

117TH CONGRESS
2D SESSION

S. 5118

To require the Commissioner of U.S. Customs and Border Protection to identify and conduct recurrent vetting of evacuees from Afghanistan found not to be properly vetted before entering the United States.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2022

Mr. SCOTT of Florida (for himself and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require the Commissioner of U.S. Customs and Border Protection to identify and conduct recurrent vetting of evacuees from Afghanistan found not to be properly vetted before entering the United States.

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. AFGHAN VETTING AND ACCOUNTABILITY.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) In the report entitled “DHS Encountered
7 Obstacles to Screen, Vet, and Inspect All Evacuees
8 during the Recent Afghanistan Crisis” issued on

1 September 6, 2022, the Inspector General of the De-
2 partment of Homeland Security found that—

3 (A) the United States welcomed more than
4 79,000 Afghan evacuees between July 2021,
5 and January 2022, as part of Operation Allies
6 Refuge and Operation Allies Welcome; and

7 (B) the President directed the Secretary of
8 Homeland Security to lead the coordination
9 across the Federal Government to resettle vul-
10 nerable Afghans arriving as part of Operation
11 Allies Refuge and Operation Allies Welcome.

12 (2) The Office of the Inspector General of the
13 Department of Homeland Security conducted an
14 audit to determine the extent to which the Depart-
15 ment of Homeland Security screened, vetted, and in-
16 spected evacuees arriving as part of Operation Allies
17 Refuge and Operation Allies Welcome.

18 (3) After meeting with more than 130 individ-
19 uals from the Department of Homeland Security,
20 the Office of the Inspector General of the Depart-
21 ment of Homeland Security determined that—

22 (A) the Department of Homeland Security
23 encountered obstacles to screening, vetting, and
24 inspecting all Afghan evacuees arriving as part

1 of Operation Allies Refuge and Operation Allies
2 Welcome;

3 (B) U.S. Customs and Border Protection
4 did not always have critical data to properly
5 screen, vet, or inspect the evacuees;

6 (C) some information used to vet evacuees
7 through United States Government databases,
8 such as name, date of birth, identification num-
9 ber, and travel document data, was inaccurate,
10 incomplete, or missing; and

11 (D) U.S. Customs and Border Protection
12 admitted or paroled into the United States
13 evacuees who were not fully vetted.

14 (4) The Office of the Inspector General of the
15 Department of Homeland Security attributed the
16 Department of Homeland Security's challenges with
17 respect to properly screening, vetting, and inspecting
18 such evacuees to not having—

19 (A) a list of evacuees from Afghanistan
20 who were unable to provide sufficient identifica-
21 tion documents;

22 (B) a contingency plan to support similar
23 emergency situations; and

24 (C) standardized policies.

1 (5) As a result, the Department of Homeland
2 Security may have admitted or paroled individuals
3 into the United States who pose a risk to the na-
4 tional security of the United States and the safety
5 of local communities.

6 (b) IDENTIFICATION AND RECURRENT VETTING OF
7 EVACUEES FROM AFGHANISTAN.—Not later than 30 days
8 after the date of the enactment of this Act, the Commis-
9 sioner of U.S. Customs and Border Protection shall—

10 (1) identify all evacuees from Afghanistan
11 who—

12 (A) were paroled into the United States
13 during the period beginning on July 1, 2021,
14 and ending on January 31, 2022, as part of
15 Operation Allies Refuge or Operation Allies
16 Welcome; and

17 (B) remain in the United States;

18 (2) for each such evacuee, conduct a full screen-
19 ing and vetting, including by consulting all law en-
20 forcement and international terrorist screening data-
21 bases, based on the confirmed identity of the evac-
22 uee;

23 (3) prioritize the screening and vetting de-
24 scribed in paragraph (2) for such evacuees who did

1 not have documentation of their identity on arrival
2 in the United States;

3 (4) establish recurrent and periodic vetting
4 processes for all such evacuees, including in-person
5 interviews as necessary;

6 (5) ensure that such vetting processes are car-
7 ried out for each such evacuee for the duration of
8 the authorized period of parole of the evacuee; and

9 (6) provide to the Director of National Intel-
10 ligence, the Secretary of Defense, the Secretary of
11 State, the Secretary of Homeland Security, the At-
12 torney General, and the law enforcement agencies of
13 the State and locality in which each such evacuee is
14 located evidence that the full screening and vetting
15 described in paragraph (2), and the recurrent and
16 periodic vetting processes described in paragraph
17 (4), have been carried out.

18 (c) REPORT.—Not later than 180 days after the date
19 of the enactment of this Act, the Secretary of Homeland
20 Security and the Inspector General of the Department of
21 Homeland Security shall submit to the Committee on
22 Homeland Security and Governmental Affairs of the Sen-
23 ate and the Committee on Homeland Security of the
24 House of Representatives a report on—

- 1 (1) the findings and results of the screening
- 2 and vetting carried out under subsection (b); and
- 3 (2) the number of evacuees who were ineligible
- 4 for admission to the United States and, for each
- 5 such evacuee, the specific reason the evacuee was
- 6 found ineligible.

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