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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To limit the use of funds to reduce the number of Armed Forces deployed
to Afghanistan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CROW introduced the following bill; which was referred to the Committee
on _____

A BILL

To limit the use of funds to reduce the number of Armed
Forces deployed to Afghanistan, 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 “Afghanistan Partner-
5 ship and Transparency Act”.

6 **SEC. 2. LIMITATION ON USE OF FUNDS TO REDUCE DE-**
7 **PLOYMENT TO AFGHANISTAN.**

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

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

9 (2) a rapid military drawdown and a lack of
10 United States commitment to the security and sta-
11 bility of Afghanistan would undermine diplomatic ef-
12 forts for peace;

13 (3) the current agreement between the United
14 States and the Taliban does not provide for the ap-
15 propriate protections for vulnerable populations,
16 does not create conditions for the rejection of vio-
17 lence and prevention of terrorist safe havens, and
18 does not represent a realistic diplomatic solution,
19 based on verifiable facts and conditions on the
20 ground, that provides for long-term stability; and

21 (4) the Administration has a constitutional obli-
22 gation to provide Congress with timely and com-
23 prehensive information on the status of security op-
24 erations and diplomatic efforts in a form that can be
25 transparently communicated to the American people.

1 (b) LIMITATION.—Until the date on which the Sec-
2 retary of Defense, in concurrence with each covered offi-
3 cial, submits the report described in subsection (c) to the
4 appropriate congressional committees, none of the
5 amounts authorized to be appropriated for fiscal year
6 2020 or 2021 for the Department of Defense may be obli-
7 gated or expended for any activity having either of the
8 following effects:

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

11 (A) 8,000, or

12 (B) the total number of the Armed Forces
13 deployed as of the date of the enactment of this
14 Act.

15 (2) Reducing the total number of Armed Forces
16 deployed to Afghanistan below 5,000.

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

19 (1) A certification that the intended withdrawal
20 of the United States Armed Forces in Afghani-
21 stan—

22 (A) will not compromise or otherwise nega-
23 tively affect the ongoing United States counter-
24 terrorism mission against the Islamic State, al-
25 Qaeda, and associated forces;

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

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

6 (D) will be undertaken with the consulta-
7 tion and coordination of allies supporting the
8 United States- and North Atlantic Treaty Or-
9 ganization-led missions; and

10 (E) is in the best interest of United States
11 national security and in furtherance of United
12 States policy toward Afghanistan for achieving
13 an enduring diplomatic solution.

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

17 (A) The threat posed by the Taliban and
18 terrorist organizations, including by each cov-
19 ered terrorist organization, to—

- 20 (i) the United States homeland;
- 21 (ii) United States interests abroad;
- 22 (iii) allied countries of the North At-
23 lantic Treaty Organization;
- 24 (iv) the Government of Afghanistan;
- 25 and

1 (v) regional peace and security.

2 (B) The status of the human and civil
3 rights (including access to voting, education,
4 justice, and economic opportunities) of women,
5 girls, people with disabilities, religious and eth-
6 nic minorities, and other vulnerable populations
7 in Afghanistan.

8 (C) Transparent, credible, and inclusive
9 political processes in Afghanistan.

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

12 (i) prevent or defend against attacks
13 by the Taliban or by terrorist organiza-
14 tions (including by each covered terrorist
15 organization) on civilian populations;

16 (ii) prevent the takeover of one or
17 more provincial capitals by the Taliban or
18 by associated organizations;

19 (iii) conduct counterterrorism oper-
20 ations necessary to deny safe harbor to ter-
21 rorist organizations, including each covered
22 terrorist organization; and

23 (iv) maintain institutional order and
24 discipline.

1 (E) The influence of malign state actors on
2 the sovereignty of Afghanistan and the strategic
3 national security interests of the United States
4 in the region.

5 (F) Any other matter the Secretary of De-
6 fense, in concurrence with each covered official,
7 determines appropriate.

8 (3) An assessment of the manner and extent to
9 which—

10 (A) the Taliban has publicly renounced al-
11 Qaeda;

12 (B) the Taliban has made any efforts to
13 break with al-Qaeda since February 29, 2020,
14 and a description of these efforts;

15 (C) any senior al-Qaeda leaders, including
16 Ayman al-Zawahiri, or any leaders of al-Qaeda
17 in the Indian Subcontinent, have been present
18 in Afghanistan since February 29, 2020, and if
19 so, the names of the leaders, the dates they
20 were present in Afghanistan, and their other lo-
21 cations since February 29, 2020;

22 (D) any members of al-Qaeda, al-Qaeda in
23 the Indian Subcontinent, al-Qaeda-affiliated
24 groups, or any covered terrorist organization
25 have, since February 29, 2020—

1 (i) fought alongside, trained alongside,
2 otherwise operated alongside, or sheltered
3 with the Taliban in Afghanistan;

4 (ii) conducted attacks inside Afghani-
5 stan, and, if so, the dates and locations of
6 such attacks;

7 (iii) operated training camps or re-
8 lated facilities inside Afghanistan, and, if
9 so, the locations of those camps or facili-
10 ties;

