

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. CROW OF COLORADO

Add at the end of subtitle C of title XVII the following:

1 **SEC. 17___ . 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) of the Afghan Allies Protection Act of 2009 (Public
6 Law 111–8; 8 U.S.C. 1101 note) is amended—

7 (1) in paragraph (3)(F)—

8 (A) in the heading, by striking “2024” and
9 inserting “2029”;

10 (B) in clause (i), by striking “December
11 31, 2024” and inserting “December 31, 2029”;

12 and

13 (C) in clause (ii), by striking “December
14 31, 2025” and inserting “December 31, 2029”;

15 and

16 (2) in paragraph (13), in the matter preceding
17 subparagraph (A), by striking “January 31, 2026”
18 and inserting “January 31, 2030”.

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

23 (1) in paragraph (2)(A)—

24 (A) by amending clause (ii) to read as fol-
25 lows:

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

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

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

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

19 “(BB) to perform activities
20 for the United States military
21 personnel stationed at Inter-
22 national Security Assistance
23 Force (or any successor name for
24 such Force); or

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

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

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

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

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

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

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

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

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

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

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

23 “(i) A review of current staffing levels
24 and needs across all interagency offices

1 and officials engaged in the special immi-
2 grant visa process under this section.

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

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

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

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

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

24 “(v) An assessment of the procedures
25 throughout the special immigrant visa ap-

1 plication process, including at the Ports-
2 mouth Consular Center, and the effective-
3 ness of communication between the Ports-
4 mouth Consular Center and applicants, in-
5 cluding an identification of any area in
6 which improvements to the efficiency of
7 such procedures and communication may
8 be made.

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

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

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

20 “(ii) the Committee on Foreign Af-
21 fairs, the Committee on the Judiciary, the
22 Committee on Homeland Security, and the
23 Committee on Armed Services of the
24 House of Representatives.”.

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

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

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

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

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

14 (f) AUTHORITY FOR REIMBURSEMENT OF MEDICAL
15 EXAMINATIONS IN CASES OF ECONOMIC HARDSHIP.—

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

18 (1) by redesignating subsection (c) as sub-
19 section (d); and

20 (2) by inserting after subsection (b) the fol-
21 lowing:

22 “(c) MEDICAL EXAMINATIONS.—

23 “(1) REIMBURSEMENT.—Subject to the
24 amounts provided in advance in appropriations Acts,
25 the Secretary of State shall, on receipt of a petition

1 for reimbursement, reimburse an alien described in
2 subparagraph (A), (B), or (C) of subsection (b)(2)
3 for the costs incurred by the alien for any medical
4 examination required under the immigration laws
5 (as defined in section 101(a) of the Immigration and
6 Nationality Act (8 U.S.C. 1101(a)))

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

14 “(3) CONSULAR OFFICER DETERMINATION.—

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

21 “(B) EXPLANATION OF DENIAL.—A writ-
22 ten notice of denial under subparagraph (A)
23 shall be accompanied by an explanation for the
24 denial and instructions for appealing the denial.

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

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

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

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

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

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

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

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

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

