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Afghanistan: Issues for Congress and Legislation 2017-2020

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SUMMARY

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Afghanistan: Issues for Congress and Legislation 2017-2020

For nearly two decades, Congress has helped shape the U.S. approach to Afghanistan and the ongoing conflict there. This product provides a summary of legislative proposals considered in the 115th and 116th Congresses that relate to U.S. policy in Afghanistan. These address a number of issues, including the following:

- The size of, and legal authorization for, the U.S. military presence in the country.
- Executive branch transparency and regular reporting requirements.
- The purposes for U.S. aid, and conditions under which it can be obligated.
- The role of women in Afghan society, government, and the military.

While Pakistan is a key player in the Afghan conflict, this report does not discuss measures primarily related to Pakistan, though many such proposals reference the war in Afghanistan. This report also does not include legislative proposals related to special immigrant visas for Afghan nationals who work for or on behalf of the U.S. government in Afghanistan. For more on that program, see CRS Report R43725, *Iraqi and Afghan Special Immigrant Visa Programs*, by Andorra Bruno.

For more information on U.S. policy in Afghanistan, see CRS Report R45818, *Afghanistan: Background and U.S. Policy* and CRS Report R45122, *Afghanistan: Background and U.S. Policy In Brief* .

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Overview: U.S. Policy in Afghanistan, 2001-Present

Afghanistan has been a central U.S. foreign policy concern since American forces, in the wake of the attacks on September 11, 2001, helped lead a military campaign against Al Qaeda and the Taliban government that harbored it. Since then, the United States, along with NATO and other international partners, has deployed hundreds of thousands of troops and provided tens of billions of dollars in foreign assistance to Afghanistan. The overarching goal of these efforts has been to support the elected Afghan government and bolster its security forces against a resilient insurgency by the Taliban and others, including (since 2014) an active affiliate of the Islamic State (IS-Khorasan Province, also known as ISKP or ISIS-K).

After a coalition of armed opposition groups known as the Northern Alliance drove the Taliban government out of the capital, Kabul, with the help of American airpower and a small number of U.S. special forces, the U.N. convened Afghan leaders in Bonn, Germany in December 2001 to lay out a roadmap for the creation of a democratic government in Afghanistan. Taliban representatives were not invited to participate in the meetings in Bonn. That conference established an interim administration headed by Hamid Karzai, and called for a June 2002 emergency *loya jirga* (a traditional Afghan consultative assembly) that confirmed Karzai as President of the Afghan Transitional Administration. Another *loya jirga* was convened in late 2003 to endorse a new constitution, which was ratified in January 2004. Afghanistan held its first presidential election in October 2004, electing Karzai with 55% of the vote. The first parliamentary elections followed in September 2005.

Sporadic Taliban attacks continued during this time, with U.S. intelligence collecting evidence of an "organized Taliban revival" by early 2004.[1] Under intense U.S. military pressure, most Al Qaeda and Taliban fighters had fled into Pakistan, where they helped to inspire an Islamist insurgency that would later drive the Pakistani state into full-scale crisis. As they battled Al Qaeda and other Islamist militants at home, Pakistan's security institutions aided the Afghan Taliban, including by providing safe haven to much of its leadership, a legacy of Pakistan's formal recognition of the group from 1996 to 2001. By 2007, despite nascent democratic development and improvements in most Afghans' quality of life, the American effort in Afghanistan, once described as "the good war," appeared "off course," with security deteriorating, narcotics production increasing, and levels of Taliban violence steadily rising.[2]

In response, President Barack Obama increased the number of American forces (from approximately 36,000 in 2009 to about 100,000 in 2011) as part of an effort to combat the Taliban insurgency and increase the capacity of the Afghan government and security forces. Most security metrics improved during the "surge," but uncertainty rose as Afghan forces took the lead for security nationwide (in mid-2013) amidst a steady drawdown of U.S. and international forces as part of a planned withdrawal. That uncertainty was compounded by Afghanistan's 2014 presidential election, which was marred by widespread allegations of fraud and was only resolved with the creation of a fragile unity government formed after months of U.S. mediation. Still, the NATO-led International Security Assistance Force (ISAF, 2003-2014) mission was replaced by Resolute Support Mission (RSM, 2015-present)—a NATO-led campaign to train, advise, and assist Afghan forces—at the end of 2014 as scheduled.

[1] Steve Coll, *Directorate S: The C.I.A. and America's Secret Wars in Afghanistan and Pakistan* (Penguin Press, 2018) p. 199.

[2] David Rohde and David E. Sanger, "How a 'Good War' in Afghanistan Went Bad," *New York Times*, August 12, 2007.

The killing of Taliban leader Mullah Mansour (successor to original leader Mullah Omar, who died of natural causes in 2013) in a May 2016 U.S. airstrike in Pakistan demonstrated continued Taliban vulnerabilities to U.S. military and intelligence capabilities. Meanwhile, the Taliban expanded their control and influence in rural areas while pressuring urban centers (as evidenced by their brief seizure of the provincial capital of Kunduz in 2015).

Trump Administration Policy

President Donald Trump expressed few policy positions on Afghanistan during the 2016 presidential campaign, though he had previously conveyed skepticism about the American effort there. After months of debate within the Administration, President Trump announced a new strategy for Afghanistan and South Asia in a nationwide address on August 21, 2017. The strategy featured a tougher line against Pakistan and a larger role for India; no set timetables for policy adjustments or personnel withdrawals; expanded targeting authorities for U.S. forces; and around 3,000 additional troops, bringing the total number of U.S. forces in the country to approximately 14,000-15,000.

President Trump, who criticized his predecessor's use of "arbitrary timetables," did not specify which conditions might necessitate or allow for alterations to the strategy going forward.[3] Some characterized the Trump strategy as "short on details" and serving "only to perpetuate a dangerous status quo."[4] Others welcomed the strategy, contrasting it favorably with proposed alternatives such as a full withdrawal of U.S. forces—which President Trump described as his "original instinct"—or a strategy that relied heavily on contractors.[5] The strategy evidently did not change security dynamics in the country over the following months, as U.S. officials continued to describe the war as a stalemate.

In part due to the President's reported frustration with the military situation, the Administration authorized U.S. officials to seek out direct talks with the Taliban in July 2018.[6] Those talks were led after October 2018 by Special Representative for Afghanistan Reconciliation Zalmay Khalilzad and represented a reversal of U.S. policy, which had previously encouraged negotiations between Kabul and Taliban representatives. The Taliban have long refused to negotiate with representatives of the Afghan government, which they characterize as a corrupt and illegitimate puppet of foreign powers.[7]

On February 29, 2020, after more than a year of official negotiations between U.S. and Taliban representatives, the two sides concluded an agreement laying the groundwork for the withdrawal of U.S. armed forces from Afghanistan, and for talks between Kabul and the Taliban. As part of the U.S.-Taliban agreement, which is about three and a half pages, the United States agreed to draw down its forces from 13,000 to 8,600 within 135 days, with proportionate decreases in allied force levels, and remove all U.S. forces in the country within 14 months (April 2021). Other U.S. commitments included working to facilitate a prisoner exchange between the Taliban and the

[3] The White House, Remarks by President Trump on the Strategy in Afghanistan and South Asia, August 21, 2017.

[4] Rebecca Kheel, "Dems: Trump 'has no strategy' for Afghanistan," *The Hill*, August 21, 2017.

[5] Philip Rucker and Robert Costa, "'It's a hard problem': Inside Trump's decision to send more troops to Afghanistan," *Washington Post*, August 21, 2017. For more on one such proposal, see Tara Copp, "Here's the blueprint for Erik Prince's $5 billion plan to privatize the Afghanistan war," *Military Times*, September 5, 2018.

[6] Mujib Mashal and Eric Schmitt, "White House Orders Direct Taliban Talks to Jump-Start Afghan Negotiations," *New York Times*, July 15, 2018.

[7] "Letter of the Islamic Emirate to the American people!" February 14, 2018. Available at http://apps.washingtonpost.com/g/documents/world/taliban-attempts-to-appeal-to-us-audience-in-new-letter/2770/.

Afghan government and removing U.S. sanctions on Taliban members by August 27, 2020. The sanctions removal is contingent upon the start of intra-Afghan negotiations. In exchange, the Taliban committed to not allow members or other groups, including Al Qaeda, to use Afghan soil to threaten the U.S. or its allies, including by preventing recruiting, training, and fundraising.

CENTCOM Commander General Kenneth McKenzie confirmed on June 18 that U.S. forces were reduced to the 8,600 level nearly a month ahead of schedule.[8] While U.S. officials continue to describe the withdrawal as "conditions-based," Administration officials have given conflicting signals about the extent to which the U.S. withdrawal is contingent upon various developments, arguably the most significant of these being the Taliban holding talks with Kabul.[9] U.S. officials have also differed on the extent to which the Taliban is fulfilling its counterterrorism commitments with regard to Al Qaeda, with which the Taliban have long had close ties. Secretary Pompeo said on July 1 that he had seen indications that the Taliban are actively combatting Al Qaeda, while U.S. CENTCOM Commander General Kenneth McKenzie said on July 15 that "right now, it is simply unclear to me that the Taliban has taken any positive steps" with regard to Al Qaeda.[10]

While the U.S. withdrawal is proceeding as of July 2020, the intra-Afghan talks seen as necessary to resolve the war in Afghanistan have not yet been held or scheduled amid a number of complications including political disputes and a halting prisoner exchange. In a January 2019 televised address, Afghan President Ashraf Ghani warned that any agreement to withdraw U.S. forces that did not include Kabul's participation could lead to "catastrophe," pointing to the 1990s-era civil strife following the fall of the Soviet-backed government that led to the rise of the Taliban.[11] Afghans opposed to the Taliban doubt the group's trustworthiness, and express concern that the group will have little incentive to comply with the terms of an agreement in the absence of U.S. troops.[12]

Areas of Congressional Engagement on Afghanistan

In the decade before the September 11, 2001, terror attacks, Afghanistan was not a major focus of congressional attention.[13] Since then, Congress has taken an active role in shaping U.S. policy toward Afghanistan. Major initiatives and areas of congressional interest are described below.

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[8] Robert Burns, "US has hit agreed troop-cut target of 8,600 in Afghanistan," Associated Press, June 18, 2020.

[9] In a February 27 briefing ahead of the agreement signing, one unnamed senior U.S. official said, "if the political settlement fails, if the talks fail, there is nothing that obliges the United States to withdraw troops;" another said, "the withdrawal timeline is related to counterterrorism, not political outcomes. Office of the Spokesperson, "Briefing with Senior Administration Officials on Next Steps Toward an Agreement on Bringing Peace to Afghanistan," U.S. Department of State, February 29, 2020. Additionally, Deputy U.S. negotiator Molly Phee said in mid-February, "We will not prejudge the outcome of intra-Afghan negotiations, but we are prepared to support whatever consensus the Afghans are able to reach about their future political and governing arrangements." Molly Phee, remarks at "Ending Our Endless War in Afghanistan," United States Institute of Peace, February 18, 2020.

[10] U.S. Department of State, Secretary of State Michael R. Pompeo with Bret Baier of Fox News Special Report, July 1, 2020; Carla Babb, "VOA Exclusive: CENTCOM chief says US can do job in Iraq with fewer forces," VOA, July 15, 2020.

[11] Hasib Danish Alikozai and Mohammad Habibzada, "Afghans Worry as US Makes Progress in Taliban Talks," Voice of America, January 29, 2019.

[12] Pamela Constable, "Afghans voice fears that the U.S. is undercutting them in deal with the Taliban," *Washington Post*, August 17, 2019.

