

117TH CONGRESS
1ST SESSION

H. R. 5709

To direct the Director of National Intelligence to produce a National Intelligence Estimate on the situation in Afghanistan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2021

Mr. CROW (for himself and Mr. WENSTRUP) introduced the following bill;
which was referred to the Permanent Select Committee on Intelligence

A BILL

To direct the Director of National Intelligence to produce
a National Intelligence Estimate on the situation in Af-
ghanistan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Afghanistan Security
5 Through Intelligence Act”.

6 **SEC. 2. NATIONAL INTELLIGENCE ESTIMATE ON SECURITY**
7 **SITUATION IN AFGHANISTAN AND RELATED**
8 **REGION.**

9 (a) REQUIREMENT.—The Director of National Intel-
10 ligence, acting through the National Intelligence Council,

1 shall produce a National Intelligence Estimate on the situ-
2 ation in Afghanistan and the covered region.

3 (b) MATTERS.—The National Intelligence Estimate
4 produced under subsection (a) shall include, with respect
5 to the 2-year period beginning on the date on which the
6 Estimate is produced, an assessment of the following:

7 (1) The presence in Afghanistan (including fi-
8 nancial contributions to the Taliban, political rela-
9 tions with the Taliban, military presence in the cov-
10 ered region, economic presence in the covered region,
11 and diplomatic presence in the covered region) of
12 China, Iran, Pakistan, Russia, and any other foreign
13 country determined relevant by the Director, respec-
14 tively, and an assessment of the potential risks, or
15 benefits, of any such presence, contributions, or rela-
16 tions.

17 (2) Any change in the threat to the United
18 States homeland or United States entities abroad as
19 a result of the withdrawal of the Armed Forces from
20 Afghanistan on August 31, 2021, including an as-
21 sessment of the risk of al-Qaeda or any affiliates
22 thereof, the Islamic State of Iraq and ash Sham-
23 Khorasan or any affiliates thereof, or any other
24 similar international terrorist group, using Afghani-

1 stan as a safe haven for launching attacks on the
2 United States and its interests abroad.

3 (3) The political composition and sustainability
4 of the governing body of Afghanistan, including an
5 assessment of the ability of the United States Gov-
6 ernment to influence the policies of such governing
7 body on the following:

8 (A) Counterterrorism.

9 (B) Counternarcotics.

10 (C) Human rights (particularly regarding
11 women and girls and traditionally targeted eth-
12 nic groups).

13 (D) The treatment and safe transit of Af-
14 ghans holding special immigrant visa status
15 under section 602 of the Afghan Allies Protec-
16 tion Act of 2009 (8 U.S.C. 1101 note) and
17 other Afghans who, during the period beginning
18 in 2001, assisted efforts of the United States in
19 Afghanistan or the covered region.

20 (4) The effect on the covered region, and Eu-
21 rope, of refugees leaving Afghanistan.

22 (5) The commitments of the Taliban relating to
23 counterterrorism, including an assessment of—

24 (A) whether such commitments required
25 under the agreement entered into between the

1 United States Government and the Taliban in
2 February 2020, have been tested, or will be
3 tested during the 2-year period covered by the
4 Estimate, and what such commitments entail;

5 (B) whether any additional commitments
6 relating to counterterrorism agreed to by the
7 Taliban pursuant to subsequent negotiations
8 with the United States Government following
9 February 2020, have been tested, or will be
10 tested during the 2-year period covered by the
11 Estimate, and, if applicable, what such commit-
12 ments entail;

13 (C) any benchmarks against which the
14 Taliban are to be evaluated with respect to
15 commitments relating to counterterrorism; and

16 (D) the intentions and capabilities of the
17 Taliban with respect to counterterrorism (as
18 such term is understood by the United States
19 and by the Taliban, respectively), including the
20 relations of the Taliban with al-Qaeda or any
21 affiliates thereof, the Islamic State of Iraq and
22 ash Sham-Khorasan or any affiliates thereof, or
23 any other similar international terrorist group.

24 (c) SUBMISSION TO CONGRESS.—

1 (1) SUBMISSION.—Not later than one year after
2 the date of the enactment of this Act, the Director
3 shall submit to the congressional intelligence com-
4 mittees the National Intelligence Estimate produced
5 under subsection (a), including all intelligence re-
6 porting underlying the Estimate.

7 (2) FORM.—The National Intelligence Estimate
8 shall be submitted under paragraph (1) in classified
9 form.

10 (d) PUBLIC VERSION.—Consistent with the protec-
11 tion of intelligence sources and methods, at the same time
12 as the Director submits to the congressional intelligence
13 committees the National Intelligence Estimate under sub-
14 section (c), the Director shall make publicly available on
15 the internet website of the Director an unclassified version
16 of the key findings of the National Intelligence Estimate.

17 (e) DEFINITIONS.—In this section:

18 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
19 TEES.—The term “congressional intelligence com-
20 mittees” means the Permanent Select Committee on
21 Intelligence of the House of Representatives and the
22 Select Committee on Intelligence of the Senate.

23 (2) COVERED REGION.—The term “covered re-
24 gion” includes the following countries:

25 (A) China.

1 (B) The Gulf Cooperation Council coun-
2 tries, including Qatar, Saudi Arabia, the United
3 Arab Emirates.

