

139. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH
OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. SMITH OF WASHINGTON**

At the end of subtitle D of title X, insert the following:

1 **SEC. 1043. NATIONAL SECURITY PLANNING GUIDANCE TO**
2 **DENY SAFE HAVENS TO AL-QAEDA AND ITS**
3 **VIOLENT EXTREMIST AFFILIATES.**

4 (a) **PURPOSE AND FINDINGS.—**

5 (1) **PURPOSE.—**The purpose of this section is
6 to improve interagency strategic planning and execu-
7 tion to more effectively integrate efforts to deny safe
8 havens and strengthen at-risk states to further the
9 goals of the National Security Strategy related to
10 the disruption, dismantlement, and defeat of al-
11 Qaeda and its violent extremist affiliates.

12 (2) **FINDINGS.—**Congress makes the following
13 findings:

14 (A) In Iraq, Afghanistan, and other areas
15 where stabilization operations are carried out,
16 the lack of an integrated, coordinated planning
17 effort in which the goals, objectives, and prior-
18 ities of the United States effort and the roles
19 and missions of the various agencies of the

1 United States were clearly delineated has ham-
2 pered the efforts of the United States in such
3 operations and may have contributed to in-
4 creased costs in funding, time, effort, and other
5 terms.

6 (B) The fight against al-Qaeda and its vio-
7 lent extremist affiliates, and the threat to the
8 United States by transnational terrorism, will
9 continue for the foreseeable future.

10 (C) A key component of success in the
11 struggle against al-Qaeda and its violent ex-
12 tremist affiliates is the ability to deny safe ha-
13 vens to al-Qaeda, its violent extremist affiliates,
14 and other violent extremist organizations, and
15 United States national security interests will
16 sometimes require the United States to assist in
17 building the capabilities of other countries and
18 entities to deny such violent extremist organiza-
19 tions safe havens and to participate in regional
20 efforts to deny such violent extremist organiza-
21 tions safe havens.

22 (b) NATIONAL SECURITY PLANNING GUIDANCE.—

23 (1) GUIDANCE REQUIRED.—The President shall
24 issue classified or unclassified national security plan-
25 ning guidance in support of objectives stated in the

1 national security strategy report submitted to Con-
2 gress by the President pursuant to section 108 of
3 the National Security Act of 1947 (50 U.S.C. 404a)
4 to deny safe havens to al-Qaeda and its violent ex-
5 tremist affiliates and to strengthen at-risk states.
6 Such guidance shall serve as the strategic plan that
7 governs United States and coordinated international
8 efforts to enhance the capacity of governmental and
9 nongovernmental entities to work toward the goal of
10 eliminating the ability of al-Qaeda and its violent ex-
11 tremist affiliates to establish or maintain safe ha-
12 vens.

13 (2) CONTENTS OF GUIDANCE.—The guidance
14 required under paragraph (1) shall include each of
15 the following:

16 (A) A prioritized list of specified geo-
17 graphic areas that the President determines are
18 necessary to address and an explicit discussion
19 and list of the criteria or rationale used to
20 prioritize the areas on the list, including a dis-
21 cussion of the conditions that would hamper the
22 ability of the United States to strengthen at-
23 risk states or other entities in such areas.

24 (B) For each specified geographic area, a
25 description, analysis, and discussion of the core

1 problems and contributing issues that allow or
2 could allow al-Qaeda and its violent extremist
3 affiliates to use the area as a safe haven from
4 which to plan and launch attacks, engage in
5 propaganda, or raise funds and other support,
6 including any ongoing or potential
7 radicalization of the population, or to use the
8 area as a key transit route for personnel, weap-
9 ons, funding, or other support.

10 (C) A list of short-term, mid-term, and
11 long-term goals for each specified geographic
12 area, prioritized by importance.

13 (D) A description of the role and mission
14 of each Federal department and agency in-
15 volved in executing the guidance, including the
16 Departments of Defense, Justice, Treasury, and
17 State and the Agency for International Devel-
18 opment.

19 (E) A description of gaps in United States
20 capabilities to meet the goals listed pursuant to
21 subparagraph (C), and the extent to which
22 those gaps can be met through coordination
23 with nongovernmental, international, or private
24 sector organizations, entities, or companies.