[13] Traditional levers of congressional influence, such as foreign aid, were limited or nonexistent in Afghanistan under the five-year rule of the Taliban. The United States contributed tens of millions of dollars in humanitarian assistance to

U.S. Military Presence[14]

For years, Members have introduced legislation to condition, limit, or end the U.S. military presence in Afghanistan. While no such measure has ever passed either chamber, support for such proposals in the House of Representatives generally grew from 2009 to 2014, the period in which most such measures were introduced; for example:

- House bills calling for a "responsible end to the war in Afghanistan" attracted 33 cosponsors in 2010 and 72 cosponsors in 2011;
- A resolution directing the President to remove U.S. forces from Afghanistan within 30 days pursuant to the War Powers Resolution gained 93 votes in 2011;
- National Defense Authorization Act (NDAA) amendments that would have cut off funding for U.S. operations (other than the withdrawal of U.S. forces) attracted 113 and 153 votes in 2012 and 2014, respectively.[15]

Sporadic legislative efforts to curtail or terminate U.S. operations in Afghanistan have continued. Introduced in the 115th Congress, H.R. 1666 would have prohibited funding for U.S. activities in Afghanistan (other than U.S. Embassy operations or intelligence gathering) one year after enactment, with a waiver available under certain conditions. In the 116th Congress, S.J.Res. 12, the "AFGHAN Service Act," was introduced in March 2019 and would, among other provisions, require the removal of all U.S. forces from Afghanistan within a year of enactment. In July 2020, the House voted 284-129 not to include an amendment to the National Defense Authorization Act (NDAA, H.R. 6395) that would have mandated the removal of all U.S. troops within a year.

At the same time, some legislative efforts in the 116th Congress have shown support for continued U.S. presence:

- In February 2019, in reaction to reports that the Trump Administration was contemplating a military drawdown in Afghanistan (perhaps as part of ongoing U.S.-Taliban negotiations), the Senate passed S. 1, which includes language (Section 408) warning against a "precipitous withdrawal" of U.S. forces from Afghanistan (and Syria).
- In April 2019, H.R. 2060, the "Ensuring a Secure Afghanistan Act," was introduced to, among other provisions, prohibit the use of funds to reduce the number of U.S. forces below 10,000 unless the Director of National Intelligence certifies to Congress that various conditions have been met, including the Taliban's disavowal of Al Qaeda and commitment to protect women's rights.
- A bipartisan group of Representatives introduced H.R. 7343, the Afghanistan Partnership and Transparency Act, which would prohibit the Department of Defense from using FY2020 or FY2021 funds to draw U.S. forces in Afghanistan below either 8,000 or 5,000 (depending on certain circumstances). The Armed

Afghanistan before 2001, but without a U.S. diplomatic presence (the U.S. embassy was closed from 1989 to 2002), that aid was administered by the U.N. and non-governmental organizations. "U.S. gives $43 million to Afghanistan," *CNN*, May 17, 2001. Congressional engagement was mostly limited to resolutions calling for the return of representative government to Afghanistan (e.g., H.Con.Res. 414, S.Con.Res. 150), condemning the Taliban's treatment of women (e.g., S.Res. 68), and expressing concern for the human rights situation in the country (e.g., H.Con.Res. 156).

[14] For a more general discussion of constitutional war powers provisions and Congress's ability to shape or end military operations, including historical examples, see CRS Report R41989, *Congressional Authority to Limit Military Operations*, by Jennifer K. Elsea, Michael John Garcia, and Thomas J. Nicola.

[15] Those measures, respectively, are: H.R. 6045, H.R. 780, H.Con.Res. 28, H.Amdt. 1103, and H.Amdt. 928.

Services Committee voted on July 1, 2020, to include a version of the bill into the FY2021 NDAA as Section 1213.

Authorization for Use of Military Force

U.S. military forces deployed to Afghanistan under the 2001 Authorization for Use of Military Force (AUMF, P.L. 107-40), which allows the President "to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided" the September 11, 2001 attacks as well as any entities that harbored them. While the Taliban regime collapsed after about two months of major combat operations, U.S. operations in Afghanistan against a resilient Taliban insurgency, residual Al Qaeda elements, and the local Islamic State affiliate (which U.S. officials characterize as a legally permissible target under the 2001 AUMF) continue under that resolution.

Some Members have proposed measures to repeal the 2001 AUMF or to replace it with a new authorization that would alter the legal basis for U.S. military engagement in Afghanistan.[16] At least seven such replacements were introduced in the 115th Congress, all of which would have authorized the use of military force against groups in Afghanistan, specifically including the Taliban (which was not named in the 2001 AUMF).[17] In the 116th Congress, several bills have been introduced that would repeal the 2001 AUMF without replacement. On June 19, 2019, the House passed H.R. 2740, an omnibus appropriations measure that includes the FY2020 Defense Appropriations Act. Section 9025 of that act would repeal the 2001 AUMF without replacement within 240 days of enactment; that provision was not maintained in the enacted FY2020 defense appropriations measure. Similarly, Section 9028 of the FY2021 defense appropriations measure passed by the House in July 2020 would repeal the 2001 AUMF within 240 days.

Reporting and Oversight

Congress has mandated a number of executive branch reports on Afghanistan, which remain among the most detailed sources of information on U.S. efforts in the country. One of the most significant congressional oversight actions was the 2008 establishment of a Special Inspector General for Afghanistan Reconstruction (SIGAR), modeled in part on a similar office overseeing reconstruction in Iraq.[18] Congress directed that SIGAR publish quarterly reports detailing the obligation and expenditure of funds appropriated for Afghan reconstruction. Congress also required periodic audits and investigations of specific projects and funds.

The FY2008 NDAA added more reporting requirements. Section 1230 of the act directed the President, through the Department of Defense, to submit a biannual report on "Progress Toward Security and Stability in Afghanistan." The first report was submitted under that title in June 2009. In Section 1225 of the FY2015 NDAA, Congress required a report on "Enhancing Security and Stability in Afghanistan," among other reporting requirements, and biannual reports have been submitted under that title since June 2015 (most recently on July 12, 2019). Sections 1231 and 1531 of the FY2016 NDAA and FY2017 NDAA, respectively, mandated additional categories of information to be included in these reports (often referred to as "Section 1225

[16] For more, see CRS Report R43983, *2001 Authorization for Use of Military Force: Issues Concerning Its Continued Application*, by Matthew C. Weed.

[17] For a list of these resolutions, see CRS Report R45329, *Afghanistan: Issues for Congress and Legislation 2017-2019*, by Clayton Thomas.

[18] SIGAR was established by Section 1229 of the FY2008 National Defense Authorization Act (P.L. 110-181). The FY2008 NDAA stipulates that SIGAR will be terminated 180 days after unexpended funds for reconstruction in Afghanistan reach less than $250 million.

reports"). Congress also has regularly mandated the submission of one-time reports on specific issues in appropriations and defense authorization bills. Individual report directives proposed and included in legislation can be found below.

Aid Directives and Conditionality

Congress has appropriated more than $137 billion for reconstruction and related activities in Afghanistan since FY2002, according to the most recent (April 2020) SIGAR quarterly report. During Hamid Karzai's presidency (2004-2014), the United States and other international donors "increasingly sought to condition assistance funds for Afghanistan…as a result of inadequate reforms."[19] A 2014 report by majority staff of the Senate Foreign Relations Committee also recommended that "a higher proportion of U.S. assistance should be conditioned based on specific reforms by the Afghan government."[20]

Congress has imposed directives and conditions on the use of both security and development assistance to Afghanistan (e.g., Economic Support Fund, ESF, and International Narcotics Control and Law Enforcement, INCLE) for years. Most of those statutory conditions have been enacted through appropriations measures. Echoing provisions from prior years, the FY2019 omnibus appropriations bill (H.J.Res 31) prohibits the use of funds for activities that involve individuals suspected of participating in corruption, narcotics trafficking, or human rights violations. The House Appropriations Committee-passed FY2019 State, Foreign Operations, and Related Programs appropriations bill (H.R. 6385) would have required the Secretary of State to certify that the Afghan government is governing democratically, protecting women's rights, and publicly reporting its national budget (among other conditions) before obligating funds; that provision was not included in the final FY2019 Consolidated Appropriations Act (P.L. 116-6).

There are a number of additional conditions on U.S. assistance applicable but not specific to Afghanistan, such as the Leahy Laws (10 USC 362) prohibiting security assistance to foreign security forces that have committed a gross violation of human rights.[21] According to media accounts, as well as a 2017 SIGAR report, some Afghan forces may have committed such violations.[22] Section 9022 of the FY2018 Defense Appropriations Act (Division C of P.L. 115-141) allows the use of funds to assist Afghan forces that would otherwise be prohibited from receiving U.S. assistance due to the Leahy Laws if the Secretary of Defense certifies to Congress that denial of such assistance would undermine U.S. national security and that the Afghan government is taking corrective steps. (The latter provision aligns with a measure in the Leahy Laws enabling the Department of Defense (DOD) to provide assistance that would otherwise be withheld if the Secretary of Defense determines that the government in question "has taken all necessary corrective steps" in response to abuse allegations.) That provision has been maintained, most recently in the FY2020 Defense Appropriations Act (P.L. 116-93) as Section 9021.

[19] Trent Ruder, "Donor Aid Challenges in Shaping Incentive Programs and Spurring Afghan Reform," United States Institute of Peace, November 2014.

[20] "Afghanistan in Transition: U.S. Civilian Presence and Assistance post-2014," Committee on Foreign Relations, United States Senate, October 27, 2014. The July 2015 SIGAR quarterly report contains a lengthy treatment of the benefits, limitations, and challenges of aid conditionality.

[21] See CRS In Focus IF10575, *Human Rights Issues: Security Forces Vetting ("Leahy Laws")*, by Liana W. Rosen.

[22] Joseph Goldstein, "U.S. Soldiers Told to Ignore Sexual Abuse of Boys by Afghan Allies," *New York Times*, September 20, 2015; "Child Sexual Assault in Afghanistan: Implementation of the Leahy Laws and Reports of Assault by Afghan Security Forces," SIGAR, June 2017. The SIGAR report was declassified in January 2018.

U.S. spending, both in general as well as on specific projects, has also been the subject of multiple congressional hearings. For information on the Trump Administration's budget requests and congressional action on U.S. funding levels in Afghanistan, see **Table 3**.

Executive Branch Transparency

In both legislation and public statements, some Members have expressed concern over the decline in the types and amount of information provided by the executive branch, including once-publicly available information related to Afghan military performance. John Sopko, the Special Inspector General for Afghanistan Reconstruction, said in an April 2019 interview, "What we are finding is now almost every indicia, metric for success or failure is now classified or nonexistent. Over time it's been classified or it's no longer being collected" and that "the classification in some areas is needless."[23] This trend began years earlier. In October 2017, SIGAR reported that "in a significant development," U.S. officials "classified or otherwise restricted information" SIGAR had previously reported. That information includes metrics such as casualty rates, personnel strength, and attrition of Afghan forces. Administration officials cited a request from the Afghan government as justification for the 2017 decision.[24] After similar amendments in prior years were not made in order, an amendment requiring the Secretary of Defense to make public all previously released metrics related to the war and Afghan military performance, known as the Afghanistan Security and Reconstruction Act, was adopted as Section 1299S in the House-passed FY2021 NDAA (H.R. 6395).

