Congress of the United States

Washington, DC 20515

December 16, 2021

The Honorable Janet Yellen Secretary U.S. Department of the Treasury 1500 Pennsylvania Avenue, N.W. Washington D.C. 20220

The Honorable Antony J. Blinken Secretary U.S. Department of State 2201 C Street, N.W. Washington D.C. 20520

Dear Secretary Yellen and Secretary Blinken:

In September a group of 32 lawmakers <u>called on</u> the Biden administration to ensure that humanitarian aid can continue to reach Afghans in need despite the takeover of the Taliban, a designated and sanctioned terrorist group, by urgently issuing a broad general license for humanitarian activities implemented by NGOs in Afghanistan. We are grateful that the Department of Treasury issued two general licenses on September 24 to support the continued flow of assistance to the people of Afghanistan.

However, despite this critical step, the general licenses contain a critical omission: safeguards for education programming. This is in contrast to past and current general licenses authorizing NGO action in areas where sanctioned groups are present that do include these critical carve outs for education, including the licenses for Ethiopia, Syria, Venezuela, and Yemen. As a consequence, NGOs working in Afghanistan on education programming do so with fear of legal reprisals or opt out of operating all together, unable to assume such risk.

Continued access to education is a <u>stated priority</u> of the U.S. Administration and allies in the wake of the Taliban gaining control. But without the legal safeguards in place for education programming, the Administration's laudable <u>commitment</u> to continue providing humanitarian assistance and support for at-risk Afghans is under threat.

Education is a basic need and right enshrined in the <u>Universal Declaration of Human Rights</u> alongside those to food, housing, and medical care, and is a lifesaving intervention. It is a <u>crucial component</u> of every global humanitarian response and often one of the first services that communities demand. Education provides a safe place for children to learn and play in otherwise volatile contexts, and increases their access to critical services that support health and psychosocial needs. Children enrolled in educational programs have increased access to vaccinations, medications, mental health support, and nutrition through feeding programs. Participating in education <u>can also help</u> prevent the likelihood that a child will be engaged in child labor or recruited into armed groups, and can prevent early marriage and pregnancy. In this

way, access to education from the onset of a crisis supports children's wellbeing in the short term and contributes to longer-term recovery goals.

Despite ongoing and now increased humanitarian challenges, in the past decades Afghanistan has made marked progress in the education sector, especially in bridging the gender gap, in part due to impactful investments by the United States and other donors. Between 2001 and 2020, Afghan children's enrollment in schools grew from 900,000 to more than 9.5 million students, 39 percent of whom were girls. But now under Taliban control, where the authorities have sent mixed messages about the opportunities for female education, those gains are at risk of being wiped out without international support and safeguards for NGO-implemented activities that support education.

We urge the Administration to immediately take action to support Afghans' right to education by amending the OFAC general licenses on humanitarian assistance to explicitly authorize education activities. Additionally, to forestall future misunderstandings the Administration should collaborate with NGOs and civil society organizations to develop a definition of "basic human needs" informed by the humanitarian cluster system and the Universal Declaration on Human Rights as a reference for future sanctions regimes.

Thank you for your attention to this urgent humanitarian issue.

Sincerely,

Sara Jacobs

Member of Congress

Jeffrey A. Merkley

U.S. Senator

/s/

Chrissy Houlahan

Member of Congress

/s/

Chris Van Hollen

U.S. Senator

/s/

Gerald E. Connolly

Member of Congress

/s/

Benjamin L. Cardin

U.S. Senator

/s/	/s/
Rashida Tlaib	Ron Wyden
Member of Congress	U.S. Senator
/s/	/s/
Jim Costa	Richard Blumenthal
Member of Congress	U.S. Senator
/s/	/s/
Ilhan Omar	Dianne Feinstein
Member of Congress	U.S. Senator
/s/	/s/
James R. Langevin	Alex Padilla
Member of Congress	U.S. Senator
/s/	/s/
Jesús G. "Chuy" García	Jack Reed
Member of Congress	U.S. Senator
/s/	/s/
Vicente Gonzalez	Christopher S. Murphy
Member of Congress	U.S. Senator
/s/	/s/
J. Luis Correa	Cory A. Booker
Member of Congress	U.S. Senator
/s/ Jake Auchincloss Member of Congress	/s/ Mazie K. Hirono U.S. Senator
/s/	/s/
Tom Malinowski	Richard J. Durbin
Member of Congress	U.S. Senator

/s/
Earl Blumenauer
Member of Congress

/s/
Seth Moulton
Member of Congress

/s/
Lois Frankel
Member of Congress

/s/
Mike Quigley
Member of Congress

/s/ Raúl M. Grijalva Member of Congress

/s/ Jamie Raskin Member of Congress

/s/ James P. McGovern Member of Congress

/s/ Ayanna Pressley Member of Congress /s/ Jeanne Shaheen U.S. Senator

/s/ Martin Heinrich U.S. Senator

/s/ Dina Titus Member of Congress

/s/ David N. Cicilline Member of Congress

/s/ Grace Meng Member of Congress

/s/ Ted W. Lieu Member of Congress

/s/ Karen Bass Member of Congress CC:

Samantha Power, Administrator U.S. Agency for International Development

Wally Adeyemo, Deputy Secretary U.S. Department of the Treasury

Linda Etim, Director National Security Council

Thomas West, Special Representative for Afghanistan