

117TH CONGRESS
1ST SESSION

S. _____

To establish a Joint Select Committee on Afghanistan to conduct a full investigation and compile a joint report on the United States withdrawal from Afghanistan.

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of Florida (for himself, Mr. BRAUN, Mr. CRAMER, Mr. DAINES, Ms. ERNST, Mr. TILLIS, and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish a Joint Select Committee on Afghanistan to conduct a full investigation and compile a joint report on the United States withdrawal from 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 “Joint Select Committee
5 on Afghanistan Act of 2021”.

1 **SEC. 2. ESTABLISHMENT OF JOINT SELECT COMMITTEE ON**
2 **AFGHANISTAN.**

3 (a) **ESTABLISHMENT.**—There is established a joint
4 select committee of Congress to be known as the “Joint
5 Select Committee on Afghanistan” (in this section re-
6 ferred to as the “Joint Committee”).

7 (b) **MEMBERSHIP.**—

8 (1) **IN GENERAL.**—The Joint Committee shall
9 be composed of 12 members appointed pursuant to
10 paragraph (2).

11 (2) **APPOINTMENT.**—Members of the Joint
12 Committee shall be appointed as follows:

13 (A) The majority leader of the Senate shall
14 appoint 3 members from among Members of
15 the Senate.

16 (B) The minority leader of the Senate shall
17 appoint 3 members from among Members of
18 the Senate.

19 (C) The Speaker of the House of Rep-
20 resentatives shall appoint 3 members from
21 among Members of the House of Representa-
22 tives.

23 (D) The minority leader of the House of
24 Representatives shall appoint 3 members from
25 among Members of the House of Representa-
26 tives.

1 (3) CO-CHAIRS.—

2 (A) IN GENERAL.—Two of the appointed
3 members of the Joint Committee shall serve as
4 co-chairs. The Speaker of the House of Rep-
5 resentatives and the Majority Leader of the
6 Senate shall jointly appoint one co-chair, and
7 the Minority Leader of the House of Represent-
8 atives and the Minority Leader of the Senate
9 shall jointly appoint the second co-chair. The
10 co-chairs shall be appointed not later than 14
11 calendar days after the date of the enactment
12 of this Act.

13 (B) STAFF DIRECTOR.—The co-chairs, act-
14 ing jointly, shall hire the staff director of the
15 Joint Committee.

16 (4) DATE.—Members of the Joint Committee
17 shall be appointed not later than 14 calendar days
18 after the date of the enactment of this Act.

19 (5) PERIOD OF APPOINTMENT.—Members shall
20 be appointed for the life of the Joint Committee.
21 Any vacancy in the Joint Committee shall not affect
22 its powers, but shall be filled not later than 14 cal-
23 endar days after the date on which the vacancy oc-
24 curs, in the same manner as the original designation
25 was made. If a member of the Joint Committee

1 ceases to be a Member of the House of Representa-
2 tives or the Senate, as the case may be, the member
3 is no longer a member of the Joint Committee and
4 a vacancy shall exist.

5 (c) INVESTIGATION AND REPORT.—

6 (1) IN GENERAL.—Not later than 90 days after
7 the date of the enactment of this Act, the Joint
8 Committee shall conduct an investigation and submit
9 to Congress a report on the United States 2021
10 withdrawal from Afghanistan.

11 (2) ELEMENTS.—The report required under
12 paragraph (1) shall include the following elements:

13 (A) A summary of any intelligence reports
14 that indicated an imminent threat at the
15 Hamid Karzai International Airport preceding
16 the deadly attack on August 26, 2021, and the
17 risks to United States and allied country civil-
18 ians as well as Afghan partners for various
19 United States withdrawal scenarios.

20 (B) A summary of any intelligence reports
21 that indicated that withdrawing military per-
22 sonnel and closing United States military in-
23 stallations in Afghanistan before evacuating ci-
24 vilians would negatively affect the evacuation of

1 United States citizens, green card holders, and
2 Afghan partners and thus put them at risk.

3 (C) A full review of planning by the Na-
4 tional Security Council, the Department of
5 State, and the Department of Defense for a
6 noncombatant evacuation from Afghanistan, in-
7 cluding details of all scenarios used by the De-
8 partment of State or the Department of De-
9 fense to plan and prepare for noncombatant
10 evacuation operations.

