

117TH CONGRESS
1ST SESSION

S. 2922

To establish a commission to study the war in Afghanistan.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2021

Ms. DUCKWORTH (for herself, Ms. HIRONO, Ms. KLOBUCHAR, Ms. ROSEN, Mr. BLUMENTHAL, Mr. KING, Mrs. GILLIBRAND, Mr. BENNET, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To establish a commission to study the war in 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 “Afghanistan War Com-
5 mission Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **APPLICABLE PERIOD.**—The term “applica-
9 ble period” means the period beginning June 1,
10 2001, and ending August 30, 2021.

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Armed Services of
5 the Senate;

6 (B) the Committee on Foreign Relations of
7 the Senate;

8 (C) the Select Committee on Intelligence of
9 the Senate;

10 (D) the Committee on Armed Services of
11 the House of Representatives;

12 (E) the Committee on Foreign Affairs of
13 the House of Representatives; and

14 (F) the Permanent Select Committee on
15 Intelligence of the House of Representatives.

16 (3) INTELLIGENCE COMMUNITY.—The term
17 “intelligence community” has the meaning given
18 that term in section 3(4) of the National Security
19 Act of 1947 (50 U.S.C. 3003(4)).

20 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

21 (a) ESTABLISHMENT.—There is established the Af-
22 ghanistan War Commission (in this Act referred to as the
23 “Commission”).

24 (b) MEMBERSHIP.—

1 (1) COMPOSITION.—The Commission shall be
2 composed of 13 members of whom—

3 (A) 1 shall be appointed by the President;

4 (B) 1 shall be appointed by the Chairman
5 of the Committee on Armed Services of the
6 Senate;

7 (C) 1 shall be appointed by the ranking
8 member of the Committee on Armed Services of
9 the Senate;

10 (D) 1 shall be appointed by the Chairman
11 of the Committee on Armed Services of the
12 House of Representatives;

13 (E) 1 shall be appointed by the ranking
14 member of the Committee on Armed Services of
15 the House of Representatives;

16 (F) 1 shall be appointed by the Chairman
17 of the Committee on Foreign Relations of the
18 Senate;

19 (G) 1 shall be appointed by the ranking
20 member of the Committee on Foreign Relations
21 of the Senate;

22 (H) 1 shall be appointed by the Chairman
23 of the Committee on Foreign Affairs of the
24 House of Representatives;

1 (I) 1 shall be appointed by the ranking
2 member of the Committee on Foreign Affairs of
3 the House of Representatives;

4 (J) 1 shall be appointed by the Chairman
5 of the Select Committee on Intelligence of the
6 Senate;

7 (K) 1 shall be appointed by the ranking
8 member of the Select Committee on Intelligence
9 of the Senate;

10 (L) 1 shall be appointed by the Chairman
11 of the Permanent Select Committee on Intel-
12 ligence of the House of Representatives; and

13 (M) 1 shall be appointed by the ranking
14 member of the Permanent Select Committee on
15 Intelligence of the House of Representatives.

16 (2) QUALIFICATIONS.—It is the sense of Con-
17 gress that each member of the Commission ap-
18 pointed under paragraph (1) should have significant
19 professional experience from a position in—

20 (A) the Department of Defense;

21 (B) the Department of State;

22 (C) the intelligence community; or

23 (D) the United States Agency for Inter-
24 national Development.

1 (3) PROHIBITIONS.—A member of the Commis-
2 sion appointed under paragraph (1) may not—

3 (A) be a current or former member of Con-
4 gress;

5 (B) have served in military or civilian posi-
6 tions having significant operational or strategic
7 responsibilities in Afghanistan during the appli-
8 cable period; or

9 (C) have been a party to any United States
10 or coalition defense contract during the applica-
11 ble period.

12 (4) DATE.—The appointments of the members
13 of the Commission shall be made not later than 60
14 days after the date of enactment of this Act.

15 (c) PERIOD OF APPOINTMENT; VACANCIES.—

16 (1) IN GENERAL.—A member of the Commis-
17 sion shall be appointed for the life of the Commis-
18 sion.

19 (2) VACANCIES.—A vacancy in the Commis-
20 sion—

21 (A) shall not affect the powers of the Com-
22 mission; and

23 (B) shall be filled in the same manner as
24 the original appointment.

