

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require a review relating to the vetting, processing, and resettlement of evacuees from Afghanistan.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**H. R. 2662**

To amend the Inspector General Act of 1978, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. PETERS to the amendment (No. 1) proposed by Mr. PETERS

Viz:

1 In lieu of the matter proposed to be inserted, insert

2 the following:

3 **SEC. \_\_\_\_ . REVIEW RELATING TO VETTING, PROCESSING,**

4 **AND RESETTLEMENT OF EVACUEES FROM**

5 **AFGHANISTAN AND THE AFGHANISTAN SPE-**

6 **CIAL IMMIGRANT VISA PROGRAM.**

7 (a) IN GENERAL.—In accordance with the Inspector  
8 General Act of 1978 (5 U.S.C. App.), the Inspector Gen-  
9 eral of the Department of Homeland Security, jointly with  
10 the Inspector General of the Department of State, and in  
11 coordination with any appropriate inspector general, shall

1 conduct a thorough review of efforts to support and pro-  
2 cess evacuees from Afghanistan and the Afghanistan spe-  
3 cial immigrant visa program.

4 (b) ELEMENTS.—The review required by subsection  
5 (a) shall include an assessment of the systems, staffing,  
6 policies, and programs used—

7 (1) to the screen and vet such evacuees, includ-  
8 ing—

9 (A) an assessment of whether personnel  
10 conducting such screening and vetting were ap-  
11 propriately authorized and provided with train-  
12 ing, including training in the detection of fraud-  
13 ulent personal identification documents;

14 (B) an analysis of the degree to which  
15 such screening and vetting deviated from  
16 United States law, regulations, policy, and best  
17 practices relating to the screening and vetting  
18 of refugees and applicants for United States  
19 visas that have been in use at any time since  
20 January 1, 2016;

21 (C) an identification of any risk to the na-  
22 tional security of the United States posed by  
23 any such deviations;

24 (D) an analysis of the processes used for  
25 evacuees traveling without personal identifica-

1           tion records, including the creation or provision  
2           of any new identification records to such evac-  
3           uees; and

4           (E) an analysis of the degree to which  
5           such screening and vetting process was capable  
6           of detecting—

7                   (i) instances of human trafficking and  
8                   domestic abuse;

9                   (ii) evacuees who are unaccompanied  
10                  minors; and

11                  (iii) evacuees with a spouse that is a  
12                  minor;

13           (2) to admit and process such evacuees at  
14           United States ports of entry;

15           (3) to temporarily house such evacuees prior to  
16           resettlement;

17           (4) to account for the total number of indi-  
18           vidual evacuated from Afghanistan in 2021 with  
19           support of the United States Government,  
20           disaggregated by—

21                   (A) country of origin;

22                   (B) age;

23                   (C) gender;

24                   (D) eligibility for special immigrant visas  
25           under the Afghan Allies Protection Act of 2009

1 (8 U.S.C. 1101 note; Public Law 111–8) or  
2 section 1059 of the National Defense Author-  
3 ization Act for Fiscal Year 2006 (8 U.S.C.  
4 1101 note; Public Law 109–163) at the time of  
5 evacuation;

6 (E) eligibility for employment-based non-  
7 immigrant visas at the time of evacuation; and

8 (F) familial relationship to evacuees who  
9 are eligible for visas described in subparagraphs  
10 (D) and (E); and

11 (5) to provide eligible individuals with special  
12 immigrant visas under the Afghan Allies Protection  
13 Act of 2009 (8 U.S.C. 1101 note; Public Law 111–  
14 8) and section 1059 of the National Defense Author-  
15 ization Act for Fiscal Year 2006 (8 U.S.C. 1101  
16 note; Public Law 109–163) since the date of the en-  
17 actment of the Afghan Allies Protection Act of 2009  
18 (8 U.S.C. 1101 note; Public Law 111–8), includ-  
19 ing—

20 (A) a detailed step-by-step description of  
21 the application process for such special immi-  
22 grant visas, including the number of days allot-  
23 ted by the United States Government for the  
24 completion of each step;

1 (B) the number of such special immigrant  
2 visa applications received, approved, and denied,  
3 disaggregated by fiscal year;

4 (C) the number of such special immigrant  
5 visas issued, as compared to the number avail-  
6 able under law, disaggregated by fiscal year;

7 (D) an assessment of the average length of  
8 time taken to process an application for such a  
9 special immigrant visa, beginning on the date of  
10 submission of the application and ending on the  
11 date of final disposition, disaggregated by fiscal  
12 year;

13 (E) an accounting of the number of appli-  
14 cations for such special immigrant visas that  
15 remained pending at the end of each fiscal year;

16 (F) an accounting of the number of inter-  
17 views of applicants for such special immigrant  
18 visas conducted during each fiscal year;

