

AMENDMENT TO H.R. 6395
OFFERED BY MR. CROW OF COLORADO

At the appropriate place in title XII, insert the following:

1 **SEC. 12 ____ . LIMITATION ON USE OF FUNDS TO REDUCE DE-**
2 **PLOYMENT TO AFGHANISTAN.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) it is in the national security interests of the
6 United States to deny terrorists safe haven in Af-
7 ghanistan, protect the United States homeland, up-
8 hold the United States partnership with the Govern-
9 ment of Afghanistan and cooperation with the Af-
10 ghan National Defense and Security Forces, and
11 protect the hard-fought rights of women, girls, and
12 other vulnerable populations in Afghanistan;

13 (2) a rapid military drawdown and a lack of
14 United States commitment to the security and sta-
15 bility of Afghanistan would undermine diplomatic ef-
16 forts for peace;

17 (3) the current agreement between the United
18 States and the Taliban does not provide for the ap-
19 propriate protections for vulnerable populations,

1 does not create conditions for the rejection of vio-
2 lence and prevention of terrorist safe havens, and
3 does not represent a realistic diplomatic solution,
4 based on verifiable facts and conditions on the
5 ground, that provides for long-term stability; and

6 (4) the Administration has a constitutional obli-
7 gation to provide Congress with timely and com-
8 prehensive information on the status of security op-
9 erations and diplomatic efforts in a form that can be
10 transparently communicated to the American people.

11 (b) LIMITATION.—Until the date on which the Sec-
12 retary of Defense, in concurrence with each covered offi-
13 cial, submits the report described in subsection (c) to the
14 appropriate congressional committees, none of the
15 amounts authorized to be appropriated for fiscal year
16 2020 or 2021 for the Department of Defense may be obli-
17 gated or expended for any activity having either of the
18 following effects:

19 (1) Reducing the total number of Armed Forces
20 deployed to Afghanistan below the lesser of—

21 (A) 8,000, or

22 (B) the total number of the Armed Forces
23 deployed as of the date of the enactment of this
24 Act.

1 (2) Reducing the total number of Armed Forces
2 deployed to Afghanistan below 4,000.

3 (c) REPORT.—The report described in this subsection
4 shall include each of the following:

5 (1) A certification that the intended withdrawal
6 of the United States Armed Forces in Afghani-
7 stan—

8 (A) will not compromise or otherwise nega-
9 tively affect the ongoing United States counter-
10 terrorism mission against the Islamic State, al-
11 Qaeda, and associated forces;

12 (B) will not unduly increase the risk to
13 United States personnel in Afghanistan;

14 (C) will not increase the risk for the ex-
15 pansion of existing or formation of new ter-
16 rorist safe havens inside Afghanistan;

17 (D) will be undertaken with the consulta-
18 tion and coordination of allies supporting the
19 United States- and North Atlantic Treaty Or-
20 ganization-led missions; and

21 (E) is in the best interest of United States
22 national security and in furtherance of United
23 States policy toward Afghanistan for achieving
24 an enduring diplomatic solution.

1 (2) An analysis of the impact that the intended
2 withdrawal of United States Armed Forces from Af-
3 ghanistan would have on each of the following:

4 (A) The threat posed by the Taliban and
5 terrorist organizations, including by each cov-
6 ered terrorist organization, to—

7 (i) the United States homeland;

8 (ii) United States interests abroad;

9 (iii) allied countries of the North At-
10 lantic Treaty Organization;

11 (iv) the Government of Afghanistan;

12 and

13 (v) regional peace and security.

14 (B) The status of the human and civil
15 rights (including access to voting, education,
16 justice, and economic opportunities) of women,
17 girls, people with disabilities, religious and eth-
18 nic minorities, and other vulnerable populations
19 in Afghanistan.

20 (C) Transparent, credible, and inclusive
21 political processes in Afghanistan.