11 (D) An analysis of the relationship be-
12 tween the retrograde and noncombatant evacu-
13 ation operation plans and operations.

14 (E) A description of any actions that were
15 taken by the United States Government to pro-
16 tect the safety of United States forces and neu-
17 tralize threats in any withdrawal scenarios.

18 (F) A full review of all withdrawal sce-
19 narios compiled by the intelligence community
20 and the Department of Defense with timelines
21 for the decisions taken, including all advice pro-
22 vided by military leaders to President Joseph R.
23 Biden and his national security team beginning
24 in January 2021.

1 (G) An analysis of why the withdrawal
2 timeline expedited from the September 11,
3 2021, date set by President Biden earlier this
4 year.

5 (H) An analysis of United States and al-
6 lied intelligence shared with the Taliban.

7 (I) An analysis of any actions taken by the
8 United States Government to proactively pre-
9 pare for a successful withdrawal.

10 (J) A summary of intelligence that in-
11 formed statements and assurances made to the
12 American people that the Taliban would not
13 take over Afghanistan with the speed that it did
14 in August 2021.

15 (K) A full and unredacted transcript of the
16 phone call between President Joe Biden and
17 President Ashraf Ghani of Afghanistan on July
18 23, 2021.

19 (L) A summary of any documents, reports,
20 or intelligence that indicates whether any mem-
21 bers of the intelligence community, the United
22 States Armed Forces, or NATO partners sup-
23 porting the mission warned that the Taliban
24 would swiftly reclaim Afghanistan.

1 (M) A description of the extent to which
2 any members of the intelligence community, the
3 United States Armed Forces, or NATO part-
4 ners supporting the mission advised steps to be
5 taken by the White House that were ultimately
6 rejected.

7 (N) An assessment of the decision not to
8 order a noncombatant evacuation operation
9 until August 14, 2021.

10 (O) An assessment of whose advice the
11 President heeded in maintaining the timeline
12 and the status of forces on the ground before
13 Thursday, August 12, 2021.

14 (P) A description of the initial views and
15 advice of the United States Armed Forces and
16 the intelligence community given to the Na-
17 tional Security Council and the White House
18 before the decisions were taken regarding clo-
19 sure of United States military installations,
20 withdrawal of United States assets, and with-
21 drawal of United States military personnel.

22 (Q) An assessment of United States assets,
23 as well as any assets left behind by allies, that
24 could now be used by the Taliban, ISIS-K, and

1 other terrorist organizations operating within
2 the region.

3 (R) An assessment of United States assets
4 slated to be delivered to Afghanistan, if any,
5 the delivery of which was paused because of the
6 President's decision to withdraw, and the status
7 of and plans for those assets now.

8 (S) An assessment of vetting procedures
9 for Afghan civilians to be evacuated with a
10 timeline for the decision making and ultimate
11 decisions taken to ensure that no terrorist sus-
12 pects, persons with ties to terrorists, or dan-
13 gerous individuals would be admitted into third
14 countries or the United States.

15 (T) An assessment of the discussions be-
16 tween the United States Government and allies
17 supporting our efforts in Afghanistan and a
18 timeline for decision making regarding the with-
19 drawal of United States forces, including dis-
20 cussion and decisions about how to work to-
21 gether to repatriate all foreign nationals desir-
22 ing to return to their home countries.

23 (U) A review of the policy decisions with
24 timeline regarding all Afghan nationals and
25 other refugees evacuated from Afghanistan by

1 the United States Government and brought to
2 third countries and the United States, including
3 a report on what role the United States Armed
4 Forces performed in vetting each individual and
5 what coordination the Departments of State
6 and Defense engaged in to safeguard members
7 of the Armed Forces from infectious diseases
8 and terrorist threats.

9 (3) FORM.—The report required under para-
10 graph (1) shall be submitted in unclassified form but
11 may contain a classified annex.

