

117TH CONGRESS
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H. R. 5066

To require an intelligence assessment of the production, planning, and communication of intelligence relating to the withdrawal of United States military from Afghanistan, impose sanctions on the Taliban, report on human rights violations against Afghan individuals who supported the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 20, 2021

Mr. MOORE of Utah (for himself, Mrs. WAGNER, Ms. MACE, Mrs. MILLER-MEEKS, Mr. BALDERSON, Mr. LAMBORN, Mr. EMMER, and Mrs. HINSON) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Intelligence (Permanent Select), the Judiciary, and Financial Services, 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

A BILL

To require an intelligence assessment of the production, planning, and communication of intelligence relating to the withdrawal of United States military from Afghanistan, impose sanctions on the Taliban, report on human rights violations against Afghan individuals who supported the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Afghanistan Account-
3 ability Act”.

4 **SEC. 2. INTELLIGENCE ASSESSMENT OF THE PRODUCTION,**
5 **PLANNING, AND COMMUNICATION OF INTEL-**
6 **LIGENCE RELATING TO THE WITHDRAWAL**
7 **OF UNITED STATES MILITARY FROM AFGHAN-**
8 **ISTAN.**

9 (a) **REPORT REQUIRED.**—Not later than 60 days
10 after the date of the enactment of this Act, the Director
11 of National Intelligence, in coordination with the Sec-
12 retary of Defense and the Director of the Central Intel-
13 ligence Agency, and in consultation with the heads of
14 other appropriate Federal agencies, shall submit to the ap-
15 propriate congressional committees a review of the effec-
16 tiveness of the production and communication of the intel-
17 ligence and other information provided to the President
18 and national security officials during the period from Jan-
19 uary 2021 through August 2021 relating to the with-
20 drawal of United States troops from Afghanistan by Sep-
21 tember 11, 2021.

22 (b) **ELEMENTS.**—The review required under sub-
23 section (a) shall include the following:

24 (1) A review of the intelligence and other infor-
25 mation provided to the President and an analysis
26 with findings describing how the intelligence commu-

1 nity could have improved all-source intelligence di-
2 rection, collection, processing, exploitation, and dis-
3 semination to better inform the President and pol-
4 icymakers, before and after the announcement of the
5 withdrawal of United States troops and during such
6 withdrawal, with respect to—

7 (A) capabilities of the Afghan National
8 Government and Afghan Security Forces, and
9 the Taliban civil and military entities, in the
10 context of a withdrawal of the United States
11 military from Afghanistan; and

12 (B) effects of the withdrawal of the United
13 States military from Afghanistan on—

14 (i) the safety of United States mili-
15 tary and civilian personnel, diplomats, con-
16 tractors, and other United States citizens
17 in Afghanistan;

18 (ii) the national security of the United
19 States;

20 (iii) the security and safety of citizens
21 of other countries who aided or supported
22 the United States Government and mili-
23 tary in Afghanistan; and

1 (iv) the rights and protections of the
2 Afghan civilian population under inter-
3 national human rights law.

4 (2) An assessment of the relationship between
5 the Taliban and al-Qaida, including al-Qaida affili-
6 ated groups, both before, during, and after the Au-
7 gust 2021 offensive launched by the Taliban.

8 (3) An assessment of the material impact of
9 support provided by al-Qaida and its affiliated
10 groups on the Taliban's ability to seize territory as
11 part of the August 2021 offensive.

12 (4) An assessment in accordance with the
13 standards described in section 1019 of the Intel-
14 ligence Reform and Terrorism Prevention Act of
15 2004 (50 U.S.C. 3364), of the analytic integrity and
16 effectiveness of the intelligence provided to the
17 President regarding such a withdrawal of United
18 States military and civilian personnel from Afghani-
19 stan.

20 (5) A review of how the intelligence community
21 could have enhanced intelligence direction, collection,
22 processing, exploitation, and dissemination as cir-
23 cumstances in Afghanistan changed in response to
24 the United States announcement of such a with-
25 drawal of United States military and civilian per-

1 sonnel and the implementation of such withdrawal
2 plans.