1 (3) REVIEW AND UPDATE OF GUIDANCE.—The
2 President shall review and update the guidance re-
3 quired under paragraph (1) as necessary. Any such
4 review shall address each of the following:

5 (A) The overall progress made toward
6 achieving the goals listed pursuant to para-
7 graph (2)(C), including an overall assessment of
8 the progress in denying a safe haven to al-
9 Qaeda and its violent extremist affiliates.

10 (B) The performance of each Federal de-
11 partment and agency involved in executing the
12 guidance.

13 (C) The performance of the unified coun-
14 try team and appropriate combatant command,
15 or in the case of a cross-border effort, country
16 teams in the area and the appropriate combat-
17 ant command.

18 (D) Any addition to, deletion from, or
19 change in the order of the prioritized list main-
20 tained pursuant to paragraph (2)(A).

21 (4) SPECIFIED GEOGRAPHIC AREA DEFINED.—
22 In this subsection, the term “specified geographic
23 area” means any country, subnational territory, or
24 region—

1 (Δ) that serves or may potentially serve as
2 a safe haven for al-Qaeda or a violent extremist
3 affiliate of al-Qaeda—

4 (i) from which to plan and launch at-
5 tacks, engage in propaganda, or raise
6 funds and other support; or

7 (ii) for use as a key transit route for
8 personnel, weapons, funding, or other sup-
9 port; and

10 (B) over which one or more governments
11 or entities exert insufficient governmental or se-
12 curity control to deny al-Qaeda and its violent
13 extremist affiliates the ability to establish a
14 large scale presence.

15 (5) SUBMITTAL TO CONGRESS.—Not later than
16 15 days after the President issues the guidance re-
17 quired under paragraph (1) or reviews or updates
18 such guidance under paragraph (3), the President
19 shall submit to the Committees on Armed Services
20 and Foreign Affairs of the House of Representatives
21 and the Committees on Armed Services and Foreign
22 Relations of the Senate a copy of such guidance.

23 (c) IMPLEMENTATION.—

24 (1) MEMORANDUM OF UNDERSTANDING RE-
25 QUIRED.—The head of each agency listed in the na-

1 tional security planning guidance required under
2 subsection (b) shall enter into a memorandum of un-
3 derstanding regarding matters related to the imple-
4 mentation of such guidance.

5 (2) MATTERS COVERED.— The memorandum of
6 understanding required by paragraph (1) shall in-
7 clude each of the following:

8 (A) An identification of the positions sup-
9 plied by each department or agency to country
10 teams or teams and the appropriate combatant
11 command in each specified geographic area that
12 are critical for carrying out the national secu-
13 rity planning guidance.

14 (B) The criteria used by each department
15 or agency for the selection of appropriate per-
16 sonnel to fill the positions identified as critical
17 pursuant to subparagraph (A), including the
18 manner of soliciting the input from other de-
19 partments and agencies regarding appropriate
20 personnel and expertise.

21 (C) The manner in which performance in
22 furtherance of the national security planning
23 guidance shall be considered in evaluating the
24 performance of personnel designated to fill the
25 positions identified as critical pursuant to sub-

1 paragraph (A), including the consideration of
2 input from personnel from other departments
3 and agencies who filled senior positions on the
4 country team or relevant combatant command,
5 in particular the appropriate United States am-
6 bassador.

7 (D) The manner for implementing lessons
8 learned in the course of reviewing the perform-
9 ance of a country team or multiple country
10 teams and relevant combatant command in the
11 course of reviewing the national security plan-
12 ning guidance under subsection (b)(3).

13 (E) The manner in which disputes related
14 to carrying out the national security planning
15 guidance between members of the country team,
16 the relevant combatant command, or depart-
17 ments and agencies shall be handled.

18 (3) IMPLEMENTATION OF MEMORANDUM OF
19 UNDERSTANDING.— Not later than 120 days after
20 the memorandum of understanding required by
21 paragraph (1) is signed, the heads of those depart-
22 ments and agencies listed in the national security
23 planning guidance shall issue such policies and guid-
24 ance and prescribe such regulations as are necessary
25 to implement the memorandum of understanding for

1 the relevant matters pertaining to their respective
2 departments and agencies.

3 (4) UPDATE AND REVIEW.—The memorandum
4 of understanding as required under paragraph (1)
5 shall be updated and reviewed as necessary, but at
6 a minimum shall be reviewed with each review of the
7 national security planning guidance under subsection
8 (b)(3).

