

117TH CONGRESS
2D SESSION

S. RES. 763

Establishing a Senate Select Committee on the United States withdrawal
from Afghanistan.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2022

Mr. HAWLEY submitted the following resolution; which was referred to the
Committee on Rules and Administration

RESOLUTION

Establishing a Senate Select Committee on the United States
withdrawal from Afghanistan.

1 *Resolved,*

2 **SECTION 1. SHORT TITLE.**

3 This resolution may be cited as the “Senate Select
4 Committee on the Afghanistan Withdrawal Resolution”.

5 **SEC. 2. ESTABLISHMENT OF SENATE SELECT COMMITTEE.**

6 There is established a select committee of the Senate,
7 to be known as the Select Committee on the United States
8 Withdrawal from Afghanistan (referred to in this resolu-
9 tion as the “Senate Select Committee”), to investigate and
10 report on the United States withdrawal from Afghanistan.

1 **SEC. 3. MEMBERSHIP.**

2 (a) IN GENERAL.—The Senate Select Committee
3 shall be composed of 20 Members of the Senate appointed
4 according to the following:

5 (1) The majority leader of the Senate shall ap-
6 point 2 members.

7 (2) The minority leader of the Senate shall ap-
8 point 2 members.

9 (3) The chairman of the Committee on Armed
10 Services shall appoint 2 members.

11 (4) The ranking member of the Committee on
12 Armed Services shall appoint 2 members.

13 (5) The chairman of the Committee on Foreign
14 Relations shall appoint 2 members.

15 (6) The ranking member of the Committee on
16 Foreign Relations shall appoint 2 members.

17 (7) The chairman of the Committee on Home-
18 land Security and Governmental Affairs shall ap-
19 point 2 members.

20 (8) The ranking member of the Committee on
21 Homeland Security and Governmental Affairs shall
22 appoint 2 members.

23 (9) The chairman of the Select Committee on
24 Intelligence shall appoint 2 members.

25 (10) The ranking member of the Select Com-
26 mittee on Intelligence shall appoint 2 members.

1 (b) APPOINTMENT OF CO-CHAIRS.—The majority
2 leader and the minority leader of the Senate shall each
3 appoint 1 co-chair of the Senate Select Committee from
4 the members appointed to the Senate Select Committee.

5 (c) DATE.—Members of the Senate Select Committee
6 shall be appointed not later than 14 calendar days after
7 the date on which the Senate agrees to this resolution.

8 (d) PERIOD OF APPOINTMENT.—Members of the
9 Senate Select Committee shall be appointed for the life
10 of the Senate Select Committee.

11 (e) VACANCIES.—A vacancy in the Senate Select
12 Committee—

13 (1) shall not affect the powers of the Senate Se-
14 lect Committee; and

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

17 **SEC. 4. INVESTIGATION AND REPORT.**

18 (a) IN GENERAL.—The Senate Select Committee
19 shall investigate and, not later than 1 year after the date
20 of agreement to this resolution, shall submit a report to
21 the Senate on the United States withdrawal from Afghani-
22 stan.

23 (b) ELEMENTS.—The report required under sub-
24 section (a) shall address the following:

1 (1) Intelligence products available to the United
2 States Government over the course of the with-
3 drawal, including as related to—

4 (A) anticipated timelines for a Taliban
5 takeover of Afghanistan, especially as the
6 Taliban seized control of Afghanistan districts
7 and provinces, often without fighting, in early
8 to mid 2021;

9 (B) the ability of the Afghan National De-
10 fense and Security Forces to prevent a Taliban
11 takeover of Afghanistan after the withdrawal of
12 the United States Armed Forces and associated
13 combat, logistical, and other support;

14 (C) the willingness of then-President of the
15 Islamic Republic of Afghanistan Ashraf Ghani
16 and other Afghan political leaders to remain in
17 Afghanistan as the military situation deterio-
18 rated, including any plans such leaders may
19 have made to escape Afghanistan as the
20 Taliban advanced;

21 (D) any other intelligence that may have
22 informed decisions by the United States Gov-
23 ernment regarding the timeline for the with-
24 drawal of its forces, moving of its embassy in
25 Kabul, initiation of a noncombatant evacuation

1 operation, force requirements for a noncombatant
2 evacuation operation, or related matters;
3 and

4 (E) any dissenting views shared in writing
5 or other formats, including verbally, by United
6 States diplomats, military commanders, or
7 other government officials regarding the topics
8 described in subparagraphs (A) through (D).

