

117TH CONGRESS  
1ST SESSION

# H. R. 6014

To establish a commission to study the war in Afghanistan.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2021

Mr. KIM of New Jersey (for himself and Mr. MEIJER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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 Appropriations of  
11       the Senate;

12          (E) the Committee on Armed Services of  
13       the House of Representatives;

14          (F) the Committee on Foreign Affairs of  
15       the House of Representatives;

16          (G) the Permanent Select Committee on  
17       Intelligence of the House of Representatives;  
18       and

19          (H) the Committee on Appropriations of  
20       the House of Representatives.

21       (3) INTELLIGENCE COMMUNITY.—The term  
22       “intelligence community” has the meaning given  
23       that term in section 3(4) of the National Security  
24       Act of 1947 (50 U.S.C. 3003(4)).

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2 (a) ESTABLISHMENT.—There is established in the  
3 legislative branch an independent commission to be known  
4 as the Afghanistan War Commission (in this Act referred  
5 to as the “Commission”).

6 (b) MEMBERSHIP.—

7 (1) COMPOSITION.—The Commission shall be  
8 composed of 16 members of whom—

9 (A) 1 shall be appointed by the Chairman  
10 of the Committee on Armed Services of the  
11 Senate;

12 (B) 1 shall be appointed by the ranking  
13 member of the Committee on Armed Services of  
14 the Senate;

15 (C) 1 shall be appointed by the Chairman  
16 of the Committee on Armed Services of the  
17 House of Representatives;

18 (D) 1 shall be appointed by the ranking  
19 member of the Committee on Armed Services of  
20 the House of Representatives;

21 (E) 1 shall be appointed by the Chairman  
22 of the Committee on Foreign Relations of the  
23 Senate;

24 (F) 1 shall be appointed by the ranking  
25 member of the Committee on Foreign Relations  
26 of the Senate;

1 (G) 1 shall be appointed by the Chairman  
2 of the Committee on Foreign Affairs of the  
3 House of Representatives;

4 (H) 1 shall be appointed by the ranking  
5 member of the Committee on Foreign Affairs of  
6 the House of Representatives;

7 (I) 1 shall be appointed by the Chairman  
8 of the Select Committee on Intelligence of the  
9 Senate;

10 (J) 1 shall be appointed by the ranking  
11 member of the Select Committee on Intelligence  
12 of the Senate;

13 (K) 1 shall be appointed by the Chairman  
14 of the Permanent Select Committee on Intel-  
15 ligence of the House of Representatives;

16 (L) 1 shall be appointed by the ranking  
17 member of the Permanent Select Committee on  
18 Intelligence of the House of Representatives;

19 (M) 1 shall be appointed by the majority  
20 leader of the Senate;

21 (N) 1 shall be appointed by the minority  
22 leader of the Senate;

23 (O) 1 shall be appointed by the Speaker of  
24 the House of Representatives; and

1 (P) 1 shall be appointed by the Minority  
2 Leader of the House of Representatives.

3 (2) QUALIFICATIONS.—It is the sense of Con-  
4 gress that each member of the Commission ap-  
5 pointed under paragraph (1) should have significant  
6 professional experience in national security, such as  
7 a position in—

8 (A) the Department of Defense;

9 (B) the Department of State;

10 (C) the intelligence community;

11 (D) the United States Agency for Inter-  
12 national Development; or

13 (E) an academic or scholarly institution.

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

16 (A) be a current member of Congress;

17 (B) be a former member of Congress who  
18 served in Congress after January 3, 2001;

19 (C) be a current or former registrant  
20 under the Foreign Agents Registration Act of  
21 1938 (22 U.S.C. 611 et seq.);

22 (D) have previously investigated Afghani-  
23 stan policy or the war in Afghanistan through  
24 employment in the office of a relevant inspector  
25 general;

1 (E) have been the sole owner or had a ma-  
2 jority stake in a company that held any United  
3 States or coalition defense contract providing  
4 goods or services to activities by the United  
5 States Government or coalition in Afghanistan  
6 during the applicable period; or

7 (F) have served, with direct involvement in  
8 actions by the United States Government in Af-  
9 ghanistan during the time the relevant official  
10 served, as—

11 (i) a cabinet secretary or national se-  
12 curity adviser to the President; or

13 (ii) a four-star flag officer, Under  
14 Secretary, or more senior official in the  
15 Department of Defense or the Department  
16 of State.

