

118TH CONGRESS
1ST SESSION

S. 170

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

JANUARY 31, 2023

Mr. SCOTT of Florida (for himself, Mr. HAWLEY, Mr. HOEVEN, Mr. TILLIS, Mr. TUBERVILLE, Mr. CASSIDY, Mr. BRAUN, and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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. JOINT SELECT COMMITTEE ON AFGHANISTAN.**

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

8 (b) **MEMBERSHIP.**—

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

4 (2) APPOINTMENT.—Members of the Joint
5 Committee shall be appointed as follows:

6 (A) The majority leader of the Senate shall
7 appoint 3 members from among Members of
8 the Senate.

9 (B) The minority leader of the Senate shall
10 appoint 3 members from among Members of
11 the Senate.

12 (C) The Speaker of the House of Rep-
13 resentatives shall appoint 3 members from
14 among Members of the House of Representa-
15 tives.

16 (D) The minority leader of the House of
17 Representatives shall appoint 3 members from
18 among Members of the House of Representa-
19 tives.

20 (3) CO-CHAIRS.—

21 (A) IN GENERAL.—Two of the appointed
22 members of the Joint Committee shall serve as
23 co-chairs. The Speaker of the House of Rep-
24 resentatives and the majority leader of the Sen-
25 ate shall jointly appoint one co-chair, and the

1 minority leader of the House of Representatives
2 and the minority leader of the Senate shall
3 jointly appoint the second co-chair. The co-
4 chairs shall be appointed not later than 14 cal-
5 endar days after the date of the enactment of
6 this Act.

7 (B) STAFF DIRECTOR.—The co-chairs, act-
8 ing jointly, shall hire the staff director of the
9 Joint Committee.

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

13 (5) PERIOD OF APPOINTMENT.—Members shall
14 be appointed for the life of the Joint Committee.
15 Any vacancy in the Joint Committee shall not affect
16 its powers, but shall be filled not later than 14 cal-
17 endar days after the date on which the vacancy oc-
18 curs, in the same manner as the original designation
19 was made. If a member of the Joint Committee
20 ceases to be a Member of the House of Representa-
21 tives or the Senate, as the case may be, the member
22 is no longer a member of the Joint Committee and
23 a vacancy shall exist.

24 (c) INVESTIGATION AND REPORT.—

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

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

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

15 (B) A summary of any intelligence reports
16 that indicated that withdrawing military per-
17 sonnel and closing United States military in-
18 stallations in Afghanistan before evacuating ci-
19 vilians would negatively affect the evacuation of
20 United States citizens, green card holders, and
21 Afghan partners and thus put them at risk.

22 (C) A full review of planning by the Na-
23 tional Security Council, the Department of
24 State, and the Department of Defense for a
25 noncombatant evacuation from Afghanistan, in-

1 including details of all scenarios used by the De-
2 partment of State or the Department of De-
3 fense to plan and prepare for noncombatant
4 evacuation operations.

5 (D) An analysis of the relationship be-
6 tween the retrograde and noncombatant evacu-
7 ation operation plans and operations.

8 (E) A description of any actions that were
9 taken by the United States Government to pro-
10 tect the safety of United States forces and neu-
11 tralize threats in any withdrawal scenarios.

12 (F) A full review of all withdrawal sce-
13 narios compiled by the intelligence community
14 and the Department of Defense with timelines
15 for the decisions taken, including all advice pro-
16 vided by military leaders to President Joseph R.
17 Biden and his national security team beginning
18 in January 2021.

19 (G) An analysis of why the withdrawal
20 timeline expedited from the September 11,
21 2021, date set by President Biden earlier this
22 year.

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

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

4 (J) A summary of intelligence that in-
5 formed statements and assurances made to the
6 American people that the Taliban would not
7 take over Afghanistan with the speed that it did
8 in August 2021.

9 (K) A full and unredacted transcript of the
10 phone call between President Joe Biden and
11 President Ashraf Ghani of Afghanistan on July
12 23, 2021.

13 (L) A summary of any documents, reports,
14 or intelligence that indicates whether any mem-
15 bers of the intelligence community, the United
16 States Armed Forces, or NATO partners sup-
17 porting the mission warned that the Taliban
18 would swiftly reclaim Afghanistan.

19 (M) A description of the extent to which
20 any members of the intelligence community, the
21 United States Armed Forces, or NATO part-
22 ners supporting the mission advised steps to be
23 taken by the White House that were ultimately
24 rejected.