3 (6) Recommendations on how to improve intel-
4 ligence direction, collection, processing, exploitation,
5 and dissemination relating to future military with-
6 drawals in regions with terrorist or hostile military
7 threats to better inform policymaking and protect
8 the national security of the United States and the
9 safety of United States citizens and citizens of other
10 countries who have aided or supported the United
11 States Government or military.

12 (7) An analysis of how the intelligence commu-
13 nity could have improved intelligence sharing with
14 United States allies to support the efforts of such al-
15 lies to evacuate their citizens, including military and
16 diplomatic staff, from Afghanistan.

17 (8) An update on the current security risks for
18 United States military and civilian personnel de-
19 ployed to or remaining in Afghanistan to assist with
20 evacuation efforts.

21 (9) An update on the current terrorist threat to
22 the United States from the Taliban, al-Qaida, the
23 Islamic State, and other terrorist groups operating
24 from Afghanistan.

1 (10) An assessment of the risk for expansion of
2 international terrorist safe havens inside Afghani-
3 stan, Pakistan, and Iran.

4 (11) An assessment of the objectives and asso-
5 ciated activities of regional actors, including China,
6 Russia, Iran, and Pakistan, in Afghanistan following
7 the United States military withdrawal.

8 (12) An assessment of support provided by the
9 Government of Pakistan and affiliated entities to the
10 Taliban that contributed to the planning for and
11 execution of the August 2021 offensive.

12 (13) An assessment of the specific planning for
13 the United States force withdrawal, including details
14 regarding the decision to close United States bases
15 and limit any evacuation to United States embassy
16 facilities and Hamid Karzai International Airport.

17 (14) An assessment of the types and numbers
18 of United States vehicles, weapons, and other equip-
19 ment captured by the Taliban.

20 (15) An assessment on the efficacy of negoti-
21 ating with the Taliban while a military strategy was
22 being actively pursued by the Taliban.

23 (c) FORM.—The report submitted shall be submitted
24 in unclassified form, but may include a classified annex.

1 (d) BRIEFINGS.—Not later than 65 days after the
2 date of the enactment of this Act, the Director of National
3 Intelligence, the Director of the Central Intelligence Agen-
4 cy, and the Under Secretary of Defense for Intelligence
5 and Security shall jointly provide appropriate congres-
6 sional committees a briefing on the findings of the review
7 completed under subsection (a).

8 (e) REPORT.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of the enactment of this Act, the Inspector
11 General of the Intelligence Community, in coordina-
12 tion with the Inspector General of the Department
13 of Defense and the Inspector General of the Central
14 Intelligence Agency and in consultation with inspec-
15 tors general of other relevant Federal departments
16 and agencies, shall submit to the appropriate con-
17 gressional committees a report that contains an eval-
18 uation of intelligence products and briefings pro-
19 vided from January through August 2021 to the
20 President and national security officials and policy-
21 makers relating to the withdrawal of United States
22 troops from Afghanistan by September 11, 2021.

23 (2) MATTERS TO BE INCLUDED.—The evalua-
24 tion required by paragraph (1) shall include an as-

1 sessment of whether such intelligence products and
2 briefings properly—

3 (A) included all sources of available intel-
4 ligence;

5 (B) described the quality and reliability of
6 underlying sources;

7 (C) caveated and expressed uncertainties
8 or confidence in analytic judgments;

9 (D) distinguished between underlying intel-
10 ligence and the assumptions and judgments of
11 analysts;

12 (E) incorporated, where appropriate, alter-
13 native analyses; and

14 (F) ensured that the analytic methodolo-
15 gies, tradecraft, and practices used in the pro-
16 duction of such products and briefings met es-
17 tablished intelligence community standards.

18 (3) BRIEFING.—Not later than 120 days after
19 the date of the enactment of this Act, the Inspector
20 General of the Intelligence Community, the Inspec-
21 tor General of the Department of Defense, and the
22 Inspector General of the Central Intelligence Agency
23 shall jointly provide a briefing to the appropriate
24 congressional committees on the findings of the eval-
25 uation required by paragraph (1).

