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:

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

(a) PURPOSE AND FINDINGS.—

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

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

(A) In Iraq, Afghanistan, and other areas
where stabilization operations are carried out,
the lack of an integrated, coordinated planning
effort in which the goals, objectives, and prior-
ities of the United States effort and the roles
and missions of the various agencies of the
United States were clearly delineated has hampered the efforts of the United States in such operations and may have contributed to increased costs in funding, time, effort, and other terms.

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

(C) A key component of success in the struggle against al-Qaeda and its violent extremist affiliates is the ability to deny safe havens to al-Qaeda, its violent extremist affiliates, and other violent extremist organizations, and United States national security interests will sometimes require the United States to assist in building the capabilities of other countries and entities to deny such violent extremist organizations safe havens and to participate in regional efforts to deny such violent extremist organizations safe havens.

(b) NATIONAL SECURITY PLANNING GUIDANCE.—

(1) GUIDANCE REQUIRED.—The President shall issue classified or unclassified national security planning guidance in support of objectives stated in the
national security strategy report submitted to Congress by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) to deny safe havens to al-Qaeda and its violent extremist affiliates and to strengthen at-risk states. Such guidance shall serve as the strategic plan that governs United States and coordinated international efforts to enhance the capacity of governmental and nongovernmental entities to work toward the goal of eliminating the ability of al-Qaeda and its violent extremist affiliates to establish or maintain safe havens.

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

(A) A prioritized list of specified geographic areas that the President determines are necessary to address and an explicit discussion and list of the criteria or rationale used to prioritize the areas on the list, including a discussion of the conditions that would hamper the ability of the United States to strengthen at-risk states or other entities in such areas.

(B) For each specified geographic area, a description, analysis, and discussion of the core
problems and contributing issues that allow or
could allow al-Qaeda and its violent extremist
affiliates to use the area as a safe haven from
which to plan and launch attacks, engage in
propaganda, or raise funds and other support,
including any ongoing or potential
radicalization of the population, or to use the
area as a key transit route for personnel, weap-
ons, funding, or other support.

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

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

(E) A description of gaps in United States
capabilities to meet the goals listed pursuant to
paragraph (C), and the extent to which
those gaps can be met through coordination
with nongovernmental, international, or private
sector organizations, entities, or companies.
(3) REVIEW AND UPDATE OF GUIDANCE.—The President shall review and update the guidance required under paragraph (1) as necessary. Any such review shall address each of the following:

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

(B) The performance of each Federal department and agency involved in executing the guidance.

(C) The performance of the unified country team and appropriate combatant command, or in the case of a cross-border effort, country teams in the area and the appropriate combatant command.

(D) Any addition to, deletion from, or change in the order of the prioritized list maintained pursuant to paragraph (2)(A).

(4) SPECIFIED GEOGRAPHIC AREA DEFINED.—In this subsection, the term “specified geographic area” means any country, subnational territory, or region—
(A) that serves or may potentially serve as
a safe haven for al-Qaeda or a violent extremist
affiliate of al-Qaeda—

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

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

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

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

(e) IMPLEMENTATION.—

(1) MEMORANDUM OF UNDERSTANDING RE-
QUIRED.—The head of each agency listed in the na-
tional security planning guidance required under subsection (b) shall enter into a memorandum of understanding regarding matters related to the implementation of such guidance.

(2) MATTERS COVERED.— The memorandum of understanding required by paragraph (1) shall include each of the following:

(A) An identification of the positions supplied by each department or agency to country teams or teams and the appropriate combatant command in each specified geographic area that are critical for carrying out the national security planning guidance.

(B) The criteria used by each department or agency for the selection of appropriate personnel to fill the positions identified as critical pursuant to subparagraph (A), including the manner of soliciting the input from other departments and agencies regarding appropriate personnel and expertise.

(C) The manner in which performance in furtherance of the national security planning guidance shall be considered in evaluating the performance of personnel designated to fill the positions identified as critical pursuant to sub-
paragraph (A), including the consideration of input from personnel from other departments and agencies who filled senior positions on the country team or relevant combatant command, in particular the appropriate United States ambassador.

(D) The manner for implementing lessons learned in the course of reviewing the performance of a country team or multiple country teams and relevant combatant command in the course of reviewing the national security planning guidance under subsection (b)(3).

(E) The manner in which disputes related to carrying out the national security planning guidance between members of the country team, the relevant combatant command, or departments and agencies shall be handled.

(3) Implementation of Memorandum of Understanding.—Not later than 120 days after the memorandum of understanding required by paragraph (1) is signed, the heads of those departments and agencies listed in the national security planning guidance shall issue such policies and guidance and prescribe such regulations as are necessary to implement the memorandum of understanding for
the relevant matters pertaining to their respective departments and agencies.

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