

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4517
OFFERED BY MR. DAVIDSON OF OHIO**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Ensuring Voluntary
3 Actions are Compensated Act of 2023” or the “EVAC Act
4 of 2023”.

**5 SEC. 2. FEASIBILITY STUDY FOR REIMBURSEMENT OF CER-
6 TAIN EXPENSES OF PERSONS EVACUATED
7 FROM AFGHANISTAN.**

8 (a) FEASIBILITY STUDY.—Not later than 180 days
9 after the date of the enactment of this Act, the Secretary
10 of State and the Secretary of Defense shall jointly submit
11 to the appropriate congressional committees a feasibility
12 study on potential reimbursement for the expenses of per-
13 sonal funds by any covered United States person to evac-
14 uate American citizens, lawful permanent residents of the
15 United States, or allies from Afghanistan during the pe-
16 riod beginning on August 1, 2021, and ending on March
17 31, 2022.

1 (b) CONSULTATION.—In developing the feasibility
2 study required by subsection (a), the Secretary of State
3 and Secretary of Defense shall consult with nongovern-
4 mental organizations, including veterans service organiza-
5 tions, with expertise in supporting the evacuation of Amer-
6 ican citizens and Afghan allies from Afghanistan.

7 (c) ELEMENTS.—The feasibility study required by
8 subsection (a) shall also include the following elements:

9 (1) A list of each nongovernmental organization
10 consulted in accordance with subsection (b) during
11 the development of the feasibility study.

12 (2) The process for filing a reimbursement
13 claim.

14 (3) The supporting documentation required to
15 file a reimbursement claim.

16 (4) An estimate of the time that would be asso-
17 ciated with processing a reimbursement claim.

18 (5) Eligibility requirements for covered United
19 States persons to file a reimbursement claim under
20 the program described in the feasibility study.

21 (6) The criteria for reimbursement under the
22 program, including a maximum reimbursement limit
23 and a prohibition on the issuance of reimbursements
24 for expenses described in subsection (a) for which a

1 deduction was allowed under the Internal Revenue
2 Code of 1986.

3 (7) The types of reimbursable claims and activi-
4 ties that would be considered for reimbursement,
5 such as funding for safe houses, travel, food, and
6 other life-saving provisions.

7 (8) The process for disbursing funds to United
8 States persons once a reimbursement claim is
9 verified and approved.

10 (9) An estimate of the costs that would be asso-
11 ciated with implementing the reimbursement pro-
12 gram described in the feasibility study, including
13 whether sufficient funds have already been appro-
14 priated.

15 (10) A recommendation for the Federal entity
16 best suited to carry out the reimbursement program
17 described in the feasibility study, including whether
18 sufficient statutory authority already exists for such
19 Federal entity to provide such reimbursements.

20 (11) Additional recommendations, including as-
21 sessment of feasibility, for options to pay back cov-
22 ered United States persons other than through reim-
23 bursements, such as through tax credits or deduc-
24 tions.

25 (d) DEFINITIONS.—In this section:

1 (1) The term “appropriate congressional com-
2 mittees” means—

3 (A) the Committee on Foreign Affairs and
4 the Committee on Armed Services of the House
5 of Representatives; and

6 (B) the Committee on Foreign Relations
7 and the Committee on Armed Services of the
8 Senate.

9 (2) The term “ally from Afghanistan” means
10 an individual who was eligible, upon evacuation dur-
11 ing the period described in subsection (a), for—

12 (A) special immigrant status under section
13 101(a)(27) of the Immigration and Nationality
14 Act (8 U.S.C. 1101(a)(27)), pursuant to section
15 602(b) of the Afghan Allies Protection Act of
16 2009 (Public Law 111–8; 8 U.S.C. 1101 note);
17 or

18 (B) Priority 1 or Priority 2 processing
19 under the refugee resettlement priority system.

20 (3) The term “covered United States person”—

21 (A) means an individual who is a citizen or
22 national of the United States or an alien law-
23 fully admitted for permanent residence in the
24 United States; and

1 (B) does not include any private group,
2 foundation, or other entity who received funds
3 from private foundations, other private donors,
4 or other sources of funds to conduct evacuation
5 efforts in Afghanistan.

