

AMENDMENT TO RULES COMMITTEE
PRINT 118-10
OFFERED BY MR. CROW OF COLORADO

At the end of subtitle C of title XVIII of division A,
add the following:

1 **SEC. 1859. DUTIES OF THE SECRETARY OF HOMELAND SE-**
2 **CURITY, SECRETARY OF STATE, AND SEC-**
3 **RETARY OF DEFENSE RELATING TO CERTAIN**
4 **SPECIAL IMMIGRANT VISAS.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) section 1248(h) of the Refugee Crisis in
8 Iraq Act of 2007 (Public Law 110–181; 8 U.S.C.
9 1157 note) requires the Secretary of Homeland Se-
10 curity, the Secretary of State, and the Secretary of
11 Defense to designate senior coordinating officials,
12 with sufficient expertise, authority, and resources, to
13 carry out duties relating to the issuance of special
14 immigrant visas under that Act and the Afghan Al-
15 lies Protection Act of 2009 (Public Law 111–8;
16 U.S.C. 1101 note);

17 (2) the Secretary of Homeland Security, the
18 Secretary of State, and the Secretary of Defense

1 should take all necessary steps to designate such
2 senior coordinating officials;

3 (3) all criteria relating to the requirements for
4 special immigrant visa applicants under the Refugee
5 Crisis in Iraq Act of 2007 (Public Law 110–181; 8
6 U.S.C. 1157 note) and the Afghan Allies Protection
7 Act of 2009 (Public Law 111–8; 8 U.S.C. 1101
8 note) should be implemented on the date of the en-
9 actment of this Act;

10 (4) in the case of any individual with respect to
11 whom the Chief of Mission has erroneously denied a
12 request for approval to apply for a special immigrant
13 visa under the Refugee Crisis in Iraq Act of 2007
14 (Public Law 110–181; 8 U.S.C. 1157 note) or the
15 Afghan Allies Protection Act of 2009 (Public Law
16 111–8; 8 U.S.C. 1101 note), the Chief of Mission
17 should reopen such requests sua sponte, including
18 for any individual who has—

19 (A) not appealed;

20 (B) submitted an appeal; or

21 (C) had an appeal denied; and

22 (5) each applicant for a special immigrant visa
23 under the Afghan Allies Protection Act of 2009
24 (Public Law 111–8; 8 U.S.C. 1101 note) should be
25 provided the opportunity to submit not more than

1 one appeal for each written denial, which would
2 allow the applicant the opportunity to understand
3 and respond to the denial.

4 (b) AFGHAN SPECIAL IMMIGRANT VISAS.—Section
5 602(b)(3)(F) of the Afghan Allies Protection Act of 2009
6 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

7 (1) in paragraph (3)(F)—

8 (A) in the subparagraph heading, by strik-
9 ing “**Fiscal years 2015 through 2022**”
10 and inserting “**Fiscal years 2015 through**
11 **2029**”;

12 (B) in clause (i), by striking “December
13 31, 2024” and inserting “December 31, 2029”;
14 and

15 (C) in clause (ii), by striking “December
16 31, 2024” and inserting “December 31, 2029”;
17 and

18 (2) in paragraph (13), in the matter preceding
19 subparagraph (A), by striking “January 31, 2025”
20 and inserting “January 31, 2030”.

21 (c) EXEMPTION FOR AFGHANS INJURED OR KILLED
22 IN THE COURSE OF EMPLOYMENT.—Section 602(b)(2)(A)
23 of the Afghan Allies Protection Act of 2009 (Public Law
24 111–8; 8 U.S.C. 1101 note) is amended—

25 (1) in paragraph (2)(A)—

1 (A) by amending clause (ii) to read as fol-
2 lows:

3 “(ii)(I) was or is employed in Afghan-
4 istan on or after October 7, 2001, for not
5 less than 1 year—

6 “(aa) by, or on behalf of, the
7 United States Government; or

8 “(bb) by the International Secu-
9 rity Assistance Force (or any suc-
10 cessor name for such Force) in a ca-
11 pacity that required the alien—

12 “(AA) while traveling off-
13 base with United States military
14 personnel stationed at the Inter-
15 national Security Assistance
16 Force (or any successor name for
17 such Force), to serve as an inter-
18 preter or translator for such
19 United States military personnel;
20 or

21 “(BB) to perform activities
22 for the United States military
23 personnel stationed at Inter-
24 national Security Assistance

1 Force (or any successor name for
2 such Force); or

3 “(II) in the case of an alien who was
4 wounded or seriously injured in connection
5 with employment described in subclause
6 (I), was employed for any period until the
7 date on which such wound or injury oc-
8 curred, if the wound or injury prevented
9 the alien from continuing such employ-
10 ment;”; and

11 (B) in clause (iii), by striking “clause (ii)”
12 and inserting “clause (ii)(I)”;

13 (2) in paragraph (13)(A)(i), by striking “sub-
14 clause (I) or (II)(bb) of paragraph (2)(A)(ii)” and
15 inserting “item (aa) or (bb)(BB) of paragraph
16 (2)(A)(ii)(I)”;

17 (3) in paragraph (14)(C), by striking “para-
18 graph (2)(A)(ii)” and inserting “paragraph
19 (2)(A)(ii)(I)”;

20 (4) in paragraph (15), by striking “paragraph
21 (2)(A)(ii)” and inserting “paragraph (2)(A)(ii)(I)”.