17 (4) DATE.—

18 (A) IN GENERAL.—The appointments of  
19 the members of the Commission shall be made  
20 not later than 60 days after the date of enact-  
21 ment of this Act.

22 (B) FAILURE TO MAKE APPOINTMENT.—If  
23 an appointment under paragraph (1) is not  
24 made by the appointment date specified in sub-  
25 paragraph (A)—

1 (i) the authority to make such ap-  
2 pointment shall expire; and

3 (ii) the number of members of the  
4 Commission shall be reduced by the num-  
5 ber equal to the number of appointments  
6 not made.

7 (c) PERIOD OF APPOINTMENT; VACANCIES.—

8 (1) IN GENERAL.—A member of the Commis-  
9 sion shall be appointed for the life of the Commis-  
10 sion.

11 (2) VACANCIES.—A vacancy in the Commis-  
12 sion—

13 (A) shall not affect the powers of the Com-  
14 mission; and

15 (B) shall be filled in the same manner as  
16 the original appointment.

17 (d) MEETINGS.—

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

22 (2) FREQUENCY.—The Commission shall meet  
23 at the call of the Co-Chairpersons.

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

4       (e) CO-CHAIRPERSONS.—The Commission shall se-  
5       lect, by a simple majority vote—

6           (1) 1 Co-Chairperson from the members of the  
7       Commission appointed by chairpersons of the appro-  
8       priate congressional committees; and

9           (2) 1 Co-Chairperson from the members of the  
10      Commission appointed by the ranking members of  
11      the appropriate congressional committees.

12 **SEC. 4. PURPOSE OF COMMISSION.**

13       The purpose of the Commission is—

14           (1) to examine the key strategic, diplomatic,  
15      and operational decisions that pertain to the war in  
16      Afghanistan during the relevant period, including  
17      decisions, assessments, and events that preceded the  
18      war in Afghanistan; and

19           (2) to develop a series of lessons learned and  
20      recommendations for the way forward that will in-  
21      form future decisions by Congress and policymakers  
22      throughout the United States Government.

23 **SEC. 5. DUTIES OF COMMISSION.**

24       (a) STUDY.—



1           (1) IN GENERAL.—The Commission shall con-  
2       duct a thorough study of all matters relating to com-  
3       bat operations, reconstruction and security force as-  
4       sistance activities, intelligence operations, and diplo-  
5       matic activities of the United States pertaining to  
6       the Afghanistan during the period beginning Sep-  
7       tember 1, 1996, and ending August 30, 2021.

8           (2) MATTERS STUDIED.—The matters studied  
9       by the Commission shall include—

10               (A) for the time period specified under  
11       paragraph (1)—

12                       (i) the policy objectives of the United  
13       States Government, including—

14                               (I) military objectives;

15                               (II) diplomatic objectives;

16                               (III) development objectives; and

17                               (IV) intelligence objectives;

18                       (ii) significant decisions made by the  
19       United States, including the development  
20       of options presented to policymakers;

21                       (iii) the efficacy of efforts by the  
22       United States Government in meeting the  
23       objectives described in subsection (A), in-  
24       cluding an analysis of—

25                               (I) military efforts;

- 1 (II) diplomatic efforts;  
2 (III) development efforts; and  
3 (IV) intelligence efforts; and  
4 (iv) the efficacy of counterterrorism  
5 efforts against al Qaeda, the Islamic State  
6 Khorasan Province, and other foreign ter-  
7 rorist organizations in degrading the will  
8 and capabilities of such organizations—  
9 (I) to mount external attacks  
10 against the United States mainland or  
11 its allies and partners; or  
12 (II) to threaten regional stability  
13 in Afghanistan and neighboring coun-  
14 tries;  
15 (B) the efficacy of metrics, measures of ef-  
16 fectiveness, and milestones used to assess  
17 progress of diplomatic, military, and intelligence  
18 efforts;  
19 (C) the efficacy of interagency planning  
20 and execution process by the United States  
21 Government;  
22 (D) factors that led to the collapse of the  
23 Afghan National Defense Security Forces in  
24 2021, including—  
25 (i) training;

