

117TH CONGRESS
1ST SESSION

H. R. 5127

To provide transparency regarding critical aspects of the United States withdrawal from Afghanistan, to prevent United States support to the Taliban, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 31, 2021

Mr. GALLAGHER (for himself, Mr. MCCARTHY, Ms. STEFANIK, Mr. McCAUL, Mr. ROGERS of Alabama, Mrs. HARTZLER, Mr. STEIL, Mr. BUDD, Mr. BABIN, Mr. VAN DREW, Mrs. MILLER-MEEKS, Mr. FITZGERALD, Mr. STAUBER, Mr. LATURNER, Mr. RICE of South Carolina, Mrs. WAGNER, Mr. BAIRD, and Mr. SMITH of Nebraska) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed 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 provide transparency regarding critical aspects of the United States withdrawal from Afghanistan, to prevent United States support to the Taliban, 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 “Afghanistan With-
5 drawal Oversight and Liability Act” or the “AWOL Act”.

1 **SEC. 2. REPORT AND OTHER MATTERS RELATING TO EVAC-**
2 **UATION OF UNITED STATES CITIZENS AND**
3 **LAWFUL PERMANENT RESIDENTS WHO RE-**
4 **MAIN BEHIND ENEMY LINES IN AFGHANI-**
5 **STAN.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the United States Government should take
8 every necessary step to evacuate all citizens and lawful
9 permanent residents of the United States from Afghani-
10 stan, regardless of United States troop presence on the
11 ground in Afghanistan after August 31, 2021.

12 (b) REPORT.—

13 (1) IN GENERAL.—Not later than two days
14 after the date of enactment of this Act, the Presi-
15 dent shall submit to the appropriate congressional
16 committees and leadership a report on the efforts to
17 evacuate citizens and lawful permanent residents of
18 the United States from Afghanistan.

19 (2) CONTENTS.—The report required by this
20 subsection shall include, as of the date on which the
21 report is submitted, each of the following:

22 (A) The total number of citizens and law-
23 ful permanent residents of the United States
24 who remain in Afghanistan.

25 (B) The total number of immediate family
26 members of citizens and lawful permanent resi-

1 dents of the United States who remain in Af-
2 ghanistan.

3 (C) The total number, for each category,
4 of Afghan Special Immigrant Visa applicants,
5 and Afghan nationals designated as Priority 1
6 (P1) and Priority 2 (P2) for the U.S. Refugee
7 Admissions Program who remain in Afghani-
8 stan.

9 (D) The total number of citizens and law-
10 ful permanent residents of the United States,
11 as well as their immediate family members, who
12 have requested but not received evacuation from
13 Afghanistan, including a description of the loca-
14 tion of such individuals to the extent practicable
15 and consistent with the safety of such individ-
16 uals.

17 (E) The total number of citizens and law-
18 ful permanent residents of the United States,
19 as well as their immediate family members, who
20 have been evacuated from Afghanistan since
21 August 13, 2021.

22 (F) The total number of citizens and law-
23 ful permanent residents of the United States,
24 as well as their immediate family members, in

1 Afghanistan who have been unable to evacuate,
2 including an explanation of—

3 (i) conditions that prohibited such
4 evacuation; and

5 (ii) any efforts being made to over-
6 come such conditions.

7 (G) The total number of citizens and law-
8 ful permanent residents of the United States,
9 as well as their immediate family members, who
10 have been detained by the Taliban and a de-
11 scription of the efforts being made to secure the
12 release of such individuals.

13 (H) The total number of citizens and law-
14 ful permanent residents of the United States,
15 as well as their immediate family members, who
16 have been injured or killed in Afghanistan since
17 August 13, 2021.

18 (I) The total number of Department of
19 Defense and Civil Reserve Air Fleet aircraft
20 used to evacuate citizens and lawful permanent
21 residents of the United States from Afghani-
22 stan since August 13, 2021.

23 (J) The total number of nationals of Af-
24 ghanistan who have been evacuated from Af-
25 ghanistan on Department of Defense aircraft

1 since August 13, 2021, and a description of the
2 final destinations of such individuals and the
3 number of such individuals evacuated to each
4 such final destination.

5 (K) The total number of citizens and law-
6 ful permanent residents of the United States,
7 as well as their immediate family members, and
8 nationals of Afghanistan who have been evacu-
9 ated from Afghanistan on chartered and other
10 civilian aircraft since August 13, 2021.

