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:

SEC. 1219. CONGRESSIONAL OVERSIGHT OF UNITED STATES TALKS WITH TALIBAN OFFICIALS, THE PEACE PROCESS, AND THE WITHDRAWAL OF COALITION FORCES FROM AFGHANISTAN.

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

"SEC. 1217. CONGRESSIONAL OVERSIGHT OF UNITED STATES TALKS WITH TALIBAN OFFICIALS, THE PEACE PROCESS, AND THE WITHDRAWAL OF COALITION FORCES FROM AFGHANISTAN.

"(a) DEFINITIONS.—In this section:

""(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

"“(A) the Committee on Foreign Relations,

the Committee on Armed Services, and the Se-
lect Committee on Intelligence of the Senate; and

“(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

“(2) Former Government of Afghanistan.—The term ‘former government of Afghanistan’ means the former democratically-elected Government of the Islamic Republic of Afghanistan that was ousted by the Taliban in August 2021, and any of its agencies, instrumentalities, and controlled entities.

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

“(A) refers to the organization that refers to itself as the ‘Islamic Emirate of Afghanistan’, that was founded by Mohammed Omar, and that is currently led by Mawlawi Hibatullah Akhundzada; and

“(B) includes subordinate organizations, such as the Haqqani Network, and any successor organization.

“(4) February 29 Agreement.—The term ‘February 29 Agreement’ refers to the political arrangement between the United States and the
Taliban titled ‘Agreement for Bringing Peace to Afghanistan Between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America’ signed at Doha, Qatar on February 29, 2020.

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

“(1) TRANSMISSION TO CONGRESS OF MATERIALS RELEVANT TO THE FEBRUARY 29 AGREEMENT.—Not later than 15 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall certify to the appropriate congressional committees that all materials relevant to the February 29 Agreement have been submitted to such committees. If the Secretary of State cannot so certify because materials relevant to the February 29 Agreement have not been submitted, the Secretary of State, in consultation with the Secretary of Defense, shall submit such materials not later than 30 days after such date of enactment.

“(2) SUBMISSION TO CONGRESS OF ANY SUBSEQUENT AGREEMENTS INVOLVING THE TALIBAN.—

The Secretary of State shall submit to the appro-
priate congressional committees, within 5 days of conclusion and on an ongoing basis thereafter, any agreement or arrangement subsequent to the February 29 Agreement involving the Taliban, including any agreements, understandings, or expectations reached with the Taliban to enable the evacuation of United States citizens, lawful permanent residents, Afghan Special Immigrant Visa (SIV) program applicants, and other at-risk Afghans by the United States Government or private entities from any location within Afghanistan, as well as any agreements, understandings, or expectations reached with the Taliban to enable access and safe passage across Afghanistan’s land borders for United States citizens, lawful permanent residents, Afghan SIV program applicants, and other at-risk Afghans, as well as materials relevant to any subsequent agreement or arrangement involving the Taliban.

“(3) DEFINITIONS.—In this subsection, the terms ‘materials relevant to the February 29 Agreement’ and ‘materials relevant to any subsequent agreement or arrangement’ include all annexes, appendices, and instruments for implementation of the February 29 Agreement or a subsequent agreement or arrangement, as well as any understandings or
expectations related to the February 29 Agreement
or a subsequent agreement or arrangement, includ-
ing any materials relevant to agreements, under-
standings, or expectations reached with the Taliban
to enable the evacuation of United States citizens,
lawful permanent residents, Afghan SIV program
applicants, and other at-risk Afghans by the United
States Government or private entities from any loca-
tion within Afghanistan, as well as any materials rel-
evant to agreements, understandings, or expectations
reached with the Taliban to enable access and safe
passage across Afghanistan’s land borders for
United States citizens, lawful permanent residents,
Afghan SIV program applicants, and other at-risk
Afghans

“(c) REPORT ON VERIFICATION AND COMPLIANCE.—

“(1) IN GENERAL.—Not later than 90 days
after the date of the enactment of this Act, and not
less frequently than once every 120 days thereafter,
the President shall submit to the appropriate con-
gressional committees a report verifying whether the
key tenets of the February 29 Agreement, or subse-
quient agreements or arrangements, and accom-
panying instruments for implementation are being
upheld.
“(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

“(A) An assessment of each of the following:

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

“(ii) Whether the United States intelligence community has collected intelligence indicating the Taliban does not intend to uphold or has not upheld its commitments.

“(iii) The current relationship between the Taliban and al-Qaeda, including an assessment of the relationship between the Haqqani Network and al-Qaeda.

“(iv) The relationship between the Taliban and any other terrorist group that is assessed to threaten the security of the United States or its allies, including any
change in conduct since February 29, 2020.

“(v) The status and current goals of intra-Afghan discussions, including a breakdown of the current representation of the former government of Afghanistan engaging in such discussions, and, in the event an intra-Afghan governing agreement is achieved, an assessment of the sustainability of such agreement.

“(vi) The status of human rights, including the rights of women, minorities, and youth.

“(vii) The access of women, minorities, and youth to education, justice systems, health services, and economic opportunities in Afghanistan.

“(viii) The status of the rule of law and governance structures at the central, provincial, and district levels of government, including an assessment of the interpretation and implementation of Sharia in governance in light of the new Taliban-led government.
“(ix) The media and the press and
civil society’s operating space in Afghani-
stan.

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

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

“(xii) The current ability of United
States citizens, lawful permanent residents,
Afghan Special Immigrant Visa (SIV) pro-
gram applicants, and other at-risk Afghans
to freely depart Afghanistan.

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

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

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

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

“(C) A detailed overview of all United
States support and foreign assistance provided
in Afghanistan since August 31, 2021, and an
assessment of whether any assistance is directly
or indirectly being provided to or benefiting the Taliban.

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

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall prejudice whether a subsequent agreement or arrangement involving the Taliban constitutes a treaty for purposes of Article II of the Constitution of the United States.

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