22 (D) The capacity of the Afghan National
23 Defense and Security Forces to effectively—

24 (i) prevent or defend against attacks
25 by the Taliban or by terrorist organiza-

1 tions (including by each covered terrorist
2 organization) on civilian populations;

3 (ii) prevent the takeover of one or
4 more provincial capitals by the Taliban or
5 by associated organizations;

6 (iii) conduct counterterrorism oper-
7 ations necessary to deny safe harbor to ter-
8 rorist organizations, including each covered
9 terrorist organization; and

10 (iv) maintain institutional order and
11 discipline.

12 (E) The influence of malign state actors on
13 the sovereignty of Afghanistan and the strategic
14 national security interests of the United States
15 in the region.

16 (F) Any other matter the Secretary of De-
17 fense, in concurrence with each covered official,
18 determines appropriate.

19 (3) An assessment of the manner and extent to
20 which—

21 (A) state actors have provided any incen-
22 tives to the Taliban, their affiliates, or other
23 foreign terrorist organizations for attacks
24 against United States, coalition, or Afghan se-
25 curity forces or civilians in Afghanistan in the

1 last 2 years, including the details of any attacks
2 believed to have been connected with such in-
3 centives;

4 (B) the Taliban has publicly renounced al-
5 Qaeda;

6 (C) the Taliban has made any efforts to
7 break with al-Qaeda since February 29, 2020,
8 and a description of these efforts;

9 (D) any senior al-Qaeda leaders, including
10 Ayman al-Zawahiri, or any leaders of al-Qaeda
11 in the Indian Subcontinent, have been present
12 in Afghanistan since February 29, 2020, and if
13 so, the names of the leaders, the dates they
14 were present in Afghanistan, and their other lo-
15 cations since February 29, 2020;

16 (E) any members of al-Qaeda, al-Qaeda in
17 the Indian Subcontinent, al-Qaeda-affiliated
18 groups, or any covered terrorist organization
19 have, since February 29, 2020—

20 (i) fought alongside, trained alongside,
21 otherwise operated alongside, or sheltered
22 with the Taliban in Afghanistan;

23 (ii) conducted attacks inside Afghani-
24 stan, and, if so, the dates and locations of
25 such attacks;

1 (iii) operated training camps or re-
2 lated facilities inside Afghanistan, and, if
3 so, the locations of those camps or facili-
4 ties;

5 (iv) traveled from Afghanistan to
6 Pakistan or Iran, or from Pakistan or Iran
7 to Afghanistan;

8 (v) continued to have ties to any
9 Taliban leaders or members located in
10 Pakistan; or

11 (vi) continued to work with the
12 Haqqani Network;

13 (F) any of the prisoners released by the
14 Government of Afghanistan as a result of the
15 February 29, 2020, agreement between the
16 United States and Taliban—

17 (i) are members of, or have ties to,
18 any covered terrorist organizations or any
19 other organization designated by the
20 United States as a foreign terrorist organi-
21 zation pursuant to section 219 of the Im-
22 migration and Nationality Act (8 U.S.C.
23 1189) and, if so, the names of such former
24 prisoners and the reasons for their deten-
25 tion inside Afghanistan; or

1 (ii) are suspected of taking part in at-
2 tacks against American service members or
3 civilians or attacks that caused American
4 casualties and, if so, the names of the pris-
5 oners, the date and location of such at-
6 tacks, and the number of American casual-
7 ties attributed to such attacks;

8 (G) any of the prisoners the Taliban has
9 requested for release, but who have not yet been
10 released as of the date of the enactment of this
11 Act, are members of, or have ties to, any cov-
12 ered terrorist organizations or any other organi-
13 zation designated by the United States as a for-
14 eign terrorist organization pursuant to section
15 219 of the Immigration and Nationality Act (8
16 U.S.C. 1189) and, if so, the names of the pris-
17 oners and the organizations to which they are
18 affiliated; and

19 (H) senior Taliban leaders, including mem-
20 bers of the Haqqani Network, who are located
21 in Pakistan continue to exercise control over the
22 insurgency in Afghanistan.