1 (f) DEFINITIONS.—In this section:

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

5 (A) the Permanent Select Committee on
6 Intelligence of the House of Representatives
7 and the Select Committee on Intelligence of the
8 Senate; and

9 (B) the Committee on Armed Services of
10 the House of Representatives and the Com-
11 mittee on Armed Services of the Senate.

12 (2) INTELLIGENCE COMMUNITY.—The term
13 “intelligence community” has the meaning given
14 such term in section 3(4) of the National Security
15 Act of 1947 (50 U.S.C. 3003(4)).

16 **SEC. 3. FOREIGN TERRORIST ORGANIZATION DETERMINA-**
17 **TION AND TERRORISM SANCTIONS.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) the Taliban satisfies the criteria for des-
21 ignation as a foreign terrorist organization pursuant
22 to section 219 of the Immigration and Nationality
23 Act (8 U.S.C. 1189); and

1 (2) the Secretary of State should so designate
2 the Taliban as a foreign terrorist organization pur-
3 suant to such section.

4 (b) REPORT.—

5 (1) IN GENERAL.—Not later than 30 days after
6 the date of the enactment of this Act, the Secretary
7 of State shall submit to the appropriate congres-
8 sional committees a detailed report on whether the
9 Taliban satisfies the criteria for designation as a for-
10 eign terrorist organization pursuant to section 219
11 of the Immigration and Nationality Act (8 U.S.C.
12 1189), and if the Secretary determines that the
13 Taliban does not so satisfy such criteria, a detailed
14 justification as to which of such criteria have not
15 been so satisfied.

16 (2) FORM.—The report required by paragraph
17 (1) shall be submitted in unclassified form, but may
18 include a classified annex.

19 (3) DEFINITION.—In this subsection, the term
20 “appropriate congressional committees” means—

21 (A) the Committee on Armed Services, the
22 Committee on Foreign Affairs, the Committee
23 on the Judiciary, and the Permanent Select
24 Committee on Intelligence of the House of Rep-
25 resentatives; and

1 (B) the Committee on Armed Services, the
2 Committee on Foreign Relations, the Com-
3 mittee on the Judiciary, and the Select Com-
4 mittee on Intelligence of the Senate.

5 (c) APPLICATION OF CERTAIN MEASURES.—It is the
6 sense of the Congress that the United States should, pur-
7 suant to Executive Order 13224, impose on the Taliban
8 sanctions for having committed, or posing a significant
9 risk of committing, acts of terrorism.

10 **SEC. 4. SANCTIONS AGAINST CERTAIN FOREIGN PERSONS.**

11 (a) IMPOSITION OF SANCTIONS.—Not later than 30
12 days after the date of the enactment of this Act, the Presi-
13 dent shall impose the sanctions described in subsection (b)
14 with respect to any foreign person that the President de-
15 termines—

16 (1) to be an official, agent, political subdivision,
17 agency, or instrumentality of the Taliban;

18 (2) has engaged in or attempted to engage in
19 actions or policies that undermine democratic proc-
20 esses or institutions, or threaten the peace, security,
21 or stability of Afghanistan;

22 (3) has engaged in or attempted to engage in
23 actions or policies that prohibit, limit, or penalize
24 the exercise of freedom of expression or assembly by
25 people in Afghanistan, particularly women;

1 (4) has engaged in serious human rights abuse
2 in Afghanistan;

3 (5) operates in the mining sector of the Afghan
4 economy or any other sector of the Afghan economy
5 as may be determined by the Secretary of the Treas-
6 ury, in consultation with the Secretary of State;

7 (6) to be a spouse or adult child of any person
8 described in this subsection; or

9 (7) to have materially assisted, sponsored, or
10 provided financial, material, or technological support
11 for, or goods or services to or in support of, any per-
12 son described in this subsection.