U.S. troop levels are another area of congressional interest, particularly since the Trump Administration decision to withhold information about troop deployments in Afghanistan and other conflict zones starting in December 2017. President Trump had previously declared, "we will not talk about numbers of troops or our plans for further military activities."[25] Some Members of Congress have since engaged with Administration officials at hearings, written letters to Administration officials, and introduced legislative measures to require the Secretary of Defense to rescind the decision to withhold troop numbers, but as of July 2020 the Defense Manpower Data Center quarterly reports still lack data for Afghanistan (as well as Syria and Iraq).[26]

Concern among some Members regarding executive branch transparency extends beyond war-related data to U.S.-Taliban negotiations. In a March 2019 hearing, some Members pressed Secretary of State Pompeo to confirm that Special Representative for Afghanistan Reconciliation Khalilzad would brief the House Foreign Affairs Committee on U.S.-Taliban negotiations, as requested by Committee Chairman Eliot Engel and Ranking Member Michael McCaul in February. Pompeo refused to commit, citing the sensitivity of ongoing talks and the need "to make sure that the contents of those negotiations remain in a very small circle."[27] Some Members of the Committee then wrote a letter to Secretary Pompeo in April 2019, describing Pompeo's refusal to commit to a briefing from Khalilzad as "unacceptable" and "perplexing in light of the fact that [Khalilzad] has engaged in a number of on-the-record interactions that outline the

[23] Katie Bo Williams, "It's Getting Harder to Track US Progress in Afghanistan." *Defense One*, April 24, 2019.

[24] Merrit Kennedy, "U.S. Military Withholds Key Measures Of Afghan War," NPR, October 31, 2017.

[25] Remarks by President Trump on the Strategy in Afghanistan and South Asia, The White House, August 21, 2017.

[26] David Welna, "Pentagon Questioned Over Blackout On War Zone Troop Numbers," NPR, July 3, 2018; see also House Rules Committee Amendment 255 to H.R. 5515, submitted May 21, 2018 (not made in order).

[27] House Foreign Affairs Committee Holds Hearing on U.S. Foreign Policy and the State Department Fiscal 2020 Budget Request, CQ Transcripts, March 27, 2019.

parameters of these negotiations."[28] Reports accompanying FY2021 appropriations legislation in the House direct the Administration to submit regular reports on the status of intra-Afghan negotiations and on the Taliban's adherence to the February 29, 2020, U.S.-Taliban agreement.

Status of Afghan Women and Girls

The plight of women and girls in Afghanistan has attracted significant congressional attention, particularly in light of the February 2020 U.S.-Taliban agreement and ongoing U.S. military withdrawal, which some observers warn could lead to a political arrangement in which women's rights could be compromised. The treatment of women under the Taliban, who effectively "forced Afghan women to disappear entirely from public view" during their rule, attracted nearly universal condemnation from the international community; one prominent scholar attributes the turnaround in U.S. policy toward the Taliban in the late 1990s to domestic backlash over the issue.[29] Improving conditions for Afghan women was an integral objective of U.S. development efforts from the outset, as evidenced by the 2001 Afghan Women and Children Relief Act (P.L. 107-81), which authorized education and health assistance for Afghan women and required biannual reporting on those activities. Various congressional subcommittees have held hearings related to Afghan women.

Some Members appear to have become more engaged on Afghan women's rights since 2018, when the U.S. began talks with the Taliban, who have reportedly given unclear and contradictory signs about their current stance, proceed.[30] After three Senators sent letters on the issue to Secretary of State Pompeo in February 2019, 77 Representatives wrote to Pompeo in June 2019 to urge him to ensure that women are included in peace talks and that any potential settlement protects their rights, consistent with the requirements of the Women Peace and Security Act of 2017 (P.L. 115-68).[31] In July 2019, several of the signatories of that House letter introduced the Afghan Women's Inclusion in Negotiations Act (H.R. 4097), which would, among other provisions, require the submission of regular reports on the participation of women in peace talks and of an executive branch strategy to protect women's rights after an agreement is reached.

FY2020 authorizing and appropriating legislation contains directives that the Secretary of State ensure the "meaningful participation" of Afghan women in intra-Afghan negotiations. Additionally, Congress has regularly set aside a portion of the Department of Defense-administered Afghanistan Security Forces Fund (ASFF) for the recruitment and retention of women in the force.

[28] "House Foreign Affairs Committee Democrats Demand State Department Transparency on Afghanistan," Representative Eliot Engel, April 8, 2019.

[29] Ahmed Rashid, *Taliban: Militant Islam, Oil, and Fundamentalism in Central Asia* (Yale University Press, 2000), pp. 105, 176-182.

[30] Ben Farmer, "Taliban say women's rights to be protected under Islam, but must not threaten Afghan values," *Telegraph*, February 5, 2019; Masuda Sultan, "I Met the Taliban. Women Were the First to Speak," *New York Times*, June 4, 2019.

[31] See the text of the letter at https://frankel.house.gov/uploadedfiles/afghan_women_letter_final_6.6.19.pdf.

Table 1. Proposed Legislation on Afghanistan in the 116th Congress as of July 2020

Chronologically ordered by date of introduction

Bill Number	Sponsor	Summary	Status
Resolutions and Stand–alone Legislation			
H.R. 324	Rep. Lee (D-CA)	**No More Ghost Money Act** – would prohibit payments from U.S. employees to foreign officials for the purposes of bribery or coercion; would also require within 180 days of enactment the submission of a report from the Director of the CIA on all monetary payments made by the CIA to Afghan officials since September 11, 2001.	Introduced in the House on 1/8/2019 and referred to the Committee on Intelligence (Permanent Select) and the Committee on Oversight and Reform
S.Amdt. 65 to S. 1	Sen. McConnell (R-KY)	**Sense of the Senate on Withdrawals of United States Forces from Syria and Afghanistan** – found that, among other findings, Iran has supported the Taliban; warned against "a precipitous withdrawal" of U.S. forces; acknowledged Special Representative Khalilzad's efforts; and called upon the Administration to "certify that conditions have been met for the enduring defeat of Al Qaeda and ISIS" before withdrawing U.S. forces from Afghanistan.	Introduced in the Senate 1/29/2019; amendment, as amended, agreed to in Senate by 70-26 vote on 2/4/2019 S. 1 passed by Senate 77-23 on 2/5/2019
S.J.Res. 12	Sen. Paul (R-KY)	**AFGHAN Service Act** – would require the Secretary of Defense to formulate, within 45 days of enactment, a plan for military withdrawal from Afghanistan; require the removal of all U.S. armed forces from Afghanistan within a year of enactment; award all military personnel deployed in support of the "Global War on Terror" with a $2,500 bonus; and repeal the 2001 AUMF (P.L. 107-40).	Introduced in the Senate on 3/4/2019 and referred to the Committee on Foreign Relations
H.R. 2060	Rep. Banks (R-IN)	**Ensuring a Secure Afghanistan Act** – would require the Secretary of State to provide monthly briefings on the status of U.S.-Taliban talks to the foreign affairs, armed services, and intelligence committees of both chambers; would also prohibit the use of funds to reduce U.S. forces in Afghanistan below 10,000 unless the Director of National Intelligence certifies that the Taliban have met a number of conditions, including severing all ties with Al Qaeda, recognizing the Afghan constitution, and committing to uphold women's rights.	Introduced in the House on 4/3/2019 and referred to the Committee on Armed Services and the Committee on Foreign Affairs
H.R. 4097	Rep. Keating (D-MA)	**Afghan Women's Inclusion in Negotiations Act** – would express the sense of Congress that representatives of Afghan women should be part of U.S.-Taliban negotiations; require the Secretary of State to submit a report within 30 days of the conclusion of each round of Afghan peace negotiations including information on the participation of Afghan women in those talks; and require the Secretary of	Introduced in the House on 7/30/2019 and referred to the Subcommittee on Asia, the Pacific and Nonproliferation on 10/08/2019

Bill Number	Sponsor	Summary	Status
		State to submit within 120 days of a final settlement agreement a strategy for post-conflict U.S. support for Afghan women.	
S.Res. 344	Sen. Shaheen (D-NH)	**A resolution** expressing support for a credible, inclusive, and transparent presidential election in Afghanistan on September 28, 2019.	Introduced in the Senate on 9/26/2019 and referred to the Committee on Foreign Relations
S.J.Res. 59	Sen. McConnell (R-KY)	**A joint resolution** expressing the sense of Congress on the precipitous withdrawal of United States Armed Forces from Syria and Afghanistan, and Turkey's unprovoked incursion into Syria.	Introduced in the Senate 10/22/2019 and placed on Senate Legislative Calendar under General Orders. Calendar No. 259
S. 2953	Sen. Menendez (D-NJ)	**Ensuring a Durable Afghanistan Peace Act of 2019** – would direct the Secretary of State to submit to certain congressional committees the text of any agreement with the Taliban within 30 days of such an agreement; would direct the Secretary of Defense to submit within 60 days of an agreement an assessment of Taliban compliance and whether the Taliban have broken with Al Qaeda; and would direct the President to submit within 180 days of an agreement (and at least every 180 days thereafter) a report on Taliban compliance, the status of human rights in Afghanistan, and other dynamics.	Introduced in the Senate on 11/21/2019 and referred to the Committee on Foreign Relations
H.R. 6908	Rep. Lynch (D-MA)	**Afghanistan Security and Reconstruction Transparency Act** – would require the Department of Defense to release publicly a number of recently classified metrics related to the war in Afghanistan and the performance of Afghan government forces.	Introduced in the House on 5/15/2020 and referred to the Committee on Armed Services and the Committee on Foreign Affairs Incorporated in H.R. 6395 as Sec. 1299S
H.R. 7343	Rep. Crow (D-CO)	**Afghanistan Partnership and Transparency Act** – would prohibit the obligation of DOD funds authorized to be appropriated for FY2020 or FY2021 to reduce the number of U.S. armed forces in Afghanistan below the lesser of either 8,000 or the total number of forces on the date of enactment, or to reduce the number of U.S. armed forces in Afghanistan below 5,000, until the submission of a report by the Secretary of Defense (in concurrence with other specified senior U.S. officials) on the impact of a U.S. withdrawal from Afghanistan and certification that such a withdrawal will not harm U.S. national security interests,	Introduced in the House on 6/25/2020. Similar provisions incorporated in H.R. 6395 as Section 1213

Bill Number	Sponsor	Summary	Status
		among other conditions. Secretary of Defense may waive that limitation with written justification to Congress.	
National Defense Authorization Act for Fiscal Year 2021			
		House NDAA: HR 6395	
H.R. 6395	Rep. Smith (D-WA)	**Sec. 1211** – would extend, for one year, authority to provide Coalition Support Funds for U.S. military operations and decrease the amount authorized to $180 million. **Sec. 1213** – would prohibit the obligation of DOD funds authorized to be appropriated for FY2020 or FY2021 to reduce the number of U.S. armed forces in Afghanistan below the lesser of either 8,000 or the total number of forces on the date of enactment, or to reduce the number of U.S. armed forces in Afghanistan below 4,000, until the submission of a report by the Secretary of Defense (in concurrence with other specified senior U.S. officials) on the impact of a U.S. withdrawal from Afghanistan and certification that such a withdrawal will not harm U.S. national security interests, among other conditions. Secretary of Defense may waive that limitation with written justification to Congress. **Sec. 1214** – would require within 90 days of enactment a report to the congressional armed services committees on the costs of Operation Freedom's Sentinel, including specific direct war costs and the cost of activities in and outside of Afghanistan **Sec. 1521** – would direct that a goal of $29.1 million (and at least $10 million) of ASFF be used for recruitment and retention of women in the Afghan security forces; mandate a DOD assessment within 180 days of Afghan progress toward security objectives and efforts to manage and sustain equipment; direct the Secretary of Defense to withhold $401.5 million in assistance to the government of Afghanistan if the Department determines that it has made insufficient progress (subject to national security waiver authority); and authorize the Secretary to accept materiel procured with ASFF that is intended for but not accepted by the ANDSF (subject to certain conditions and reporting requirements).	Introduced in the House 03/29/2020; reported by the House Armed Services Committee, 7/9/2020 (H.Rept. 116-442); passed by the Yeas and Nays: 295 - 125 (Roll no. 152) Sec. 1213 approved in Committee on Armed Services Roll Call Vote No. 10, 45-11
H.R. 6395	Rep. Clarke (D-NY)	**House Rules Committee Amendment 24** – would require the Secretary of Defense to notify Congress within seven days of becoming aware of bounties paid by a foreign country in connection with attacks on U.S. troops, including in Afghanistan.	Not made in order