11 (L) The total number of nationals of Af-
12 ghanistan eligible for evacuation from Afghani-
13 stan on Department of Defense aircraft.

14 (c) CERTIFICATION BY PRESIDENT.—When the
15 President determines that all citizens and lawful perma-
16 nent residents of the United States who are seeking evacu-
17 ation from Afghanistan have been evacuated from Afghan-
18 istan, the President shall transmit to the appropriate con-
19 gressional committees and leadership a certification of
20 such determination.

21 (d) PROHIBITION ON SUPPORT TO THE TALIBAN.—
22 None of the funds authorized to be appropriated or other-
23 wise made available for fiscal year 2021 may be obligated
24 or expended for any activity that would provide support
25 to the Taliban, either—

1 (1) by payments or contributions of material
2 support to the Taliban, whether provided directly or
3 indirectly, including through third parties; or

4 (2) by relief from, or the removal of, bilateral
5 or multilateral sanctions applicable to the Taliban or
6 Taliban leaders as of the date of enactment of this
7 Act.

8 **SEC. 3. OVERSIGHT OF AGREEMENTS BETWEEN THE**
9 **UNITED STATES AND THE TALIBAN.**

10 (a) IN GENERAL.—Not later than five days after the
11 date of enactment of this Act, and every month thereafter,
12 the Secretary of State shall submit to the appropriate con-
13 gressional committees and leadership a report regarding
14 any agreements between the United States and the
15 Taliban.

16 (b) CONTENTS.—The report required by this section
17 shall include, as of the date on which the report is sub-
18 mitted, each of the following:

19 (1) Details of any agreement reached or com-
20 mitments made after August 13, 2021, to secure
21 United States access to Hamid Karzai International
22 Airport to facilitate the evacuation of United States
23 citizens, lawful permanent residents, or Afghan part-
24 ners.

1 (2) A detailed accounting of any personal iden-
2 tifying information of United States citizens, lawful
3 permanent residents, or Afghan partners seeking
4 evacuation from Afghanistan that was provided to
5 the Taliban, including—

6 (A) the number of individuals whose infor-
7 mation was shared;

8 (B) a description of the exact types of in-
9 formation shared; and

10 (C) the number of individuals whose infor-
11 mation was shared whose evacuation from Af-
12 ghanistan cannot be confirmed.

13 (3) Details of any agreement reached or com-
14 mitments made regarding evacuations of United
15 States citizens, lawful permanent residents, or any
16 Afghans who wish to leave Afghanistan following the
17 United States military withdrawal on August 31,
18 2021.

19 (4) Details on any agreement reached or com-
20 mitments made in connection with any United
21 States diplomatic presence in Afghanistan following
22 the United States military withdrawal on August 31,
23 2021.

1 (5) Any agreements or commitments made by
2 the United States regarding future financial or ma-
3 terial support.

4 (6) Any agreements or commitments made by
5 the United States regarding sanctions relief.

6 (7) Any agreements or commitments made by
7 the United States regarding future recognition of a
8 Taliban government, including of a potential future
9 Islamic Emirate.

10 (8) Any other agreements or commitments, in-
11 formal or formal, made prior to the United States
12 military withdrawal from Afghanistan and following
13 the military withdrawal on August 31, 2021.

14 (9) Any intelligence-related information pro-
15 vided by the United States to the Taliban and any
16 threat information provided by the United States to
17 the Taliban.

18 (c) TRANSMISSION TO CONGRESS OF MATERIALS
19 RELEVANT TO ANY AGREEMENT REACHED WITH THE
20 TALIBAN.—Not later than 7 days after the conclusion of
21 any formal or informal agreement between the United
22 States and the Taliban, the Secretary of State, in con-
23 sultation with the Secretary of Defense, shall submit to
24 the appropriate congressional committees and leadership
25 all materials relevant to the agreement.

1 (d) INSPECTOR GENERAL OVERSIGHT OF TALIBAN
2 AGREEMENTS.—Not later than 14 months after the date
3 of the enactment of this Act, the Office of the Inspector
4 General of the Department of State shall submit to the
5 appropriate congressional committees and leadership a re-
6 port on the compliance of the Secretary of State with the
7 Case-Zablocki Act (1 U.S.C. 112b) in connection with
8 agreements with the Taliban during the one year period
9 following the enactment of this Act.