11 (iv) traveled from Afghanistan to
12 Pakistan or Iran, or from Pakistan or Iran
13 to Afghanistan;

14 (v) continued to have ties to any
15 Taliban leaders or members located in
16 Pakistan; or

17 (vi) continued to work with the
18 Haqqani Network;

19 (E) any of the prisoners released by the
20 Government of Afghanistan as a result of the
21 February 29, 2020, agreement between the
22 United States and Taliban—

23 (i) are members of, or have ties to,
24 any covered terrorist organizations or any
25 other organization designated by the

1 United States as a foreign terrorist organi-
2 zation pursuant to section 219 of the Im-
3 migration and Nationality Act (8 U.S.C.
4 1189) and, if so, the names of such former
5 prisoners and the reasons for their deten-
6 tion inside Afghanistan; or

7 (ii) are suspected of taking part in at-
8 tacks against American service members or
9 civilians or attacks that caused American
10 casualties and, if so, the names of the pris-
11 oners, the date and location of such at-
12 tacks, and the number of American casual-
13 ties attributed to such attacks;

14 (F) any of the prisoners the Taliban has
15 requested for release, but who have not yet been
16 released as of the date of the enactment of this
17 Act, are members of, or have ties to, any cov-
18 ered terrorist organizations or any other organi-
19 zation designated by the United States as a for-
20 eign terrorist organization pursuant to section
21 219 of the Immigration and Nationality Act (8
22 U.S.C. 1189) and, if so, the names of the pris-
23 oners and the organizations to which they are
24 affiliated; and

1 (G) senior Taliban leaders, including mem-
2 bers of the Haqqani Network, who are located
3 in Pakistan continue to exercise control over the
4 insurgency in Afghanistan.

5 (4) The number of attacks that the Taliban has
6 carried out in Afghanistan since February 29, 2020,
7 including the location and date of each attack as
8 well as casualties related to each attack.

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

14 (e) WAIVER.—The Secretary of Defense may waive
15 the limitation under subsection (b) if, in consultation with
16 the Chairman of the Joint Chiefs of Staff and the Com-
17 mander of United States Forces, Afghanistan, the Sec-
18 retary—

19 (1) determines that the waiver is—

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

23 (B) vital to the national security interests
24 of the United States; and

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

5 (3) in the case of a determination described in
6 paragraph (1)(A), includes in such justification each
7 of the following:

8 (A) A detailed description of the change in
9 threat assessment leading to the determination.

10 (B) An explanation for the reasons for
11 which existing force protection mechanisms
12 were not sufficient to reasonably ensure the
13 safety of members of the Armed Forces.

14 (C) The steps that have been taken to en-
15 sure that United States equipment does not fall
16 into enemy hands.

17 (D) A description of the coordination with
18 allied countries of the North Atlantic Treaty
19 Organization and with other allies and partners
20 with respect to the withdrawal.

21 (E) A description of the coordination with
22 the Department of State to ensure the safety of
23 American citizens in Afghanistan in light of and
24 subsequent to the withdrawal.

25 (f) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Armed Services of
5 the House of Representatives and the Com-
6 mittee on Armed Services of the Senate;

7 (B) the Committee on Foreign Affairs of
8 the House of Representatives and the Com-
9 mittee on Foreign Relations of the Senate; and

10 (C) the Permanent Select Committee on
11 Intelligence of the House of Representatives
12 and the Select Committee on Intelligence of the
13 Senate.

14 (2) COVERED OFFICIAL.—The term “covered
15 official” means—

16 (A) the Secretary of State;

17 (B) the Director of National Intelligence;

18 (C) the Chairman of the Joint Chiefs of
19 Staff;

20 (D) the Commander of United States Cen-
21 tral Command;

22 (E) the Commander of United States
23 Forces, Afghanistan; and

1 (F) the United States Permanent Rep-
2 resentative to the North Atlantic Treaty Orga-
3 nization.

4 (3) COVERED TERRORIST ORGANIZATION.—The
5 term “covered terrorist organization” means any of
6 the following:

7 (A) al-Qaeda and affiliates, including al-
8 Qaeda in the Indian Subcontinent.

9 (B) The Islamic State and affiliates.

10 (C) Tehrik-e Taliban Pakistan.

11 (D) The Haqqani Network.

12 (E) Islamic Movement of Uzbekistan.

13 (F) Eastern Turkistan Islamic Movement.

14 (G) Ansralluh.

15 (H) Lashkar-e-Tayyiba (including under
16 the alias Jamaat-ud-Dawa).

17 (I) Jaish-e-Mohammed.

18 (J) Harakat ul-Jihad-Islami.

19 (K) Harakat ul-Mujahidin.

20 (L) Jaysh al-Adl.

21 (M) Lashkar-i-Jhangvi.

22 (N) Mullah Nasir Group.

23 (O) Hafiz Gul Bahadar Group.

24 (P) Lashkar-i-Islam.

25 (Q) Islamic Jihad Union Group.

- 1 (R) Jamaat-ud-Dawa al Quran.
- 2 (S) Ansarul Islam.