

117TH CONGRESS
1ST SESSION

H. R. 5174

To establish the National Commission on United States Involvement in
Afghanistan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 2021

Ms. STEFANIK (for herself and Mr. WITTMAN) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

To establish the National Commission on United States
Involvement in Afghanistan, and for other purposes.

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 “National Commission
5 on United States Involvement in Afghanistan Act of
6 2021”.

7 **SEC. 2. ESTABLISHMENT.**

8 There is established in the executive branch an inde-
9 pendent commission to be known as the National Commis-
10 sion on United States Involvement in Afghanistan (in this

1 Act referred to as the “Commission”). The Commission
2 shall be considered an independent establishment of the
3 Federal Government as defined by section 104 of title 5,
4 United States Code, and a temporary organization under
5 section 3161 of such title.

6 **SEC. 3. PURPOSES.**

7 The purposes of the Commission are to—

8 (1) examine and report on the involvement of
9 the United States in Afghanistan since 2001, includ-
10 ing actions by the United States Armed Forces, the
11 intelligence community, and all relevant Federal de-
12 partments and agencies, and the efforts of the
13 United States with North Atlantic Treaty Organiza-
14 tion partners;

15 (2) scrutinize the strategic goals and interests
16 of the United States in Afghanistan as they evolved,
17 including counterterrorism, stabilization objectives,
18 and capacity-building efforts, and to determine the
19 ability of the United States to have achieved such
20 goals and interests;

21 (3) review the progress assessments of the
22 United States related to Afghanistan since 2001,
23 and determine if such assessments were accurately
24 and sufficiently communicated to policy makers and
25 the American public;

1 (4) fully examine the drawdown efforts of the
2 United States and its allies in Afghanistan, culmi-
3 nating in the 2021 withdrawal, including a full re-
4 view and assessment of diplomatic negotiations with
5 the Taliban in Doha, Qatar, and the degree of con-
6 sultation and communication with North Atlantic
7 Treaty Organization allies and the Afghan govern-
8 ment;

9 (5) provide insight into the efforts of the
10 United States to evacuate citizens of the United
11 States from Afghanistan, administer the Special Im-
12 migration Visa program and provide evacuation of
13 Afghan allies, and conduct a full accounting and in-
14 ventory of military equipment, monies, and United
15 States Government assets left in Afghanistan; and

16 (6) investigate and report to the President and
17 Congress on its findings, conclusions, and rec-
18 ommendations for corrective measures to be taken to
19 prevent future policy failures abroad.

20 **SEC. 4. COMPOSITION OF COMMISSION.**

21 (a) MEMBERS.—The Commission shall be composed
22 of 10 members, of whom—

23 (1) 1 member shall be appointed by the Presi-
24 dent;

1 (2) 2 members shall be appointed by leadership
2 of the Democratic Party in the Senate;

3 (3) 2 members shall be appointed by leadership
4 of the Republican Party in the Senate;

5 (4) 2 members shall be appointed by leadership
6 of the Democratic Party in the House of Represent-
7 atives;

8 (5) 2 members shall be appointed by leadership
9 of the Republican Party in the House of Representa-
10 tives; and

11 (6) 1 member shall be appointed by the Sec-
12 retary of Defense from the Special Inspector General
13 for Afghanistan Reconstruction who, to the extent
14 practicable, shall be a former agency executive, or
15 former holder of a leadership position with the Spe-
16 cial Inspector General for Afghanistan Reconstruc-
17 tion.

18 (b) LEADERSHIP; QUALIFICATIONS; INITIAL MEET-
19 ING.—

20 (1) LEADERSHIP.—Upon the first meeting of
21 the Commission, members shall designate, by major-
22 ity vote, a chairperson and vice chairperson from
23 among the members of the Commission to serve for
24 the duration of the Commission.

1 (2) QUALIFICATIONS.—It is the sense of Con-
2 gress that individuals appointed to the Commission
3 should be prominent United States citizens with na-
4 tional recognition and significant depth of experience
5 in such professions as governmental service, law en-
6 forcement, the Armed Forces, law, public adminis-
7 tration, intelligence gathering, foreign assistance,
8 and foreign affairs.

9 (3) POLITICAL PARTY AFFILIATION.—To the
10 extent practicable, members of the Commission shall
11 not be affiliated with a major political party, with no
12 more than 4 members being from the same political
13 party.

14 (4) NONGOVERNMENTAL APPOINTEES.—An in-
15 dividual appointed to the Commission may not be an
16 officer, employee, or elected member of the Federal
17 Government or an elected member of any State or
18 local government.

19 (5) DEADLINE FOR APPOINTMENT.—Each
20 member of the Commission shall be appointed by not
21 later than 60 days after the date of the enactment
22 of this bill.

23 (6) INITIAL MEETING.—The Commission shall
24 meet and begin the operations of the Commission by

1 not later than 90 days after the date of the enact-
2 ment of this Act.