9 (2) The failure to secure Hamid Karzai Inter-
10 national Airport, relocate the United States Em-
11 bassy in Kabul, and initiate a noncombatant evacu-
12 ation operation prior to Kabul's imminent collapse,
13 despite warnings by military commanders on the
14 ground that such a collapse was increasingly likely
15 and could occur rapidly, including—

16 (A) the failure by the United States Gov-
17 ernment to accelerate the fortification of the
18 Hamid Karzai International Airport, the reloca-
19 tion of the United States Embassy in Kabul, or
20 the initiation of the noncombatant evacuation
21 operation in response to warnings that the Gov-
22 ernment of the Islamic Republic of Afghanistan
23 was increasingly likely to collapse and could do
24 so rapidly;

1 (B) the development of a “trigger assess-
2 ment tool” or other conditions-based planning
3 aids to support monitoring of and timely re-
4 sponse to the deteriorating security environ-
5 ment in Afghanistan, including use of such aids
6 by Department of Defense and Department of
7 State officials in Afghanistan;

8 (C) table-top exercises or other planning
9 events held at agency or interagency levels, with
10 particular focus on planning assumptions, asso-
11 ciated timelines, and participant reactions to
12 the planning events;

13 (D) any decision by the Department of
14 State or other Federal agency to delay or
15 deprioritize planning for a noncombatant evacu-
16 ation operation, including for the purpose of
17 demonstrating confidence in the Government of
18 the Islamic Republic of Afghanistan;

19 (E) any suggestion by Department of
20 State or other United States Government offi-
21 cials that executing a noncombatant evacuation
22 operation would constitute failure for the
23 United States in Afghanistan, as reported by
24 the United States Central Command investiga-
25 tion of the Abbey Gate bombing; and

1 (F) any orders, instructions, or other guid-
2 ance provided to Department of Defense offi-
3 cials to prevent such officials from planning for
4 a noncombatant evacuation operation with mul-
5 tinationa l partners, as reported by the United
6 States Central Command investigation of the
7 Abbey Gate bombing.

8 (3) The decision to prioritize evacuating as
9 many individuals as possible over protecting mem-
10 bers of the United States Armed Forces and thor-
11 oughly vetting all prospective evacuees, as reported
12 by the United States Central Command investigation
13 of the Abbey Gate bombing, including—

14 (A) force protection measures, including
15 obstacles, barriers, and other measures, imple-
16 mented at the Hamid Karzai International Air-
17 port prior to and during execution of the non-
18 combatant evacuation operation; and

19 (B) force protection measures not imple-
20 mented at the Hamid Karzai International Air-
21 port, with an explanation for why such force
22 protection measures were not implemented and
23 implications of the failure to implement such
24 measures for risk to force during execution of
25 the noncombatant evacuation operation.

1 (4) Threat reporting prior to the suicide bomb-
2 ing at Abbey Gate, additional force protection meas-
3 ures implemented in response to such threat report-
4 ing, and additional force protection measures not
5 implemented in response to such threat reporting,
6 with an assessment of why certain additional force
7 protection measures were not taken.

8 (5) The failure to thoroughly vet evacuees prior
9 to their transfer to United States territory, military
10 installations, or other locations outside of Afghani-
11 stan, including detailed descriptions of—

12 (A) any delays by the Department of State
13 to send adequate numbers of consular officials
14 to Hamid Karzai International Airport to facili-
15 tate thorough vetting of prospective evacuees;

16 (B) any changes to guidance issued by the
17 Department of State regarding the vetting of
18 prospective evacuees over the course of the non-
19 combatant evacuation operation;

20 (C) any guidance issued by the President
21 or other United States Government officials to
22 reduce standards for or expedite vetting of pro-
23 spective evacuees prior to their removal from
24 Afghanistan;

1 (D) any failure by the United States Gov-
2 ernment to utilize all existing biometric data-
3 bases or proper identification standards when
4 processing individuals to be removed from Af-
5 ghanistan; and

6 (E) any criminal incidents involving evac-
7 uees following their transfer to United States
8 territory.

9 (6) The total number of United States nation-
10 als left in Afghanistan following the United States
11 withdrawal from Afghanistan, and the knowledge on
12 the part of United States Government officials of
13 the total number of United States nationals left in
14 Afghanistan when such officials informed Congress
15 that the United States Government had not left
16 Americans behind in Afghanistan.

17 (7) Equipment provided by the United States to
18 the Afghan National Defense and Security Forces
19 and recovered by the Taliban following the collapse
20 of the Afghan National Defense and Security
21 Forces, including the type and amount of such
22 equipment recovered by the Taliban as well as the
23 manner in which the Taliban has been able to use
24 such equipment.

