

116TH CONGRESS
1ST SESSION

S. 1474

To amend the Afghan Allies Protection Act of 2009 to make 4,000 visas available for the Afghan Special Immigrant Visa program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2019

Mrs. SHAHEEN (for herself, Mr. TILLIS, Mr. WICKER, Mr. GARDNER, Mr. REED, Mr. KAINE, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Afghan Allies Protection Act of 2009 to make 4,000 visas available for the Afghan Special Immigrant Visa program, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Afghan Allies Protec-
5 tion Act of 2019”.

6 **SEC. 2. SPECIAL IMMIGRANT VISAS FOR AFGHAN ALLIES.**

7 (a) IN GENERAL.—Section 602(b)(2)(A)(ii) of the
8 Afghan Allies Protection Act of 2009 (8 U.S.C. 1101
9 note) is amended, in the matter preceding subclause (I),

1 by inserting “for the first time” after “submitting a peti-
 2 tion”.

3 (b) NUMERICAL LIMITATIONS.—Section 602(b)(3) of
 4 the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101
 5 note) is amended—

6 (1) by striking subparagraph (A) and inserting
 7 the following:

8 “(A) FISCAL YEAR 2019.—

9 “(i) IN GENERAL.—In addition to any
 10 unused balance under subparagraph (F),
 11 for fiscal year 2019, not more than 4,000
 12 principal aliens may be granted special im-
 13 migrant status under this subsection.

14 “(ii) PERIOD OF EMPLOYMENT.—For
 15 purposes of this subparagraph, the period
 16 of employment referred to in paragraph
 17 (2)(A)(ii) shall end not later than Decem-
 18 ber 31, 2021.

19 “(iii) APPLICATION.—For purposes of
 20 this subparagraph, not later than Decem-
 21 ber 31, 2021, a principal alien seeking spe-
 22 cial immigrant status under this subsection
 23 shall submit an application to the Chief of
 24 Mission.”;

(2) by striking subparagraph (C) and inserting the following:

“(C) CARRY FORWARD.—If the numerical limitation described in subparagraph (A)(i) is not reached for fiscal year 2019, the numerical limitation for each subsequent fiscal year shall be established at a number equal to the difference between—

“(i) the numerical limitation described in subparagraph (A)(i); and

“(ii) the number of principal aliens granted special immigrant status under this subsection during each fiscal year beginning in fiscal year 2019.”;

(3) in subparagraph (D), by striking “notwithstanding the provisions of paragraph (C),”; and

(4) in subparagraph (F)—

(A) in the subparagraph heading, by striking “2015, 2016, AND 2017” and inserting “2015 THROUGH 2020”;

(B) in clause (i), by striking “December 31, 2020” and inserting “December 31, 2021;”;

(C) in clause (ii), by striking “December 31, 2020” and inserting “December 31, 2021;”;

(D) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;

(E) in the matter preceding subclause (I), as so redesignated, in the second sentence, by striking “For purposes” and inserting the following:

“(ii) REQUIREMENTS.—For purposes”;

(F) in the matter preceding clause (ii), as so designated—

(i) by striking “exhausted,,” and inserting “exhausted,”;

(ii) by striking “18,500” and inserting “22,500”; and

(iii) by striking “In addition” and inserting the following:

“(i) IN GENERAL.—In addition”; and
(G) by adding at the end the following:

“(iii) UNUSED VISAS.—Any unused balance under this subparagraph shall be added to the number under subparagraph (A)(i) for use in fiscal year 2019.”.

1 (c) CONVERSION OF PETITIONS.—Section 2 of Public
2 Law 110–242 (8 U.S.C. 1101 note) is amended by strik-
3 ing subsection (b) and inserting the following:

4 “(b) DURATION.—The authority under subsection (a)
5 shall expire on the date on which the numerical limitation
6 specified under section 1244 of the National Defense Au-
7 thorization Act for Fiscal Year 2008 (Public Law 110–
8 181; 8 U.S.C. 1157 note) is reached.”.

9 **SEC. 3. SPECIAL IMMIGRANT VISA PROGRAM REPORTING**
10 **REQUIREMENT.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of the enactment of this Act, the Inspector General
13 of the Department of State shall submit to the appropriate
14 committees of Congress a report that evaluates the obsta-
15 cles to effective protection of Afghan and Iraqi allies
16 through the special immigrant visa programs and makes
17 recommendations for improvements in future programs.

18 (b) MATTERS TO BE INCLUDED.—The report under
19 subsection (a) shall include information relating to—

20 (1) the hiring of locally employed staff and con-
21 tractors;

22 (2) documenting the identity and employment
23 of locally employed staff and contractors of the
24 United States Government, including the possibility

1 of establishing a central database of employees of
2 the United States Government and its contractors;

3 (3) the protection and safety of employees of lo-
4 cally employed staff and contractors;

5 (4) means of expediting processing at all stages
6 of the process for applicants, including consideration
7 of reducing required forms;

8 (5) appropriate staffing levels for expedited
9 processing domestically and abroad;

10 (6) the effect of uncertainty of visa availability
11 on visa processing;

12 (7) the cost and availability of medical examina-
13 tions; and

14 (8) means to reduce delays in interagency proc-
15 essing and security checks.

16 (c) CONSULTATION.—

17 (1) IN GENERAL.—In preparing the report
18 under subsection (a), the Inspector General shall
19 consult with—

20 (A) the Department of State, Bureau of
21 Consular Affairs, Visa Office;

22 (B) the Department of State, Bureau of
23 Near Eastern Affairs and South and Central
24 Asian Affairs, Executive Office;

1 (C) the United States embassy in Kabul,
2 Afghanistan, Consular Section;

3 (D) the United States embassy in Bagh-
4 dad, Iraq, Consular Section;

5 (E) the Department of Homeland Security,
6 U.S. Citizenship and Immigration Services;

7 (F) the Department of Defense;

8 (G) the Federal Bureau of Investigation;
9 and

10 (H) nongovernmental organizations pro-
11 viding legal aid in the special immigrant visa
12 application process.

13 (2) CONSULTATION WITH CURRENT AND
14 FORMER EMPLOYEES.—To the maximum extent
15 practicable, the Inspector General shall consult with
16 current and former employees of the offices de-
17 scribed in paragraph (1).

18 (d) FORM.—The report under subsection (a) shall be
19 submitted in unclassified form, but may include a classi-
20 fied annex.

21 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
22 FINED.—In this section, the term “appropriate commit-
23 tees of Congress” means—

24 (1) the Committee on the Judiciary, the Com-
25 mittee on Foreign Relations, the Committee on

1 Armed Services, and the Committee on Appropria-
2 tions of the Senate; and

3 (2) the Committee on the Judiciary, the Com-
4 mittee on Foreign Affairs, the Committee on Armed
5 Services, and the Committee on Appropriations of
6 the House of Representatives.

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