- 1 (ii) assessment methodologies;
- 2 (iii) building indigenous forces on
- 3 western models;
- 4 (iv) reliance on technology and logis-
- 5 tics support; and
- 6 (v) reliance on warfighting enablers
- 7 provided by the United States;

8 (E) the efficacy of counter-corruption ef-

9 forts to include linkages to diplomatic lines of

10 effort, linkages to foreign and security assist-

11 ance, and assessment methodologies;

12 (F) the efficacy of counter-narcotic efforts

13 to include alternative livelihoods, eradication,

14 interdiction, and education efforts;

15 (G) the role of countries neighboring Af-

16 ghanistan in contributing to the instability of

17 Afghanistan; and

18 (H) varying diplomatic approaches between

19 Presidential administrations.

20 (b) REPORT REQUIRED.—

21 (1) IN GENERAL.—

22 (A) ANNUAL REPORT.—

23 (i) IN GENERAL.—Not later than 1

24 year after the date of the initial meeting of

25 the Commission, and annually thereafter,

1 the Commission shall submit to the appro-  
2 priate congressional committees a report  
3 describing the progress of the activities of  
4 the Commission as of the date of such re-  
5 port, including any findings, recommenda-  
6 tions, or lessons learned endorsed by the  
7 Commission.

8 (ii) ADDENDA.—Any member of the  
9 Commission may submit an addendum to a  
10 report required under clause (i) setting  
11 forth the separate views of such member  
12 with respect to any matter considered by  
13 the Commission.

14 (iii) BRIEFING.—On the date of the  
15 submission of the first annual report, the  
16 Commission shall brief Congress.

17 (B) FINAL REPORT.—

18 (i) SUBMISSION.—Not later than 3  
19 years after the date of the initial meeting  
20 of the Commission, the Commission shall  
21 submit to Congress a report that contains  
22 a detailed statement of the findings, rec-  
23 ommendations, and lessons learned en-  
24 dored by the Commission.

1 (ii) ADDENDA.—Any member of the  
2 Commission may submit an addendum to  
3 the report required under clause (i) setting  
4 forth the separate views of such member  
5 with respect to any matter considered by  
6 the Commission.

7 (iii) EXTENSION.—The Commission  
8 may submit the report required under  
9 clause (i) at a date that is not more than  
10 1 year later than the date specified in such  
11 clause if agreed to by the chairperson and  
12 ranking member of each of the appropriate  
13 congressional committees.

14 (2) FORM.—The report required by subsection  
15 (a)(2) shall be submitted and publicly released on a  
16 Government website in unclassified form but may  
17 contain a classified annex.

18 (3) SUBSEQUENT REPORTS ON DECLASSIFICA-  
19 TION.—

20 (A) IN GENERAL.—Not later than 4 years  
21 after the date that the report required by para-  
22 graph (1)(B) is submitted, each relevant agency  
23 of jurisdiction shall submit to the committee of  
24 jurisdiction a report on the efforts of such  
25 agency to declassify such annex.

1 (B) CONTENTS.—Each report required by  
2 subparagraph (A) shall include—

3 (i) a list of the items in the classified  
4 annex that the agency is working to declas-  
5 sify at the time of the report and an esti-  
6 mate of the timeline for declassification of  
7 such items;

8 (ii) a broad description of items in the  
9 annex that the agency is declining to de-  
10 classify at the time of the report; and

11 (iii) any justification for withholding  
12 declassification of certain items in the  
13 annex and an estimate of the timeline for  
14 declassification of such items.

15 **SEC. 6. POWERS OF COMMISSION.**

16 (a) HEARINGS.—The Commission may hold such  
17 hearings, take such testimony, and receive such evidence  
18 as the Commission considers necessary to carry out its  
19 purpose and functions under this Act.

20 (b) ASSISTANCE FROM FEDERAL AGENCIES.—

21 (1) INFORMATION.—

22 (A) IN GENERAL.—The Commission may  
23 secure directly from a Federal department or  
24 agency such information as the Commission  
25 considers necessary to carry out this Act.