25 (8) Detailed descriptions of—

1 (A) orders issued by the President related
2 to the United States withdrawal from Afghani-
3 stan, including with regard to the relocation of
4 the United States Embassy in Kabul and the
5 initiation and execution of the noncombatant
6 evacuation operation;

7 (B) analysis or recommendations provided
8 by the Assistant to the President for National
9 Security Affairs, the Secretary of State, the
10 Secretary of Defense, the Chairman of the
11 Joint Chiefs of Staff, the Commander of United
12 States Central Command, and other national
13 security leaders related to the United States
14 withdrawal from Afghanistan, including as re-
15 lated to—

16 (i) the deteriorating military situation
17 in Afghanistan; and

18 (ii) the consequent need to accelerate
19 the relocation of the United States Em-
20 bassy in Kabul and the initiation of the
21 noncombatant evacuation operation; and

22 (C) requests for forces or other requests
23 for additional authorities or resources made to
24 the President by the Secretary of Defense, the
25 Secretary of State, or other national security

1 leaders during the United States withdrawal
2 from Afghanistan, and the President's re-
3 sponses to any such requests.

4 (9) Any other matters identified by members of
5 the Senate Select Committee.

6 (c) FORM.—The report required under subsection (a)
7 shall be submitted in unclassified form but may contain
8 a classified annex.

9 **SEC. 5. MEETINGS, HEARINGS, AND ACCESS TO INFORMA-**
10 **TION.**

11 (a) MEETINGS.—

12 (1) IN GENERAL.—The Senate Select Com-
13 mittee shall meet at the call of the co-chairs or at
14 the request of at least 3 members.

15 (2) QUORUM.—Half of the members of the Sen-
16 ate Select Committee shall constitute a quorum.

17 (3) VOTING.—Proxy voting shall be allowed on
18 behalf of the members of the Senate Select Com-
19 mittee.

20 (b) HEARINGS.—

21 (1) IN GENERAL.—The Senate Select Com-
22 mittee shall, for the purposes described in section 4,
23 hold such hearings, compel attendance of such wit-
24 nesses, take or compel such testimony, receive or

1 compel such evidence, and administer such oaths as
2 the Senate Select Committee considers advisable.

3 (2) FREQUENCY.—The Senate Select Com-
4 mittee shall hold an open hearing no less frequently
5 than once per month until it has received open testi-
6 mony from all of the witnesses listed in paragraph
7 (3).

8 (3) WITNESSES.—The co-chairs shall hear testi-
9 mony from the following before the Senate Select
10 Committee in open session, even if the person holds
11 a different public office or no longer holds public of-
12 fice at the time of the hearing:

13 (A) Assistant to the President for National
14 Security Affairs Jake Sullivan.

15 (B) Secretary of State Antony Blinken.

16 (C) Secretary of Defense Lloyd Austin.

17 (D) Secretary of Homeland Security
18 Alejandro Mayorkas.

19 (E) Director of National Intelligence Avril
20 Haines.

21 (F) Director of the Central Intelligence
22 Agency William Burns.

23 (G) Chairman of the Joint Chiefs of Staff
24 General Mark Milley.

1 (H) Under Secretary of Defense for Policy
2 Colin Kahl.

3 (I) Former United States Ambassador to
4 Afghanistan Ambassador John Bass.

5 (J) Former United States Ambassador to
6 Afghanistan Ambassador Ross Wilson.

7 (K) Former Commander of United States
8 Forces Afghanistan—Forward Rear Admiral
9 Peter Vasely.

10 (L) Former Commanding General of Joint
11 Task Force—Crisis Response Brigadier General
12 Farrell J. Sullivan.

13 (M) Former Commanding General of 82nd
14 Airborne Division Lieutenant General Chris-
15 topher T. Donahue.

16 (N) Any other individuals, including
17 former United States Government officials,
18 identified by the co-chairs or a group of 3 mem-
19 bers of the Senate Select Committee.

20 (4) TRANSPARENCY.—The Senate Select Com-
21 mittee may receive classified testimony in a closed
22 session, but any witnesses questioned in a closed ses-
23 sion shall also testify in an open session, in the in-
24 terest of public transparency.

1 (5) QUESTIONING.—Co-chairs shall permit
2 members of the Senate Select Committee to question
3 witnesses at a hearing for periods longer than 5
4 minutes or multiple periods of 5 minutes, at the re-
5 quest of a member.