3 (c) QUORUM; VACANCIES.—After its initial meeting,
4 the Commission shall meet upon the call of the chair-
5 person or a majority of its members. Six members of the
6 Commission shall constitute a quorum. Any vacancy in the
7 Commission shall not affect its powers but shall be filled
8 in the same manner in which the original appointment was
9 made.

10 **SEC. 5. FUNCTIONS OF COMMISSION.**

11 (a) IN GENERAL.—The functions of the Commission
12 are to carry out the following:

13 (1) Investigate the relevant actions, decisions,
14 and policies made by the United States in Afghani-
15 stan after the attacks of September 11, 2001, in-
16 cluding decisions made by presidential administra-
17 tions, the United States Armed Forces, the intel-
18 ligence community, the Department of State, and
19 other relevant Federal departments and agencies,
20 and United States efforts made in conjunction with
21 North Atlantic Treaty Organization allies and part-
22 ners.

23 (2) Ascertain whether the objectives and goals
24 of United States policies in Afghanistan were exe-
25 cuted effectively and provide insight into policy and

1 operational failures across the Federal Government,
2 including efforts made in coordination with allies
3 and partners of the United States.

4 (3) Identify, review, and evaluate the struc-
5 tures, coordination, and management of the policy-
6 making of the Federal Government related to Af-
7 ghanistan since 2001.

8 (4) Provide a full assessment of the United
9 States and allied drawdown efforts from Afghani-
10 stan, including the 2021 withdrawal, and review the
11 advice provided by Federal agencies to the Presi-
12 dent, as well as the decision-making process with re-
13 spect to the final withdrawal from Afghanistan.

14 (5) Submit to the President and Congress such
15 reports as required by this Act, containing such
16 findings, conclusions, and recommendations as the
17 Commission shall determine, including proposing or-
18 ganization, coordination, planning, and management
19 corrections for the Federal Government as it relates
20 to foreign policy and national security decision mak-
21 ing.

22 (b) SCOPE OF INVESTIGATION.—For purposes of sub-
23 section (a)(1), the term “actions and decisions” include
24 actions and decisions relating to any of the following:

25 (1) The President of the United States.

1 (2) The National Security Council.

2 (3) The United States Armed Forces.

3 (4) The Department of Defense and its relevant
4 agencies.

5 (5) The intelligence community.

6 (6) The Department of State and its relevant
7 agencies.

8 (7) Other Federal departments and agencies, as
9 determined appropriate by the Commission.

10 **SEC. 6. POWERS OF THE COMMISSION.**

11 (a) HEARINGS AND EVIDENCE.—The Commission
12 may, for purposes of carrying out this Act—

13 (1) hold hearings, sit and act at times and
14 places, take testimony, receive evidence, and admin-
15 ister oaths; and

16 (2) require, by subpoena or otherwise, the at-
17 tendance and testimony of witnesses and the produc-
18 tion of books, records, correspondence, memoranda,
19 papers, and documents.

20 (b) SUBPOENAS.—

21 (1) SERVICE.—Subpoenas issued under sub-
22 section (a)(2) may be served by any person des-
23 ignated by the Commission.

24 (2) ENFORCEMENT.—In the case of contumacy
25 or failure to obey a subpoena issued under sub-

1 section (a)(2), the United States district court for
2 the judicial district in which the subpoenaed person
3 resides, is served, or may be found, or where the
4 subpoena is returnable, may issue an order requiring
5 such person to appear at any designated place to
6 testify or produce documentary or other evidence.
7 Any failure to obey the order of the court may be
8 punished by the court as a contempt of that court.

9 (c) CLOSED MEETINGS.—Notwithstanding any other
10 provision of law that would require meetings of the Com-
11 mission to be open to the public, any portion of a meeting
12 of the Commission may be closed to the public if the Com-
13 mission determines that such portion is likely to disclose
14 matters that could endanger the national security of the
15 United States.

16 (d) CONTRACTING.—The Commission may, to such
17 extent and in such amounts as are provided in appropria-
18 tion Acts, enter into contracts to enable the Commission
19 to discharge its duties under this Act.

20 (e) INFORMATION FROM FEDERAL AGENCIES.—The
21 Commission may secure directly from any department,
22 agency, or instrumentality of the United States any infor-
23 mation related to any inquiry of the Commission con-
24 ducted under this Act. Each such department, agency, or
25 instrumentality shall, to the extent authorized by law, fur-

1 nish such information directly to the Commission upon re-
2 quest.

3 (f) ASSISTANCE FROM FEDERAL AGENCIES.—

4 (1) GENERAL SERVICES ADMINISTRATION.—

5 The Administrator of General Services shall provide
6 to the Commission, on a reimbursable basis, admin-
7 istrative support and other services for the perform-
8 ance of the functions of the Commission.

9 (2) OTHER DEPARTMENTS AND AGENCIES.—In

10 addition to the assistance prescribed under para-
11 graph (1), departments and agencies of the United
12 States are authorized to provide to the Commission
13 such services, funds, facilities, staff, and other sup-
14 port services as they may determine advisable and as
15 may be authorized by law.