22 (d) STRATEGY FOR THE EFFICIENT PROCESSING OF
23 ALL AFGHAN SPECIAL IMMIGRANT VISA APPLICATIONS
24 AND APPEALS.—Section 602 of the Afghan Allies Protec-

1 tion Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note)
2 is amended—

3 (1) in subsection (a), in the matter preceding
4 paragraph (1), by striking “In this section” and in-
5 serting “Except as otherwise explicitly provided, in
6 this section”; and

7 (2) in subsection (b), by adding at the end the
8 following:

9 “(16) DEPARTMENT OF STATE STRATEGY FOR
10 EFFICIENT PROCESSING OF APPLICATIONS AND AP-
11 PEALS.—

12 “(A) IN GENERAL.—Not later than 180
13 days after the date of the enactment of this
14 paragraph, the Secretary of State, in consulta-
15 tion with the Secretary of Homeland Security,
16 the Secretary of Defense, the head of any other
17 relevant Federal agency, the appropriate com-
18 mittees of Congress, and civil society organiza-
19 tions (including legal advocates), shall develop a
20 strategy to address applications pending at all
21 steps of the special immigrant visa process
22 under this section.

23 “(B) ELEMENTS.—The strategy required
24 by subparagraph (A) shall include the following:

1 “(i) A review of current staffing levels
2 and needs across all interagency offices
3 and officials engaged in the special immi-
4 grant visa process under this section.

5 “(ii) An analysis of the expected Chief
6 of Mission approvals and denials of appli-
7 cations in the pipeline in order to project
8 the expected number of visas necessary to
9 provide special immigrant status to all ap-
10 proved applicants under this Act during
11 the several years after the date of the en-
12 actment of this paragraph.

13 “(iii) A plan for collecting and
14 disaggregating data on—

15 “(I) individuals who have applied
16 for special immigrant visas under this
17 section; and

18 “(II) individuals who have been
19 issued visas under this section.

20 “(iv) An assessment as to whether
21 adequate guidelines exist for reconsidering
22 or reopening applications for special immi-
23 grant visas under this section in appro-
24 priate circumstances and consistent with
25 applicable laws.

1 “(v) An assessment of the procedures
2 throughout the special immigrant visa ap-
3 plication process, including at the Ports-
4 mouth Consular Center, and the effective-
5 ness of communication between the Ports-
6 mouth Consular Center and applicants, in-
7 cluding an identification of any area in
8 which improvements to the efficiency of
9 such procedures and communication may
10 be made.

11 “(C) FORM.—The strategy required by
12 subparagraph (A) shall be submitted in unclas-
13 sified form but may include an classified annex.

14 “(D) APPROPRIATE COMMITTEES OF CON-
15 GRESS DEFINED.—In this paragraph, the term
16 ‘appropriate committees of Congress’ means—

17 “(i) the Committee on Foreign Rela-
18 tions, the Committee on the Judiciary, the
19 Committee on Homeland Security and
20 Government Affairs, and the Committee on
21 Armed Services of the Senate; and

22 “(ii) the Committee on Foreign Af-
23 fairs, the Committee on the Judiciary, the
24 Committee on Homeland Security, and the

1 Committee on Armed Services of the
2 House of Representatives.”.

3 (e) SENIOR COORDINATING OFFICIALS.—Section
4 602(b)(2)(D)(ii) of the Afghan Allies Protection Act of
5 2009 (Public Law 111–8; 8 U.S.C. 1101) is amended by
6 adding at the end the following:

7 “(III) SENIOR SPECIAL IMMI-
8 GRANT VISA COORDINATING OFFI-
9 CIALS.—

10 “(aa) IN GENERAL.—The
11 head of each Federal agency that
12 employs a national of Afghani-
13 stan who may be eligible for a
14 special immigrant visa under this
15 section, and the head of each
16 Federal agency that is integral to
17 the processing of such visas (in-
18 cluding the Department of State,
19 the Department of Defense, the
20 Department of Homeland Secu-
21 rity, and the Department of
22 Health and Human Services),
23 shall designate a senior coordi-
24 nating official to oversee the effi-
25 ciency and integrity of the proc-

1 essing of visas for such nationals
2 of Afghanistan.

3 “(bb) QUALIFICATIONS.—An
4 official designated under item
5 (aa) shall be of a sufficient se-
6 niority to allow for interagency
7 coordination and responsiveness
8 among the relevant Federal agen-
9 cies.

10 “(cc) RESPONSIBILITIES
11 AND CLEARANCES.—Such an of-
12 ficial shall be given the respon-
13 sibilities and clearances described
14 in items (aa),(bb), and (cc) of
15 subelause (II).”.

