

~~(S//NF)~~ PRINCIPLES, STANDARDS, AND PROCEDURES FOR U.S. DIRECT ACTION AGAINST TERRORIST TARGETS

~~(S)~~ Direct action is a critical component of the United States Government's counterterrorism (CT) strategy. The United States must update its policies on the application of direct action to keep pace with the evolution of the terrorist threat in recent years, in particular, the proliferation of Islamic State of Iraq and Syria (ISIS) and al-Qa'ida networks across the globe. Addressing these challenges requires establishing new guidance that empowers the heads of appropriate departments and agencies to use their relevant legal authorities to defeat this terrorist threat, including through direct action against lawful terrorist targets abroad, while ensuring that the use of direct action is consistently applied in a manner that reflects our nation's values and respect for international law.

~~(S)~~ The following policy guidance provides the United States Government with the flexibility needed to carry out CT direct action operations abroad effectively while demonstrating our commitment to conducting these operations in a way that is consistent with our Nation's values, interests, and laws. It outlines a process to review such operations appropriately to ensure that they support broader U.S. objectives and consider the often complex political dynamics in the areas where they occur.

~~(U)~~ The President's principal current authorities to use military force include his constitutional powers as Commander in Chief and Chief Executive, the Authorization for Use of Military Force of September 18, 2001,<sup>2</sup> and the Authorization for Use of Military Force Against Iraq Resolution of 2002.<sup>3</sup> The United States will continue to ensure that its CT direct action operations are conducted in accordance with the core principles of the law of armed conflict (LOAC) - necessity, distinction, proportionality, and humanity. To protect civilian populations,

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<sup>1</sup> ~~(U)~~ Direct action is the use of lethal force or capture operations by the United States and does not apply to lethal action taken in unit self-defense of U.S. or foreign partner forces, which may require further policy and legal review.

<sup>2</sup> ~~(U)~~ Public Law 107-40.

<sup>3</sup> ~~(U)~~ Public Law 107-243.

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the United States often self-imposes standards that exceed those required by the LOAC.

~~(S//NF)~~ This guidance applies to CT direct action wherever it is conducted abroad and supersedes the May 22, 2013, Presidential Policy Guidance (PPG), "Procedures for Approving Direct Action Against Terrorist Targets Located Outside the United States and Areas of Active Hostilities" and all Presidentially-approved supplemental guidance under the PPG, except as noted in footnote 7 of this document. This guidance will be reviewed annually by the Restricted CT Security Group (RCSG).<sup>4</sup> The Deputies and Principals Committees, as defined in National Security Presidential Memorandum (NSPM)-4 or any successor document, will consider whether to recommend to the President any future adjustments of this policy guidance.

~~(S)~~ **Section 1. Principles for Direct Action Against Terrorist Targets Located Outside the United States**

~~(S)~~ The sustainability, legitimacy, and credibility of the United States' ability to conduct direct action against terrorist targets located outside the United States depends on our ability to ensure that our actions are consistent with applicable domestic and international law, minimize harm to civilians, and promote accountability. The key principles of U.S. CT direct action operations are:

- A. ~~(U//FOUO)~~ **Direct action should further U.S. national security interests.** Decisions regarding whether and how to conduct direct action operations [REDACTED] will be informed by departments and agencies, and by analysis provided by the Intelligence Community (IC).<sup>5</sup> (b)(1)1.4(a)(c)(d)  
(b)(3)

<sup>4</sup> ~~(S//NF)~~ The Restricted Counterterrorism Security Group (RCSG) shall be chaired by the National Security Council Senior Director for Counterterrorism and shall include the following departments and agencies: Office of the Vice President (OVP), the Department of State, the Department of the Treasury, the Department of Defense (DOD), the Department of Justice (DOJ), the Department of Homeland Security (DHS), [REDACTED] the Central Intelligence Agency (CIA), Joint Chief of Staff (JCS), [REDACTED] the National Counterterrorism Center (NCTC), and the Office of the Director for National Intelligence (ODNI). The Chair may invite representatives from additional departments and agencies to participate in the RCSG meetings, as appropriate. (b)(1)1.4(a)(c)(d)  
(b)(3)

<sup>5</sup> ~~(S//NF)~~ [REDACTED] (b)(1)1.4(a)(c)(d)  
(b)(3)

