursuant to subsection  
12           (a)(1), including identifying the agency or bu-  
13           reau of the Department of State, as applicable,  
14           that will be responsible for leading and coordi-  
15           nating each such program;

16           (C) a plan to monitor, evaluate, and share  
17           data and learning about the Program in accord-  
18           ance with monitoring and evaluation provisions  
19           under sections 3 and 4 of the Foreign Aid  
20           Transparency and Accountability Act of 2016  
21           (22 U.S.C. 2394c note and 2394c); and

22           (D) a plan for ensuring coordination and  
23           compliance with related requirements in United  
24           States law, including the Global Fragility Act of  
25           2019 (22 U.S.C. 9801 et seq.).

1           (4) CONSULTATION.—Not later than 90 days  
2 after the date of the enactment of this Act, the Sec-  
3 retary of State shall consult with the appropriate  
4 congressional committees regarding the progress  
5 made towards developing the strategies required  
6 under paragraphs (2) and (3).

7           (d) SUPPORTING MATERIAL IN ANNUAL BUDGET  
8 REQUEST.—

9           (1) IN GENERAL.—The Secretary of State shall  
10 include a description of the requirements, activities,  
11 and planned allocation of amounts requested by the  
12 Program in the budget materials submitted to Con-  
13 gress in support of the President’s annual budget re-  
14 quest pursuant to section 1105 of title 31, United  
15 States Code, for each fiscal year beginning after the  
16 date of the enactment of this Act and annually  
17 thereafter for the following 5 years.

18           (2) EXCEPTION.—The requirement under para-  
19 graph (1) shall not apply to activities of the Depart-  
20 ment of Defense conducted pursuant to authorities  
21 under title 10, United States Code.

22           (e) MONITORING AND EVALUATION OF PROGRAMS  
23 AND ACTIVITIES.—Not later than 1 year after the date  
24 of the enactment of this Act, and annually thereafter for  
25 the following 5 years, the Secretary of State, in consulta-

1 tion with the Secretary of Defense and the Administrator  
2 of the United States Agency for International Develop-  
3 ment, shall submit a report to the appropriate congres-  
4 sional committees that describes—

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

11          (2) the efforts taken to coordinate, de-conflict,  
12          and streamline Program activities to maximize re-  
13          source effectiveness;

14          (3) the extent to which each partner country  
15          has demonstrated the ability to absorb the equip-  
16          ment or training provided in the previous year under  
17          the Program, and as applicable, the ability to main-  
18          tain and appropriately utilize such equipment;

19          (4) the extent to which each partner country is  
20          investing its own resources to advance the goals de-  
21          scribed in subsection (a)(1) or is demonstrating a  
22          commitment and willingness to cooperate with the  
23          United States to advance such goals;

24          (5) the actions taken by the government of each  
25          partner country receiving assistance under the Pro-

1       gram to combat corruption, improve transparency  
2       and accountability, and promote other forms of  
3       democratic governance;

4           (6) the extent to which state security forces in  
5       each partner country have been implicated in gross  
6       violations of human rights during the reporting pe-  
7       riod, including how such gross violations of human  
8       rights have been addressed and or will be addressed  
9       through Program activities;

10          (7) the assistance provided in each of the 3 pre-  
11       ceding fiscal years under the Program, broken down  
12       by partner country, including the type, statutory au-  
13       thorization, and purpose of all United States secu-  
14       rity assistance provided to the country pursuant to  
15       authorities under title 10, United States Code, the  
16       Foreign Assistance Act of 1961 (22 U.S.C. 2151 et  
17       seq.), or any other “train and equip” authorities of  
18       the Department of Defense; and

19          (8) any changes or updates to the Comprehen-  
20       sive 5-Year Strategy for the Program required under  
21       subsection (c)(3) necessitated by the findings in this  
22       annual report.

23       (f) REPORTING REQUIREMENT RELATED TO AUDIT  
24       OF BUREAU OF AFRICAN AFFAIRS MONITORING AND CO-  
25       ORDINATION OF THE TRANS-SAHARA COUNTERTER-

1 RORISM PARTNERSHIP PROGRAM.—Not later than 90  
2 days after the date of the enactment of this Act, and every  
3 120 days thereafter until the earlier of the date on which  
4 all 13 recommendations in the September 2020 Depart-  
5 ment of State Office of Inspector General audit entitled  
6 “Audit of the Department of State Bureau of African Af-  
7 fairs Monitoring and Coordination of the Trans-Sahara  
8 Counterterrorism Partnership Program” (AUD–MERO–  
9 20–42) are closed or the date that is 3 years after the  
10 date of the enactment of this Act, the Secretary of State  
11 shall submit a report to the appropriate congressional  
12 committees that identifies—

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

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

18 (3) additional resources needed, including as-  
19 sessment of staffing capacity, if any, to complete ac-  
20 tion required to close each recommendation identi-  
21 fied under paragraph (1); and

22 (4) the anticipated timeline for completion of  
23 action required to close each recommendation identi-  
24 fied under paragraph (1), including application of all  
25 recommendations into all existing security assistance

1 programs managed by the Department of State  
2 under the Program.

3 (g) PROGRAM ADMINISTRATION.—Not later than 120  
4 days after the date of the enactment of this Act, the Sec-  
5 retary of State shall submit a report to Congress that de-  
6 scribes plans for conducting a written review of a rep-  
7 resentative sample of each of the security assistance pro-  
8 grams administered by the Bureau of African Affairs  
9 that—

10 (1) identifies potential waste, fraud, abuse, inef-  
11 ficiencies, or deficiencies; and

12 (2) includes an analysis of staff capacity, in-  
13 cluding human resource needs, available resources,  
14 procedural guidance, and monitoring and evaluation  
15 processes to ensure that the Bureau of African Af-  
16 fairs is managing programs efficiently and effec-  
17 tively.

18 (h) FORM.—The strategies required under para-  
19 graphs (2) and (3) of subsection (c) and the report re-  
20 quired under subsection (e) shall be submitted in unclassi-  
21 fied form, but may include a classified annex.

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

1           (1) the Committee on Foreign Relations of the  
2       Senate;

3           (2) the Committee on Armed Services of the  
4       Senate;

5           (3) the Committee on Appropriations of the  
6       Senate;

7           (4) the Select Committee on Intelligence of the  
8       Senate;

9           (5) the Committee on Foreign Affairs of the  
10      House of Representatives;

11          (6) the Committee on Armed Services of the  
12      House of Representatives;

13          (7) the Committee on Appropriations of the  
14      House of Representatives; and

15          (8) the Permanent Select Committee on Intel-  
16      ligence of the House of Representatives.

17 **SEC. 5. RULE OF CONSTRUCTION.**

18       Nothing in this Act may be construed as authorizing  
19      the use of military force.