13 (b) SANCTIONS DESCRIBED.—

14 (1) IN GENERAL.—The sanctions described in
15 this subsection with respect to a foreign person de-
16 termined by the President to be subject to sub-
17 section (a) are the following:

18 (A) ASSET BLOCKING.—The President
19 shall exercise all powers granted to the Presi-
20 dent by the International Emergency Economic
21 Powers Act (50 U.S.C. 1701 et seq.) to the ex-
22 tent necessary to block and prohibit all trans-
23 actions in property and interests in property of
24 the foreign person if such property and inter-
25 ests in property are in the United States, come

1 within the United States, or are or come within
2 the possession or control of a United States
3 person.

4 (B) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—
5

6 (i) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—In the case of a foreign person who is an individual, the foreign person is—
7
8
9

10 (I) inadmissible to the United
11 States;

12 (II) ineligible to receive a visa or
13 other documentation to enter the
14 United States; and

15 (III) otherwise ineligible to be
16 admitted or paroled into the United
17 States or to receive any other benefit
18 under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).
19

20 (ii) CURRENT VISAS REVOKED.—

21 (I) IN GENERAL.—In the case of
22 a foreign person who is an individual,
23 the visa or other documentation
24 issued to the person shall be revoked,

1 regardless of when such visa or other
2 documentation is or was issued.

3 (II) EFFECT OF REVOCATION.—

4 A revocation under subclause (I)
5 shall—

6 (aa) take effect immediately;

7 and

8 (bb) automatically cancel
9 any other valid visa or entry doc-
10 umentation that is in the per-
11 son's possession.

12 (2) PENALTIES.—The penalties provided for in
13 subsections (b) and (c) of section 206 of the Inter-
14 national Emergency Economic Powers Act (50
15 U.S.C. 1705) shall apply to a person that violates,
16 attempts to violate, conspires to violate, or causes a
17 violation of regulations promulgated under sub-
18 section (e) to implement this section to the same ex-
19 tent that such penalties apply to a person that com-
20 mits an unlawful act described in section 206(a) of
21 such Act.

22 (3) EXCEPTION TO COMPLY WITH UNITED NA-
23 TIONS HEADQUARTERS AGREEMENT.—Sanctions
24 under paragraph (1)(B) shall not apply to a foreign
25 person who is an individual if admitting the person

1 into the United States is necessary to permit the
2 United States to comply with the Agreement regard-
3 ing the Headquarters of the United Nations, signed
4 at Lake Success June 26, 1947, and entered into
5 force November 21, 1947, between the United Na-
6 tions and the United States, or other applicable
7 international obligations.

8 (c) ADDITIONAL MEASURE.—The Secretary of the
9 Treasury shall, in consultation with the Secretary of State,
10 prohibit or impose strict conditions on the opening or
11 maintaining in the United States of a correspondent ac-
12 count or payable-through account by a foreign financial
13 institution that the President determines has, on or after
14 the date of the enactment of this Act, knowingly conducted
15 or facilitated a significant transaction or transactions on
16 behalf of a person described in subsection (a).

17 (d) WAIVER.—

18 (1) IN GENERAL.—The President may, on a
19 case-by-case basis and for periods not to exceed 180
20 days, waive the application of sanctions imposed
21 with respect to a foreign person under this section
22 if the President certifies to the appropriate congres-
23 sional committees not later than 15 days before such
24 waiver is to take effect that such waiver is vital to
25 the national security interests of the United States.

1 (2) SUNSET.—

2 (A) IN GENERAL.—The President’s author-
3 ity to exercise the waiver described in para-
4 graph (1) shall terminate on the date that is
5 two years after the date of the enactment of
6 this Act.

7 (B) SAVING CLAUSE.—Any exercise of the
8 waiver described in paragraph (1) before the
9 date specified in subparagraph (A) shall not af-
10 fect the period of validity of such waiver, not-
11 withstanding the date of termination under
12 such subparagraph.