- B. ~~(S)~~ **Direct action should be conducted** [REDACTED] **for taking such action.** Furthermore, the law of armed conflict imposes important constraints on the ways in which the United States uses force abroad. (b)(1)1.4(a)(c)(d)  
(b)(3)
- C. ~~(S)~~ **Direct action will be discriminating and precise in order to avoid noncombatant casualties.** This is consistent with our values as a nation, [REDACTED] and sets an example for other nations' use of force. The United States goes to extraordinary lengths to reduce the likelihood of noncombatant casualties in CT operations, exercising restraint as a matter of policy that often exceeds what is required by the LOAC. (b)(1)1.4(a)(c)(d)  
(b)(3)
- D. ~~(S)~~ [REDACTED] (b)(1)1.4(a)(c)(d)  
(b)(3)
- E. ~~(S//NF)~~ **Direct action should be undertaken** [REDACTED] **whenever practicable and consistent with U.S. interests and applicable domestic and international law.** Conducting U.S. direct action [REDACTED] (b)(1)1.4(a)(c)(d)  
(b)(3)
- F. ~~(S)~~ **The capture of terrorist targets is generally preferred over lethal action.** Capture operations provide a more effective opportunity for meaningful intelligence collection. The departments or agencies conducting direct action will determine whether capture of an individual is practical based on a risk analysis. Third-country custody options that are consistent with U.S. national security interests, applicable laws, and U.S. policy should be explored for detainees captured in the course of U.S. direct action. Where transfer to a third country is not feasible or consistent with U.S. national security interests, applicable laws, and U.S. policy, the preferred long-term disposition option for

individuals captured or otherwise taken into custody by the United States will be prosecution in a civilian court or, where available and appropriate, a military commission.

- G. ~~(S)~~ **Lethal action against terrorist targets will be employed only where there are no other reasonable alternatives to effectively address the threat.** U.S. direct action must be taken only against terrorist targets that may be lawfully targeted and whose removal, either independently or as part of a broader campaign, is assessed to be reasonably necessary to U.S. efforts to address the threat posed by the terrorist group.

~~(S)~~ **Section 2. Policy Standards for Direct Action Against Terrorist Targets Located Outside the United States**

- A. ~~(S)~~ Direct action against terrorist targets<sup>6</sup> will be limited to terrorist groups (1) against which the United States may lawfully use force; and (2) that are engaged in ongoing hostilities against the United States or pose a continuing, imminent threat to the United States. (b)(1)1.4(a)(c)(d)
- B. ~~(S)~~ Direct action should be [REDACTED] (b)(3)  
[REDACTED] the intended target of the action is located at the place to be targeted.
- C. ~~(S)~~ The United States will continue to take extraordinary measures to ensure with near certainty that noncombatants will not be injured or killed in the course of operations, using all reasonably available information and means of verification.
- D. ~~(S)~~ Departments and agencies will undertake independent post-operation analysis, in part to be postured to provide, when appropriate, a factual response to any claims of noncombatant casualties or collateral damage.
- E. ~~(S)~~ Variations to the provisions in this section may be made where necessary in accordance with the proposal process

<sup>6</sup> ~~(S)~~ The term "terrorist targets" encompasses both combatants and other lawful military objectives, which are those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage. Examples of "terrorist targets" that may meet this standard are manned or unmanned vehicle borne improvised explosive devices and explosives storage facilities.

outlined in Section 3 of this guidance, subject to applicable domestic and international law.

~~(S//NF)~~ Section 3. Procedures for Considering Proposals to Conduct Direct Action Against Terrorist Targets Located Outside the United States

- A. ~~(S//NF)~~ The principal of an operating agency that conducts direct action against terrorist targets will submit to the National Security Council (NSC) staff a proposal to conduct direct action [REDACTED]. These proposals, referred to as operating principles, could entail, for example: (b)(1)1.4(a)(c)(d) (b)(3)
- a persistent campaign of U.S. direct action;
  - a limited-duration U.S. operation against a specific target or discrete set of specific targets; or
  - U.S. elements conducting direct action [REDACTED]
- B. ~~(S//NF)~~ Prior to submitting [REDACTED] operating principles for direct action, departments and agencies [REDACTED] (b)(1)1.4(a)(c)(d) (b)(3)
- [REDACTED] noted either within the proposed operating principles or during the interagency review of the proposed operating principles.
- C. ~~(S//NF)~~ Each set of operating principles must undergo a legal review by the General Counsel of the department or agency submitting them to ensure that the proposed action is lawful and may be conducted in accordance with applicable domestic and international law. The General Counsel will refer his or her legal analysis to the NSC Legal Adviser who will review and, as appropriate,

~~(S//NF)~~ Operating agencies will submit to the NSC staff proposed [REDACTED] operating principles for conducting direct action [REDACTED] and secure approval by [REDACTED] (b)(1)1.4(a)(c)(d) (b)(3)

