

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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August 31, 2020

The Honorable Mark T. Esper
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

The Honorable Michael R. Pompeo
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Esper and Secretary Pompeo:

We are writing for the final time to request that your departments make witnesses available to testify voluntarily before the Subcommittee on National Security on September 9, 2020, about the United States' strategy in Afghanistan. Should your departments refuse to appear voluntarily, the Subcommittee will have no other choice but to receive testimony through compulsory process.

The Trump Administration has repeatedly refused to provide the National Security Subcommittee with information about its handling of America's longest war. Thousands of servicemembers have made the ultimate sacrifice in Afghanistan, and the lives of tens of thousands more have been irreversibly altered by injury or the loss of family members and friends. The American people have the right to hear directly from their government about the prospects for peace in Afghanistan after nearly two-decades of conflict, or whether it once again may become a haven for terrorists that could threaten us here at home.

Departments of State and Defense Have Refused to Testify for Over a Year

The Trump Administration has obstructed the Subcommittee's oversight of the U.S. strategy in Afghanistan. Since August 2019, the Subcommittee has invited the Department of State and the Department of Defense (DOD) to appear at multiple briefings and hearings—often on a bipartisan basis—and each time, your departments have either failed to respond or responded with delay, obfuscation, and excuses for not appearing.

On August 12, 2019, Chairman Stephen Lynch and Ranking Member Jody Hice sent you a letter requesting that your departments provide a briefing by September 27, 2019, on how the Trump Administration planned to address the “high-risk” challenges identified by the Special Inspector General for Afghanistan Reconstruction (SIGAR).¹ Your departments never

¹ Letter from Chairman Stephen F. Lynch and Ranking Member Jody B. Hice, Subcommittee on National Security, Committee on Oversight and Reform, to Secretary Mark T. Esper, Department of Defense, and Secretary Michael R. Pompeo, Department of State (Aug. 12, 2019) (online at

responded to schedule this briefing.

On December 31, 2019, Chairman Lynch requested the testimony of you, or your designees, during a hearing scheduled for January 14, 2020, regarding the U.S. strategy in Afghanistan.² DOD officials initially asked to reschedule the hearing for a later date, and the Subcommittee agreed.³ Despite this accommodation and subsequent discussion between our staffs, on January 25, 2020—three days before the rescheduled hearing—your departments informed the Subcommittee that no witnesses would be made available to testify.⁴

On January 28, 2020, the Subcommittee held its scheduled hearing with SIGAR John F. Sopko. During the hearing, Members on both sides of the aisle expressed dismay that your departments refused to testify. As our colleague Thomas Massie stated:

[I]f there was ever any doubt whether we needed a SIGAR special inspector general for Afghan reconstruction, today's hearing hopefully clears that up because we invited the Department of Defense and the State Department to also give us answers and they're not here.⁵

On February 28, 2020, Chairman Lynch and Ranking Member Hice again requested the testimony of you, or your designees, during a hearing scheduled for March 6, 2020.⁶ DOD staff initially stated that “both DOD and State are willing to send witnesses to appear before the National Security Subcommittee,” and each offered two potential witnesses.⁷ After staff sent multiple follow-up requests, on March 16, 2020, DOD informed the Subcommittee that it was

<https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-08-12.SFL%20Hice%20to%20Esper-DOD%20Pompeo-State%20re%20Afghanistan%20Withdrawal.pdf>).

² Letter from Chairman Stephen F. Lynch, Subcommittee on National Security, Committee on Oversight and Reform, to Secretary Mark T. Esper, Department of Defense, and Secretary Michael R. Pompeo, Department of State (Dec. 31, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-12-31%20Lynch%20to%20Esper%20and%20Pompeo%20Afghanistan.pdf>).

³ Email from Committee Staff to Matthew Haskins, Deputy Assistant Secretary of Defense for House Affairs, Department of Defense (Jan. 2, 2020).

⁴ Email from Matthew Haskins, Deputy Assistant Secretary of Defense for House Affairs, Department of Defense, to Committee Staff (Jan. 25, 2020).

⁵ Committee on Oversight and Reform, Subcommittee on National Security, *Hearing on Examining the Trump Administration's Afghanistan Strategy* (Jan. 28, 2020) (online at <https://oversight.house.gov/legislation/hearings/examining-the-trump-administration-s-afghanistan-strategy>).

