

117TH CONGRESS
1ST SESSION

S. _____

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.

IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

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.

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”.

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

7 It is the sense of Congress that—

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

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

12 (3) it is in the national security interest of the
13 United States—

14 (A) to combat the spread of terrorism and
15 violent extremism; and

16 (B) to build the capacity of partner coun-
17 tries to combat such 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—

1 (A) to address the security challenges in
2 the Sahel-Maghreb;

3 (B) to appropriately allocate resources and
4 de-conflict programs; and

5 (C) to maximize the effectiveness of United
6 States defense, diplomatic, and development ca-
7 pabilities.

8 **SEC. 3. STATEMENT OF POLICY.**

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

19 **SEC. 4. TRANS-SAHARA COUNTERTERRORISM PARTNER-**
20 **SHIP PROGRAM.**

21 (a) IN GENERAL.—

22 (1) ESTABLISHMENT.—The Secretary of State,
23 in consultation with the Secretary of Defense and
24 the Administrator of the United States Agency for
25 International Development, shall establish a partner-

1 ship program, which shall be known as the “Trans-
2 Sahara Counterterrorism Partnership Program” (re-
3 ferred to in this section as the “Program”), to co-
4 ordinate all programs, projects, and activities of the
5 United States Government in countries in North Af-
6 rica and West Africa that are conducted—

7 (A) to improve governance and the capac-
8 ities of countries in North Africa and West Af-
9 rica to deliver basic services, particularly to at-
10 risk communities, as a means of countering ter-
11 rorism and violent extremism by enhancing
12 state legitimacy and authority and countering
13 corruption;

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

20 (i) supporting strategies that increase
21 youth employment opportunities;

22 (ii) promoting girls’ education and
23 women’s political participation;

24 (iii) strengthening local governance
25 and civil society capacity;

1 (iv) improving government trans-
2 parency and accountability;

3 (v) fighting corruption;

4 (vi) improving access to economic op-
5 portunities; and

6 (vii) other development activities nec-
7 essary to support community resilience;

8 (C) to strengthen the rule of law in such
9 countries, including by enhancing the capability
10 of the judicial institutions to independently,
11 transparently, and credibly deter, investigate,
12 and prosecute acts of terrorism and violent ex-
13 tremism;

14 (D) to improve the ability of military and
15 law enforcement entities in partner countries—

16 (i) to detect, disrupt, respond to, and
17 prosecute violent extremist and terrorist
18 activity, while respecting human rights;
19 and

20 (ii) to cooperate with the United
21 States and other partner countries on
22 counterterrorism and counter-extremism
23 efforts;

1 (E) to enhance the border security capacity
2 of partner countries, including the ability to
3 monitor, detain, and interdict terrorists;

4 (F) to identify, monitor, disrupt, and
5 counter the human capital and financing pipe-
6 lines of terrorism; or

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

12 (2) ASSISTANCE FRAMEWORK.—Program activi-
13 ties shall—

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

19 (i) determines that there is an ade-
20 quate level of partner country commitment;
21 and

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

1 (B) have clearly defined outcomes;

2 (C) be closely coordinated among United
3 States diplomatic and development missions,
4 United States Africa Command, and relevant
5 participating departments and agencies;

6 (D) have specific plans with robust indica-
7 tors to regularly monitor and evaluate outcomes
8 and impact;

9 (E) complement and enhance efforts to
10 promote democratic governance, the rule of law,
11 human rights, and economic growth;

12 (F) in the case of train and equip pro-
13 grams, complement longer-term security sector
14 institution-building; and

15 (G) have mechanisms in place to track re-
16 sources and routinely monitor and evaluate the
17 efficacy of relevant programs.

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

1 partments and agencies, as determined by the Presi-
2 dent.

3 (4) CONGRESSIONAL NOTIFICATION.—Not later
4 than 15 days before obligating amounts for an activ-
5 ity coordinated through the Program under para-
6 graph (1), the Secretary of State shall notify the ap-
7 propriate congressional committees, in accordance
8 with section 634A of the Foreign Assistance Act of
9 1961 (22 U.S.C. 2394–1), of—

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

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

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

19 (D) the anticipated implementation
20 timeline for the activity; and

21 (E) the plans to sustain any military or se-
22 curity equipment provided beyond the comple-
23 tion date of such activity, if applicable, and the
24 estimated cost and source of funds to support
25 such sustainment.

1 (b) INTERNATIONAL COORDINATION.—Efforts car-
2 ried out under this section—

3 (1) shall take into account partner country
4 counterterrorism, counter-extremism, and develop-
5 ment strategies;

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

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

13 (c) STRATEGIES.—

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

22 (2) COMPREHENSIVE, 5-YEAR STRATEGY FOR
23 THE SAHEL-MAGHREB.—The Secretary of State
24 shall develop a comprehensive, 5-year strategy for
25 the Sahel-Maghreb, including details related to

1 whole-of-government efforts in the areas of defense,
2 diplomacy, and development to advance the national
3 security, economic, and humanitarian interests of
4 the United States, including—

5 (A) efforts to ensure coordination with
6 multilateral and bilateral partners, such as the
7 Joint Force of the Group of Five of the Sahel,
8 and with other relevant assistance frameworks;