16 (g) GIFTS.—The Commission may, to such extent
17 and in such amounts as are provided in appropriations
18 Acts, accept, use, and dispose of gifts or donations of serv-
19 ices or property.

20 (h) POSTAL SERVICE.—The Commission may use the
21 United States mails in the same manner and under the
22 same conditions as departments and agencies of the
23 United States.

24 (i) POWERS OF SUBCOMMITTEES, MEMBERS, AND
25 AGENTS.—Any subcommittee, member, or agent of the

1 Commission may, if authorized by the Commission, take
2 any action which the Commission is authorized to take by
3 the section.

4 (j) STAFF.—

5 (1) DIRECTOR.—The Commission shall have a
6 Director who shall be appointed by the chairperson
7 and the vice chairperson, acting jointly.

8 (2) OTHER STAFF.—The chairperson, in con-
9 sultation with the vice chairperson, may appoint ad-
10 ditional personnel as may be necessary to enable the
11 Commission to carry out its functions.

12 (3) APPLICABILITY OF CERTAIN CIVIL SERVICE
13 LAWS.—The Director and staff of the Commission
14 may be appointed without regard to the provisions
15 of title 5, United States Code, governing appoint-
16 ments in the competitive service, and may be paid
17 without regard to the provisions of chapter 51 and
18 subchapter III of chapter 53 of such title relating to
19 classification and General Schedule pay rates, except
20 that no rate of pay fixed under this subsection may
21 exceed the equivalent of that payable for a position
22 at level V of the Executive Schedule under section
23 5316 of title 5, United States Code. Any individual
24 appointed under paragraph (1) or (2) shall be treat-

1 ed as an employee for purposes of chapters 63, 81,
2 83, 84, 85, 87, 89, and 90 of that title.

3 (4) DETAILEES.—Any Federal Government em-
4 ployee may be detailed to the Commission without
5 reimbursement from the Commission, and such
6 detailee shall retain the rights, status, and privileges
7 of his or her regular employment without interrup-
8 tion.

9 (k) CONSULTANT SERVICES.—The Commission is au-
10 thorized to procure the services of experts and consultants
11 in accordance with section 3109 of title 5, United States
12 Code, but at rates not to exceed the daily rate paid a per-
13 son occupying a position at level IV of the Executive
14 Schedule under section 5315 of title 5, United States
15 Code.

16 **SEC. 7. COMPENSATION AND TRAVEL EXPENSES.**

17 (a) COMPENSATION.—Each member of the Commis-
18 sion may be compensated at a rate not to exceed the daily
19 equivalent of the annual rate of basic pay in effect for
20 a position at level V of the Executive Schedule under sec-
21 tion 5315 of title 5, United States Code, for each day dur-
22 ing which that member is engaged in the actual perform-
23 ance of the duties of the Commission.

24 (b) TRAVEL EXPENSES.—While away from their
25 homes or regular places of business in the performance

1 of services for the Commission, members of the Commis-
2 sion shall be allowed travel expenses, including per diem
3 in lieu of subsistence, in the same manner as persons em-
4 ployed intermittently in the Government service are al-
5 lowed expenses under section 5703(b) of title 5, United
6 States Code.

7 **SEC. 8. SECURITY CLEARANCE FOR COMMISSION MEMBERS**
8 **AND STAFF.**

9 The appropriate Federal departments and agencies
10 shall cooperate with the Commission in expeditiously pro-
11 viding to the members and staff of the Commission appro-
12 priate security clearances in a manner consistent with ex-
13 isting procedures and requirements, except that no person
14 shall be provided with access to classified information
15 under this section who would not otherwise qualify for
16 such security clearance.

17 **SEC. 9. REPORTS OF THE COMMISSION; TERMINATION.**

18 (a) INITIAL REPORT.—Not later than one year after
19 the date of the first meeting of the Commission, the Com-
20 mission shall submit to the President and Congress an ini-
21 tial report containing such findings, conclusions, and rec-
22 ommendations for future corrective measures as have been
23 agreed to by a majority of Commission members.

24 (b) FINAL REPORT.—Not later than one year after
25 the submission of the initial report of the Commission, the

1 Commission shall submit to the President and Congress
2 a final report containing such findings, conclusions, and
3 recommendations for future corrective measures as have
4 been agreed to by a majority of Commission members.

5 (c) FORM OF REPORTS.—The reports required under
6 subsections (a) and (b) shall each be submitted in unclas-
7 sified form, but may contain a classified annex.

8 (d) TERMINATION.—

9 (1) IN GENERAL.—The Commission, and all the
10 authorities of this Act, shall terminate on the date
11 that is 60 days after the date on which the final re-
12 port is submitted under subsection (b).

13 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
14 MINATION.—The Commission may use the 60-day
15 period referred to in paragraph (1) for the purpose
16 of concluding its activities, including providing testi-
17 mony to committees of Congress concerning its re-
18 ports and disseminating the final report.

19 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to the Com-
21 mission to carry out this Act \$20,000,000, which shall re-
22 main available until the termination of the Commission
23 under section 9(d).

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