

117TH CONGRESS
1ST SESSION

H. R. 5071

To direct the Secretary of Defense to submit to Congress daily reports on the evacuation of citizens and permanent residents of the United States from Afghanistan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 23, 2021

Mr. GALLAGHER introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To direct the Secretary of Defense to submit to Congress daily reports on the evacuation of citizens and permanent residents of the United States from Afghanistan, 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. REPORTING REQUIREMENTS RELATING TO**
4 **EVACUATION OF CITIZENS AND PERMANENT**
5 **RESIDENTS OF UNITED STATES FROM AF-**
6 **GHANISTAN.**

7 (a) IN GENERAL.—Not later than two days after the
8 date of enactment of this Act, and each day thereafter

1 until the date on which the President submits a certifi-
2 cation under subsection (c), the Secretary of Defense, in
3 consultation with the Secretary of State, shall submit to
4 Congress a report on the efforts to evacuate citizens and
5 legal permanent residents of the United States from Af-
6 ghanistan.

7 (b) CONTENTS OF REPORTS.—Each report required
8 under subsection (a) shall include each of the following,
9 as of the date of the submittal of the report:

10 (1) The total number of members of the United
11 States Armed Forces in Afghanistan.

12 (2) The total number of citizens and legal per-
13 manent residents of the United States in Afghani-
14 stan.

15 (3) The total number of individuals who are
16 citizens or legal permanent residents of the United
17 States who have requested but not received evacu-
18 ation from Afghanistan, including, to the extent
19 practicable, the location of each such individual.

20 (4) The total number of citizens and legal per-
21 manent residents of the United States who—

22 (A) have been evacuated from Afghani-
23 stan—

1 (i) in the case of the initial report
2 submitted under subsection (a), since Au-
3 gust 13, 2021; or

4 (ii) in the case of any subsequent re-
5 port, since the submittal of the most re-
6 cently submitted report under such sub-
7 section; and

8 (B) have been evacuated from Afghanistan
9 since August 13, 2021.

10 (5) The total number of citizens and legal per-
11 manent residents of the United States in Afghani-
12 stan who have been unable to evacuate, including an
13 explanation of—

14 (A) the conditions that prohibited such
15 evacuation; and

16 (B) any efforts being made to overcome
17 such conditions.

18 (6) The total number of individuals who are
19 citizens or legal permanent residents of the United
20 States who have been detained by the Taliban, in-
21 cluding an explanation of the efforts being made to
22 secure the release of such individuals.

23 (7) The total number of citizens and legal per-
24 manent residents of the United States who have

1 been injured or killed in Afghanistan since August
2 13, 2021.

3 (8) The total number of Department of Defense
4 aircraft used to evacuate citizens and legal perma-
5 nent residents of the United States from Afghani-
6 stan.

7 (9) The total number of Afghan nationals evac-
8 uated on Department of Defense aircraft, including
9 the final destinations of such nationals and the num-
10 ber of such nationals evacuated to each such final
11 destination.

12 (10) The total number of Afghan nationals eli-
13 gible for evacuation on Department of Defense air-
14 craft.

15 (c) CERTIFICATION BY PRESIDENT.—When the
16 President determines that each citizen or legal permanent
17 resident of the United States who is seeking evacuation
18 from Afghanistan is evacuated from Afghanistan, the
19 President shall submit to Congress certification of such
20 determination.

21 (d) PROHIBITION.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), until the date on which the President
24 submits the certification required under subsection
25 (c), none of the amounts authorized to be appro-

1 priated for fiscal year 2021 for the Department of
2 Defense may be obligated or expended for any activ-
3 ity which would have the effect of reducing the total
4 number of members of the Armed Forces deployed
5 to Afghanistan to a number lower than the lower of
6 the following:

7 (A) The total number of members of the
8 Armed Forces deployed as of the date of enact-
9 ment of this Act.

10 (B) The number of members of the Armed
11 Forces determined by the Secretary of Defense,
12 in consultation with the Secretary of State, to
13 be sufficient to safely evacuate the total number
14 of citizens and legal permanent residents of the
15 United States who are seeking evacuation from
16 Afghanistan.

17 (2) EXCEPTION.—The prohibition under para-
18 graph (1) shall not apply if the Secretary of Defense
19 makes a determination that members of the Armed
20 Forces in Afghanistan are facing imminent hos-
21 tilities and submits to Congress a notice of such de-
22 termination.

23 (e) CERTIFICATION BY SECRETARY OF DEFENSE.—

24 If the Secretary of Defense makes a determination under
25 subsection (d)(1)(B) that would result in the reduction of

1 the number of members of the Armed Forces deployed to
2 Afghanistan, the Secretary shall submit to Congress notice
3 of such reduction, by not later than the end of the day
4 on which the determination is made, that includes the
5 total number of members to be deployed after such reduc-
6 tion.

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