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

16 (C) activities aimed at supporting demo-
17 cratic institutions and countering violent extre-
18 mism with measurable goals and transparent
19 benchmarks;

20 (D) plans to help each partner country ad-
21 dress humanitarian and development needs and
22 to help prevent, respond to, and mitigate inter-
23 communal violence;

24 (E) a comprehensive plan to support secu-
25 rity sector reform in each partner country that

1 includes a detailed section on programs and ac-
2 tivities being undertaken by relevant stake-
3 holders and other international actors operating
4 in the sector; and

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

14 (3) A COMPREHENSIVE FIVE-YEAR STRATEGY
15 FOR PROGRAM COUNTERTERRORISM EFFORTS.—The
16 Secretary of State shall develop a comprehensive 5-
17 year strategy for the Program that includes—

18 (A) a clear statement of the objectives of
19 United States counterterrorism efforts in North
20 Africa and West Africa with respect to the use
21 of all forms of United States assistance to com-
22 bat terrorism and counter violent extremism, in-
23 cluding efforts—

24 (i) to build military and civilian law
25 enforcement capacity;

1 (ii) to strengthen the rule of law;

2 (iii) to promote responsive and ac-
3 countable governance; and

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

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

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

18 (D) a plan for ensuring coordination and
19 compliance with related requirements in United
20 States law, including the Global Fragility Act of
21 2019 (22 U.S.C. 9801 et seq.).

22 (4) CONSULTATION.—Not later than 90 days
23 after the date of the enactment of this Act, the Sec-
24 retary of State shall consult with the appropriate
25 congressional committees regarding the progress

1 made towards developing the strategies required
2 under paragraphs (2) and (3).

3 (d) SUPPORTING MATERIAL IN ANNUAL BUDGET
4 REQUEST.—

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

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

18 (e) MONITORING AND EVALUATION OF PROGRAMS
19 AND ACTIVITIES.—Not later than 1 year after the date
20 of the enactment of this Act, and annually thereafter for
21 the following 5 years, the Secretary of State, in consulta-
22 tion with the Secretary of Defense and the Administrator
23 of the United States Agency for International Develop-
24 ment, shall submit a report to the appropriate congres-
25 sional committees that describes—

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

7 (2) the efforts taken to coordinate, de-conflict,
8 and streamline Program activities to maximize re-
9 source effectiveness;

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

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

20 (5) the actions taken by the government of each
21 partner country receiving assistance under the Pro-
22 gram to combat corruption, improve transparency
23 and accountability, and promote other forms of
24 democratic governance;

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

10 (7) any changes or updates to the Comprehen-
11 sive 5-Year Strategy for the Program required under
12 subsection (c)(3) necessitated by the findings in this
13 annual report.

14 (f) REPORTING REQUIREMENT RELATED TO AUDIT
15 OF BUREAU OF AFRICAN AFFAIRS MONITORING AND CO-
16 ORDINATION OF THE TRANS-SAHARA COUNTERTER-
17 RORISM PARTNERSHIP PROGRAM.—Not later than 90
18 days after the date of the enactment of this Act, and every
19 120 days thereafter until the earlier of the date on which
20 all 13 recommendations in the September 2020 Depart-
21 ment of State Office of Inspector General audit entitled
22 “Audit of the Department of State Bureau of African Af-
23 fairs Monitoring and Coordination of the Trans-Sahara
24 Counterterrorism Partnership Program” (AUD–MERO–
25 20–42) are closed or the date that is 3 years after the

1 date of the enactment of this Act, the Secretary of State
2 shall submit a report to the appropriate congressional
3 committees that identifies—

4 (1) which of the 13 recommendations in AUD-
5 MERO-20-42 have not been closed;

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

9 (3) additional resources needed, including as-
10 sessment of staffing capacity, if any, to complete ac-
11 tion required to close each recommendation identi-
12 fied under paragraph (1); and

13 (4) the anticipated timeline for completion of
14 action required to close each recommendation identi-
15 fied under paragraph (1), including application of all
16 recommendations into all existing security assistance
17 programs managed by the Department of State
18 under the Program.

19 (g) PROGRAM ADMINISTRATION.—Not later than 120
20 days after the date of the enactment of this Act, the Sec-
21 retary of State shall submit a report to Congress that de-
22 scribes plans for conducting a written review of a rep-
23 resentative sample of each of the security assistance pro-
24 grams administered by the Bureau of African Affairs
25 that—

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

3 (2) includes an analysis of staff capacity, in-
4 cluding human resource needs, available resources,
5 procedural guidance, and monitoring and evaluation
6 processes to ensure that the Bureau of African Af-
7 fairs is managing programs efficiently and effec-
8 tively.

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

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

16 (1) the Committee on Foreign Relations of the
17 Senate;

18 (2) the Committee on Armed Services of the
19 Senate;

20 (3) the Committee on Appropriations of the
21 Senate;

22 (4) the Select Committee on Intelligence of the
23 Senate;

24 (5) the Committee on Foreign Affairs of the
25 House of Representatives;

- 1 (6) the Committee on Armed Services of the
- 2 House of Representatives;
- 3 (7) the Committee on Appropriations of the
- 4 House of Representatives; and
- 5 (8) the Permanent Select Committee on Intel-
- 6 ligence of the House of Representatives.