December 14, 2017. Operating agencies may submit proposed operating principles either individually or jointly to NSC staff. Upon approval of such proposals, in accordance with Section 3 of this document, these proposals would replace all current, varied delegations of authority and PPG operational plans to conduct direct action [REDACTED]. While it is the expectation that departments and agencies will submit their proposals with sufficient time so they may be approved by December 14, 2017, the President may approve extensions.

facilitate interagency legal review of the proposed operating principles.<sup>8</sup>

- D. ~~(S//NF)~~ Each proposed set of operating principles shall include all elements identified in Annex A, which may be updated as required by the NSC Senior Director for CT in coordination with RCSG participants.
- E. ~~(S//NF)~~ Presidential approval is always required if:  
 (1) the terrorist group targeted by the proposed direct action is not already approved for direct action in a proposal; (2) CT direct action [REDACTED] or (3) the proposed direct action is intended [REDACTED] direct action will result in [REDACTED] (b)(1)1.4(a)(c)(d)  
 Proposed operating principles will be reviewed by the RCSG (b)(3) and appropriate Deputies and Principals before they are referred to the President for a decision.<sup>9</sup>
- F. ~~(S//NF)~~ When Presidential approval is not required, the RCSG will review proposed operating principles and make recommendations to Deputies for final concurrence, absent interagency disagreement. Interagency disagreements will be elevated through the NSPM-4 process. Proposed modifications to an approved set of operating principles will be submitted to NSC staff to coordinate interagency review as appropriate.
- G. ~~(S//NF)~~ Interagency review of proposed operating principles for conducting direct action should evaluate the following key considerations, along with any others deemed appropriate: the costs and benefits for policy objectives of the proposed action, the risks if the proposed direct action is not conducted, the risks to U.S. personnel participating in the proposed action [REDACTED] (b)(1)1.4(a)(c)(d)  
 [REDACTED] (b)(3)  
 the foreign policy implications of the proposed action, how the proposed action aligns with broader U.S. regional and

<sup>8</sup> ~~(S)~~ When considering potential direct action against a U.S. person, the Department of Justice must conduct a legal analysis to ensure that such action is consistent with the laws and Constitution of the United States.

<sup>9</sup> ~~(S//NF)~~ As required, proposals for direct action subject to this guidance will be reviewed by RCSG members, Deputies, and Principals, as appropriate.

(b)(1)1.4(a)(c)(d)  
 (b)(3)

international interests, and [REDACTED] proposed action. The National Counterterrorism Center will coordinate an IC assessment to inform the interagency review, where feasible.

(b)(1)1.4(a)(c)(d)  
(b)(3)

- H. ~~(S//NF)~~ Operational disagreements [REDACTED] shall be addressed through the NSPM-4 process.

~~(S//NF)~~ Section 4. Procedures for Considering the Disposition of Individuals Held by the United States

- A. ~~(S//NF)~~ Departments and agencies will, either separately or in conjunction with proposed operating principles for capturing suspected terrorists under Section 3, submit to the NSC staff a proposal to determine the disposition of individuals captured by the United States Government in the context of U.S. CT direct action operations abroad. These procedures do not apply to: (1) [REDACTED] (2) extraditions or transfers initiated by U.S. law enforcement for the purpose of prosecution in a civilian court; (3) United States Government requests (law enforcement or non-law enforcement) for foreign governments to arrest, capture, detain, or otherwise take custody of a suspect; or (4) the United States Government's provision of intelligence, training, funds, advice, equipment, or other lawful assistance to enable a foreign government to capture a suspected terrorist. The NSC Legal Adviser will review all proposals under this section and, as appropriate, facilitate their interagency legal review.
- (b)(1)1.4(a)(c)(d)  
(b)(3)
- B. ~~(S)~~ Proposals for long-term disposition shall include all elements identified in Annex B, which may be updated as required by the NSC Senior Director for CT in coordination with the RCSG participants.
- C. ~~(S//NF)~~ Proposals for long-term disposition will be reviewed by the RCSG to ensure that all options are appropriately considered and deconflicted and to ensure that the proposed option best serves the interests of the United States. The department or agency responsible for executing the proposal for long-term disposition will prepare a legal assessment to inform the RCSG review. Any interagency disagreements will be elevated for

resolution through the NSPM-4 process before long-term disposition proposals are implemented.