Bill Number	Sponsor	Summary	Status
H.R. 6395	Rep. Yoho (R-FL)	**House Rules Committee Amendment 106** – would require a report within 180 days (and annually thereafter) on civilian casualties caused by the Taliban and ANDSF.	Made in order as Amendment 399 (H.Rept. 116-457) Adopted by voice vote as part of amendments en bloc no. 2 (Smith) on 7/20/2020 Incorporated as Section 1218
H.R. 6395	Rep. Davidson (R-OH)	**House Rules Committee Amendment 108** – would cut ASFF by half ($1.76 billion) and cut FY2020 Overseas Contingency Operations funding for Operation Freedom's Sentinel by half.	Not made in order
H.R. 6395	Rep. Lynch (D-MA)	**House Rules Committee Amendment 156** – would reauthorize the Commission on Wartime Contracting.	Made in order as Amendment 237 (H.Rept. 116-457) Adopted by voice vote as part of amendments en bloc no. 2 (Smith) on 7/20/2020 Incorporated as Section 849
H.R. 6395	Rep. Biggs (R-AZ)	**House Rules Committee Amendment 199** – would repeal the 2001 AUMF; require a plan within 45 days of enactment for the orderly withdrawal of U.S. forces from Afghanistan within one year; and would direct the Secretary of Defense to provide $2,500 "bonus" to all U.S. armed service personnel who deployed in support of the Global War on Terror.	Not made in order
H.R. 6395	Rep. Brooks (R-AL)	**House Rules Committee Amendment 270** – would prohibit the use of funds to support U.S. armed forces or other DOD employees in Afghanistan after May 31, 2021, except for diplomatic security.	Not made in order
H.R. 6395	Rep. Lynch (D-MA)	**House Rules Committee Amendment 273** – would require the Secretary of Defense to make public within 90 days of enactment various metrics related to ANDSF performance and district-level stability assessments.	Made in order as Amendment 238 (H.Rept. 116-457) Adopted by voice vote as part of amendments en bloc no. 2 (Smith) on 7/20/2020 Incorporated as Section 1299S

Bill Number	Sponsor	Summary	Status
H.R. 6395	Rep. Johnson (R-LA)	**House Rules Committee Amendment 600** – would allow ASFF programs to include materials related to the advancement of women and religious minorities	Not made in order
H.R. 6395	Rep. Johnson (R-LA)	**House Rules Committee Amendment 605** – would add to the report required by Sec. 1521 an assessment of the extent to which the Afghan government has prioritized human rights and promoted religious freedom.	Made in order as Amendment 190 (H.Rept. 116-457) Adopted by voice vote as part of amendments en bloc no. 2 (Smith) on 7/20/2020 Incorporated as Section 1251(N) and (O)
H.R. 6395	Rep. Omar (D-MN)	**House Rules Committee Amendment 614** – would strike Sec. 1213 and set as U.S. policy the "accelerated transition" of U.S. combat operations to the Afghan government by April 29, 2021; and would express the sense of Congress that if the President determines that U.S. military presence after April 2021 is necessary, Congress should authorize such a mission by a separate vote before October 7, 2021.	Made in order as Amendment 5 (H.Rept. 116-457) Failed 129-284 on 07/21/20 (Roll Call number 144)
H.R. 6395	Rep. Keating (D-A)	**House Rules Committee Amendment 626** – would direct the Secretary of State to submit within 120 days of a final Afghan reconciliation agreement a strategy for post-conflict U.S. engagement in Afghanistan to promote women's rights.	Made in order as Amendment 194 (H.Rept. 116-457) Adopted by voice vote as part of amendments en bloc no. 2 (Smith) on 7/20/2020 Incorporated as Section 1216
H.R. 6395	Rep. Malinowski (D-NJ)	**House Rules Committee Amendment 636** – would require the President to submit within 90 days of enactment (and every 120 days thereafter) a report verifying the U.S.-Taliban agreement is being honored.	Made in order as Amendment 241 (H.Rept. 116-457) Adopted by voice vote as part of amendments en bloc no. 2 (Smith) on 7/20/2020 Incorporated as Section 1217

Bill Number	Sponsor	Summary	Status
H.R. 6395	Rep. Keating (D-MA)	**House Rules Committee Amendment 643** – would establish immunity from seizure under judicial process for culturally significant objects temporarily loaned from Afghanistan to US institutions, under specified conditions.	Made in order as Amendment 28 (H.Rept. 116-457) Adopted as part of amendments en bloc no. 1 (Smith) by Yea-Nay Vote 336-71 on 7/20/2020 Incorporated as Section 1215
H.R. 6395	Rep. Gabbard (D-HI)	**House Rules Committee Amendment 725** – would strike Sec. 1213.	Not made in order
		Senate NDAA: S. 4049	
S. 4049	Sen. Inhofe (R-OK)	**Sec. 1211** – would extend, for one year, authority to provide Coalition Support Funds for U.S. military operations and decrease the amount authorized to $180 million. **Sec. 1212** – would extend authorization for the Commander's Emergency Response Program (CERP) at $2 million. **Sec. 1213** – would extend and modify authority to provide support for reconciliation activities of which the Afghan government is a part, and would prohibit obligations in support of such until submission of the report required by (b) in P.L. 116-92. **Sec. 1215** – would require report by September 1, 2020 on external threats from Afghanistan, U.S. citizens detained in Afghanistan, plans for the transition of all U.S.-led security activities to Afghan forces, and other matters. **Sec. 1531** – would authorize ASFF through FY2021; would direct the Secretary of Defense to report to Congress on the Afghan government's anticorruption measures and ANDSF development; would direct the Secretary to withhold between 5% and 15% of funds for the ANDSF in the event of insufficient progress, subject to national security waiver. **Sec. 1532** – would transfer SIGAR responsibilities, authorities, and activities to the lead Inspector General for Operation Freedom's Sentinel.	Introduced in the Senate on 6/23/2020 Passed Senate with an amendment by Yea-Nay Vote 86 - 14 (Record Vote Number: 140) 7/23/2020
S.Amdt. 1704 to S. 4049	Sen. Menendez (D-NJ)	**Senate Amendment 1704**– would direct the Secretary of State to submit within 90 days of enactment, and every 120 days thereafter, a report on Taliban compliance with the February 29, 2020, U.S.-Taliban agreement.	Submitted 6/24/2020

Bill Number	Sponsor	Summary	Status
S.Amdt. 1961 to S. 4049	Sen. Menendez (D-NJ)	**Senate Amendment 1961** – alteration of S.Amdt. 1704 (above).	Submitted 6/25/2020
S.Amdt. 2011 to S. 4049	Sen. Paul (R-KY)	**Senate Amendment 2011** – would require the Secretary of Defense to formulate, within 45 days of enactment, a plan for military withdrawal from Afghanistan; require the removal of all U.S. armed forces from Afghanistan within a year of enactment; award all military personnel deployed in support of the "Global War on Terror" with a $2,500 bonus; and repeal the 2001 AUMF (P.L. 107-40).	Motion to table agreed to in Senate 60-33 on 7/1/2020 (Record Vote Number 129)
S.Amdt. 2165 to S. 4049	Sen. Thune (R-SD)	**Senate Amendment 2165** – would prohibit the use of funds to transfer or release any detainees held at United States Naval Station Guantanamo Bay in connection with the U.S.-Taliban agreement.	Submitted 6/25/2020
FY2021 Defense Appropriations			
		House Defense Appropriations: H.R. 7617	
H.R. 7617	Rep. Visclosky (D-IN)	**Sec. 9003** - would allow obligation of administrative costs for ASFF-funded construction projects at the time that the contract is awarded. **Sec. 9005** – would reauthorize CERP at $2 million. **Sec. 9006** – would allow DOD funds to provide supplies and support to allied forces participating in operations in Afghanistan. **Sec. 9007** – would prohibit the use of funds for the purpose of providing for the permanent stationing of U.S. troops in Afghanistan (as well as Iraq). **Sec. 9009** – would prohibit the obligation of ASFF funds prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council at DOD. **Sec. 9012** – would prohibit the use of ASFF to procure man-portable air defense systems **Sec. 9020** – would prohibit the transfer of C-130s to Afghanistan. **Sec. 9021** – would allow the use of ASFF funds for Afghan forces that would otherwise be prohibited by 10 USC 362 ("Leahy Law") if the Secretary certifies that doing so is in U.S. national security interests. **Sec. 9022** – would only allow funding for Taliban participation in reconciliation activities that do not restrict the participation of women.	Introduced and reported by the House Appropriations Committee, 7/16/2020 Passed/agreed to in House by the Yeas and Nays: 217 - 197 (Roll no. 178) 07/31/2020

Bill Number	Sponsor	Summary	Status
H.Rept. 116-453 accompanying H.R. 7617	Rep. Visclosky (D-IN)	**CERP** – the Committee directs the Secretary of Defense to transition CERP programs to the Afghan government or other U.S. government agencies and to phase out the program during FY2021 **Reports** – the Committee directs the submission of two reports within 30 days: 1. The current conditions of the conflict in Afghanistan, including Taliban compliance with the February 29, 2020, agreement 2. Russia's malign activities in Afghanistan, including any directed against U.S. forces	
FY2021 State Department, Foreign Operations, and Related Programs (SFOPS) Appropriations			
		House SFOPS Appropriations: H.R. 7608	
H.R. 7608	Rep. Lowey (D-NY)	**Sec. 7044** – would make funds available for reconciliation and reintegration activities and for an endowment to empower Afghan women and girls; would prohibit the use of funds to enter into permanent basing agreement with the Afghan government; and would direct the Secretary of State to submit within 45 days a comprehensive, multi-year strategy for diplomatic and development engagement with Afghanistan.	Introduced and reported by the Committee on Appropriations 7/13/2020 Passed/agreed to in House by the Yeas and Nays: 224 - 189 (Roll no. 166) 07/24/2020
H.Rept. 116-444 accompanying H.R. 7608	Rep. Lowey (D-NY)	**Reports** – the Committee directs the submission of two reports within 30 days (and every 90 days thereafter): 1. The number of personnel in Afghanistan under COM authority. 2. The status of intra-Afghan peace negotiations.	
		House NDAA: H.R. 2500	
H.R. 2500	Rep. Smith (D-WA)	**Sec. 1211** – would extend, for one year, authority to provide Coalition Support Funds for U.S. military operations and increase the amount authorized by $100 million, to $450 million. **Sec 1213** – would extend, for two years, authority to transfer defense articles and provide defense services to Afghan forces. **Sec 1214** – would extend authority to acquire products produced in countries along Afghan supply routes and add a requirement to report on the use of that authority by March 1, 2020.	Reported by the House Armed Services Committee, 6/19/2019 Passed by the House 220-197 on 7/12/2019