⁶ Letter from Chairman Stephen F. Lynch and Ranking Member Jody B. Hice, Subcommittee on National Security, Committee on Oversight and Reform, to Secretary Mark T. Esper, Department of Defense, and Secretary Michael R. Pompeo, Department of State (Feb. 28, 2020).

⁷ Email from Matthew Haskins, Deputy Assistant Secretary of Defense for House Affairs, Department of Defense, to Committee Staff (Mar. 6, 2020); Email from William Wolfe, Director, House Affairs, Bureau of Legislative Affairs, U.S. Department of State, to Committee Staff (Mar. 10, 2020).

“cutting back our number of Hill engagements” due to the coronavirus pandemic.⁸

On July 31, 2020, Chairman Lynch wrote to Acting Assistant Secretary for Indo-Pacific Security Affairs David Helvey and Special Representative for Afghanistan Reconciliation Zalmay Khalilzad requesting their testimony at a hearing scheduled for September 9, 2020.⁹ DOD refused to attend, and Ambassador Khalilzad could not participate “due to travel.”¹⁰

The Trump Administration has consistently shirked its constitutional duty to testify and provide information to Congress, and it is disheartening that this obstruction extends to such an important national security issue as the United States’ involvement in Afghanistan.

U.S. Troop Levels in Afghanistan Appear Driven by Politics

With the government of Afghanistan and the Taliban seemingly poised to begin long-delayed reconciliation negotiations, the United States may be closer than ever to ending its nearly two-decades long conflict in Afghanistan.

While we all want our troops to return home, we are also concerned that U.S. force levels in Afghanistan are being determined by the November 2020 election rather than the future stability of Afghanistan and our national security interests. According to recent reports, President Trump has “repeatedly voiced a desire to leave Afghanistan sooner than the timeline laid out in the Feb. 29 peace agreement with the Taliban.”¹¹

Under the February 29, 2020, agreement, the U.S. committed to reducing force levels in Afghanistan to 8,600 troops by mid-July 2020, followed by a full withdrawal by May 2021—as

⁸ Email from Matthew Haskins, Deputy Assistant Secretary of Defense for House Affairs, Department of Defense, to Committee Staff (Mar. 16, 2020).

⁹ Letter from Chairman Stephen F. Lynch, Subcommittee on National Security, Committee on Oversight and Reform, to David Helvey, Acting Assistant Secretary for Indo-Pacific Security Affairs, Department of Defense (July 31, 2020); Letter from Chairman Stephen F. Lynch, Subcommittee on National Security, Committee on Oversight and Reform, to Special Representative for Afghanistan Reconciliation Zalmay Khalilzad (July 31, 2020).

¹⁰ Email from William E. Wolfe, Deputy Assistant Secretary of Defense for House Affairs, Department of Defense, to Committee Staff (Aug. 7, 2020); Email from Congressional Advisor, South and Central Asia, Department of State, to Committee Staff (Aug. 14, 2020).

¹¹ *Trump Wants Troops in Afghanistan Home by Election Day. The Pentagon Is Drawing Up Plans*, New York Times (May 26, 2020) (online at www.nytimes.com/2020/05/26/world/asia/afghanistan-troop-withdrawal-election-day.html); *Trump Wants to Pull All U.S. Troops Out of Afghanistan by 2020 Election, Officials Say*, NBC News (Aug. 2, 2019) (online at www.nbcnews.com/news/military/trump-wants-pull-all-troops-out-afghanistan-2020-election-n1038651).

long as the Taliban meets its own commitments.¹² The U.S. met this first withdrawal threshold in June 2020, but the Taliban has yet to meet its own benchmarks under the agreement.¹³

Most recently, President Trump confirmed that he plans to reduce U.S. forces in Afghanistan to between 4,000 and 5,000 by the November 3, 2020, general election.¹⁴ Secretary Esper confirmed these plans on August 8, 2020, even as intra-Afghan negotiations were postponed on August 17, 2020.¹⁵