6 (6) PROCEDURES.—

7 (A) ANNOUNCEMENT.—The co-chairs of
8 the Senate Select Committee shall make a pub-
9 lic announcement of the date, time, place, and
10 subject matter of any hearing to be conducted,
11 not less than 7 days in advance of such hearing,
12 unless the co-chairs determine that there is
13 good cause to begin such hearing at any earlier
14 date.

15 (B) WRITTEN STATEMENT.—A witness ap-
16 pearing before the Senate Select Committee
17 shall file a written statement of proposed testi-
18 mony and respond in writing to any advance
19 questions from the Senate Select Committee at
20 least 2 calendar days before the appearance of
21 the witness unless the requirement is waived by
22 the co-chairs.

23 (c) COOPERATION FROM FEDERAL AGENCIES.—

24 (1) TECHNICAL ASSISTANCE.—Upon written re-
25 quest of the co-chairs, a Federal agency shall pro-

1 vide technical assistance to the Senate Select Com-
2 mittee in order for the Senate Select Committee to
3 carry out its duties.

4 (2) PROVISION OF INFORMATION.—The Na-
5 tional Security Council, the Secretary of Defense,
6 the Secretary of State, the Secretary of Homeland
7 Security, the Director of National Intelligence, the
8 heads of the elements of the intelligence community,
9 and the heads of other relevant Federal agencies
10 shall expeditiously provide information requested by
11 the Senate Select Committee related to the inves-
12 tigation and report under required under section 4,
13 and in no case later than 3 weeks after a request
14 by a member of the Senate Select Committee.

15 (3) LIMITATION ON EXCLUSIONS.—Federal
16 agencies shall not withhold information from the
17 Senate Select Committee, including for reasons of
18 classification, executive privilege, or attorney-client
19 privilege.

20 (d) SUBPOENA AUTHORITY.—Members of the Senate
21 Select Committee are authorized to—

22 (1) compel by subpoena the furnishing of infor-
23 mation by United States Government officials and
24 other individuals, including former United States
25 Government officials; and

1 (2) take or order the taking of depositions, in-
2 cluding pursuant to subpoena, in the same manner
3 as a standing committee of the Senate.

4 **SEC. 6. ADMINISTRATION.**

5 (a) FUNDING.—There shall be paid, out of the con-
6 tingent fund of the Senate from the appropriations ac-
7 count “Miscellaneous Items,” such sums as may be nec-
8 essary for the expenses of the Senate Select Committee,
9 subject to the rules and regulations of the Senate.

10 (b) EXPENSES.—In carrying out its functions, the
11 Senate Select Committee is authorized to incur expenses
12 in the same manner and under the same conditions as the
13 Joint Economic Committee is authorized under section 11
14 of the Employment Act of 1946 (15 U.S.C. 1024).

15 (c) STAFFING.—

16 (1) STAFF DIRECTOR.—The co-chairs, acting
17 jointly, shall hire the staff director of the Senate Se-
18 lect Committee.

19 (2) OTHER STAFF.—The co-chairs, acting joint-
20 ly, may employ such additional staff as they deter-
21 mine necessary for the Senate Select Committee to
22 carry out its duties.

23 (3) COMPENSATION.—The co-chairs, acting
24 jointly, may appoint and fix the compensation of the
25 staff director and additional staff as they determine

1 necessary, within the guidelines for employees of the
2 Senate and following all applicable rules and employ-
3 ment requirements of the Senate.

4 (4) ETHICAL STANDARDS.—Members and staff
5 of the Senate Select Committee shall comply with
6 the ethics rules of the Senate.

7 (d) FACILITIES.—The Senate Select Committee shall
8 have priority access to—

9 (1) rooms of the Senate for purposes of meet-
10 ings, hearings, and other Senate Select Committee
11 functions; and

12 (2) secure facilities for purpose of receiving
13 classified testimony and handling other classified
14 materials.

15 (e) TERMINATION.—The Senate Select Committee
16 shall terminate on the later of the following:

17 (1) 30 days after the submission of the report
18 required under section 4(a).

19 (2) 30 days after the Senate Select Committee
20 has held open hearings with all of the witnesses list-
21 ed under section 5(b)(3).

22 (3) The expiration of the Congressional session
23 during which the Senate agrees to this resolution.

24 (f) DISPOSITION OF RECORDS.—Upon the termi-
25 nation of the Senate Select Committee, the records of the

- 1 Senate Select Committee shall become the records of the
- 2 Committee on Armed Services.

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