

**AMENDMENT TO RULES COMMITTEE PRINT FOR
H.R. 6395
OFFERED BY MR. MALINOWSKI OF NEW JERSEY**

At the end of subtitle B of title XII, add the following:

1 **SEC. 12__.** **CONGRESSIONAL OVERSIGHT OF UNITED**
2 **STATES TALKS WITH TALIBAN OFFICIALS**
3 **AND AFGHANISTAN’S COMPREHENSIVE**
4 **PEACE PROCESS.**

5 (a) DEFINITIONS.—In this section:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Foreign Relations,
10 the Committee on Armed Services, and the Se-
11 lect Committee on Intelligence of the Senate;
12 and

13 (B) the Committee on Foreign Affairs, the
14 Committee on Armed Services, and the Perma-
15 nent Select Committee on Intelligence of the
16 House of Representatives.

17 (2) GOVERNMENT OF AFGHANISTAN.—The
18 term “Government of Afghanistan” means the Gov-

1 ernment of the Islamic Republic of Afghanistan and
2 its agencies, instrumentalities, and controlled enti-
3 ties.

4 (3) THE TALIBAN.—The term “the Taliban”—

5 (A) refers to the organization that refers
6 to itself as the “Islamic Emirate of Afghani-
7 stan”, that was founded by Mohammed Omar,
8 and that is currently led by Mawlawi Hibatullah
9 Akhundzada; and

10 (B) includes subordinate organizations,
11 such as the Haqqani Network, and any suc-
12 cessor organization.

13 (4) FEBRUARY 29 AGREEMENT.—The term
14 “February 29 Agreement” refers to the political ar-
15 rangement between the United States and the
16 Taliban titled “Agreement for Bringing Peace to Af-
17 ghanistan Between the Islamic Emirate of Afghani-
18 stan which is not recognized by the United States as
19 a state and is known as the Taliban and the United
20 States of America” signed at Doha, Qatar February
21 29, 2020.

22 (b) OVERSIGHT OF PEACE PROCESS AND OTHER
23 AGREEMENTS.—

24 (1) TRANSMISSION TO CONGRESS OF MATE-
25 RIALS RELEVANT TO THE FEBRUARY 29 AGREE-

1 MENT.—The Secretary of State, in consultation with
2 the Secretary of Defense, shall continue to submit to
3 the appropriate congressional committees materials
4 relevant to the February 29 Agreement.

5 (2) SUBMISSION TO CONGRESS OF ANY FUTURE
6 DEALS INVOLVING THE TALIBAN.—The Secretary of
7 State shall submit to the appropriate congressional
8 committees, within 5 days of conclusion and on an
9 ongoing basis thereafter, any future agreement or
10 arrangement involving the Taliban in any manner,
11 as well as materials relevant to any future agree-
12 ment or arrangement involving the Taliban in any
13 manner.

14 (3) DEFINITIONS.—In this subsection, the
15 terms “materials relevant to the February 29 Agree-
16 ment” and “materials relevant to any future agree-
17 ment or arrangement” include all annexes, appen-
18 dices, and instruments for implementation of the
19 February 29 Agreement or a future agreement or
20 arrangement, as well as any understandings or ex-
21 pectations related to the Agreement or a future
22 agreement or arrangement.

23 (c) REPORT AND BRIEFING ON VERIFICATION AND
24 COMPLIANCE.—

25 (1) IN GENERAL.—

1 (A) REPORT.—Not later than 90 days
2 after the date of the enactment of this Act, and
3 not less frequently than once every 120 days
4 thereafter, the President shall submit to the ap-
5 propriate congressional committees a report
6 verifying whether the key tenets of the Feb-
7 ruary 29 Agreement, or future agreements, and
8 accompanying implementing frameworks are
9 being preserved and honored.

10 (B) BRIEFING.—At the time of each report
11 submitted under subparagraph (A), the Sec-
12 retary of State shall direct a Senate-confirmed
13 Department of State official and other appro-
14 priate officials to brief the appropriate congres-
15 sional committees on the contents of the report.
16 The Director of National Intelligence shall also
17 direct an appropriate official to participate in
18 the briefing.

19 (2) ELEMENTS.—The report and briefing re-
20 quired under paragraph (1) shall include—

21 (A) an assessment—

22 (i) of the Taliban's compliance with
23 counterterrorism guarantees, including
24 guarantees to deny safe haven and freedom
25 of movement to al-Qaeda and other ter-

1 rorist threats from operating on territory
2 under its influence; and

3 (ii) whether the United States intel-
4 ligence community has collected any intel-
5 ligence indicating the Taliban does not in-
6 tend to uphold its commitments;

7 (B) an assessment of Taliban actions
8 against terrorist threats to United States na-
9 tional security interests;

10 (C) an assessment of whether Taliban offi-
11 cials have made a complete, transparent, public,
12 and verifiable breaking of all ties with al-Qaeda;

