

AMENDMENT TO RULES COMM. PRINT 117-13
OFFERED BY MR. McCAUL OF TEXAS

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

1 **SEC. 1219. CONGRESSIONAL OVERSIGHT OF UNITED**
2 **STATES TALKS WITH TALIBAN OFFICIALS,**
3 **THE PEACE PROCESS, AND THE WITH-**
4 **DRAWAL OF COALITION FORCES FROM AF-**
5 **GHANISTAN.**

6 Section 1217 of the William M. (Mac) Thornberry
7 National Defense Authorization Act for Fiscal Year 2021
8 (Public Law 116-283) is amended to read as follows:

9 **“SEC. 1217. CONGRESSIONAL OVERSIGHT OF UNITED**
10 **STATES TALKS WITH TALIBAN OFFICIALS,**
11 **THE PEACE PROCESS, AND THE WITH-**
12 **DRAWAL OF COALITION FORCES FROM AF-**
13 **GHANISTAN.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term ‘appropriate congressional com-
17 mittees’ means—

18 “(A) the Committee on Foreign Relations,
19 the Committee on Armed Services, and the Se-

1 lect Committee on Intelligence of the Senate;
2 and

3 “(B) the Committee on Foreign Affairs,
4 the Committee on Armed Services, and the Per-
5 manent Select Committee on Intelligence of the
6 House of Representatives.

7 “(2) FORMER GOVERNMENT OF AFGHANI-
8 STAN.—The term ‘former government of Afghani-
9 stan’ means the former democratically-elected Gov-
10 ernment of the Islamic Republic of Afghanistan that
11 was ousted by the Taliban in August 2021, and any
12 of its agencies, instrumentalities, and controlled enti-
13 ties.

14 “(3) THE TALIBAN.—The term ‘the Taliban’—

15 “(A) refers to the organization that refers
16 to itself as the ‘Islamic Emirate of Afghani-
17 stan’, that was founded by Mohammed Omar,
18 and that is currently led by Mawlawi Hibatullah
19 Akhundzada; and

20 “(B) includes subordinate organizations,
21 such as the Haqqani Network, and any suc-
22 cessor organization.

23 “(4) FEBRUARY 29 AGREEMENT.—The term
24 ‘February 29 Agreement’ refers to the political ar-
25 rangement between the United States and the

1 Taliban titled ‘Agreement for Bringing Peace to Af-
2 ghanistan Between the Islamic Emirate of Afghani-
3 stan which is not recognized by the United States as
4 a state and is known as the Taliban and the United
5 States of America’ signed at Doha, Qatar on Feb-
6 ruary 29, 2020.

7 “(b) OVERSIGHT OF PEACE PROCESS AND OTHER
8 AGREEMENTS.—

9 “(1) TRANSMISSION TO CONGRESS OF MATE-
10 RIALS RELEVANT TO THE FEBRUARY 29 AGREE-
11 MENT.—Not later than 15 days after the date of the
12 enactment of this Act, the Secretary of State, in
13 consultation with the Secretary of Defense, shall cer-
14 tify to the appropriate congressional committees that
15 all materials relevant to the February 29 Agreement
16 have been submitted to such committees. If the Sec-
17 retary of State cannot so certify because materials
18 relevant to the February 29 Agreement have not
19 been submitted, the Secretary of State, in consulta-
20 tion with the Secretary of Defense, shall submit such
21 materials not later than 30 days after such date of
22 enactment.