Bill Number	Sponsor	Summary	Status
		Sec 1215 – would authorize $5 million for ex gratia payments for Afghanistan and other theaters. **Sec 1216** – would extend a semiannual DOD reporting requirement. **Sec 1521** – would direct that up to $45 million (and at least $10 million) of ASFF be used for recruitment and retention of women in the Afghan security forces; mandate a DOD assessment of Afghan progress toward security objectives and efforts to manage and sustain equipment by June 2020; and direct the Secretary of Defense to withhold $480 million in assistance to the government of Afghanistan if the Department determines that it has made insufficient progress (subject to national security waiver authority).	
H.R. 2500	Rep Lynch (D-MA)	**House Rules Committee Amendment 429** – would require DOD to make public data related to Afghanistan, including ANDSF casualty figures.	Not made in order by the Rules Committee
H.R. 2500	Rep. Keating (D-MA)	**House Rules Committee Amendment 471** – would direct the Secretary of Defense to guarantee the meaningful participation of Afghan women in the peace process.	Made in order Incorporated into the bill as Sec. 1218
H.R. 2500	Rep. Welch (D-VT)	**House Rules Committee Amendment 583** – would add to the semiannual DOD report on Afghanistan a requirement to include information on monitoring and evaluation measures related to ASFF.	Made in order Incorporated into the bill as Sec. 1216(2)
H.R. 2500	Rep. Welch (D-VT)	**House Rules Committee Amendment 584** – would require the Administration to submit with its FY2021 budget request the amount of government-to-government funding provided for the ANDSF in FY2019 and FY2020, and to explain any difference between the two.	Made in order Incorporated into the bill as Sec. 1521(e)
H.R. 2500	Rep. Davidson (R-OH)	**House Rules Committee Amendment 587** – would cut ASFF by half ($2.25 billion) and cut FY2020 Overseas Contingency Operations funding for Operation Freedom's Sentinel by half.	Not made in order
H.Rept. 116-120 accompanying H.R. 2500	Rep. Smith (D-WA)	**Briefing on Afghanistan Reconciliation** – directs the Secretary of Defense to provide a briefing to the House Armed Services Committee by October 1, 2019 on the status of U.S.-Taliban talks.	As reported by the House Armed Services Committee on 6/19/2019
		Senate NDAA: S. 1790	
S. 1790	Sen. Inhofe (R-OK)	**Sec. 804** – would extend, for two years, authority to acquire products produced in countries along Afghan supply routes. **Sec. 1211** – would extend, for one year, authority to transfer defense articles and provide defense services to Afghan forces.	Reported to the Senate by the Senate Armed Services Committee on 6/11/2019

Bill Number	Sponsor	Summary	Status
		Sec. 1212 – would direct that up to $45 million (and at least $10 million) of ASFF be used for recruitment and retention of women in the Afghan security forces; would mandate a DOD assessment within 90 days of Afghan progress. **Sec.1213** – would reauthorize the Commander's Emergence Response Program (CERP). **Sec. 1214** – would extend, for one year, authority to provide Coalition Support Funds to Afghanistan operations. **Sec.1215** – would authorize $15 million to be provided for persons or entities within Afghanistan (or Pakistan if notified) for reconciliation support activities led by the Afghan government	Passed by the Senate 86-8 on 6/27/2019 Before passage, amount of funding directed in Section 1212 was reduced from $45 million to $25 million and rule of construction added to Section 1215
S. 1790, S.Amdt. 267	Sen. Shaheen (D-NH)	**Senate Amendment 267** – would direct the Secretary of State to ensure the meaningful participation of women in the Afghan peace process.	Submitted on 6/12/2019
S. 1790, S.Amdt. 403	Sen. Bennett (D-CO)	**Senate Amendment 403** – would add reporting requirements to semiannual DOD reports.	Submitted on 6/13/2019
S. 1790, S.Amdt. 646	Sen. Shaheen (D-NH)	**Senate Amendment 646** – alteration of S.Amdt. 267 (above)	Submitted on 6/18/2019; included as Sec. 6215 as passed by the Senate
S. 1790, S.Amdt. 673	Sen. Bennett (D-CO)	**Senate Amendment 673** – alteration of S.Amdt. 403 (above)	Submitted on 6/18/2019; included as Sec. 6217 as passed by Senate
S. 1790, S.Amdt. 720	Sen. Paul (R-KY)	**Senate Amendment 720** – would withdraw U.S. forces from Afghanistan (same as Afghan SERVICE Act, S.J.Res. 12, above).	Submitted 6/18/2019
		Final NDAA (P.L. 116-92)	
S. 1790	Sen. Inhofe (R-OK)	**Sec. 1208** – reauthorizes CERP at $2.5 million; eliminates authority for payments to redress injury and loss in Afghanistan (and other countries) **Sec. 1210A** – authorizes DOD to provide support for State Department- and USAID-administered stabilization activities in Afghanistan (and three other countries) **Sec. 1211** – extends authority to transfer defense articles and provide services to the ANDSF.	Signed into law 12/20/2019

Bill Number	Sponsor	Summary	Status
		Sec. 1212 - extends authority to acquire products produced in countries along Afghan supply routes and adds requirement to report on the use of that authority by March 1, 2020. **Sec. 1213** – authorizes $3 million annually for ex gratia payments for Afghanistan and other theaters, with quarterly reporting requirement on use of the authority. **Sec. 1214** – extends semiannual DOD reporting requirement, and expands categories of information to be included. **Sec. 1216** – directs the Secretary of State, in coordination with the Secretary of Defense, to guarantee the meaningful participation of Afghan women in the peace process; directs the Secretary to submit a report within 180 of enactment on steps taken to fulfill that directive. **Sec. 1217** – extends through 2020 authority to provide Coalition Support Funds for U.S. military operations and increases amount authorized by $100 million to $450 million. **Sec. 1218** – authorizes $15 million to be provided for persons or entities within Afghanistan (or Pakistan if notified) for reconciliation support activities led by the Afghan government. **Sec. 1520** – reauthorizes the ASFF; sets as a goal that $45.5 million (and a minimum of $10 million) of ASFF be used for recruitment and retention of women in the Afghan security forces; mandates a DOD assessment by June 1, 2020 of Afghan progress toward security objectives and efforts to manage and sustain equipment; directs the Secretary of Defense to withhold $480 million if the Department determines the Afghan government has made insufficient progress (with national security waiver authority); and requires the Administration to submit with its FY2021 budget request the amount of government-to-government funding provided for the ANDSF in FY2019, FY2020, and the reason for any difference between the two.	
FY2020 Defense Appropriations			
House: Introduced as H.R. 2968; passed as Division C of H.R. 2740			
H.R. 2968	Rep. Visclosky (D-IN)	**Sec. 9005** – would appropriate up to $5 million for CERP. **Sec. 9006** – would allow DOD funds to provide supplies and support to allied forces participating in operations in Afghanistan.	Approved by Defense Subcommittee on 5/15/2019 Passed by the House 226-203 on 6/19/2019

Bill Number	Sponsor	Summary	Status
		Sec. 9007 – would prohibit the use of funds for the purpose of providing for the permanent stationing of U.S. troops in Afghanistan (as well as Iraq). **Sec. 9009** – would prohibit the obligation of ASFF funds prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council at the Department of Defense. **Sec. 9020** – would prohibit the transfer of C-130s to Afghanistan until DOD reports on Afghan airlift requirements. **Sec. 9021** – would allow the use of ASFF funds for Afghan forces that would otherwise be prohibited by 10 USC 362 ("Leahy Law") if the Secretary certifies that doing so is in U.S. national security interests. **Sec. 9022** – would prohibit the use of funds to pay Taliban expenses to participate in meetings that do not include Afghan government representatives or that restrict women's participation.	
H.R. 2968	Rep. Lee (D-CA)	**Amendment to Defense Appropriations Bill** – would repeal the 2001 AUMF (PL 107-40) 240 days after enactment.	Approved in full Committee 30-22 (Roll Call 2), 5/21/2019 Incorporated into the bill as Section 9025
		Senate: S. 2474	
S. 2474	Sen. Shelby (R-AL)	**Sec. 9003** – would allow obligation of administrative costs for ASFF-funded construction projects at the time that the contract is awarded. **Sec. 9005** – would appropriate up to $5 million for CERP. **Sec. 9006** – would allow DOD funds to provide supplies and support to allied forces participating in operations in Afghanistan. **Sec. 9007** – would prohibit the use of funds for the purpose of providing for the permanent stationing of U.S. troops in Afghanistan (as well as Iraq). **Sec. 9009** – would prohibit the obligation of ASFF funds prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council at the Department of Defense. **Sec. 9015** – would prohibit the transfer of C-130s to Afghanistan until DOD reports on Afghan airlift requirements. **Sec. 9016** – would allow the use of ASFF funds for Afghan forces that would otherwise be prohibited by 10 USC 362 ("Leahy Law") if the Secretary certifies that doing so is in U.S. national security interests.	Introduced 9/12/2019

Bill Number	Sponsor	Summary	Status
		Enacted Bill (P.L. 116-93)	
H.R. 1158		**Sec. 9003** – would allow obligation of administrative costs for ASFF-funded construction projects at the time that the contract is awarded. **Sec. 9005** – would appropriate up to $5 million for CERP. **Sec. 9006** – would allow DOD funds to provide supplies and support to allied forces participating in operations in Afghanistan. **Sec. 9007** – would prohibit the use of funds for the purpose of providing for the permanent stationing of U.S. troops in Afghanistan (as well as Iraq). **Sec. 9009** – would prohibit the obligation of ASFF funds prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council at the Department of Defense. **Sec. 9020** – would prohibit the transfer of C-130s to Afghanistan until DOD reports on Afghan airlift requirements. **Sec. 9021** – would allow the use of ASFF funds for Afghan forces that would otherwise be prohibited by 10 USC 362 ("Leahy Law") if the Secretary certifies that doing so is in U.S. national security interests. **Sec. 9022** – would prohibit the use of funds to pay Taliban expenses to participate in meetings that do not include Afghan government representatives or that restrict women's participation.	Signed into law 12/20/2019
FY2020 State Department, Foreign Operations, and Related Programs Appropriations			
		House: Introduced as H.R. 2839; passed as Division D of H.R. 2740	
H.R. 2839	Rep. Lowey (D-NY)	**Sec. 7044** – would make funds available for reconciliation and reintegration activities and for an endowment to empower Afghan women and girls; and would prohibit the use of funds to enter into permanent basing agreement with the Afghan government.	Reported to the House by the House Appropriations Committee 5/20/2019 Passed by the House 226-203 on 6/19/2019
H.Rept. 116-78		**SIGAR drawdown**—the Committee recommendation includes funding to begin reductions to the SIGAR operations in fiscal year 2020 and directs SIGAR to submit, within 180 days, a plan for a "complete drawdown" by the end of FY2021.	
H.R. 2740	Rep. Davidson (R-OH)	**House Rules Committee Amendment 5** – would reduce OCO funding for Afghanistan to a maximum of $9.3 billion.	Not made in order

Bill Number	Sponsor	Summary	Status
H.R. 2740	Rep. Davidson (R-OH)	**House Rules Committee Amendment 6** – would reduce ASFF by half ($2.25 billion).	Not made in order
		Senate: S. 2583	
S. 2583	Sen. Graham (R-SC)	**Sec. 7034** – would make funds available to support, among other objectives, the U.S. South Asia Strategy and programs for Afghan women and girls, including in law enforcement; would also prohibit the use of funds for projects that the Afghan government cannot sustain. Also would direct the Secretary of State to promote the meaningful participation of Afghan women in reconciliation processes.	Reported to the Senate 9/26/2019
S.Rept. 116-126	Sen. Graham (R-SC)	**Afghanistan Peace Process Study Group** – recommends $750,000 at the U.S. Institute of Peace to create an Afghanistan Peace Process Study Group.	
		Enacted bill: P.L. 116-94	
H.R. 1865		**Sec. 7044** – makes funds available to support, among other objectives, the U.S. South Asia Strategy and programs for Afghan women and girls, including in law enforcement; would also prohibit the use of funds for projects that the Afghan government cannot sustain. Also directs the Secretary of State to promote the meaningful participation of Afghan women in reconciliation processes.	Signed into law 12/20/2019

Source: Congress.gov, House Rules Committee, Senate Amendment Tracking System.