4 (C) India.

5 (D) Iran.

6 (E) Pakistan.

7 (F) Tajikistan.

8 (G) Turkey.

9 (H) Turkmenistan.

10 (I) Uzbekistan.

11 (3) UNITED STATES ENTITY.—The term
12 “United States entity” means a citizen of the United
13 States, an embassy or consulate of the United
14 States, or an installation, facility, or personnel of
15 the United States Government.

16 **SEC. 3. REPORT ON INTELLIGENCE COLLECTION POSTURE**
17 **AND OTHER MATTERS RELATING TO AF-**
18 **GHANISTAN AND RELATED REGION.**

19 (a) REPORT.—Not later than 90 days after the date
20 of the enactment of this Act, the Director of National In-
21 telligence, in consultation with the heads of elements of
22 the intelligence community determined relevant by the Di-
23 rector, shall submit to the congressional intelligence com-
24 mittees a report on the collection posture of the intel-

1 ligence community and other matters relating to Afghani-
2 stan and the covered region.

3 (b) MATTERS.—The report under subsection (a) shall
4 include the following:

5 (1) A detailed description of the collection pos-
6 ture of the intelligence community with respect to
7 Afghanistan, including with respect to the following:

8 (A) The countering of terrorism threats
9 that are directed at the United States homeland
10 or United States entities abroad.

11 (B) The finances of the Taliban, including
12 financial contributions to the Taliban from for-
13 eign countries (particularly from China, Iran,
14 Russia, and any other foreign country in the
15 Arab Gulf region (or elsewhere) determined rel-
16 evant by the Director, respectively).

17 (C) The detection, and prevention of, any
18 increased threat to the United States homeland
19 or United States entities abroad as a result of
20 the withdrawal of the United States Armed
21 Forces from Afghanistan on August 31, 2021,
22 including any such increased threat resulting
23 from al-Qaeda or any affiliates thereof, the Is-
24 lamic State of Iraq and ash Sham-Khorasan or
25 any affiliates thereof, or any other similar inter-

1 national terrorist group, using Afghanistan as a
2 safe harbor.

3 (2) A detailed description of any plans, strate-
4 gies, or efforts to improve the collection posture de-
5 scribed in paragraph (1)(A), including by filling any
6 gaps identified pursuant to such paragraph.

7 (3) An assessment of the effect of publicly doc-
8 umenting abuses engaged in by the Taliban, and a
9 description of the efforts of the intelligence commu-
10 nity to support other departments and agencies in
11 the Federal Government with respect to the collec-
12 tion and documentation of such abuses.

13 (4) An assessment of the relationship between
14 the intelligence community and countries in the cov-
15 ered region, including an assessment of the fol-
16 lowing:

17 (A) Intelligence and information sharing
18 with such countries.

19 (B) Any change in the collection posture of
20 the intelligence community with respect to the
21 nuclear activities of such countries as a result
22 of the withdrawal of the United States Armed
23 Forces from Afghanistan on August 31, 2021.

24 (C) The collection posture of the intel-
25 ligence community with respect to the presence

1 of such countries in Afghanistan (including fi-
2 nancial contributions to the Taliban, political
3 relations with the Taliban, military presence in
4 Afghanistan, economic presence in Afghanistan,
5 and diplomatic presence in Afghanistan) and
6 the understanding of the intelligence community
7 regarding the potential risks, or benefits, of any
8 such presence, contributions, or relations.

9 (D) The ability of the intelligence commu-
10 nity to use the airspace of any such countries.

11 (5) An assessment of any financial contribu-
12 tions to the Taliban from foreign countries (particu-
13 larly from China, Iran, Russia, and any other for-
14 eign country in the Arab Gulf region (or elsewhere)
15 determined relevant by the Director, respectively)
16 made during the year preceding the withdrawal of
17 the United States Armed Forces from Afghanistan
18 on August 31, 2021.

19 (c) FORM.—The report under subsection (a) may be
20 submitted in classified form, but shall include an unclassi-
21 fied summary.

22 (d) BIENNIAL UPDATES.—On a biannual basis dur-
23 ing the 5-year period following the date of the submission
24 of the report under subsection (a), the Director of Na-
25 tional Intelligence, in consultation with the heads of the

1 elements of the intelligence community determined rel-
2 evant by the Director, shall submit to the congressional
3 intelligence committees an update to such report.

4 (e) DEFINITIONS.—In this section:

5 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
6 TEES.—The term “congressional intelligence com-
7 mittees” means the Permanent Select Committee on
8 Intelligence of the House of Representatives and the
9 Select Committee on Intelligence of the Senate.

10 (2) COVERED REGION.—The term “covered re-
11 gion” includes the following countries:

12 (A) China.

13 (B) The Gulf Cooperation Council coun-
14 tries, including Qatar, Saudi Arabia, the United
15 Arab Emirates.

16 (C) India.

17 (D) Iran.

18 (E) Pakistan.

19 (F) Tajikistan.

20 (G) Turkey.

21 (H) Turkmenistan.

22 (I) Uzbekistan.

23 (3) UNITED STATES ENTITY.—The term
24 “United States entity” means a citizen of the United
25 States, an embassy or consulate of the United

- 1 States, or an installation, facility, or personnel of
- 2 the United States Government.

