

United States Senate

WASHINGTON, DC 20510

August 21, 2018

The Honorable Richard Shelby
Chairman
Senate Committee on Appropriations
The Capitol, Room S-128
Washington, DC 20510

The Honorable Patrick Leahy
Vice Chairman
Senate Committee on Appropriations
The Capitol, Room S-128
Washington, DC 20510

The Honorable Lindsey Graham
Chairman
Senate Appropriations Subcommittee
on State, Foreign Operations and Related Programs
The Capitol, Room S-128
Washington, DC 20510

Dear Chairman Shelby, Vice Chairman Leahy and Chairman Graham:

Thank you for your continued leadership on the Senate Committee on Appropriations. We deeply appreciate your bipartisan efforts to return to regular order and advance the annual appropriations process. As you negotiate the final version of the Fiscal Year 2019 (FY 2019) Department of State, Foreign Operations and Related Programs appropriations bill, we write to respectfully request that you include the language we reached with the input of your staffs to reauthorize Afghan Special Immigrant Visas (SIVs) program for FY 2019.

As you know, the Afghan SIV program allows Afghan individuals who supported our military and the U.S. mission in Afghanistan and that face threats as a result of their service to apply for refugee status in the United States. Over the years, we have worked in a bipartisan manner to replenish the number of visas available for this critical program. This year, we came together again to negotiate a bipartisan deal to meet the Administration's request to reauthorize 4,000 critical Special Immigrant Visas in FY 2019 while providing for necessary oversight mechanisms and an applicant prioritization scale to help prevent fraud and abuse within the program.

As you and your staff know, Afghan Special Immigrant Visas have been previously authorized through the Department of State, Foreign Operations and Related Programs appropriations bill, and the necessary offsets and placeholder language (under Section 7044) are in place to do so again in Fiscal Year 2019. We have discussed the details of our agreement with your staffs and are including the bill and report text that we previously provided to you during the full committee mark-up on June 21, 2018.

We strongly support this program, and we urge you to ensure that the attached bill and report language is included in any final version of the FY 2019 appropriations bill.

We appreciate your work and leadership on the Appropriations Committee, and thank you for your serious consideration of this request.

Sincerely,



Chuck Grassley
United States Senator



Jeanne Shaheen
United States Senator

1 Purpose: To provide special immigrant visas for Afghan allies.
2
3

4 S. _____
5

6 Making appropriations for the Department of State, foreign
7 operations, and related programs for the fiscal year ending
8 September 30, 2019, and for other purposes
9

10 Referred to the Committee on _____ and ordered to be
11 printed

12 Ordered to lie on the table and to be printed

13 AMENDMENT INTENDED TO BE PROPOSED BY MRS. SHAHEEN

14 Viz:

15 At the appropriate place, insert the following:

16 Sec. ____, (a) Section 602(b)(3) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101
17 note) is amended—

18 (1) in subparagraph (F)—

19 (A) in the matter preceding clause (i), in the first sentence—

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

21 (ii) by striking “14,500” and inserting “18,500”;

22 (B) in clause (i), by striking “December 31, 2020” and inserting “December 31,
23 2021;”; and

24 (C) in clause (ii), by striking “December 31, 2020” and inserting “December 31,
25 2021;”; and

26 (2) by adding at the end the following:

27 “(G) LIMITATION ON ISSUANCE OF SPECIAL IMMIGRANT VISAS IN FISCAL YEAR
28 2019.—The Secretary of State shall not issue a special immigrant visa authorized for
29 fiscal year 2019 until the date on which the Secretary—

30 “(i) develops and implements a system to prioritize the processing of Afghan
31 applicants for special immigrant visas under this section; and

32 “(ii) submits to the appropriate congressional committees the reports under
33 subparagraphs (13), (16), and (17).”.

1 (b) Section 602(b)(13) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is
2 amended—

3 (1) in the matter preceding subparagraph (A), by striking “submit” and all that follows
4 through “following information” and inserting “submit to the Committee on the Judiciary of
5 the Senate and the Committee on the Judiciary of the House of Representatives, and post on
6 the Internet website of the Department of State, a report, which shall be submitted in
7 unclassified form, but may include a classified annex, that contains the following
8 information”; and

9 (2) in subparagraph (A)—

10 (A) in clause (i), by striking “and” at the end;

11 (B) by redesignating clause (ii) as clause (iii); and

12 (C) by inserting after clause (i) the following:

13 “(ii) applied for special immigrant status such subclause, but has not yet been
14 determined to be eligible for a special immigrant visa; and”.

15 (c) Section 602(b) of the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) is
16 amended by adding at the end the following:

17 “(16) REPORT ON SERIOUS THREATS.—Not later than December 31, 2018, and annually
18 thereafter, the Secretary of State shall brief and submit to the appropriate committees of
19 Congress a report on the procedures and processes used by the Chief of Mission to
20 determine whether an Afghan applicant for a special immigrant visa under this section has
21 experienced or is experiencing an ongoing, serious threat as a result of the qualifying
22 service of the applicant.

23 “(17) REPORT ON BACKGROUND CHECKS.—Not later than December 31, 2018, and
24 annually thereafter, the Secretary of State shall brief and submit to the appropriate
25 committees of Congress a report on the procedures for background and security checks on
26 Afghan applicants for special immigrant visas under this section.”.
27

Amendment to be offered by Senator Shaheen

Viz:

Insert at the appropriate place in the report:

“The Committee directs the Department to create and implement a system of prioritization for the processing of Afghan Special Immigrant Visa applicants based on the threats they face and after reviewing the facts of each case, giving appropriate consideration to those applicants who, during their qualifying service, assisted combat operations.”