25 (d) MEETINGS.—

1 (1) INITIAL MEETING.—Not later than 30 days
 2 after the date on which all members of the Commis-
 3 sion have been appointed, the Commission shall hold
 4 the first meeting of the Commission.

5 (2) FREQUENCY.—The Commission shall meet
 6 at the call of the Chairperson.

7 (3) QUORUM.—A majority of the members of
 8 the Commission shall constitute a quorum, but a
 9 lesser number of members may hold hearings.

10 (e) CHAIRPERSON AND VICE CHAIRPERSON.—The
 11 Commission shall select a Chairperson and a Vice Chair-
 12 person from among the members of the Commission.

13 **SEC. 4. PURPOSE OF COMMISSION.**

14 The purpose of the Commission is to examine the war
 15 in Afghanistan, create strategic and grand strategic les-
 16 sons learned, and develop recommendations for the Gov-
 17 ernment of the United States and future policymakers and
 18 senior military decision makers in the United States.

19 **SEC. 5. DUTIES OF COMMISSION.**

20 (a) STUDY.—

21 (1) IN GENERAL.—The Commission shall con-
 22 duct a thorough study of all matters relating to com-
 23 bat operations, reconstruction and security force as-
 24 sistance activities, intelligence operations, and diplo-

1 matic activities of the United States pertaining to
2 the war in Afghanistan.

3 (2) MATTERS STUDIED.—The matters studied
4 by the Commission shall include—

5 (A) the activities and actions of the United
6 States immediately prior to the attacks on Sep-
7 tember 11, 2001, and during the initial invasion
8 of Afghanistan by the United States;

9 (B) the resurgence of the Taliban during
10 the applicable period;

11 (C) the transition to security force assist-
12 ance and counter-terrorism operations in Af-
13 ghanistan;

14 (D) peace negotiations involving the
15 United States, the Islamic Republic of Afghani-
16 stan, and the Taliban; and

17 (E) the withdrawal of the United States
18 military from Afghanistan.

19 (3) CONTENTS.—The study required under
20 paragraph (1) shall include the following elements:

21 (A) An analysis of the political and stra-
22 tegic decisions that influenced—

23 (i) interactions of the Government of
24 the United States with the Government of
25 Afghanistan;

1 (ii) the strategic objectives of the war
2 during the applicable period;

3 (iii) the number of members of the
4 Armed Services in Afghanistan during the
5 applicable period; and

6 (iv) measures of effectiveness used for
7 measuring progress towards strategic ob-
8 jectives.

9 (B) A statement addressing the military,
10 diplomatic, and intelligence interactions of the
11 United States with Pakistan during the applica-
12 ble period.

13 (C) An examination of the participation in
14 the war in Afghanistan by member states of the
15 North Atlantic Treaty Organization.

16 (D) An examination of the long-term im-
17 pact of the war in Afghanistan on government
18 institutions in the United States.

19 (E) A description of any other matters
20 that the Commission determines significantly
21 affected the conduct and the outcome of the
22 war in Afghanistan.

23 (F) Recommendations for legislation and
24 administrative actions to address any mistakes

1 in the conduct of the war in Afghanistan identi-
2 fied by the Commission.

3 (b) REPORT REQUIRED.—

4 (1) IN GENERAL.—

5 (A) ANNUAL REPORT.—Not later than 1
6 year after the date of the initial meeting of the
7 Commission, and annually thereafter, the Com-
8 mission shall submit to the appropriate congres-
9 sional committees a report describing the
10 progress of the Commission.

11 (B) FINAL REPORT.—Not later than 4
12 years after the date of the initial meeting of the
13 Commission, the Commission shall submit to
14 the President and Congress a report that con-
15 tains a detailed statement of the findings and
16 conclusions of the Commission, together with
17 the recommendations of the Commission.

18 (2) FORM.—The report required by paragraph
19 (1)(B) shall be submitted and publicly released on a
20 Government website in unclassified form but may
21 contain a classified annex.

22 **SEC. 6. POWERS OF COMMISSION.**

23 (a) HEARINGS.—The Commission may hold such
24 hearings, sit and act at such times and places, take such

1 testimony, and receive such evidence as the Commission
2 considers advisable to carry out this Act.