Table 2. Proposed Legislation on Afghanistan in the 115th Congress

Bill Number	Sponsor	Summary	Status
Resolutions and Stand–alone Legislation			
H.R. 1666	Rep. Jones (R-NC)	**To Prohibit the Availability of Funds for Activities in the Islamic Republic of Afghanistan and for Other Purposes** – would prohibit funding for U.S. activities in Afghanistan (other than U.S. Embassy operations or intelligence gathering) one year after enactment, unless the President submits a national security certification waiver and Congress, within 30 days of receipt of that waiver, enacts a joint resolution authorizing the use of funds for purposes described in the certification (under expedited procedures).	Introduced on 3/22/2018 and referred to the Committee on Foreign Affairs Sponsor introductory remarks were given on 4/27/2018
H.R. 330	Rep. Lee (D-CA)	**No More Ghost Money Act** – would prohibit payments from U.S. employees to foreign officials for the purposes of bribery or coercion; would also require within 180 days after enactment the submission of a report from the Director of the CIA on all monetary payments made by the CIA to Afghan officials since September 11, 2001.	Introduced on 1/5/2017 in the House and referred to the Committee on Intelligence
S. 1891	Sen. Cardin (D-MD)	**Promoting Peace and Justice for the People of Afghanistan Act of 2017** – would require the President to submit within 60 days after enactment the U.S. strategy for engagement in Afghanistan; authorize the creation of the Afghanistan Peace and Justice Initiative for FY2018 and FY2019; require two reports within 180 days after enactment and annually thereafter on (1) U.S. diplomatic engagement to bring about a negotiated settlement and (2) Afghan and U.S. efforts to address corruption and abuses by Afghan civilian security forces.	Introduced in the Senate on 9/28/2017 and referred to the Committee on Foreign Relations
		Authorizations for the Use of Military Force (AUMF)	
H.J.Res. 89	Rep. Banks (R-IN)	**AUMF Against al-Qaeda, the Taliban, and the Islamic State of Iraq and Syria** – would authorize the use of force against Al Qaeda and the Taliban (in addition to the Islamic State of Iraq and the Levant, or ISIL), as well as "successor organizations, and associated forces"; and would mandate a report every 60 days on actions taken pursuant to the authorities granted in the joint resolution.	Introduced on 3/15/2017 in the House and referred to the House Committee on Foreign Affairs
H.J.Res. 100	Rep. Schiff (D-CA)	**Consolidated AUMF Resolution of 2017** – would authorize for three years the use of force against Al Qaeda and "the Afghan Taliban" (in addition to ISIL), as well as associated groups engaged in hostilities against the United States.	Introduced in the House on 4/27/2017 and referred to the Committee on Foreign Affairs
H.J.Res. 112	Rep. Perry (R-PA)	**AUMF Against Islamic Extremism** – would authorize the use of force against Al Qaeda, the Haqqani Network, and the Taliban (among other groups),	Introduced in the House and referred to the House

Bill Number	Sponsor	Summary	Status
		as well as "any substantial supporters, associated forces, or closely related successor entities."	Committee on Foreign Affairs on 7/20/2017
H.J.Res. 118	Rep. Coffman (R-CO)	**AUMF Against al Qaeda, the Taliban, and the Islamic State of Iraq and Syria** – would authorize for five years the use of force against Al Qaeda and the Taliban (in addition to ISIL), as well as "any person…that is a part of, or substantially supports" those groups.	Introduced in the House and referred to the House Committee on Foreign Affairs on 10/21/2017
S.J.Res. 31	Sen. Young (R-IN)	**AUMF Against al-Qaeda, the Taliban, and the Islamic State of Iraq and Syria** – would authorize the use of force against Al Qaeda and the Taliban (in addition to ISIL), as well as "successor organizations, and associated forces;" would mandate a report every 60 days on actions taken pursuant to the authorities granted in the joint resolution.	Introduced in the Senate and referred to Committee on Foreign Relations on 3/2/2017
S.J.Res. 59	Sen. Corker (R-TN)	**AUMF of 2018** – would authorize for four years the use of force against Al Qaeda and the Taliban (in addition to ISIL), as well as associated forces, including the Haqqani Network (among others) and any other groups designated by the President and confirmed by Congress under expedited procedures.	Introduced in the House and referred to the Committee on Foreign Relations on 4/16/2018 Committees on Foreign Relations and Homeland Security and Governmental Affairs held hearings on 5/16/2018 and 6/6/2018, respectively
S.J.Res. 61	Sen. Merkley (D-OR)	**Constitutional Consideration for Use of Force Resolution** – Would authorize the use of force against Al Qaeda and the Taliban (in addition to ISIL) in order to protect the United States "and its compelling interests" from attack by those groups; would mandate semiannual certification by the President that groups remain a threat.	Introduced in the Senate and referred to the Committee on Foreign Relations on 5/23/2018
National Defense Authorization Act for Fiscal Year 2019			
		House NDAA: H.R. 5515	
H.R. 5515	Rep. Thornberry (R-TX)	**Sec. 1211** – would extend authority to transfer defense articles and provide services to the ANDSF. **Sec. 1213** – would extend (and expand geographic range of) CERP. **Sec. 1521** – would extend authorities and reporting requirements regarding the use of ASFF; also directs that at least $10 million of ASFF be used for recruitment and retention of women in the Afghan security forces; also directs the submission	Introduced on 4/13/2018 Reported by the House Armed Services Committee on 5/15/2018 with H.Rept. 115-676

Bill Number	Sponsor	Summary	Status
		of a report on the Afghan government's ability to manage equipment provided through the ASFF and would allow withholding of such assistance in the event that the Afghan government is determined to have made insufficient progress toward maintaining the equipment.	
H.R. 5515	Rep. McGovern (D-MA), Rep. Jones (R-NC), Rep. Lee (D-CA), Rep. Garamendi (D-CA), Rep. Kildee (D-MI), Rep. Welch (D-VT)	**House Rules Committee Amendment 173** – Would have required the President to notify Congress of any increase in U.S. force levels in Afghanistan after September 30, 2018, including the number, purpose, and duration of such deployments, and allow for the passage, within 30 days of the presidential determination, of a joint resolution to disapprove of such increases.	Introduced on 5/15/2018 Defeated in Rules Committee Record Vote No. 218, 4-9
H.R. 5515	Rep. Welch (D-VT), Rep. Jones (R-NC), Rep. Lee (D-CA)	**House Rules Committee Amendment 214** – Would have required the Secretary of Defense to develop sustainment plans for projects funded through the Afghanistan Infrastructure Fund and submit those plans to appropriate congressional committees.	Submitted on 05/15/2018 Not made in order by Rules Committee
H.R. 5515	Rep. Lee (D-CA), Rep. Jones (R-NC)	**House Rules Committee Amendment 231** – Would have required the Secretary of Defense to submit within 90 days of passage, and annually thereafter until 2020, an unclassified report on progress made by the Afghan government in achieving the benchmarks outlined in the Kabul Compact. **Joint Explanatory Statement** – "The conferees welcome the introduction of the bilateral U.S.-Afghanistan Compact, and the focus on the four pillars of governance, economics, peace and reconciliation, and security. However, the conferees are disappointed by the lack of transparency provided by the Department of Defense and the Department of State on the central tenants of the Compact and associated benchmarks."	Submitted on 05/16/2018 Made in order as Amendment 76 in H.Rept. 115-698 Adopted by voice vote as part of en bloc H.Amdt. 643 Incorporated as Section 1230B and engrossed in the House on 5/24/2018 House receded in conference, not incorporated into final bill, but addressed in Joint Explanatory Statement
H.R. 5515	Rep. Lynch (D-MA), Rep. Cummings (D-MD), Rep. Welch (D-VT)	**House Rules Committee Amendment 255** – Would have required the Secretary of Defense to rescind the decision to redact troop levels for Afghanistan, Iraq, and Syria in the quarterly Defense Manpower Data Center report, and to publish troop numbers based on deployment location instead of permanently-assigned unit location.	Submitted on 05/15/2018 Not made in order by Rules Committee
H.R. 5515	Rep. Lynch (D-MA), Rep. Welch (D-VT)	**House Rules Committee Amendment 256** – Would have required the Secretary of Defense to "facilitate meaningful access and assistance" to Members	Submitted on 05/21/2018

Bill Number	Sponsor	Summary	Status
		of the committees of jurisdiction traveling to Afghanistan, Iraq, Kuwait, and Syria as part of congressional oversight efforts.	Not made in order by Rules Committee
H.R. 5515	Rep. Lynch (D-MA), Rep. Cummings (D-MD), Rep. Welch (D-VT)	**House Rules Committee Amendment 257** – Would have directed the Secretary of Defense to make public all performance data about the Afghan National Defense and Security Forces that have not been publicly available since October 2017. **Joint Explanatory Statement:** "The conferees are disappointed by recent public decisions regarding a lack of transparency on basic information such as kinetic strike data, [and] ANDSF development, retention, and casualty rates…The restriction of information in this manner undermines public confidence, hinders necessary congressional oversight, and raises legitimate questions about the efficacy of current U.S. efforts in Afghanistan."	Submitted on 05/15/2018 Not made in order by Rules Committee, but addressed in Joint Explanatory Statement
H.R. 5515	Rep. Engel (D-NY)	**House Rules Committee Amendment 449** – Would have directed the Secretary of State to establish an office (of at least three full-time employees) for peace and reconciliation in Afghanistan to lead and coordinate U.S. efforts to seek a negotiated settlement to the war.	Submitted on 05/14/2018 Not made in order by Rules Committee
H.R. 5515	Rep. Boyle (D-PA)	**House Rules Committee Amendment 522** – Would have required the State Department and Department of Defense to report on Russia's support of the Taliban in Afghanistan. **Joint Explanatory Statement** – "The conferees note with deep concern Russia's destabilizing activities in Afghanistan… To better understand the nature of these activities, the conferees direct the appropriate agency within the Department of Defense, in conjunction with the Intelligence Community, to provide a report to the congressional defense and foreign relations committees no later than January 31st, 2019. The required report should be made at the classified level with an unclassified summary and should address Russian destabilizing activities in the region over the past 10 years, an articulation of Russian goals in executing such activities and an assessment of their abilities and potential to affect future operations that run counter to U.S. and Afghan goals in the region."	Submitted 5/21/2018 Made in order as Amendment 35 in H.Rept. 115-702 Adopted by voice vote as part of en bloc H.Amdt. 645 Incorporated as Section 1242 and engrossed in the House on 5/24/2018 House receded, not incorporated into final bill but Joint Explanatory Statement directs submission of related report.
H.R. 5515 S.Amdt. 2656	Sen. Merkley (D-OR)	**Senate Amendment 2656** – Would have directed the Secretary of Defense to submit within 180 days a report on U.S. diplomatic, defense and security, and development strategies in Afghanistan.	Submitted on 6/11/2018 Not considered