1 (N) An assessment of the decision not to
2 order a noncombatant evacuation operation
3 until August 14, 2021.

4 (O) An assessment of whose advice the
5 President heeded in maintaining the timeline
6 and the status of forces on the ground before
7 Thursday, August 12, 2021.

8 (P) A description of the initial views and
9 advice of the United States Armed Forces and
10 the intelligence community given to the Na-
11 tional Security Council and the White House
12 before the decisions were taken regarding clo-
13 sure of United States military installations,
14 withdrawal of United States assets, and with-
15 drawal of United States military personnel.

16 (Q) An assessment of United States assets,
17 as well as any assets left behind by allies, that
18 could now be used by the Taliban, ISIS–K, and
19 other terrorist organizations operating within
20 the region.

21 (R) An assessment of United States assets
22 slated to be delivered to Afghanistan, if any,
23 the delivery of which was paused because of the
24 President’s decision to withdraw, and the status
25 of and plans for those assets now.

1 (S) An assessment of vetting procedures
2 for Afghan civilians to be evacuated with a
3 timeline for the decision making and ultimate
4 decisions taken to ensure that no terrorist sus-
5 pects, persons with ties to terrorists, or dan-
6 gerous individuals would be admitted into third
7 countries or the United States.

8 (T) An assessment of the discussions be-
9 tween the United States Government and allies
10 supporting our efforts in Afghanistan and a
11 timeline for decision making regarding the with-
12 drawal of United States forces, including dis-
13 cussion and decisions about how to work to-
14 gether to repatriate all foreign nationals desir-
15 ing to return to their home countries.

16 (U) A review of the policy decisions with
17 timeline regarding all Afghan nationals and
18 other refugees evacuated from Afghanistan by
19 the United States Government and brought to
20 third countries and the United States, including
21 a report on what role the United States Armed
22 Forces performed in vetting each individual and
23 what coordination the Departments of State
24 and Defense engaged in to safeguard members

1 of the Armed Forces from infectious diseases
2 and terrorist threats.

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

6 (d) MEETINGS.—

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

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

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

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

18 (e) ADMINISTRATION.—

19 (1) IN GENERAL.—To enable the Joint Com-
20 mittee to exercise its powers, functions, and duties,
21 there are authorized to be disbursed by the Senate
22 the actual and necessary expenses of the Joint Com-
23 mittee approved by the co-chairs, subject to the rules
24 and regulations of the Senate.

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

7 (3) HEARINGS.—

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

16 (B) HEARING PROCEDURES AND RESPON-
17 SIBILITIES OF CO-CHAIRS.—

18 (i) ANNOUNCEMENT.—The co-chairs
19 of the Joint Committee shall make a public
20 announcement of the date, place, time, and
21 subject matter of any hearing to be con-
22 ducted, not less than 7 days in advance of
23 such hearing, unless the co-chairs deter-
24 mine that there is good cause to begin
25 such hearing at an earlier date.

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

10 (4) COOPERATION FROM FEDERAL AGENCIES.—

11 (A) TECHNICAL ASSISTANCE.—Upon writ-
12 ten request of the co-chairs, a Federal agency
13 shall provide technical assistance to the Joint
14 Committee in order for the Joint Committee to
15 carry out its duties.

16 (B) PROVISION OF INFORMATION.—The
17 Secretary of State, the Secretary of Defense,
18 the Director of National Intelligence, the heads
19 of the elements of the intelligence community,
20 the Secretary of Homeland Security, and the
21 National Security Council shall expeditiously re-
22 spond to requests for information related to
23 compiling the report under subsection (c).

24 (f) STAFF OF JOINT COMMITTEE.—

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

7 (2) ETHICAL STANDARDS.—Members on the
8 Joint Committee who serve in the House of Rep-
9 resentatives shall be governed by the ethics rules and
10 requirements of the House. Members of the Senate
11 who serve on the Joint Committee and staff of the
12 Joint Committee shall comply with the ethics rules
13 of the Senate.

14 (g) TERMINATION.—The Joint Committee shall ter-
15 minate on the date that is one year after the date of the
16 enactment of this Act.

17 (h) FUNDING.—Funding for the Joint Committee
18 shall be derived in equal portions from—

19 (1) the applicable accounts of the House of
20 Representatives; and

21 (2) the contingent fund of the Senate from the
22 appropriations account “Miscellaneous Items”, sub-
23 ject to the rules and regulations of the Senate.

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