Significant National Security Challenges Remain in Afghanistan

Since the Subcommittee first wrote to you in August 2019, events in Afghanistan have made the testimony of your departments even more critical. Among the most consequential developments are the February 29, 2020, U.S.-Taliban agreement; a subsequent uptick in violence perpetrated by the Taliban against Afghan security forces; the reduction of U.S. forces; and the spread of the coronavirus throughout Afghanistan.¹⁶

Each of these events reasonably could be expected to have a substantial impact on the security situation in Afghanistan. Combined they create a potential powder-keg environment that could exacerbate violence and instability rather than facilitate a peaceful resolution to decades of conflict. Officials from Combined Security Transition Command-Afghanistan (CSTC-A) told SIGAR earlier this year that Afghanistan is entering “perhaps the most complex and challenging period in the last two decades” for the Afghan National Defense and Security Forces (ANDSF).¹⁷

While the U.S. is ahead of schedule in meeting its commitment to withdraw forces from Afghanistan, the Taliban appears to be failing to meet its obligations pursuant to the February 29, 2020, peace agreement.

¹² Department of State, *Agreement for Bringing Peace to Afghanistan* (Feb. 29, 2020) (online at www.state.gov/agreement-for-bringing-peace-to-afghanistan/).

¹³ *US Has Hit Agreed Troop-Cut Target of 8,600 in Afghanistan*, Associated Press (June 18, 2020) (online at <https://apnews.com/f3890bb7b4b36476da4f0b0bdec07414>).

¹⁴ *More U.S. Troops Will Leave Afghanistan Before the Election, Trump Says*, New York Times (Aug. 4, 2020) (online at www.nytimes.com/2020/08/04/world/asia/us-troops-afghanistan.html).

¹⁵ *Esper Says US Troop Levels in Afghanistan to Go Below 5,000 By End of November*, CNN (Aug. 9, 2020) (online at www.cnn.com/2020/08/08/politics/mark-esper-afghanistan-troop-levels/index.html); *Afghanistan Government Halts Prisoner Release, Delaying Talks with Taliban*, Military Times (Aug. 17, 2020) (online at www.militarytimes.com/news/your-military/2020/08/17/afghanistan-government-halts-prisoner-release-delaying-talks-with-taliban/).

¹⁶ Lead Inspector General for Operation Freedom’s Sentinel, *Report to the United States Congress: April 1, 2020-June 30, 2020* (Aug. 17, 2020) (online at https://media.defense.gov/2020/Aug/18/2002479200/-1/-1/1/LIG_OFS_Q3_JUN20_FINAL_508.PDF).

¹⁷ Special Inspector General for Afghanistan Reconstruction, *Quarterly Report to the United States Congress* (July 30, 2020) (online at www.sigar.mil/pdf/quarterlyreports/2020-07-30qr.pdf).

On August 17, 2020, the Lead Inspector General (Lead IG) for Operation Freedom's Sentinel stated that "the Taliban has not yet demonstrated that it is upholding its commitment to dissociate from terrorist organizations in Afghanistan."¹⁸ The Lead IG cited a May 2020 report from the United Nations Security Council, which stated that "[r]elations between the Taliban, especially the Haqqani Network, and Al-Qaida remain close" and that "the Taliban regularly consulted with Al-Qaida during negotiations with the United States and offered guarantees that it would honour their historical ties."¹⁹

In its June 2020 *Enhancing Security and Stability in Afghanistan* report, DOD stated: "Despite recent progress in the peace process, [al-Qa'ida in the Indian Subcontinent (AQIS)] maintains close ties to the Taliban in Afghanistan, likely for protection and training." The report also stated that terrorist organizations such as the Haqqani Network, Islamic State of Iraq and the Levant-Khorasan Province (ISIS-K), and AQIS "continue to present a formidable challenge to Afghan, U.S., and Coalition forces." DOD reported that "ISIS has maintained the ability to defend itself and conduct mass casualty attacks, despite pressure from the Coalition, ANDSF, and the Taliban" and that "AQIS's interest in attacking U.S. forces and other Western targets in Afghanistan and the region persists."²⁰

In addition, the Taliban has significantly increased violent attacks against the ANDSF in recent months. DOD estimates that "the Taliban has sustained levels of violence five times higher than those observed during" a reduction-in-violence period in February 2020. The June 2020 report further states:

The Taliban is calibrating its use of violence to harass and undermine the ANDSF and [the Government of the Islamic Republic of Afghanistan], but remain at a level it perceives is within the bounds of the agreement, probably to encourage a U.S. troop withdrawal and set favorable conditions for a post-withdrawal Afghanistan.²¹

On June 10, 2020, General Kenneth F. McKenzie, Jr., the Commander of U.S. Central Command, stated that conditions that would permit a full withdrawal of U.S. forces—including that the Taliban would guarantee no attacks against the U.S. originating from Afghanistan—"have not been fully met."²²

¹⁸ Lead Inspector General for Operation Freedom's Sentinel, *Report to the United States Congress: April 1, 2020-June 30, 2020* (Aug. 17, 2020) (online at https://media.defense.gov/2020/Aug/18/2002479200/-1/-1/1/LIG_OFS_Q3_JUN20_FINAL_508.PDF).

¹⁹ United Nations Security Council, *Eleventh Report of the Analytical Support and Sanctions Monitoring Team Submitted Pursuant to Resolution 2501* (May 27, 2020) (online at www.undocs.org/S/2020/415).

²⁰ Department of Defense, *Enhancing Security and Stability in Afghanistan* (June 2020) (online at https://media.defense.gov/2020/Jul/01/2002348001/-1/-1/1/ENHANCING_SECURITY_AND_STABILITY_IN_AFGHANISTAN.PDF).

²¹ *Id.*

²² Middle East Institute, *CENTCOM and the Shifting Sands of the Middle East: A Conversation with CENTCOM Commander Gen. Kenneth F. McKenzie Jr.* (June 10, 2020) (online at www.mei.edu/events/centcom-and-shifting-sands-middle-east-conversation-centcom-commander-gen-kenneth-f-mckenzie).

Outside actors, including Russia and Iran, are also seeking to expand their influence in Afghanistan and may reportedly be paying the Taliban to target U.S. forces.²³ Yet, President Trump has admitted that he has “never discussed” this issue with Russian President Vladimir Putin. Instead, President Trump appeared to excuse Russia’s behavior by stating: “We supplied weapons when they were fighting Russia, too.”²⁴

Invitation to Testify at Subcommittee Hearing on Afghanistan

Since September 11, 2001, more than 2,400 American servicemembers have lost their lives supporting U.S. operations in Afghanistan, and more than 20,000 have been wounded. In addition, the U.S. government has spent \$783 billion for Operation Enduring Freedom and Operation Freedom’s Sentinel, including about \$138 billion for reconstruction.²⁵ This year alone—despite President Trump’s recent comments that “nobody has been killed in Afghanistan in a long time”—ten U.S. servicemembers have lost their lives in Afghanistan, including four combat-related deaths.²⁶

It is both a moral and constitutional imperative for your departments to testify publicly about how the Trump Administration plans to bring a responsible end to nearly two decades of U.S. involvement in Afghanistan.

To that end, we are inviting you, or your designees, to testify before the Subcommittee on Wednesday, September 9, 2020, at 10:00 a.m. in room 2154 of the Rayburn House Office Building. Please confirm the participation of your departments by September 2, 2020. Should you refuse to appear voluntarily, the Subcommittee may be forced to pursue compulsory measures to secure testimony from your departments.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

²³ *Russia Secretly Offered Afghan Militants Bounties to Kill U.S. Troops, Intelligence Says*, New York Times (June 26, 2020) (online at www.nytimes.com/2020/06/26/us/politics/russia-afghanistan-bounties.html); *US Intelligence Indicates Iran Paid Bounties to Taliban for Targeting American Troops in Afghanistan*, CNN (Aug. 17, 2020) (online at www.cnn.com/2020/08/17/politics/iran-taliban-bounties-us-intelligence/index.html).

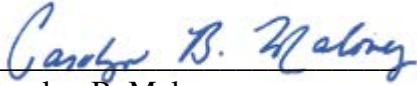
²⁴ *Exclusive: Trump Never Raised Russia’s Taliban Bounties with Putin*, Axios (July 29, 2020) (online at www.axios.com/trump-russia-bounties-taliban-putin-call-4a0f6110-ab58-41c0-96fc-57b507462af1.html); *Trump Says He Did Not Ask Putin About Suspected Bounties to Kill U.S. Troops*, New York Times (July 29, 2020) (online at www.nytimes.com/2020/07/29/us/politics/trump-putin-bounties.html).