3 (b) ASSISTANCE FROM FEDERAL AGENCIES.—

4 (1) INFORMATION.—

5 (A) IN GENERAL.—The Commission may
6 secure directly from a Federal department or
7 agency such information as the Commission
8 considers necessary to carry out this Act.

9 (B) FURNISHING INFORMATION.—On re-
10 quest of the Chairperson of the Commission,
11 the head of the department or agency shall ex-
12 peditiously furnish the information to the Com-
13 mission.

14 (2) GENERAL SERVICES.—Upon the request of
15 the Commission, the Administrator of General Serv-
16 ices shall provide to the Commission, on a reimburs-
17 able basis, the administrative support services and
18 office space necessary for the Commission to carry
19 out its purposes and functions under this Act.

20 (c) POSTAL SERVICES.—The Commission may use
21 the United States mails in the same manner and under
22 the same conditions as other departments and agencies of
23 the Federal Government.

24 (d) GIFTS.—The Commission may accept, use, and
25 dispose of gifts or donations of services or property.

1 **SEC. 7. COMMISSION PERSONNEL MATTERS.**

2 (a) COMPENSATION OF MEMBERS.—A member of the
3 Commission who is not an officer or employee of the Fed-
4 eral Government shall be compensated at a rate equal to
5 the daily equivalent of the annual rate of basic pay pre-
6 scribed for level IV of the Executive Schedule under sec-
7 tion 5315 of title 5, United States Code, for each day (in-
8 cluding travel time) during which the member is engaged
9 in the performance of the duties of the Commission.

10 (b) TRAVEL EXPENSES.—A member of the Commis-
11 sion shall be allowed travel expenses, including per diem
12 in lieu of subsistence, at rates authorized for employees
13 of agencies under subchapter I of chapter 57 of title 5,
14 United States Code, while away from their homes or reg-
15 ular places of business in the performance of services for
16 the Commission.

17 (c) STAFF.—

18 (1) IN GENERAL.—The Chairperson, in con-
19 sultation with the Vice Chairperson of the Commis-
20 sion, may, without regard to the civil service laws
21 (including regulations), appoint and terminate an ex-
22 ecutive director and such other additional personnel
23 as may be necessary to enable the Commission to
24 perform its duties, except that the employment of an
25 executive director shall be subject to confirmation by
26 the Commission.

1 (2) QUALIFICATIONS FOR PERSONNEL.—The
2 Chairperson and the Vice Chairperson of the Com-
3 mission shall give preference in such appointments
4 under paragraph (1) to individuals from academic
5 backgrounds, and former military personnel should
6 include representation from the reserve components.

7 (3) COMPENSATION.—The Chairperson, in con-
8 sultation with the Vice Chairperson of the Commis-
9 sion, may fix the compensation of the executive di-
10 rector and other personnel without regard to chapter
11 51 and subchapter III of chapter 53 of title 5,
12 United States Code, relating to classification of posi-
13 tions and General Schedule pay rates, except that
14 the rate of pay for the executive director and other
15 personnel may not exceed the rate payable for level
16 V of the Executive Schedule under section 5316 of
17 that title.

18 (d) DETAIL OF GOVERNMENT EMPLOYEES.—A Fed-
19 eral Government employee may be detailed to the Commis-
20 sion without reimbursement, and such detail shall be with-
21 out interruption or loss of civil service status or privilege.

22 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
23 TENT SERVICES.—The Chairperson, in consultation with
24 the Vice Chairperson of the Commission, may procure
25 temporary and intermittent services under section 3109(b)

1 of title 5, United States Code, at rates for individuals that
2 do not exceed the daily equivalent of the annual rate of
3 basic pay prescribed for level V of the Executive Schedule
4 under section 5316 of that title.

5 **SEC. 8. TERMINATION OF COMMISSION.**

6 The Commission shall terminate 90 days after the
7 date on which the Commission submits the report required
8 under section 5(b).

9 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—There is authorized to be appro-
11 priated to the Commission such amounts as necessary to
12 carry out activities under this Act.

13 (b) AVAILABILITY.—Any sums appropriated under
14 the authorization contained in this section shall remain
15 available, without fiscal year limitation, until the date of
16 the termination of the Commission under section 8.

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