

1 **SEC. \_\_\_\_. EXTENSION OF AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.**

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

4 (1) in the heading, by striking “2021” and inserting “2026”;

5 (2) in the matter preceding clause (i), in the first sentence, by striking “shall” and  
6 all that follows through the period and inserting “shall not exceed 34,500.”;

7 (3) in clause (i), by striking “December 31, 2022” and inserting “December 31,  
8 2026”; and

9 (4) in clause (ii), by striking “December 31, 2022” and inserting “December 31,  
10 2026”.

**[Please note: The “Changes to Existing Law” section below sets out in red-line format how the legislative text above would amend existing law.]**

**Section-by-Section Analysis**

This proposal would modify and extend the Afghan Special Immigrant Visa (SIV) Program to reflect the enduring and evolving nature of the U.S. mission in Afghanistan. The modification reflects the continuing nature of the U.S. and international missions in Afghanistan by extending the law until December 31, 2026. This program will continue at the discretion of the Secretary of State in consultation with the Secretary of Defense in order to maintain program stability and adaptation to the continuing mission in Afghanistan. Authority for the program will remain with the Secretary of State, but the Secretary of Defense will provide input based on the military presence and continuing footprint in Afghanistan in line with the regional strategy. The request for modification reflects the need for current applications pending with the Department of State for the SIV program, however, given the security situation in Kabul and pending legislation that may expand eligibility requirements there is potential for there to be an even greater need to expand beyond 34,500 visas in the current proposal.

**Budget Implications:** This proposal has no budget impact for the Department of Defense, but does impact the the Departments of State, Homeland Security, Agriculture, and Health and Human Services, as well as the Social Security Administration.

**Resubmission Information:** This proposal is a recurring legislative proposal requesting an extension of this authority. USCENTCOM submitted this proposal for the FY 2021 legislative cycle (#077) but subsequently withdrew the request on 18 Dec 2019 because the authority was extended by the NDAA for FY 2020 through December 31, 2021.

**Changes to Existing Law:** This proposal would make the following changes to section 602 of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 111–8; 8 U.S.C. 1101 note):

SEC. 602. PROTECTION FOR AFGHAN ALLIES.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

(b) SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.—

\* \* \* \* \*

(3) NUMERICAL LIMITATIONS.—

\* \* \* \* \*

(F) FISCAL YEARS 2015 THROUGH ~~2021~~ 2026.—In addition to any unused balance under subparagraph (D), for the period beginning on the date of the enactment of this subparagraph until such time that available special immigrant visas under subparagraphs (D) and (E) and this subparagraph are exhausted, the total number of principal aliens who may be provided special immigrant status under this section shall not exceed ~~26,500~~ 34,500. For purposes of status provided under this subparagraph-

(i) the period during which an alien must have been employed in accordance with paragraph (2)(A)(ii) must terminate on or before ~~December 31, 2022~~ December 31, 2026;

(ii) the principal alien seeking special immigrant status under this subparagraph shall apply to the Chief of Mission in accordance with paragraph (2)(D) not later than ~~December 31, 2022~~ December 31, 2026; and

(iii) the authority to issue visas shall commence on the date of the enactment of this subparagraph and shall continue until modified or terminated by the Secretary of State, in consultation with the Secretary of Defense.

\* \* \* \* \*

1 **SEC. \_\_\_. EXTENSION OF AUTHORITY FOR DEPARTMENT OF DEFENSE**  
2 **SUPPORT FOR STABILIZATION ACTIVITIES IN NATIONAL**  
3 **SECURITY INTEREST OF THE UNITED STATES.**

4 Subsection (h) of section 1210A of the National Defense Authorization Act for Fiscal  
5 Year 2020 (Public Law 116-92; 133 Stat. 1626) is amended by striking “December 31, 2021”  
6 and inserting “December 31, 2022”.