23 (4) The number of attacks that the Taliban has
24 carried out in Afghanistan since February 29, 2020,

1 including the location and date of each attack as
2 well as casualties related to each attack.

3 (d) FORM.—The report described in subsection (c)
4 shall be submitted in unclassified form without any des-
5 ignation relating to dissemination control, but may contain
6 a classified annex that is accompanied by an unclassified
7 summary of the annex.

8 (e) WAIVER.—The Secretary of Defense may waive
9 the limitation under subsection (b) if, in consultation with
10 the Chairman of the Joint Chiefs of Staff and the Com-
11 mander of United States Forces, Afghanistan, the Sec-
12 retary—

13 (1) determines that the waiver is—

14 (A) necessary due to an imminent and ex-
15 traordinary threat to members of the United
16 States Armed Forces in the Afghanistan; or

17 (B) vital to the national security interests
18 of the United States; and

19 (2) submits to the appropriate congressional
20 committees a detailed, written justification for such
21 waiver, not later than 10 days after the effective
22 date of the waiver; and

23 (3) in the case of a determination described in
24 paragraph (1)(A), includes in such justification each
25 of the following:

1 (A) A detailed description of the change in
2 threat assessment leading to the determination.

3 (B) An explanation for the reasons for
4 which existing force protection mechanisms
5 were not sufficient to reasonably ensure the
6 safety of members of the Armed Forces.

7 (C) The steps that have been taken to en-
8 sure that United States equipment does not fall
9 into enemy hands.

10 (D) A description of the coordination with
11 allied countries of the North Atlantic Treaty
12 Organization and with other allies and partners
13 with respect to the withdrawal.

14 (E) A description of the coordination with
15 the Department of State to ensure the safety of
16 American citizens in Afghanistan in light of and
17 subsequent to the withdrawal.

18 (f) DEFINITIONS.—In this section:

19 (1) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means—

22 (A) the Committee on Armed Services of
23 the House of Representatives and the Com-
24 mittee on Armed Services of the Senate;

1 (B) the Committee on Foreign Affairs of
2 the House of Representatives and the Com-
3 mittee on Foreign Relations of the Senate; and

4 (C) the Permanent Select Committee on
5 Intelligence of the House of Representatives
6 and the Select Committee on Intelligence of the
7 Senate.

8 (2) COVERED OFFICIAL.—The term “covered
9 official” means—

10 (A) the Secretary of State;

11 (B) the Director of National Intelligence;

12 (C) the Chairman of the Joint Chiefs of
13 Staff;

14 (D) the Commander of United States Cen-
15 tral Command;

16 (E) the Commander of United States
17 Forces, Afghanistan; and

18 (F) the United States Permanent Rep-
19 resentative to the North Atlantic Treaty Orga-
20 nization.

21 (3) COVERED TERRORIST ORGANIZATION.—The
22 term “covered terrorist organization” means any of
23 the following:

24 (A) al-Qaeda and affiliates, including al-
25 Qaeda in the Indian Subcontinent.

- 1 (B) The Islamic State and affiliates.
- 2 (C) Tehrik-e Taliban Pakistan.
- 3 (D) The Haqqani Network.
- 4 (E) Islamic Movement of Uzbekistan.
- 5 (F) Eastern Turkistan Islamic Movement.
- 6 (G) Ansralluh.
- 7 (H) Lashkar-e-Tayyiba (including under
- 8 the alias Jamaat-ud-Dawa).
- 9 (I) Jaish-e-Mohammed.
- 10 (J) Harakat ul-Jihad-Islami.
- 11 (K) Harakat ul-Mujahidin.
- 12 (L) Jaysh al-Adl.
- 13 (M) Lashkar-i-Jhangvi.
- 14 (N) Mullah Nasir Group.
- 15 (O) Hafiz Gul Bahadar Group.
- 16 (P) Lashkar-i-Islam.
- 17 (Q) Islamic Jihad Union Group.
- 18 (R) Jamaat-ud-Dawa al Quran.
- 19 (S) Ansarul Islam.