Bill Number	Sponsor	Summary	Status
H.R. 5515 S.Amdt. 2775	Sen. Durbin (D-IL), Sen. Duckworth (D-IL)	**Senate Amendment 2775** – Would have directed the Secretary of Defense to submit within a year of enactment an assessment of security cooperation programs in Afghanistan (along with nine other countries).	Submitted on 6/11/2018 Not considered
H.R. 5515 S.Amdt. 2779	Sen. Bennet (D-CO)	**Senate Amendment 2779** – Would have established an eight-member "Long Wars Study Group" to examine U.S. involvement in the wars in Afghanistan and Iraq; the working group would produce a final report, including lessons learned and recommendations, within two years of enactment.	Submitted on 6/11/2018 Not considered
		FY2019 National Defense Authorization Act, P.L. 115-232	
H.R. 5515		**Sec. 1221** – extends authority to transfer defense articles and provide services to the ANDSF. **Sec. 1223** – extends authorities and reporting requirements regarding the use of ASFF; directs that at least $10 million of ASFF (with a goal of $25 million) be used for recruitment and retention of women in the Afghan security forces; directs the Administration to submit a report on the Afghan government's ability to manage equipment provided through the ASFF and would allow withholding of such assistance in the event that the Afghan government is determined to have made insufficient progress toward maintaining the equipment (with waiver authority). **Sec. 1224** – extends (and expands geographic range of) CERP authority for one year.	Signed by the President on 8/13/2019, P.L. 115-232
		FY2019 Defense Appropriations	
		H.R. 6157	
H.R. 6157	Rep. Granger (R-TX)	**Sec. 9005** – would appropriate up to $10 million for CERP in Afghanistan. **Sec. 9006** – would make funds available to provide supplies, transportation, and services to allies supporting U.S. operations in Afghanistan. **Sec. 9007** – would prohibit the use of funds to provide for permanent stationing of U.S. troops in Afghanistan. **Sec. 9009** – would, among other purposes, prohibit the obligation of ASFF funds prior to approval of financial and activity plan by the Afghanistan Resources Oversight Council at DOD. **Sec. 9019** – would prohibit the use of funds to transfer C-130s to Afghanistan. **Sec. 9021** – would allow for ASFF funds to be used in training and equipping units for which assistance would otherwise be prohibited by Leahy Laws (10	As reported in the House on 6/20/2018 and engrossed on 6/23/2018

Bill Number	Sponsor	Summary	Status
		U.S.C. 362) if the Secretary of State certifies that denial of such assistance would harm U.S. national security, among other conditions.	
H.R. 6157	Rep. Khanna (D-CA)	**House Rules Amendment 76 –** would have prohibited the use of funds to increase the U.S. force presence in Afghanistan above current levels.	Submitted on 6/20/2018 Not made in order by the Rules Committee
		S. 3159	
S. 3159	Sen. Shelby (R-AL)	**Sec. 9005** – would appropriate up to $5 million for CERP in Afghanistan. **Sec. 9006** – would make funds available to provide supplies, transportation, and services to allies supporting U.S. operations in Afghanistan. **Sec. 9007** – would prohibit the use of funds to provide for permanent stationing of U.S. troops in Afghanistan. **Sec. 9009** – would, among other purposes, prohibit the obligation of ASFF funds prior to approval of financial and activity plan by the Afghanistan Resources Oversight Council at DOD. **Sec. 9012** – would prohibit the use of funds to transfer C-130s to Afghanistan. **Sec. 9014** – would allow for ASFF funds to be used in training and equipping units for which assistance would otherwise be prohibited by Leahy Laws (10 U.S.C. 362) if the Secretary of State certifies that denial of such assistance would harm U.S. national security, among other conditions.	As reported to the Senate by the Senate Appropriations Committee on 6/23/2018
		H.R. 6157 (P.L. 115-245)	
H.R. 6157	Rep. Granger (R-TX)	**Sec. 9005** – would appropriate up to $10 million for CERP in Afghanistan. **Sec. 9006** – would make funds available to provide supplies, transportation, and services to allies supporting U.S. operations in Afghanistan. **Sec. 9007** – would prohibit the use of funds to provide for permanent stationing of U.S. troops in Afghanistan. **Sec. 9009** – would, among other purposes, prohibit the obligation of ASFF funds prior to approval of financial and activity plan by the Afghanistan Resources Oversight Council at DOD. **Sec. 9020** – would prohibit the use of funds to transfer C-130s to Afghanistan. **Sec. 9022** – would allow for ASFF funds to be used in training and equipping units for which assistance would otherwise be prohibited by Leahy Laws (10 U.S.C. 362) if the Secretary of State certifies that denial of such assistance would harm U.S. national security, among other conditions.	Signed by the President on 9/28/2018, P.L. 115-245

Bill Number	Sponsor	Summary	Status
FY2019 State Department, Foreign Operations, and Related Programs (SFOPS) Appropriations			
		House: H.R. 6385	
H.R. 6385	Rep. Rogers (R-KY)	**Sec. 7013 –** prohibits the use of funds to provide foreign assistance unless a bilateral agreement guarantees that U.S. assistance will be exempt from taxation by the foreign government. NOTE: while this provision does not refer to Afghanistan in particular, the only reference to it in the bill with respect to a specific country occurs in Section 7044 (see below). **Sec. 7044** – (1) prohibits the use of ESF and INCLE funds in projects/activities in which individuals suspected of narcotics production, human rights violations, or corrupt practices are participating or for projects in areas where resource disbursement monitoring cannot be performed (with national security certification waiver); (2) requires the Secretary of State to certify that ESF and INCLE funds are used to advance civil society, women's rights, transparency, and other U.S. goals, and report on the status of related goals and benchmarks within 90 days and biannually thereafter (with national security waiver); (3) makes funds available for programs to assist women and girls, help the Afghan government develop its financial system, and expand regional linkages, among other purposes; (4) requires the Secretary to certify that the United States and Afghanistan have agreement in place to guarantee compliance with Sec. 7013 (above); and (5) prohibits the use of any funds to enter into a permanent basing rights agreement between the United States and Afghanistan	Reported by the House Committee on Appropriations on 7/16/2018
H.Rept. 115-829 accompanying H.R. 6385	House Committee on Appropriations	Directs the submission of two reports: • A report on progress made in achieving a political settlement with the Taliban and detailed information on specific steps to encourage a political resolution (within 90 days of enactment); and • A report on the number of personnel in Afghanistan under Chief of Mission authority (within 30 days of enactment, and every 120 days thereafter through FY2020) Additionally, directs that funds be made available for programs that support children of imprisoned Afghan mothers.	Reported by the House Committee on Appropriations on 7/16/2018
		Senate: S. 3108	

Bill Number	Sponsor	Summary	Status
S. 3108	Sen. Graham (R-SC)	**Sec. 7044 –** (1) authorizes the use of funds to reestablish one or more Embassy Branch Offices in Afghanistan; (2) authorizes the use of up to $2.8 million in ESF for the Office of Inspector General to conduct oversight on assistance for Afghanistan; (3) prohibits the use of funds for projects in which individuals or entities suspected of involved in corruption, narcotics, or human rights violations are participants; and (4) requires the Secretary to certify that the United States and Afghanistan have agreements in place to guarantee compliance with Sec. 7013 (same as the House provision above) and that U.S. companies and organizations are not subjected to Afghan taxes or fees.	Reported by the Senate Appropriations Committee on 6/21/2018
S.Rept. 115-282 accompanying S. 3108	Senate Committee on Appropriations	Directs the submission of two reports: • A report on monitoring and evaluation procedures for U.S. assistance programs in Afghanistan (within 45 days of the submission of the FY2020 budget request); and • A report assessing progress made in preparing for parliamentary and presidential elections, including recommendations (within 90 days of enactment).	Reported by the Senate Appropriations Committee on 6/21/2018
		Division F of H.J.Res 31 (P.L. 116-6)	
Division F of H.J.Res 31	Rep. Roybal-Allard (D-CA)	**Sec. 7044** – (1) makes funds available to support U.S. South Asia Strategy and for programs and strengthen women's rights; (2) prohibits the use of funds for activities that cannot be sustained by the Afghan government, that are not accessible for U.S. oversight, that initiate new, major infrastructure development; or that involve individuals credibly accused of involvement in corruption, narcotics, or human rights violations; and (3) prohibits the use of funds to enter into permanent basing rights agreement with Afghanistan	Signed by the President on 2/15/2019, P.L. 116-6 **Note: H.J.Res 31 was passed by and enacted during the 116th Congress.**
National Defense Authorization Act for Fiscal Year 2018			
H.R. 2810	Rep. Khanna (D-CA)	**House Rules Committee Amendment 72** – requires the Secretary of Defense to conduct a cost-benefit analysis when entering into a contract for uniforms for Afghan forces.	Submitted on 7/6/2017 Made in order as Amendment 24 in H.Rept. 115-212 Adopted by voice vote as part of en bloc H.Amdt. 173 Incorporated as Section 344 in final bill

Bill Number	Sponsor	Summary	Status
H.R. 2810	Rep. Kildee (D-MI)	**House Rules Committee Amendment 153** – would have added projected casualties and costs, as well as objectives, of U.S. deployments to Afghanistan to list of metrics in Section 1212 (requiring a report on U.S. strategy in Afghanistan). **Joint Explanatory Statement** – "The conferees direct the Secretary of Defense, in coordination with the Secretary of State, to provide a report on the Afghanistan strategy no later than February 15, 2018. The report should include a description of U.S. security interests and objectives; the current and planned military efforts to support such objectives; the anticipated timeline necessary to achieve such objectives; a description of the projected long-term U.S. military role in Afghanistan; an analysis of the risk to force, including green on blue attacks, and the efforts to mitigate such risks; an accounting of the costs associated with accomplishing the security objectives over the projected timeline; a description of the interests, objectives, and activities of other regional actors in Afghanistan, including Russia, Iran, Pakistan, China, India, and any other country the Secretary believes to be influencing Afghanistan's stability and security."	Submitted on 7/10/2017 Made in order as Amendment 68 in H.Rept. 115-217 Adopted by voice vote as part of en bloc H.Amdt. 193 Incorporated as part of Section 1212. Engrossed in the House on 7/17/2017 Struck in conference but incorporated in altered form in Joint Explanatory Statement
H.R. 2810	Rep. McGovern (D-MA), Rep. Jones (R-NC), Rep. Lee (D-CA), Rep. Massie (R-KY), Rep. Garamendi (D-CA), Rep. Welch (D-VT), Rep. Kildee (D-MD)	**House Rules Committee Amendment 165** – would have required the President to notify Congress of any increase in U.S. force levels in Afghanistan after September 30, 2018, including the number, purpose, and duration of such deployments, and allow for the passage, within 30 days of the presidential determination, of a joint resolution to disapprove of such increases.	Submitted on 07/12/2017 Defeated in Rules Committee Record Vote No. 71 2-8
H.R. 2810	Rep. Gallego (D-AZ)	**House Rules Committee Amendment 271** – would have added a description of foreign support (from Russia, Iran, Pakistan, and others) to the Taliban and other extremist groups to the list of matters included in a report on U.S. strategy in Afghanistan submitted by the Secretary of Defense. **Not agreed to in Conference**- House recedes, Section 1212 of House bill struck from NDAA but incorporated into Explanatory Statement directive to Secretary of Defense to provide report on Afghanistan strategy by February 15, 2018 (see above).	Submitted on 07/12/2017 Made in order as Amendment 60 in H.Rept. 115-212 Adopted by voice vote as part of en bloc H Amdt 175. Incorporated as part of Section 1212 Struck in conference, but incorporated into Joint Explanatory Statement directive
H.R. 2810	Rep. Connolly (D-VA)	**House Rules Committee Amendment 357** – Requires a review of DOD civilian personnel air travel to and from Afghanistan, and requires the Secretary	Submitted on 07/12/2017

