

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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November 17, 2020

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

Mr. Christopher Miller
Acting Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington D.C. 20301

Dear Secretary Pompeo and Acting Secretary Miller:

Thank you for making Special Representative for Afghanistan Reconciliation Ambassador Zalmay Khalilzad and Principal Deputy Assistant Secretary of Defense for Indo-Pacific Security Affairs David Helvey available to testify at the Subcommittee on National Security's September 22, 2020, hearing on the Trump Administration's strategy in Afghanistan. Unfortunately, today's announcement that the Trump Administration plans to reduce the number of U.S. forces in Afghanistan to 2,500 directly undercuts the testimony provided by Ambassador Khalilzad and Mr. Helvey during the hearing.¹

Given the timing of this announcement, it appears President Trump is more interested in withdrawing U.S. forces from Afghanistan for political purposes, rather than protecting the future security and stability of Afghanistan and ensuring it does not become a safe haven for terrorists that could threaten us here at home.

During the Subcommittee's September 22 hearing, Ambassador Khalilzad and Mr. Helvey testified that the Taliban is not yet in full compliance with the peace agreement they signed with the United States on February 29, 2020. According to Ambassador Khalilzad, "With regard to terrorism and al Qaeda, in this setting, what I can say is the Talibs have taken some steps, based on the commitment they have made, positive steps, but they have some distance still to go." Mr. Helvey also testified that, "[S]o far, they are not fully compliant, so we have work to be done there. I think we know that, [and] the Taliban knows it."²

Ambassador Khalilzad and Mr. Helvey also acknowledged that current levels of violence in Afghanistan are not consistent with the spirit of the U.S.-Taliban agreement. Mr. Helvey

¹ Department of Defense, *Acting Secretary Miller Announcement on Afghanistan and Iraq Troop Levels* (Nov. 17, 2020) (online at www.defense.gov/Newsroom/Speeches/Speech/Article/2418226/acting-secretary-miller-announcement-on-afghanistan-and-iraq-troop-levels/).

² Committee on Oversight and Reform Subcommittee on National Security, *Hearing on Examining the Trump Administration's Afghanistan Strategy, Part 2*, (Sept. 22, 2020) (online at <https://oversight.house.gov/legislation/hearings/examining-the-trump-administration-s-afghanistan-strategy-part-2>).

testified that “Taliban violence, quite frankly, has been unacceptably high for too long,” and Ambassador Khalilzad added, “By any measure, current levels of violence are too high.”³

Notwithstanding the Taliban’s unwillingness or inability to fully implement the terms of the February agreement, the United States had previously stated its intent to reduce our footprint in Afghanistan to between 4,000 and 5,000 troops by the end of November 2020.⁴ However, Ambassador Khalilzad testified that “once we get to 4,500 or so, as you said, between 4,000 to 5,000, we would have to evaluate before we reduce further, based on the agreement, whether the conditions are such that further reduction will not undermine our ability to carry out the mission that the United States is committed to in Afghanistan.”⁵

Despite the Trump Administration’s repeated insistence that the U.S. withdrawal from Afghanistan is “conditions-based,” the security situation in Afghanistan has worsened. In September alone, at least 429 pro-government forces and 134 civilians were killed—a 66% increase in fatalities from July or August 2020.⁶ In addition, the Taliban’s October 2020 assault on areas surrounding Helmand’s provincial capital forced thousands of villagers to flee their homes and left scores wounded and hospitalized.⁷

It therefore came as a surprise when Acting Secretary of Defense Miller announced today that “By January 15, 2021, our force size in Afghanistan will be 2,500 troops.”⁸

The President’s decision to order the withdrawal of additional U.S. forces from Afghanistan was apparently made over the objections of former Secretary of Defense Mark Esper, who reportedly sent a classified memorandum to the White House cautioning against further troop reductions, citing “ongoing violence, possible dangers to the remaining troops in the event of a rapid pullout, potential damage to alliances and apprehension about undercutting [intra-Afghan] negotiations.”⁹ The decision was also criticized by Senate Majority Leader Mitch

³ *Id.*

⁴ *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)

⁵ Committee on Oversight and Reform, Subcommittee on National Security, *Hearing on Examining the Trump Administration’s Afghanistan Strategy, Part 2* (Sept. 22, 2020) (online at <https://oversight.house.gov/legislation/hearings/examining-the-trump-administration-s-afghanistan-strategy-part-2>).

⁶ *The Afghan War Casualty Report*, New York Times (July, Aug., and Sept. 2020) (online at www.nytimes.com/spotlight/afghan-war-casualty-reports).

⁷ *Despite Its 10-day Assault in Helmand, Afghan Taliban Accuse U.S. Military of Violating February Accord*, Washington Post (Oct. 18, 2020) (online at www.washingtonpost.com/world/asia_pacific/taliban-us-peace-talks-violence-afghanistan/2020/10/18/4c12563a-0fe7-11eb-b404-8d1e675ec701_story.html).

⁸ Department of Defense, *Acting Secretary Miller Announcement on Afghanistan and Iraq Troop Levels* (Nov. 17, 2020) (online at www.defense.gov/Newsroom/Speeches/Speech/Article/2418226/acting-secretary-miller-announcement-on-afghanistan-and-iraq-troop-levels/).

⁹ *Defense Secretary Sent Classified Memo to White House About Afghanistan Before Trump Fired Him*, Washington Post (Nov. 14, 2020) (online at www.washingtonpost.com/national-security/trump-pentagon-afghan-war/2020/11/13/5ac54c7e-25cb-11eb-8599-406466ad1b8e_story.html)

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McConnell, who yesterday stated, “A rapid withdrawal of U.S. forces from Afghanistan now would hurt our allies and delight the people who wish us harm.”¹⁰

While we all want our sons and daughters in uniform to return home, it is unacceptable for President Trump to be using them for political purposes. Continuing to withdraw U.S. forces from Afghanistan without holding the Taliban accountable for meeting its commitments under the February peace agreement will likely have serious consequences for our national security by enabling terrorist organizations such as al Qaeda and affiliates of the Islamic State or Iraq and Syria to exploit the resulting governance vacuum to carry out attacks against the United States and our allies and partners. The Afghan people, especially women and girls, are also likely to suffer if the Taliban are allowed to return to power following a U.S. withdrawal.

Given the Trump Administration’s apparent moves to further reduce the number of U.S. forces in Afghanistan—notwithstanding the Taliban’s lack of progress in implementing the February 29, 2020, peace agreement—and in contravention of the testimony offered by Ambassador Khalilzad and Mr. Helvey on September 22, 2020, please provide the following documents and information by December 1, 2020:

1. Classified or unclassified documents sufficient to show, or which reflect, improved Taliban compliance with the February 29, 2020, peace agreement since September 22, 2020; and
2. All classified and unclassified documents, communications, or memoranda between your Departments and the White House, including but not limited to the Executive Office of the President and the National Security Council, related to the decision to withdraw U.S. forces from Afghanistan below current levels.

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

Sincerely,



Stephen F. Lynch
Chairman
Subcommittee on National Security

Enclosure

¹⁰ *McConnell Warns U.S. troop Withdrawal From Afghanistan Would Be “Humiliating”*, Axios (Nov. 16, 2020) (online at www.axios.com/mcconnell-trump-afghan-troop-cuts-us-enemies-84d3d993-16b5-4217-b585-c53ff2e0fddb.html).

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cc: The Honorable Glenn Grothman, Ranking Member
Subcommittee on National Security

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.