

117TH CONGRESS
2D SESSION

S. 3759

To require verification of the personal and biometric information of all individuals evacuated from Afghanistan and in-person interviews of such individuals, prohibit Afghan evacuees who do not provide such information or submit to such interviews from receiving Federal assistance, and require the declassification of intelligence related to the withdrawal of the United States Armed Forces from Afghanistan.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2022

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

A BILL

To require verification of the personal and biometric information of all individuals evacuated from Afghanistan and in-person interviews of such individuals, prohibit Afghan evacuees who do not provide such information or submit to such interviews from receiving Federal assistance, and require the declassification of intelligence related to the withdrawal of the United States Armed Forces from Afghanistan.

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 Vetting
3 and Accountability Act of 2022”.

4 **SEC. 2. VERIFICATION AND VETTING REQUIREMENTS WITH**
5 **RESPECT TO INDIVIDUALS EVACUATED**
6 **FROM AFGHANISTAN.**

7 (a) DEFINITIONS.—In this section:

8 (1) FEDERAL MEANS-TESTED PUBLIC BEN-
9 EFIT.—The term “Federal means-tested public ben-
10 efit” means a Federal means-tested public benefit
11 within the meaning of section 403 of the Personal
12 Responsibility and Work Opportunity Reconciliation
13 Act of 1996 (8 U.S.C. 1613).

14 (2) INDIVIDUAL EVACUATED FROM AFGHANI-
15 STAN.—The term “individual evacuated from Af-
16 ghanistan”—

17 (A) means any individual, other than a
18 United States citizen or a member of the
19 United States Armed Forces, conveyed out of
20 Afghanistan into the United States in coordina-
21 tion with the Government of the United States
22 during the period beginning on January 20,
23 2021, and ending on January 20, 2022; and

24 (B) includes each individual, other than a
25 United States citizen or a member of the
26 United States Armed Forces, evacuated from

1 Afghanistan as part of Operation Allies Wel-
2 come.

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of Homeland Security.

5 (4) UNEMPLOYMENT COMPENSATION.—The
6 term “unemployment compensation” has the mean-
7 ing given the term in section 85(b) of the Internal
8 Revenue Code of 1986.

9 (b) VERIFICATION AND VETTING REQUIREMENTS.—

10 (1) IN GENERAL.—The Secretary shall verify
11 the personal and biometric information and conduct
12 in-person vetting of each individual evacuated from
13 Afghanistan.

14 (2) VETTING DATABASE.—The Secretary shall
15 develop and maintain a database that contains, for
16 each individual evacuated from Afghanistan, the fol-
17 lowing:

18 (A) Personal information, including name
19 and date of birth.

20 (B) Biometric information.

21 (C) Any criminal record since the date on
22 which the individual entered the United States.

23 (D) Any application for, or receipt of, un-
24 employment compensation or a Federal means-
25 tested public benefit.

1 (E) The vetting status of the individual,
2 including whether the individual has undergone
3 in-person vetting.

4 (c) QUARTERLY REPORT.—

5 (1) IN GENERAL.—Not less frequently than
6 quarterly until the date on which the Secretary sub-
7 mits the certification under subsection (d), the Sec-
8 retary shall submit to Congress a report detailing
9 the compliance of the Secretary with subsection (b).

10 (2) ELEMENTS.—Each report required by para-
11 graph (1) shall include the following:

12 (A) A list of all individuals evacuated from
13 Afghanistan.

14 (B) With respect to each such individual—

15 (i) vetting status, including whether
16 the individual has undergone in-person vet-
17 ting;

18 (ii) an assessment as to whether the
19 individual has received unemployment com-
20 pensation or a Federal means-tested ben-
21 efit;

22 (iii) a description of any arrest or
23 criminal record for conduct that occurred
24 in Afghanistan, if available; and

1 (iv) a description of any arrest or
2 criminal record for conduct that occurred
3 in the United States.

4 (C) The estimated number of days remain-
5 ing until the Secretary completes the
6 verification and vetting of each individual evac-
7 uated from Afghanistan as required by sub-
8 section (b)(1).

9 (d) CERTIFICATION.—Not later than 30 days after
10 the date on which the Secretary completes the verification
11 and vetting required by subsection (b)(1), the Secretary
12 shall submit to Congress a certification that such
13 verification and vetting has been completed.

14 (e) GAO AUDITS AND REPORTS.—

15 (1) AUDITS.—The Comptroller General of the
16 United States shall conduct an audit and investiga-
17 tion with respect to the compliance of the Secretary
18 with this Act—

19 (A) not later than 2 years after the date
20 of the enactment of this Act; and

21 (B) not later than 1 year after the date on
22 which the Secretary makes the certification
23 under subsection (d).

24 (2) REPORTS.—Not later than 30 days after
25 the completion of each audit and investigation re-

1 quired by paragraph (1), the Comptroller General
2 shall submit to Congress a report on the results of
3 the audit and investigation.

4 (f) RESTRICTION ON FEDERAL ASSISTANCE.—An in-
5 dividual evacuated from Afghanistan who has not provided
6 personal information and biometric information to the
7 Secretary, and undergone in-person vetting, shall not be
8 eligible to receive unemployment compensation or any
9 Federal means-tested public benefit.

10 **SEC. 3. DECLASSIFICATION OF INFORMATION RELATED TO**
11 **THE WITHDRAWAL OF THE UNITED STATES**
12 **ARMED FORCES FROM AFGHANISTAN.**

13 Not later than 90 days after the date of the enact-
14 ment of this Act, the Director of National Intelligence
15 shall—

16 (1) declassify all intelligence products related to
17 the withdrawal of the United States Armed Forces
18 from Afghanistan, including as relate to—

19 (A) anticipated timelines for a Taliban
20 takeover of Afghanistan, especially as the
21 Taliban seized control of additional districts
22 and provinces, often without fighting, in early
23 to mid 2021;

24 (B) the ability of the Afghan National De-
25 fense and Security Forces to prevent a Taliban

1 takeover of Afghanistan after the withdrawal of
2 American forces and associated combat,
3 logistical, and other support;

4 (C) the willingness of then-President of the
5 Islamic Republic of Afghanistan Ashraf Ghani
6 and other Afghan political leaders to remain in
7 Afghanistan as the military situation deterio-
8 rated, including any plans such leaders may
9 have made to escape Afghanistan as the
10 Taliban advanced;

11 (D) threats to United States forces, dip-
12 lomats, or citizens in Kabul or other parts of
13 Afghanistan over the course of the withdrawal,
14 including the noncombatant evacuation oper-
15 ation in August 2021;

16 (E) any other intelligence that may have
17 informed decisions by the United States Gov-
18 ernment regarding the timeline for the with-
19 drawal of its forces, moving of its embassy in
20 Kabul, initiation of a noncombatant evacuation
21 operation, force requirements for a noncombat-
22 ant evacuation operation, or other related mat-
23 ters; and

24 (F) any dissenting views shared in writing
25 or other formats, including verbally, by United

1 States military commanders, diplomats, or
2 other government officials regarding the topics
3 described in subparagraphs (A) through (E);
4 and

5 (2) submit to Congress an unclassified report
6 that contains—

7 (A) all the information described under
8 paragraph (1); and

9 (B) only such redactions as the Director
10 determines necessary to protect sources and
11 methods.

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