Bill Number	Sponsor	Summary	Status
		to issue updated guidelines regarding the use of commercial or alternative forms of air transportation.	Made in order as Amendment 79 in H.Rept. 115-217 Adopted by voice vote as part of en bloc H Amdt 194 Incorporated as Section 1081 and engrossed in the House on 7/14/2017 Incorporated as Section 1098 in final bill
H.R. 2810	Rep. Lee (D-CA), Rep. Jones (R-NC)	**House Rules Committee Amendment 381** – Would have transferred $28 million from ASFF to the Office of Suicide Prevention.	Submitted on 07/12/2017 Not made in order by Rules Committee
H.R. 2810	Rep. Thornberry (R-TX)	**Sec. 1521** – Extends authorities and reporting requirements regarding the use of ASFF; also would have directed that at least $41 million of ASFF be used for recruitment and retention of women in the Afghan security forces; also directs the submission of a report by the Secretary of Defense on steps the Afghan government is taking to reduce corruption in the ANDSF and on the extent to which extent ANDSF capabilities are improving. **Agreed to in Conference** – House version directed $41 million for recruitment and retention of women in ANDSF (compared to a $25 million "goal" in the Senate bill, Section 1531); final bill language directs at least $10 million, with the goal of $41 million, be directed to that purpose.	Engrossed in the House on 7/14/2017 Agreed to in conference and incorporated in modified form as Section 1531 in final bill
H.R. 2810	Rep. Thornberry (R-TX)	**Sec. 923** – Would have expressed the sense of the House that force management levels in Afghanistan necessitate the substitution of costlier contract support in place of military personnel; also would have required a briefing by DOD on steps by the Secretary to revise deployment guidelines to "avoid to the extent practicable these costly practices in the future." **Joint Explanatory Statement** – "the conferees understand the Department of Defense is revaluating the practice of substituting contractor personnel," but directs a briefing on the topic by March 31, 2018.	Engrossed in the House on 7/14/2017 The Senate engrossed amendment contained no similar provision. The House receded in conference, but directive maintained in Joint Explanatory Statement
S.Amdt. 511 to H.R. 2810	Sen. Sullivan (R-AK), Sen. Peters (D-MI), Sen. Cornyn (R-TX), Sen. Warner (D-VA)	**Senate Amendment 511** – would have directed the Secretary of Defense to work with the Afghan and Indian governments to establish priorities and opportunities for investment in Afghanistan; identify gaps in Afghan military capacity; and improve delivery of humanitarian assistance.	Submitted on 7/27/2017 Not considered

Bill Number	Sponsor	Summary	Status
S.Amdt. 529 to H.R. 2810	Sen. Leahy (D-VT)	**Senate Amendment 529** — authorizes the Secretary of Defense to create one or more permanent positions to oversee and support human rights vetting with regard to the Afghan National Defense and Security Forces.	Submitted on 7/27/2017 Engrossed in Senate amendment on 9/18/2017 as Section 6203 Incorporated as Section 1216 in final bill
S.Amdt. 609 to H.R. 2810	Sen. McCain (R-AZ)	**Senate Amendment 609** – would have expressed the sense of Congress that the United States should pursue an "integrated civil-military" strategy in Afghanistan.	Submitted on 7/27/2017 Not considered
H.R. 2810	Sen. McCain (R-AZ)	**Sec. 1215** – Extends the semiannual reporting requirement on enhancing security and stability in Afghanistan (in place since 2015 NDAA) through December 2020.	Engrossed in Senate amendment on 9/18/2017 House contained no similar provision; House receded in conference and incorporated into final bill as Section 1215
FY2018 Defense Appropriations			
H.R.3219 – Make America Secure Appropriations Act, 2018 (Defense Appropriations)			
H.R. 3219	Rep. Brownley (D-CA)	**House Rules Committee Amendment 21 (version 1)** – would have required the Secretary of Defense to submit a report on steps being taken by Afghan forces to end sexual abuse, sex slavery, and rape.	Introduced on 7/21/2017 Not made in order
H.R. 3219	Rep. Davis (D-CA)	**House Rules Committee Amendment 77 (version 3)** – broadens use of funds from "recruitment" of Afghan women in the ANDSF to "recruitment, retention, and training."	Introduced on 7/26/2017 Revised; made in order and incorporated in revised form under "Afghanistan Security Forces Fund" Incorporated into H.R. 1625
H.R. 3219	Rep. Welch (D-VT), Rep. Lee (D-CA), Rep. Khanna (D-CA), Rep. Jones (R-NC), Rep. Walberg (R-MI)	**House Rules Committee Amendment 111 (version 1)** – Would have prohibited the use of ASFF funds to procure uniforms for the Afghan National Army.	Introduced on 7/21/2017 Made in order as Amendment 40 in H.Rept. 115-261

Bill Number	Sponsor	Summary	Status
			Engrossed in the House on 7/27/2017 as Section 10004 Not incorporated into H.R. 1625
H.R. 3219	Rep. Nolan (D-MN)	**House Rules Committee Amendment 130 (version 2)** – Would have decreased ASFF funding by $12 million.	Introduced on 7/26/2017 Made in order as Amendment 53 in H.Rept. 115-261 Engrossed in the House as 7/27/2017 under "Afghanistan Security Forces Fund" H.R. 1625 reduced ASFF by more than $12 million below the level in H.R. 3219
Division C of H.R. 1625 (Consolidated Appropriations Act, FY2018)	Rep. Granger (R-TX)	**Sec. 9005** – Authorizes $5 million for CERP in Afghanistan. **Sec. 9006** – would authorize provision of services, transportation, and logistical support to allied and coalition forces supporting U.S. operations in Afghanistan. **Sec. 9007** – Prohibits the use of funds for, among other purposes, establishing any base that provides for "permanent stationing" of U.S. forces in Afghanistan. **Sec. 9009** – Among other purposes, prohibits the obligation of ASFF funds prior to approval of financial and activity plan by the Afghanistan Resources Oversight Council at DOD. **Sec. 9019** – prohibits the use of funds to transfer additional C–130 cargo aircraft to Afghan forces until DOD provides a report on Afghan airlift requirements. **Sec. 9020** – Rescinds $100 million in 2017/2018 ASFF funds. **Sec. 9022** – allows for ASFF funds to be used in training and equipping units for which assistance would otherwise be prohibited by Leahy Laws (10 U.S.C. 362) if the Secretary of State certifies that denial of such assistance would harm U.S. national security, among other conditions.	Signed by the President on 3/23/2018 as P.L. 115-141
FY2018 State Department, Foreign Operations, and Related Programs Appropriations			

Bill Number	Sponsor	Summary	Status
H.R. 3362	Rep. Rogers (R-KY)	**Sec. 7044** – (1) Directs the Secretary of State to submit a report on the number of personnel in Afghanistan under Chief of Mission authority; (2) prohibits the use of ESF and INCLE funds in projects/activities in which individuals suspected of narcotics production, human rights violations, or corrupt practices are participating; (3) requires the Secretary of State to certify that ESF and INCLE funds are used to advance civil society, women's rights, transparency, and other U.S. goals, among other conditions; (4) requires the Secretary to submit a report on progress toward goals and benchmarks of U.S. assistance; (5) makes funds available for programs to assist women and girls, help the Afghan government develop its financial system, and expand regional linkages, among other purposes; (6) requires the Secretary to certify that U.S. companies and organizations implementing U.S. foreign aid programs are not subjected to taxation by the Afghan government and (7) prohibits the use of any funds to enter into a permanent basing rights agreement between the United States and Afghanistan.	Approved by House Appropriations Committee on 7/19/2017 H.R. 1625 does not include required reporting on U.S. personnel in Afghanistan, but the directive is included in the Joint Explanatory Statement
Division G of H.R. 3354 (minibus)	Rep. Rosen (D-NV), Rep. Gallego (D-AZ)	**House Rules Committee Amendment 93 (version 1)** – Would have prohibited the use of funds to close or merge the Office of the Special Representative for Afghanistan and Pakistan.	Introduced 9/5/2017 Not made in order
S. 1780	Sen. Graham (R-SC)	**Sec. 7044** – (1) prohibits the use of ESF and INCLE funds for projects/activities in which individuals suspected of narcotics production, human rights violations, or corrupt practices are participating or for projects in areas where resource disbursement monitoring cannot be performed (with national security certification waiver); (2) requires the Secretary to submit a report on progress toward goals and benchmarks of U.S. assistance; (3) reconciliation and reintegration activities.	Introduced and reported by Senate Appropriations Committee on 9/7/2017 with written report S.Rept. 115-152

Bill Number	Sponsor	Summary	Status
Division K of H.R. 1625 (Consolidated Appropriations Act, FY2018)	Rep. Royce (R-CA)	**Sec. 7044** – (1) prohibits the use of ESF and INCLE funds for projects/activities in which individuals suspected of narcotics production, human rights violations, or corrupt practices are participating or for projects in areas where resource disbursement monitoring cannot be performed (with national security certification waiver); (2) requires the Secretary of State to certify that ESF and INCLE funds are used to advance civil society, women's rights, transparency, and other U.S. goals, among other conditions; (3) requires the Secretary to submit a biannual report on progress toward goals and benchmarks of U.S. assistance; (4) makes funds available for programs to assist women and girls, help the Afghan government develop its financial system, and expand regional linkages, among other purposes; (5) requires the Secretary to certify that U.S. companies and organizations implementing U.S. foreign aid programs are not subjected to taxation by the Afghan government and (6) prohibits the use of any funds to enter into a permanent basing rights agreement between the United States and Afghanistan.	Signed by the President on 3/23/2018 as P.L. 115-141

Source: Congress.gov, House Rules Committee, Senate Amendment Tracking System.

Table 3. U.S. Assistance to Afghanistan

($ in thousands)

	FY2018				FY2019				FY2020			
	President's Budget	Senate[a]	House[b]	**Final**	*President's Budget*	Senate	House[b]	**Final**	*President's Budget*	Senate	House	**Final**
ESF	650,000	500,000	-	**500,000**	500,000	500,000	-		400,000			
NADR	37,000	37,000	-	**36,600**	(not requested by country)	37,000	-		36,600			
INCLE	95,000	160,000	-	**160,000**	95,000	160,000	-		95,000			
IMET	800	800	-	**800**	800	800			800			
OFS (through OCO)[c]	47,100,000	-	-	**-**	46,300,000	-	-	**-**	(not broken out)			
ASFF	4,937,515	4,178,815	4,937,515	**4,666,815**	5,199,450	4,666,815	5,199,450	**4,920,000**	4,803,978	4,803,978	4,503,978	**4,503,978**

Source: Congressional Research Service.

a. Draft FY2018 Defense Appropriations bill and accompanying report published November 21, 2017, by the chairman of the Senate Appropriations Committee, at https://www.appropriations.senate.gov/news/majority/fy2018-defense-appropriations-bill-released.

b. In reports accompanying its State, Foreign Operations, and Related Programs Appropriations bills for both FY2018 and FY2019, the House Appropriations Committee stated that "The Committee understands that the staffing and programming requirements in [Afghanistan and Pakistan] will remain under continuous review and, for that reason, has not designated specific funding recommendations." Additionally, while Congress authorizes and appropriates ASFF levels, they do not otherwise allocate funding for specific operations, including Operation Freedom's Sentinel.

c. OFS numbers from President's budget requests; Congress does not direct specific breakouts (i.e., by operation) of OCO spending, except for the Afghanistan Security Forces Fund.

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