²⁵ Special Inspector General for Afghanistan Reconstruction, *Quarterly Report to the United States Congress* (July 30, 2020) (online at www.sigar.mil/pdf/quarterlyreports/2020-07-30qr.pdf); *U.S. Service Member Killed in Afghanistan, Military Says*, Washington Post (July 31, 2020) (online at www.washingtonpost.com/world/one-american-killed-in-afghanistan-military-says/2019/07/13/275f6340-a53b-11e9-b7b4-95e30869bd15_story.html).

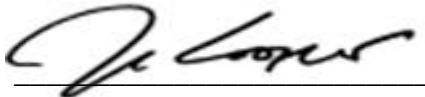
²⁶ *Donald Trump Calls in to Fox and Friends for an Interview*, Fox and Friends (Aug. 17, 2020) (online at www.youtube.com/watch?v=UAFd-N0UVKI); *Afghanistan Fatalities*, iCasualties (accessed Aug. 17, 2020) (online at <http://icasualties.org/App/AfghanFatalities>).


If you have any questions regarding this request, please contact Subcommittee staff at (202) 225-5051.

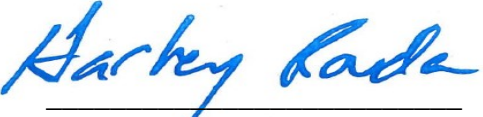
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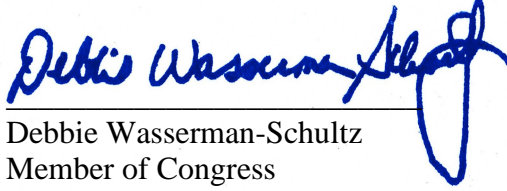

Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform

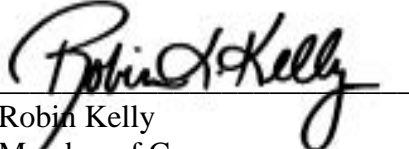

Stephen F. Lynch
Chairman
Subcommittee on National Security



Jim Cooper
Member of Congress
Subcommittee on National Security



Peter Welch
Member of Congress
Subcommittee on National Security

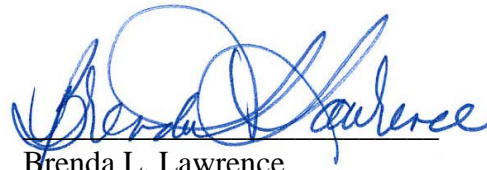

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Member of Congress
Subcommittee on National Security


Debbie Wasserman-Schultz
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Robin Kelly
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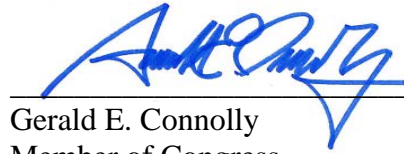

Mark DeSaulnier
Member of Congress
Subcommittee on National Security


Stacey Plaskett
Member of Congress
Subcommittee on National Security

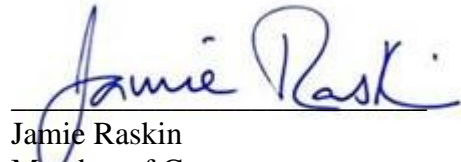

Brenda L. Lawrence
Member of Congress
Subcommittee on National Security



William Lacy Clay
Member of Congress
Committee on Oversight and Reform



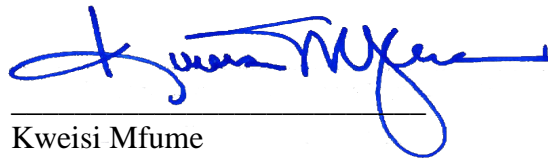
Gerald E. Connolly
Member of Congress
Committee on Oversight and Reform



Jamie Raskin
Member of Congress
Committee on Oversight and Reform



Jackie Speier
Member of Congress
Committee on Oversight and Reform



Kweisi Mfume
Member of Congress
Committee on Oversight and Reform

cc: The Honorable James R. Comer, Ranking Member

The Honorable Glenn Grothman, Ranking Member
Subcommittee on National Security