16 (f) AUTHORITY FOR REIMBURSEMENT OF MEDICAL
17 EXAMINATIONS IN CASES OF ECONOMIC HARDSHIP.—

18 Section 602 of the Afghan Allies Protection Act of 2009
19 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

20 (1) by redesignating subsection (c) as sub-
21 section (d); and

22 (2) by inserting after subsection (b) the fol-
23 lowing:

24 “(c) MEDICAL EXAMINATIONS.—

1 “(1) REIMBURSEMENT.—Subject to the
2 amounts provided in advance in appropriations Acts,
3 the Secretary of State shall, on receipt of a petition
4 for reimbursement, reimburse an alien described in
5 subparagraph (A), (B), or (C) of subsection (b)(2)
6 for the costs incurred by the alien for any medical
7 examination required under the immigration laws
8 (as defined in section 101(a) of the Immigration and
9 Nationality Act (8 U.S.C. 1101(a)))

10 “(2) PETITION.—Not later than the date on
11 which an alien receives Chief of Mission approval
12 pursuant to subsection (b), the alien shall submit to
13 a consular officer of the United States in the foreign
14 country in which the alien is located a petition for
15 reimbursement for any medical examination required
16 under the immigration laws.

17 “(3) CONSULAR OFFICER DETERMINATION.—

18 “(A) IN GENERAL.—Not later than 7 busi-
19 ness days after the date on which a petition
20 under paragraph (2) is submitted, a consular
21 officer of the United States shall provide to the
22 alien who submitted the petition a written no-
23 tice of approval or denial of the petition.

24 “(B) EXPLANATION OF DENIAL.—A writ-
25 ten notice of denial under subparagraph (A)

1 shall be accompanied by an explanation for the
2 denial and instructions for appealing the denial.

3 “(4) APPEALS PROCESS.—The Secretary of
4 State shall establish a process by which an alien may
5 appeal the denial of a petition under this subsection.

6 “(5) CAP ON REIMBURSEMENT.—A reimburse-
7 ment approved under this subsection may not exceed
8 the fair market value of medical examinations, as
9 determined by the Secretary of State, in the applica-
10 ble foreign country.

11 “(6) PAYMENT BEFORE EXAMINATION.—The
12 Secretary of State, on a case-by-case basis, may ap-
13 prove and disburse payment for a medical examina-
14 tion in advance of the medical examination.”.

15 (g) AUTHORIZATION OF VIRTUAL INTERVIEWS.—
16 Section 602(b)(4) of the Afghan Allies Protection Act of
17 2009 (Public Law 111–8; 8 U.S.C. 1101 21 note) is
18 amended by adding at the end the following:

19 “(D) VIRTUAL INTERVIEWS.—Notwith-
20 standing section 222(e) of the Immigration and
21 Nationality Act (8 U.S.C. 1202(e)), an applica-
22 tion for an immigrant visa under this section
23 may be signed by the applicant through a vir-
24 tual video meeting before a consular officer and
25 verified by the oath of the applicant adminis-

1 tered by the consular officer during a virtual
2 video meeting.”.

3 (h) ANNUAL REPORT ON EFFICIENCY IMPROVE-
4 MENTS TO APPLICATION PROCESSING FOR CERTAIN IRAQI
5 AND AFGHAN TRANSLATORS AND INTERPRETERS.—

6 (1) IN GENERAL.—Not later than 120 days
7 after the date of the enactment of this Act, and an-
8 nually thereafter, the Secretary of State and the
9 Secretary of Homeland Security, in consultation
10 with the Secretary of Defense, shall publish on the
11 internet website of the Department of State a report
12 that describes the efficiency improvements made
13 with respect to the processes by which applications
14 for special immigrant visas under section 1059 of
15 the National Defense Authorization Act for Fiscal
16 Year 2006 (Public Law 109–163; 8 U.S.C. 1101
17 note) are processed.

18 (2) ELEMENTS.—Each report required by para-
19 graph (1) shall include the following:

20 (A) For each month of the preceding fiscal
21 year, the number of aliens who have applied for
22 special immigrant visas under section 1059 of
23 the National Defense Authorization Act for Fis-
24 cal Year 2006 (Public Law 109–163; 8 U.S.C.
25 1101 note).

1 (B) The number of visas issued to prin-
2 cipal and derivative applicants under such sec-
3 tion during the preceding fiscal year.

4 (C) The number of visas that remained au-
5 thorized and available at the end of the pre-
6 ceding fiscal year.

7 (D) In the case of a failure to process an
8 application for such a visa that has been pend-
9 ing for more than one year, the reasons for
10 such failure.

11 (E) The total number of applications for
12 such visas that are pending as of the date of
13 the report due to—

14 (i) failure to receive approval through
15 the normal course of the process of adjudi-
16 cating applications; and

17 (ii) an insufficient number of visas
18 available.

19 (F) The number of, and reasons for, deni-
20 als or rejections of such applications.

21 (3) INITIAL REPORT.—In addition to the ele-
22 ments under paragraph (2), the initial report sub-
23 mitted under paragraph (1) shall include the number

1 of visas converted under section 2 of Public Law
2 110-242 (8 U.S.C. 1101 note).

