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:

SEC. 1859. DUTIES OF THE SECRETARY OF HOMELAND SECURITY, SECRETARY OF STATE, AND SECRETARY OF DEFENSE RELATING TO CERTAIN SPECIAL IMMIGRANT VISAS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) section 1248(h) of the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 8 U.S.C. 1157 note) requires the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense to designate senior coordinating officials, with sufficient expertise, authority, and resources, to carry out duties relating to the issuance of special immigrant visas under that Act and the Afghan Allies Protection Act of 2009 (Public Law 111–8; U.S.C. 1101 note);

(2) the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense
should take all necessary steps to designate such
senior coordinating officials;

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

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

(A) not appealed;

(B) submitted an appeal; or

(C) had an appeal denied; and

(5) each applicant for a special immigrant visa
under the Afghan Allies Protection Act of 2009
(Public Law 111–8; 8 U.S.C. 1101 note) should be
provided the opportunity to submit not more than
one appeal for each written denial, which would allow the applicant the opportunity to understand and respond to the denial.

(b) Afghan Special Immigrant Visas.—Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) in paragraph (3)(F)—

(A) in the subparagraph heading, by striking “Fiscal years 2015 through 2022” and inserting “Fiscal years 2015 through 2029”;

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

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

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

(c) Exemption for Afghans Injured or Killed in the Course of Employment.—Section 602(b)(2)(A) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) in paragraph (2)(A)—
(A) by amending clause (ii) to read as follows:

“(ii)(I) was or is employed in Afghanistan on or after October 7, 2001, for not less than 1 year—

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

“(bb) by the International Security Assistance Force (or any successor name for such Force) in a capacity that required the alien—

“(AA) while traveling off-base with United States military personnel stationed at the International Security Assistance Force (or any successor name for such Force), to serve as an interpreter or translator for such United States military personnel; or

“(BB) to perform activities for the United States military personnel stationed at International Security Assistance
Force (or any successor name for such Force); or

“(II) in the case of an alien who was wounded or seriously injured in connection with employment described in subclause (I), was employed for any period until the date on which such wound or injury occurred, if the wound or injury prevented the alien from continuing such employment;”; and

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

(2) in paragraph (13)(A)(i), by striking “subclause (I) or (II)(bb) of paragraph (2)(A)(ii)” and inserting “item (aa) or (bb)(BB) of paragraph (2)(A)(ii)(I)”;

(3) in paragraph (14)(C), by striking “paragraph (2)(A)(ii)” and inserting “paragraph (2)(A)(ii)(I)”; and

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

(d) STRATEGY FOR THE EFFICIENT PROCESSING OF ALL AFGHAN SPECIAL IMMIGRANT VISA APPLICATIONS AND APPEALS.—Section 602 of the Afghan Allies Protec-
tion Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “In this section” and inserting “Except as otherwise explicitly provided, in this section”; and

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

“(16) DEPARTMENT OF STATE STRATEGY FOR EFFICIENT PROCESSING OF APPLICATIONS AND APPEALS.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the head of any other relevant Federal agency, the appropriate committees of Congress, and civil society organizations (including legal advocates), shall develop a strategy to address applications pending at all steps of the special immigrant visa process under this section.

“(B) ELEMENTS.—The strategy required by subparagraph (A) shall include the following:
“(i) A review of current staffing levels and needs across all interagency offices and officials engaged in the special immigrant visa process under this section.

“(ii) An analysis of the expected Chief of Mission approvals and denials of applications in the pipeline in order to project the expected number of visas necessary to provide special immigrant status to all approved applicants under this Act during the several years after the date of the enactment of this paragraph.

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

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

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

“(iv) An assessment as to whether adequate guidelines exist for reconsidering or reopening applications for special immigrant visas under this section in appropriate circumstances and consistent with applicable laws.
“(v) An assessment of the procedures throughout the special immigrant visa application process, including at the Portsmouth Consular Center, and the effectiveness of communication between the Portsmouth Consular Center and applicants, including an identification of any area in which improvements to the efficiency of such procedures and communication may be made.

“(C) FORM.—The strategy required by subparagraph (A) shall be submitted in unclassified form but may include an classified annex.

“(D) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs, and the Committee on Armed Services of the Senate; and

“(ii) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Homeland Security, and the
Committee on Armed Services of the House of Representatives.”.

(e) **Senior Coordinating Officials.**—Section 602(b)(2)(D)(ii) of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101) is amended by adding at the end the following:

“(III) **Senior Special Immigrant Visa Coordinating Officials.**—

“(aa) **In General.**—The head of each Federal agency that employs a national of Afghanistan who may be eligible for a special immigrant visa under this section, and the head of each Federal agency that is integral to the processing of such visas (including the Department of State, the Department of Defense, the Department of Homeland Security, and the Department of Health and Human Services), shall designate a senior coordinating official to oversee the efficiency and integrity of the proc-
essing of visas for such nationals of Afghanistan.

“(bb) QUALIFICATIONS.—An official designated under item (aa) shall be of a sufficient seniority to allow for interagency coordination and responsiveness among the relevant Federal agencies.

“(cc) RESPONSIBILITIES AND CLEARANCES.—Such an official shall be given the responsibilities and clearances described in items (aa), (bb), and (cc) of subclause (II).”.

(f) AUTHORITY FOR REIMBURSEMENT OF MEDICAL EXAMINATIONS IN CASES OF ECONOMIC HARDSHIP.—Section 602 of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

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

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

“(3) Consular Officer Determination.—

“(A) In General.—Not later than 7 business days after the date on which a petition under paragraph (2) is submitted, a consular officer of the United States shall provide to the alien who submitted the petition a written notice of approval or denial of the petition.

“(B) Explanation of Denial.—A written notice of denial under subparagraph (A)
shall be accompanied by an explanation for the
denial and instructions for appealing the denial.

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

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

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

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

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

(h) ANNUAL REPORT ON EFFICIENCY IMPROVEMENTS TO APPLICATION PROCESSING FOR CERTAIN IRAQI AND AFGHAN TRANSLATORS AND INTERPRETERS.—

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

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) For each month of the preceding fiscal year, the number of aliens who have applied for special immigrant visas under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note).
(B) The number of visas issued to principal and derivative applicants under such section during the preceding fiscal year.

(C) The number of visas that remained authorized and available at the end of the preceding fiscal year.

(D) In the case of a failure to process an application for such a visa that has been pending for more than one year, the reasons for such failure.

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

   (i) failure to receive approval through the normal course of the process of adjudicating applications; and

   (ii) an insufficient number of visas available.

(F) The number of, and reasons for, denials or rejections of such applications.

(3) INITIAL REPORT.—In addition to the elements under paragraph (2), the initial report submitted under paragraph (1) shall include the number