1 (B) FURNISHING INFORMATION.—Upon  
2 receipt of a written request by the Co-Chair-  
3 persons of the Commission, the head of the de-  
4 partment or agency shall expeditiously furnish  
5 the information to the Commission.

6 (2) SPACE FOR COMMISSION.—Not later than  
7 30 days after the date of the enactment of this Act,  
8 the Administrator of General Services, in consulta-  
9 tion with the Commission, shall identify and make  
10 available suitable excess space within the Federal  
11 space inventory to house the operations of the Com-  
12 mission. If the Administrator of General Services is  
13 not able to make such suitable excess space available  
14 within such 30-day period, the Commission may  
15 lease space to the extent that funds are available for  
16 such purpose.

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

21 (d) GIFTS.—The Commission may accept, use, and  
22 dispose of gifts or donations of services, goods, and prop-  
23 erty from non-Federal entities for the purposes of aiding  
24 and facilitating the work of the Commission. The author-  
25 ity in this section does not extend to gifts of money. Gifts

1 accepted under this authority shall be documented, and  
2 conflicts of interest or the appearance of conflicts of inter-  
3 est shall be avoided. Subject to the authority in this Act,  
4 commissioners shall otherwise comply with rules set forth  
5 by the Select Committee on Ethics of the Senate and the  
6 Committee on Ethics of the House of Representatives gov-  
7 erning employees of the Senate and the House of Rep-  
8 resentatives.

9 (e) LEGISLATIVE ADVISORY COMMITTEE.—The Com-  
10 mission shall operate as a legislative advisory committee  
11 and shall not be subject to the provisions of the Federal  
12 Advisory Committee Act (Public Law 92–463; 5 U.S.C.  
13 App) or section 552b, United States Code (commonly  
14 known as the Government in the Sunshine Act).

15 **SEC. 7. COMMISSION PERSONNEL MATTERS.**

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

24 (b) TRAVEL EXPENSES.—A member of the Commis-  
25 sion shall be allowed travel expenses, including per diem



1 in lieu of subsistence, at rates authorized for employees  
2 of agencies under subchapter I of chapter 57 of title 5,  
3 United States Code, while away from their homes or reg-  
4 ular places of business in the performance of services for  
5 the Commission.

6 (c) STAFF.—

7 (1) STATUS AS FEDERAL EMPLOYEES.—Not-  
8 withstanding the requirements of section 2105 of  
9 title 5, United States Code, including the required  
10 supervision under subsection (a)(3) of such section,  
11 the members of the commission shall be deemed to  
12 be Federal employees.

13 (2) EXECUTIVE DIRECTOR.—The Commission  
14 shall appoint and fix the rate of basic pay for an Ex-  
15 ecutive Director in accordance with section 3161(d)  
16 of title 5, United States Code.

17 (3) PAY.—The Executive Director, with the ap-  
18 proval of the Commission, may appoint and fix the  
19 rate of basic pay for additional personnel as staff of  
20 the Commission in accordance with section 3161(d)  
21 of title 5, United States Code.

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

1       (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**  
2 **TENT SERVICES.**—The Co-Chairpersons of the Commis-  
3 sion may procure temporary and intermittent services  
4 under section 3109(b) of title 5, United States Code, at  
5 rates for individuals that do not exceed the daily equiva-  
6 lent of the annual rate of basic pay prescribed for level  
7 V of the Executive Schedule under section 5316 of that  
8 title.

9 **SEC. 8. TERMINATION OF COMMISSION.**

10       The Commission shall terminate 90 days after the  
11 date on which the Commission submits the report required  
12 under section 5(b)(1)(B).

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

14       (a) **IN GENERAL.**—Of the funds appropriated to the  
15 legislative branch, \$3,000,000 from the Afghanistan Secu-  
16 rity Forces Fund may be made available to carry out the  
17 activities of the Commission.

18       (b) **AVAILABILITY.**—Any sums appropriated under  
19 the authorization contained in this Act shall remain avail-  
20 able, without fiscal year limitation, until the date of the  
21 termination of the Commission under section 8.

○