10 **SEC. 4. REPORT ON UNITED STATES EQUIPMENT, PROP-**
11 **ERTY, AND CLASSIFIED MATERIAL THAT WAS**
12 **DESTROYED, SURRENDERED, OR ABAN-**
13 **DONED IN THE WITHDRAWAL FROM AFGHAN-**
14 **ISTAN.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Secretary of De-
17 fense, in consultation with the Secretaries of the military
18 departments and the Commander of United States Central
19 Command, shall submit to the appropriate congressional
20 committees and leadership a report regarding United
21 States equipment, property, and classified material that
22 was destroyed, surrendered, or abandoned in Afghanistan
23 between February 29, 2020, and the date that is 180 days
24 after the date of the enactment of this Act.

1 (b) CONTENTS.—The report required by this section
2 shall include each of the following:

3 (1) A determination of the value of the United
4 States equipment, property, and classified material
5 that was destroyed, surrendered, or abandoned,
6 disaggregated by military department and itemized
7 to the most specific feasible level.

8 (2) An itemized list of destroyed, surrendered,
9 or abandoned aircraft, aircraft parts and supply,
10 and aircraft maintenance items, including aircraft,
11 aircraft parts and supply, and aircraft maintenance
12 items formerly possessed by the Afghan Air Force or
13 the former government of Afghanistan.

14 (3) An itemized list of destroyed, surrendered,
15 or abandoned fuel and fuel dispensing equipment,
16 disaggregated by military department.

17 (4) An itemized list of destroyed, surrendered,
18 or abandoned weapons, weapon systems, components
19 of weapons or weapon systems, ammunition, explo-
20 sives, missiles, ordnance, bombs, mines, or projec-
21 tiles, disaggregated by military department.

22 (5) For each item on a list referred to in para-
23 graphs (2) through (4), an explanation of the legal
24 authority relied upon to destroy, surrender, or aban-
25 don that specific item.

1 (6) An assessment of how many biometric de-
2 vices may be in the possession of the Taliban, and
3 what access they may have had to biometric data-
4 bases.

5 (7) An evaluation of the capabilities of the
6 Taliban post-withdrawal as a result of their seizure
7 of surrendered or abandoned United States equip-
8 ment, property, and classified material.

9 (8) An assessment of the damage to the na-
10 tional security interests of the United States as a re-
11 sult of the destroyed, surrendered, or abandoned
12 United States equipment, property, and classified
13 material.

14 (9) An assessment of the feasibility of disabling,
15 destroying, or recapturing surrendered or abandoned
16 United States equipment, property, or classified ma-
17 terial.

18 (10) Available imagery or photography depict-
19 ing the Taliban possessing surrendered or aban-
20 doned United States equipment, property, or classi-
21 fied material.

22 **SEC. 5. SENSE OF CONGRESS REGARDING NON-RECOGNI-**
23 **TION OF THE TALIBAN.**

24 It is the sense of Congress that the United States
25 should not formally recognize the Taliban, or its so-called

1 Islamic Emirate of Afghanistan, as the government of Af-
2 ghanistan or take any action to alter bilateral or multilat-
3 eral sanctions applicable to the Taliban or Taliban leaders
4 while the Taliban refuses to form an inclusive government
5 that respects and protects the rights of all Afghan citizens.

6 **SEC. 6. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES AND LEADERSHIP.—The term “appropriate
10 congressional committees and leadership” means—

11 (A) the Committee on Foreign Affairs, the
12 Committee on Armed Services, the Committee
13 on Appropriations, the Permanent Select Com-
14 mittee on Intelligence, and the Speaker and the
15 majority and minority leaders of the House of
16 Representatives; and

17 (B) the Committee on Foreign Relations,
18 the Committee on Armed Services, the Com-
19 mittee on Appropriations, the Select Committee
20 on Intelligence, and the majority and minority
21 leaders of the Senate.

22 (2) THE TALIBAN.—The term “the Taliban”—

23 (A) refers to the organization that refers
24 to itself as the “Islamic Emirate of Afghani-
25 stan” that was founded by Mohammed Omar,

1 and that violently seized control of Afghanistan
2 by entering Kabul on August 15, 2021; and

3 (B) includes subordinate organizations,
4 such as the Haqqani Network, and any other
5 successor organization or formal government.

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