

112TH CONGRESS
1ST SESSION

H. R. 651

To require the President to seek to negotiate and enter into a bilateral status of forces agreement with the Government of the Islamic Republic of Afghanistan.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2011

Ms. WOOLSEY (for herself, Mr. DUNCAN of Tennessee, Ms. LEE of California, Mr. JONES, Mr. ELLISON, Mr. PAUL, Mr. GRIJALVA, Mr. HONDA, Mr. MCGOVERN, and Ms. WATERS) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To require the President to seek to negotiate and enter into a bilateral status of forces agreement with the Government of the Islamic Republic of Afghanistan.

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 “United States-Afghani-
5 stan Status of Forces Agreement (SOFA) Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Al Qaeda, a terrorist organization using Af-
2 ghanistan as a base of operations, attacked the
3 United States on September 11, 2001, killing nearly
4 3,000 people in New York, Pennsylvania, and Vir-
5 ginia.

6 (2) Congress passed and the President signed
7 the Authorization for Use of Military Force (Public
8 Law 107–40; 50 U.S.C. 1541 note) on September
9 18, 2001.

10 (3) The United States initiated Operation En-
11 during Freedom to combat Al Qaeda and prevent
12 the Taliban regime in Afghanistan from providing Al
13 Qaeda with safe harbor.

14 (4) The Taliban was removed from power and
15 the United States concluded security agreements
16 with the newly formed Afghan government.

17 (5) Al Qaeda no longer has a major or relevant
18 presence in Afghanistan.

19 (6) The United States and Afghanistan has ex-
20 changed notes, signed agreements, and issued “joint
21 declarations” on various topics, but have not entered
22 into a bilateral agreement on the status of forces.

23 (7) A status of forces agreement with Afghani-
24 stan would not expressly authorize the United States

1 to carry out military operations in Afghanistan but
2 would recognize that such operations are ongoing.

3 (8) The United States is currently party to
4 more than 100 agreements on the status of forces.

5 (9) A status of forces agreement may be a mul-
6 tilateral or bilateral agreement addressing the status
7 of United States Armed Forces while present in a
8 foreign country.

9 (10) Status of forces agreements may include—
10 but are not limited to—how the domestic laws of the
11 foreign jurisdiction shall be applied to United States
12 personnel and contractors while in that country.

13 (11) In a similar agreement, parties have
14 pledged to work cooperatively in a number of fields,
15 including on diplomatic, security, economic, cultural,
16 and law enforcement matters.

17 (12) In a similar agreement, a deadline has
18 been established for the withdrawal of United States
19 troops by a date certain.

20 (13) United States personnel subject to a status
21 of forces agreement may include members of the
22 United States Armed Forces, Department of De-
23 fense civilian employees, and contractors working for
24 the Department of Defense.

1 **SEC. 3. STATUS OF FORCES AGREEMENT WITH AFGHANI-**
2 **STAN.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of the enactment of this Act, the President shall seek
5 to negotiate and enter into a bilateral status of forces
6 agreement with the Government of Afghanistan in accord-
7 ance with the requirements of this section.

8 (b) MANDATORY ELEMENTS.—The status of forces
9 agreement specified in subsection (a) shall, to the max-
10 imum extent practicable—

11 (1) prohibit the permanent basing or military
12 presence of United States Armed Forces in Afghani-
13 stan;

14 (2) provide a date, no later than 1 year after
15 the date on which the agreement is entered into with
16 the Government of Afghanistan, for the complete,
17 safe, and orderly redeployment from Afghanistan of
18 all members of the United States Armed Forces, De-
19 partment of Defense civilian employees, and contrac-
20 tors working for the Department of Defense; and

21 (3) establish that the temporary presence of
22 United States Armed Forces in Afghanistan is at
23 the request and invitation of the sovereign Govern-
24 ment of Afghanistan.

25 (c) DISCRETIONARY ELEMENTS.—The status of
26 forces agreement specified in subsection (a) may provide

1 for the authorization of specific exercises, activities, or
2 missions of the United States Armed Forces in Afghani-
3 stan.

4 (d) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the President should submit the status of forces
6 agreement specified in subsection (a) to the Senate for its
7 advice and consent to ratification as a treaty or alter-
8 natively the President should request statutory authoriza-
9 tion for the status of forces agreement by Congress.

10 (e) SUBMISSION TO CONGRESS.—

11 (1) IN GENERAL.—The President shall submit
12 to the Permanent Select Committee on Intelligence
13 of the House of Representatives and the Select Com-
14 mittee on Intelligence of the Senate a copy of the
15 status of forces agreement specified in subsection
16 (a). The status of forces agreement shall be sub-
17 mitted in unclassified form but may contain a classi-
18 fied annex if necessary.

19 (2) AVAILABILITY.—Any Senator or Member of
20 the House of Representatives may review the copy of
21 the status of forces agreement submitted under
22 paragraph (1), including any portions of the agree-
23 ment contained in the classified annex.

1 (3) DEFINITION.—In paragraph (2), the term
2 “Member of the House of Representatives” includes
3 a Delegate or Resident Commissioner to Congress.

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