23 “(2) SUBMISSION TO CONGRESS OF ANY SUBSE-
24 QUENT AGREEMENTS INVOLVING THE TALIBAN.—

25 The Secretary of State shall submit to the appro-

1 p r i a t e c o n g r e s s i o n a l c o m m i t t e e s , w i t h i n 5 d a y s o f
2 c o n c l u s i o n a n d o n a n o n g o i n g b a s i s t h e r e a f t e r , a n y
3 a g r e e m e n t o r a r r a n g e m e n t s u b s e q u e n t t o t h e F e b -
4 r u a r y 2 9 A g r e e m e n t i n v o l v i n g t h e T a l i b a n , i n c l u d i n g
5 a n y a g r e e m e n t s , u n d e r s t a n d i n g s , o r e x p e c t a t i o n s
6 r e a c h e d w i t h t h e T a l i b a n t o e n a b l e t h e e v a c u a t i o n o f
7 U n i t e d S t a t e s c i t i z e n s , l a w f u l p e r m a n e n t r e s i d e n t s ,
8 A f g h a n S p e c i a l I m m i g r a n t V i s a (S I V) p r o g r a m a p -
9 p l i c a n t s , a n d o t h e r a t - r i s k A f g h a n s b y t h e U n i t e d
10 S t a t e s G o v e r n m e n t o r p r i v a t e e n t i t i e s f r o m a n y l o c a -
11 t i o n w i t h i n A f g h a n i s t a n , a s w e l l a s a n y a g r e e m e n t s ,
12 u n d e r s t a n d i n g s , o r e x p e c t a t i o n s r e a c h e d w i t h t h e
13 T a l i b a n t o e n a b l e a c c e s s a n d s a f e p a s s a g e a c r o s s A f -
14 g h a n i s t a n ' s l a n d b o r d e r s f o r U n i t e d S t a t e s c i t i z e n s ,
15 l a w f u l p e r m a n e n t r e s i d e n t s , A f g h a n S I V p r o g r a m
16 a p p l i c a n t s , a n d o t h e r a t - r i s k A f g h a n s , a s w e l l a s m a -
17 t e r i a l s r e l e v a n t t o a n y s u b s e q u e n t a g r e e m e n t o r a r -
18 r a n g e m e n t i n v o l v i n g t h e T a l i b a n .

19 “(3) D E F I N I T I O N S . — I n t h i s s u b s e c t i o n , t h e
20 t e r m s ‘ m a t e r i a l s r e l e v a n t t o t h e F e b r u a r y 2 9 A g r e e -
21 m e n t ’ a n d ‘ m a t e r i a l s r e l e v a n t t o a n y s u b s e q u e n t
22 a g r e e m e n t o r a r r a n g e m e n t ’ i n c l u d e a l l a n n e x e s , a p -
23 p e n d i c e s , a n d i n s t r u m e n t s f o r i m p l e m e n t a t i o n o f t h e
24 F e b r u a r y 2 9 A g r e e m e n t o r a s u b s e q u e n t a g r e e m e n t
25 o r a r r a n g e m e n t , a s w e l l a s a n y u n d e r s t a n d i n g s o r

1 expectations related to the February 29 Agreement
2 or a subsequent agreement or arrangement, includ-
3 ing any materials relevant to agreements, under-
4 standings, or expectations reached with the Taliban
5 to enable the evacuation of United States citizens,
6 lawful permanent residents, Afghan SIV program
7 applicants, and other at-risk Afghans by the United
8 States Government or private entities from any loca-
9 tion within Afghanistan, as well as any materials rel-
10 evant to agreements, understandings, or expectations
11 reached with the Taliban to enable access and safe
12 passage across Afghanistan’s land borders for
13 United States citizens, lawful permanent residents,
14 Afghan SIV program applicants, and other at-risk
15 Afghans

16 “(c) REPORT ON VERIFICATION AND COMPLIANCE.—

17 “(1) IN GENERAL.—Not later than 90 days
18 after the date of the enactment of this Act, and not
19 less frequently than once every 120 days thereafter,
20 the President shall submit to the appropriate con-
21 gressional committees a report verifying whether the
22 key tenets of the February 29 Agreement, or subse-
23 quent agreements or arrangements, and accom-
24 panying instruments for implementation are being
25 upheld.

1 “(2) ELEMENTS.—Each report required by
2 paragraph (1) shall include the following:

3 “(A) An assessment of each of the fol-
4 lowing:

5 “(i) The Taliban’s compliance with
6 the February 29 Agreement, including
7 counterterrorism guarantees and guaran-
8 tees to deny safe haven and freedom of
9 movement to al-Qaeda and other terrorist
10 threats from operating on territory under
11 its influence.

