AMENDMENT TO RULES COMMITTEE PRINT 116–57

OFFERED BY MR. BROOKS OF ALABAMA

At the end of subtitle B of title XII, insert the following new section:

SEC. 12. PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES RELATING TO PRESENCE OF THE UNITED STATES IN AFGHANISTAN.

(a) FINDINGS.—Congress finds the following:

(1) On September 11, 2001, the Islamist terrorist group al-Qaeda, under the leadership and direction of Osama bin Laden, executed a series of coordinated attacks on the United States, directly killing 2,977 individuals.

(2) On October 7, 2001, the United States launched Operation Enduring Freedom, beginning combat operations in Afghanistan.

(3) On December 9, 2001, the United States military achieved a major victory when the Taliban regime led by leader Mullah Umar and his followers fled from Kandahar, Afghanistan.
(4) On January 26, 2004, the Constitution of the Islamic Republic of Afghanistan was ratified by Afghan President Hamid Karzai.

(5) Throughout the decade following entrance into Afghanistan, the United States military achieved a major victory by decimating al-Qaeda’s Afghanistan capabilities, leaving al-Qaeda a much less viable force than it once was.

(6) On May 2, 2011, the United States military achieved another major victory when it successfully killed Osama bin Laden, the founder of al-Qaeda and architect of the terrorist attacks that occurred on September 11, 2001, at his compound located in Abbottabad, Pakistan.


(8) On January 1, 2015, the United States launched Operation Freedom’s Sentinel, shifting focus from combat operations towards counter-terrorism operations and to train, advise, and assist Afghan forces.

(9) Since October 7, 2001, and as of June 8, 2020, over 2,316 members of the Armed Forces of the United States and civilian employees of the De-
partment of Defense have been killed in Afghanistan.

(10) Since October 7, 2001, and as of June 8, 2020, over 20,663 members of the Armed Forces of the United States have been wounded in action in Afghanistan.

(11) Since September 1, 2001, and as of March 31, 2020, over 1,788 contractors of the U.S. Government have been killed in Afghanistan and were covered by the Defense Base Act (Public Law 77–08).

(12) Since September 11, 2001, and as of September 30, 2019, the Department of Defense has obligated over $776.00 billion towards Operation Enduring Freedom and Operation Freedom’s Sentinel.

(13) Since September 12, 2001, and as of April 30, 2020, the U.S. Government has additionally obligated over $46.29 billion towards Afghanistan Reconstruction.

(14) In 2019, the Defense Intelligence Agency relayed to the Office of the Inspector General of the Department of Defense that the “estimated 300 remaining al-Qaeda personnel in Afghanistan”...“are almost certainly focused on survival”.
(15) On February 29, 2020, Secretary of State Michael R. Pompeo stated that, “al-Qaeda—al-Qaeda today—is a shadow of its former self. We have decimated its leadership and now have the Taliban agreeing that al-Qaida must never again find safe haven in Afghanistan.”

(16) On February 29, 2020, the United States and the Taliban signed an agreement that commits the Taliban to taking steps “to prevent any group or individual, including al-Qaeda, from using the soil of Afghanistan to threaten the security of the United States and its allies.”

(17) Further, such agreement commits the United States to “withdraw from Afghanistan all military forces of the United States, its allies, and Coalition partners, including all non-diplomatic civilian personnel, private security contractors, trainers, advisors, and supporting services personnel” by May 31, 2021, provided the Taliban acts on its obligations to prevent al-Qaeda or any other group or individual, from using the soil of Afghanistan to threaten the security of the United States and its allies.

(18) The United States’ current active military engagement in Afghanistan is the longest, non-stop,
active military engagement in the history of the United States.

(b) **PROHIBITION.**—Except as provided in subsection (c), none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be obligated or expended—

(1) for the support of a member of the Armed Forces of the United States, a civilian employee of the Department of Defense, or a contractor of the Department of Defense, in Afghanistan after May 31, 2021; or

(2) for the provision of goods or services in Afghanistan, by any entity, after May 31, 2021.

(c) **DIPLOMATIC SECURITY EXCEPTION.**—The prohibition under subsection (b) shall not apply with respect to a person, good, or service, located in Afghanistan that the Secretary of Defense determines necessary for diplomatic security.