

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.

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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

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**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.