13 (e) IMPLEMENTATION AUTHORITY.—The President
14 may exercise all authorities provided to the President
15 under sections 203 and 205 of the International Emer-
16 gency Economic Powers Act (50 U.S.C. 1702 and 1704)
17 for purposes of carrying out this section. The exceptions
18 to the President’s authority described in section 203(b)
19 of the International Emergency Economic Powers Act
20 shall not apply to the President’s authority to exercise au-
21 thorities under this section.

22 (f) REQUESTS BY CHAIRPERSON AND RANKING
23 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—Not later than 90 days after receiving a written
25 request from the Chairperson and Ranking Member of one

1 of the appropriate congressional committees with respect
2 to whether a foreign person has engaged in an activity
3 described in subsection (a), the President shall—

4 (1) determine if such person has engaged in
5 such an activity; and

6 (2) submit to the Chairperson and Ranking
7 Member of such committee a report with respect to
8 such determination, including a statement of wheth-
9 er or not the President imposed or intends to impose
10 sanctions under this section with respect to such
11 person.

12 (g) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committees on Armed Services
17 and Foreign Affairs and the Permanent Select
18 Committee on Intelligence of the House of Rep-
19 resentatives; and

20 (B) the Committees on Armed Services
21 and Foreign Relations and the Select Com-
22 mittee on Intelligence of the Senate.

23 (2) FOREIGN PERSON.—The term “foreign per-
24 son” has the meaning given such term in section
25 595.304 of title 31, Code of Federal Regulations (as

1 in effect on the day before the date of the enactment
2 of this Act), except that such term does not include
3 an entity (as such term is described in such section).

4 **SEC. 5. REPORT OF HUMAN RIGHTS VIOLATIONS BY THE**
5 **TALIBAN AGAINST UNITED STATES CITIZENS**
6 **AND AFGHAN INDIVIDUALS WHO SUPPORTED**
7 **UNITED STATES MILITARY AND DIPLOMATIC**
8 **EFFORTS.**

9 (a) IN GENERAL.—Not later than 60 days after the
10 date of the enactment of this Act and every 90 days there-
11 after for two years, the Secretary of State, in coordination
12 with the Director of National Intelligence and the heads
13 of other appropriate Federal agencies, shall submit to the
14 appropriate congressional committees a report on inci-
15 dents of human rights violations by the Taliban against—

16 (1) United States citizens and their family
17 members who are not United States citizens, in Af-
18 ghanistan and other foreign countries; or

19 (2) Afghan individuals and their family mem-
20 bers who assisted United States military operations,
21 United States diplomatic operations or program-
22 ming, or United States development and human
23 rights activities, in Afghanistan and other foreign
24 countries.

1 (b) MATTERS TO BE INCLUDED.—Each report under
2 subsection (a) shall include—

3 (1) a detailed description of any incidents re-
4 ferred to in such subsection that occurred after the
5 President’s announcement in April 2021 regarding
6 the implementation of a full withdrawal of United
7 States troops from Afghanistan by September 11,
8 2021; and

9 (2) any actions the Taliban has taken to deter
10 incidents of human rights violations, intimidation, or
11 harassment against individuals described in such
12 subsection.

13 (c) FORM.—Each report required by subsection (a)
14 shall be submitted in unclassified form, but may include
15 a classified annex.

16 (d) DEFINITION.—In this section, the term “appro-
17 priate congressional committees” means—

18 (1) the Committees on Armed Services and
19 Foreign Affairs and the Permanent Select Com-
20 mittee on Intelligence of the House of Representa-
21 tives; and

22 (2) the Committees on Armed Services and
23 Foreign Relations and the Select Committee on In-
24 telligence of the Senate.

1 **SEC. 6. DEFINITION OF THE TALIBAN.**

2 In this Act, the term “Taliban”—

3 (1) refers to the organization that was founded
4 by Mohammed Omar, and that is currently led by
5 Mawlawi Hibatullah Akhundzada; and

6 (2) includes subordinate organizations, such as
7 the Haqqani Network, and any successor organiza-
8 tion.

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