~~(S//NF)~~ **Section 5. Procedures for After Action Reports**

- A. ~~(S//NF)~~ Within 14 days of the conclusion of an approved CT direct action operation or campaign, or when the operation or campaign is under consideration for re-approval, [REDACTED] shall provide the following in writing to NSC staff: (b)(1)1.4(a)(c)(d)  
(b)(3)
1. A description of the operation(s) taken under the approved set of operating principles;
  2. An assessment of whether the operation(s) achieved its objectives;
  3. A description of any collateral damage that resulted from the operation(s); and
  4. [REDACTED] (b)(1)1.4(a)(c)(d)  
(b)(3)
- B. NSC staff shall make this information available to departments and agencies taking part in the review under Section 3 of this guidance, as appropriate.

~~(S)~~ **Section 6. General Provisions**

- A. ~~(S)~~ This guidance is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, contractors, or agents, or any other person.
- B. ~~(S)~~ Nothing in this guidance is intended to, and does not, in any way limit or amend the President's constitutional powers as Commander in Chief and Chief Executive, as well as his constitutional powers over foreign affairs, or any authorities provided by statute. Included in this authority is the prerogative to authorize action inconsistent with this guidance.

(U) ANNEX A

(S//NF) As described in Section 3 of the "Principles, Standards, and Procedures for U.S. Direct Action Against Terrorist Targets," [redacted] that conduct direct action against terrorist targets will, either individually or jointly, submit to the National Security Council (NSC) staff a proposal to conduct direct action [redacted] referred to as operating principles. The National Security Council (NSC) staff will facilitate the necessary interagency review as described in Section 3. Each proposed set of operating principles for conducting direct action shall include, at a minimum:

1. (S//NF) [redacted] (b)(1)1.4(a)(c)(d)  
(b)(3)
2. (S//NF) The objectives to be achieved by direct action;
3. (S//NF) The proposed target or set of targets for direct action as well as supporting intelligence; the type of proposed direct action operations and associated level of delegation for approval; the expected tempo of proposed direct action operations; [redacted] (b)(1)1.4(a)(c)(d)  
(b)(3)
4. (S//NF) The domestic and international legal bases for direct action operations;
5. (S//NF) A description of the nature and mechanism(s) of collaboration and cooperation among departments and agencies [redacted] to maximize efficiency and effectiveness of applied resources; (b)(1)1.4(a)(c)(d)  
(b)(3)

<sup>1</sup> (S) A proposal need not distinguish between identified high-value terrorist targets (HVTs) and other targets, [redacted] direct action may, individually or jointly, wish to identify HVTs for operational or other purposes, such as to establish the legal basis for operations or to demonstrate that the proposal [redacted]

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(b)(1)1.4(a)(c)(d)  
(b)(3)

6. ~~(S//NF)~~ The requested duration of the approval to conduct direct action and, if necessary, any proposed period for review of the approval;
7. ~~(S//NF)~~ If applicable, the proposed disposition plans for individuals captured in the operation;
8. ~~(S//NF)~~ Any proposed variations from the principles and policy standards set forth in this guidance, and justifications for those variations, recognizing that all operations will be conducted in accordance with applicable domestic and international law, including the core principles of LOAC;
9. ~~(S//NF)~~ Procedures designed [REDACTED] and, if applicable, provisions for [REDACTED] to ensure strategic coordination of effort with [REDACTED] and [REDACTED] (b)(1)1.4(a)(c)(d) (b)(3)
10. ~~(S//NF)~~ Provisions for notifying NSC staff and appropriate Members of Congress of relevant operations, and the proposed public affairs posture for relevant operations.

~~(U)~~ ANNEX B

~~(S//NF)~~ As described in Section 3 of the "Principles, Standards, and Procedures for U.S. Direct Action Against Terrorist Targets," [REDACTED] will, either separately or in conjunction with proposals to capture suspected terrorists under Section 3, submit a proposal to the National Security Council (NSC) staff to determine the disposition for individuals captured by the United States Government in the context of U.S. direct action operations abroad. The NSC staff will facilitate the necessary interagency review as described in Section 3. Each proposal for long-term disposition shall include, at a minimum:

1. ~~(S//NF)~~ [REDACTED] (b)(1)1.4(a)(c)(d)  
[REDACTED] (b)(3)
2. ~~(S//NF)~~ [REDACTED]
3. ~~(S//NF)~~ The proposed disposition plan, including anticipated short-term and long-term disposition and the applicable legal authority for United States Government custody, if applicable; (b)(1)1.4(a)(c)(d)  
(b)(3)
4. ~~(S//NF)~~ An assessment of prosecution options or litigation risks;
5. ~~(S//NF)~~ Any relevant third-country considerations, including any foreign prosecution interest and any impact of the disposition option on third-country cooperation and U.S. foreign relations; and
6. ~~(S//NF)~~ [REDACTED] (b)(1)1.4(a)(c)  
[REDACTED] (b)(3)