12 (d) MEETINGS.—

13 (1) INITIAL MEETING.—Not later than 30 days
14 after the date on which all members of the Joint
15 Committee have been appointed, the Joint Com-
16 mittee shall hold its first meeting.

17 (2) FREQUENCY.—The Joint Committee shall
18 meet at the call of the co-chairs.

19 (3) QUORUM.—A majority of the members of
20 the Joint Committee shall constitute a quorum, but
21 a lesser number of members may hold hearings.

22 (4) VOTING.—No proxy voting shall be allowed
23 on behalf of the members of the Joint Committee.

24 (e) ADMINISTRATION.—

1 (1) IN GENERAL.—To enable the Joint Com-
2 mittee to exercise its powers, functions, and duties,
3 there are authorized to be disbursed by the Senate
4 the actual and necessary expenses of the Joint Com-
5 mittee approved by the co-chairs, subject to the rules
6 and regulations of the Senate.

7 (2) EXPENSES.—In carrying out its functions,
8 the Joint Committee is authorized to incur expenses
9 in the same manner and under the same conditions
10 as the Joint Economic Committee is authorized by
11 section 11 of Public Law 79–304 (15 U.S.C. 1024
12 (d)).

13 (3) HEARINGS.—

14 (A) IN GENERAL.—The Joint Committee
15 may, for the purpose of carrying out this sec-
16 tion, hold such hearings, sit and act at such
17 times and places, require attendance of wit-
18 nesses and production of books, papers, and
19 documents, take such testimony, receive such
20 evidence, and administer such oaths as the
21 Joint Committee considers advisable.

22 (B) HEARING PROCEDURES AND RESPON-
23 SIBILITIES OF CO-CHAIRS.—

24 (i) ANNOUNCEMENT.—The co-chairs
25 of the Joint Committee shall make a public

1 announcement of the date, place, time, and
2 subject matter of any hearing to be con-
3 ducted, not less than 7 days in advance of
4 such hearing, unless the co-chairs deter-
5 mine that there is good cause to begin
6 such hearing at an earlier date.

7 (ii) WRITTEN STATEMENT.—A wit-
8 ness appearing before the Joint Committee
9 shall file a written statement of proposed
10 testimony at least 2 calendar days before
11 the appearance of the witness, unless the
12 requirement is waived by the co-chairs, fol-
13 lowing their determination that there is
14 good cause for failure to comply with such
15 requirement.

16 (4) COOPERATION FROM FEDERAL AGENCIES.—

17 (A) TECHNICAL ASSISTANCE.—Upon writ-
18 ten request of the co-chairs, a Federal agency
19 shall provide technical assistance to the Joint
20 Committee in order for the Joint Committee to
21 carry out its duties.

22 (B) PROVISION OF INFORMATION.—The
23 Secretary of State, the Secretary of Defense,
24 the Director of National Intelligence, the heads
25 of the elements of the intelligence community,

1 the Secretary of Homeland Security, and the
2 National Security Council shall expeditiously re-
3 spond to requests for information related to
4 compiling the report under subsection (c).

5 (f) **STAFF OF JOINT COMMITTEE.**—

6 (1) **IN GENERAL.**—The co-chairs of the Joint
7 Committee may jointly appoint and fix the com-
8 pensation of staff as they deem necessary, within the
9 guidelines for employees of the Senate and following
10 all applicable rules and employment requirements of
11 the Senate.

12 (2) **ETHICAL STANDARDS.**—Members on the
13 Joint Committee who serve in the House of Rep-
14 resentatives shall be governed by the ethics rules and
15 requirements of the House. Members of the Senate
16 who serve on the Joint Committee and staff of the
17 Joint Committee shall comply with the ethics rules
18 of the Senate.

19 (g) **TERMINATION.**—The Joint Committee shall ter-
20 minate on the date that is one year after the date of the
21 enactment of this Act.

22 **SEC. 3. FUNDING.**

23 Funding for the Joint Committee shall be derived in
24 equal portions from—

- 1 (1) the applicable accounts of the House of
- 2 Representatives; and
- 3 (2) the contingent fund of the Senate from the
- 4 appropriations account “Miscellaneous Items”, sub-
- 5 ject to the rules and regulations of the Senate.