13 (D) an assessment of the current relation-
14 ship between the Taliban and al-Qaeda, includ-
15 ing any interactions between members of the
16 two groups in Afghanistan, Pakistan, or other
17 countries, and any change in Taliban conduct
18 towards al-Qaeda since February 29, 2020;

19 (E) an assessment of the relationship be-
20 tween the Taliban and any other terrorist group
21 that is assessed to threaten the security of the
22 United States or its allies, including any change
23 in conduct since February 29, 2020;

24 (F) an assessment of whether the Haqqani
25 Network has broken ties with al-Qaeda, and

1 whether the Haqqani Network's leader
2 Sirajuddin Haqqani remains part of the leader-
3 ship structure of the Taliban;

4 (G) an assessment of threats emanating
5 from Afghanistan against the United States
6 homeland and United States partners, and a
7 description of how the United States Govern-
8 ment is responding to those threats;

9 (H) an assessment of intra-Afghan discus-
10 sions, political reconciliation, and progress to-
11 wards a political roadmap that seeks to serve
12 all Afghans;

13 (I) an assessment of the viability of any
14 intra-Afghan governing agreement;

15 (J) an assessment as to whether the terms
16 of any reduction in violence or ceasefire are
17 being met by all sides in the conflict;

18 (K) a detailed overview of any United
19 States and NATO presence remaining in Af-
20 ghanistan and any planned changes to such
21 force posture;

22 (L) an assessment of the status of human
23 rights, including the rights of women, minori-
24 ties, and youth;

1 (M) an assessment of the access of women,
2 minorities, and youth to education, justice, and
3 economic opportunities in Afghanistan;

4 (N) an assessment of the status of the rule
5 of law and governance structures at the central,
6 provincial, and district levels of government;

7 (O) an assessment of the media and of the
8 press and civil society's operating space in Af-
9 ghanistan;

10 (P) an assessment of illicit narcotics pro-
11 duction in Afghanistan, its linkages to ter-
12 rorism, corruption, and instability, and policies
13 to counter illicit narcotics flows;

14 (Q) an assessment of corruption in Gov-
15 ernment of Afghanistan institutions at the dis-
16 trict, provincial, and central levels of govern-
17 ment;

18 (R) an assessment of the number of
19 Taliban and Afghan prisoners and any plans
20 for the release of such prisoners from either
21 side;

22 (S) an assessment of any malign Iranian,
23 Chinese, and Russian influence in Afghanistan;

24 (T) an assessment of how other regional
25 actors, such as Pakistan, the countries of Cen-

1 tral Asia, and India, are engaging with Afghan-
2 istan;

3 (U) a detailed overview of national-level ef-
4 forts to promote transitional justice, including
5 forensic efforts and documentation of war
6 crimes, mass killings, or crimes against human-
7 ity, redress to victims, and reconciliation activi-
8 ties;

9 (V) A detailed overview of United States
10 support for Government of Afghanistan and
11 civil society efforts to promote peace and justice
12 at the local level and how these efforts are in-
13 forming government-level policies and negotia-
14 tions;

15 (W) an assessment of the progress made
16 by the Afghanistan Ministry of Interior and the
17 Office of the Attorney General to address gross
18 violations of human rights (GVHRs) by civilian
19 security forces, Taliban, and non-government
20 armed groups, including—

21 (i) a breakdown of resources provided
22 by the Government of Afghanistan towards
23 these efforts; and

1 (ii) a summary of assistance provided
2 by the United States Government to sup-
3 port these efforts; and

4 (X) an overview of civilian casualties
5 caused by the Taliban, non-government armed
6 groups, and Afghan National Defense and Se-
7 curity Forces, including—

8 (i) an estimate of the number of de-
9 stroyed or severely damaged civilian struc-
10 tures;

11 (ii) a description of steps taken by the
12 Government of Afghanistan to minimize ci-
13 vilian casualties and other harm to civil-
14 ians and civilian infrastructure;

15 (iii) an assessment of the Government
16 of Afghanistan's capacity and mechanisms
17 for investigating reports of civilian casual-
18 ties; and

19 (iv) an assessment of the Government
20 of Afghanistan's efforts to hold local mili-
21 tias accountable for civilian casualties.

22 (3) COUNTERTERRORISM STRATEGY.—In the
23 event that the Taliban does not meet its counterter-
24 rorism obligations under the February 29 Agree-
25 ment, the report and briefing required under this

1 subsection shall include information detailing the
2 United States' counterterrorism strategy in Afghani-
3 stan and Pakistan.

4 (4) FORM.—The report required under sub-
5 paragraph (A) of paragraph (1) shall be submitted
6 in unclassified form, but may include a classified
7 annex, and the briefing required under subpara-
8 graph (B) of such paragraph shall be conducted at
9 the appropriate classification level.

10 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion shall prejudice whether a future deal involving the
12 Taliban in any manner constitutes a treaty for purposes
13 of Article II of the Constitution of the United States.

14 (e) SUNSET.—Except for subsections (b) and (d), the
15 provisions of this section shall cease to be effective on the
16 date that is 5 years after the date of the enactment of
17 this Act.