12 “(ii) Whether the United States intel-
13 ligence community has collected intel-
14 ligence indicating the Taliban does not in-
15 tend to uphold or has not upheld its com-
16 mitments.

17 “(iii) The current relationship be-
18 tween the Taliban and al-Qaeda, including
19 an assessment of the relationship between
20 the Haqqani Network and al-Qaeda.

21 “(iv) The relationship between the
22 Taliban and any other terrorist group that
23 is assessed to threaten the security of the
24 United States or its allies, including any

1 change in conduct since February 29,
2 2020.

3 “(v) The status and current goals of
4 intra-Afghan discussions, including a
5 breakdown of the current representation of
6 the former government of Afghanistan en-
7 gaging in such discussions, and, in the
8 event an intra-Afghan governing agree-
9 ment is achieved, an assessment of the sus-
10 tainability of such agreement.

11 “(vi) The status of human rights, in-
12 cluding the rights of women, minorities,
13 and youth.

14 “(vii) The access of women, minori-
15 ties, and youth to education, justice sys-
16 tems, health services, and economic oppor-
17 tunities in Afghanistan.

18 “(viii) The status of the rule of law
19 and governance structures at the central,
20 provincial, and district levels of govern-
21 ment, including an assessment of the inter-
22 pretation and implementation of Sharia in
23 governance in light of the new Taliban-led
24 government.

1 “(ix) The media and the press and
2 civil society’s operating space in Afghani-
3 stan.

4 “(x) Illicit narcotics production in Af-
5 ghanistan, its linkages to the Taliban, in-
6 cluding the role of illicit narcotics produc-
7 tion in aiding or supporting the new
8 Taliban government, terrorism, corruption,
9 and instability, and United States efforts
10 and policies to counter and interdict illicit
11 narcotics flows across Afghanistan’s bor-
12 ders in countries where the United States
13 Government is able to provide related as-
14 sistance programs.

15 “(xi) Any efforts by Iran, China, Rus-
16 sia, or any other external actor to affect
17 the implementation of the February 29
18 Agreement, or attempts by Iran, China,
19 Russia, or any other external actor to pro-
20 vide support to or formal recognition of the
21 Taliban.

22 “(xii) The current ability of United
23 States citizens, lawful permanent residents,
24 Afghan Special Immigrant Visa (SIV) pro-

1 gram applicants, and other at-risk Afghans
2 to freely depart Afghanistan.

3 “(xiii) The capability and reliability of
4 an Afghan resistance force, and any plans
5 to provide United States assistance to such
6 Afghan resistance force.

7 “(xiv) The capacity of the United
8 States Government to conduct verification
9 and compliance in Afghanistan for the re-
10 view period.

11 “(xv) The extent to which humani-
12 tarian assistance is permitted to reach in-
13 tended beneficiaries and is implemented
14 independent of Taliban control and influ-
15 ence.

16 “(B) The number of members of the
17 Taliban, al Qaeda, ISIS-K, and any other vio-
18 lent extremist organization released during the
19 Taliban’s 2021 offensive and any foreign fight-
20 ers that have returned to Afghanistan to sup-
21 port these groups.

22 “(C) A detailed overview of all United
23 States support and foreign assistance provided
24 in Afghanistan since August 31, 2021, and an
25 assessment of whether any assistance is directly

1 or indirectly being provided to or benefiting the
2 Taliban.

3 “(3) FORM.—Each report required by para-
4 graph (1) shall be submitted in unclassified form,
5 but may include a classified annex.

6 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall prejudice whether a subsequent agreement or
8 arrangement involving the Taliban constitutes a treaty for
9 purposes of Article II of the Constitution of the United
10 States.

11 “(e) SUNSET.—Except for subsections (b) and (d),
12 the provisions of this section shall cease to be effective
13 on the date that is 4 years after the date of the enactment
14 of this Act.”.