19 (G) the number of noncitizens who were  
20 admitted to the United States pursuant to such  
21 a special immigrant visa during each fiscal  
22 year;

23 (H) an assessment of the extent to which  
24 each participating department or agency of the  
25 United States Government, including the De-

1           partment of State and the Department of  
2           Homeland Security, adjusted processing prac-  
3           tices and procedures for such special immigrant  
4           visas so as to vet applicants and expand proc-  
5           essing capacity since the February 29, 2020,  
6           Doha Agreement between the United States  
7           and the Taliban;

8                   (I) a list of specific steps, if any, taken be-  
9           tween February 29, 2020, and August 31,  
10          2021—

11                   (i) to streamline the processing of ap-  
12           plications for such special immigrant visas;  
13           and

14                   (ii) to address longstanding bureau-  
15           cratic hurdles while improving security  
16           protocols;

17                   (J) a description of the degree to which  
18           the Secretary of State implemented rec-  
19           ommendations made by the Department of  
20           State Office of Inspector General in its June  
21           2020 reports on Review of the Afghan Special  
22           Immigrant Visa Program (AUD-MERO-20-35)  
23           and Management Assistance Report: Quarterly  
24           Reporting on Afghan Special Immigrant Visa

1 Program Needs Improvement (AUD-MERO-20-  
2 34);

3 (K) an assessment of the extent to which  
4 challenges in verifying applicants' employment  
5 with the Department of Defense contributed to  
6 delays in the processing of such special immi-  
7 grant visas, and an accounting of the specific  
8 steps taken since February 29, 2020, to ad-  
9 dress issues surrounding employment  
10 verification; and

11 (L) recommendations to strengthen and  
12 streamline such special immigrant visa process  
13 going forward.

14 (c) INTERIM REPORTING.—

15 (1) IN GENERAL.—Not later than 180 days  
16 after the date of the enactment of this Act, the In-  
17 spector General of the Department of Homeland Se-  
18 curity and the Inspector General of the Department  
19 of State shall submit to the appropriate congres-  
20 sional committees not fewer than one interim report  
21 on the review conducted under this section.

22 (2) DEFINITIONS.—In this subsection:

23 (A) APPROPRIATE CONGRESSIONAL COM-  
24 MITTEES.—The term “appropriate congres-  
25 sional committees” has the meaning given the

1 term in section 12 of the Inspector General Act  
2 of 1978 (5 U.S.C. App.), as amended by this  
3 Act.

4 (B) SCREEN; SCREENING.—The terms  
5 “screen” and “screening”, with respect to an  
6 evacuee, mean the process by which a Federal  
7 official determines—

8 (i) the identity of the evacuee;

9 (ii) whether the evacuee has a valid  
10 identification documentation; and

11 (iii) whether any database of the  
12 United States Government contains derog-  
13 atory information about the evacuee.

14 (C) VET; VETTING.—The term “vet” and  
15 “vetting”, with respect to an evacuee, means  
16 the process by which a Federal official inter-  
17 views the evacuee to determine whether the  
18 evacuee is who they purport to be, including  
19 whether the evacuee poses a national security  
20 risk.

21 (d) DISCHARGE OF RESPONSIBILITIES.—The Inspec-  
22 tor General of the Department of Homeland Security and  
23 the Inspector General of the Department of State shall  
24 discharge the responsibilities under this section in a man-  
25 ner consistent with the authorities and requirements of the



1 Inspector General Act of 1978 (5 U.S.C. App.) and the  
2 authorities and requirements applicable to the Inspector  
3 General of the Department of Homeland Security and the  
4 Inspector General of the Department of State under that  
5 Act.

6 (e) COORDINATION.—Upon request of an Inspector  
7 General for information or assistance under subsection  
8 (a), the head of any Federal agency involved shall, insofar  
9 as is practicable and not in contravention of any existing  
10 statutory restriction or regulation of the Federal agency  
11 from which the information is requested, furnish to such  
12 Inspector General, or to an authorized designee, such in-  
13 formation or assistance.

14 (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
15 tion shall be construed to limit the ability of the Inspector  
16 General of the Department of Homeland Security or the  
17 Inspector General of the Department of State to enter into  
18 agreements to conduct joint audits, inspections, or inves-  
19 tigations in the exercise of the oversight responsibilities  
20 of the Inspector General of the Department of Homeland  
21 Security and the Inspector General of the Department of  
22 State, in accordance with the Inspector General Act of  
23 1978 (5 U.S.C. App.), with respect to oversight of the  
24 evacuation from Afghanistan, the selection, vetting, and  
25 processing of applicants for special immigrant visas and

- 1 asylum, and any resettlement in the United States of such
- 2 evacuees.