**[Please note: The “Changes to Existing Law” section below sets out in red-line format how the legislative text would amend existing law.]**

**Section-by-Section Analysis**

This proposal would extend the authority to conduct programs authorized under section 1210A of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (Public Law 116-92), Defense Support for Stabilization Activities in National Security Interest of the United States.

The United States has a vital national security interest in promoting stability in certain fragile and conflict-affected States in order to guard against State weakness, political subversion, or State collapse. Stabilization is a core pillar of Irregular Warfare, is clearly identified in the National Defense Strategy as a vital wartime mission; and is necessary to consolidate military gains into lasting strategic success.

Despite its importance, the Department does not possess the authority to conduct stabilization activities directly, and instead relies upon its interagency partners, namely the Department of State (DoS) and the U.S. Agency for International Development (USAID). However, civilian personnel often cannot access the very areas they must stabilize, particularly in hostile or conflict-affected areas.

Section 1210A grants the authority for DoD to provide rapid and flexible support to the stabilization efforts other U.S. Government departments and agencies, greatly increasing their ability to access unstable areas. Once implemented in conjunction with parallel interagency efforts, this modification will improve DoD’s ability to prioritize, plan, and execute stabilization activities with interagency partners – supporting the NDS objective of “enabling U.S. interagency counterparts to advance U.S. influence and national security interests.”

The utility of section 1210A was highlighted by the Commanders of U.S. Africa Command and U.S. Central Command, and the Chairman of the Joint Chiefs of Staff, in an August 2020 memorandum to the Secretary highlighting the potential of the authority to consolidate military gains, accelerate a unified government response to the COVID-19 pandemic, and provide flexibility in countering Chinese, Russian, and Iranian influence activities in priority countries.

**Budget Implications:** The resources impacted by this modification are reflected in the table below and are included within the Fiscal Year (FY) 2022 President’s Budget request. The funding for this program (\$18 million per year) will utilize a new account in Defense Security Cooperation Agency base funding to address emergent operational stabilization support requirements; to establish program management; and to ensure widespread implementation across the Department.

RESOURCE REQUIREMENTS (\$MILLIONS)									
	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Appropriation From	Budget Activity	Dash-1 Line Item	Program Element
Funds available - base	\$18	\$18	\$18	\$18	\$18	International Security Cooperation Account - DSCA	04	4GTD	NA
<b>Total</b>	\$18	\$18	\$18	\$18	\$18	--	--	--	--

**Changes to Existing Law:** This proposal would make the following changes to section 1210A of the National Defense Authorization Act for Fiscal Year 2020:

SEC. 1210A. DEPARTMENT OF DEFENSE SUPPORT FOR STABILIZATION ACTIVITIES IN NATIONAL SECURITY INTEREST OF THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State and in consultation with the Administrator of the United States Agency for International Development, provide support for the stabilization activities of other Federal agencies specified in subsection (c)(1).

(b) DESIGNATION OF FOREIGN AREAS.—

(1) IN GENERAL.—Amounts authorized to be provided pursuant to this section shall be available only for support for stabilization activities—

(A) in a country specified in paragraph (2); and

(B) that the Secretary of Defense, with the concurrence of the Secretary of State, has determined are in the national security interest of the United States.

(2) SPECIFIED COUNTRIES.—The countries specified in this paragraph are as follows:

- (A) Iraq.
- (B) Syria.
- (C) Afghanistan.
- (D) Somalia.

(c) SUPPORT TO OTHER AGENCIES.—

(1) IN GENERAL.—Support may be provided for stabilization activities under subsection (a) to the Department of State, the United States Agency for International Development, or other Federal agencies, on a reimbursable or nonreimbursable basis. The authority to provide such support under this paragraph on a reimbursable basis is in addition to other authorities to provide support on such basis.

(2) TYPE OF SUPPORT.—Support under subsection (a) may consist of logistic support, supplies, and services.

(d) REQUIREMENT FOR A STABILIZATION STRATEGY.—

(1) LIMITATION.—With respect to any country specified in subsection (b)(2), no amount of support may be provided under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress a detailed report setting forth a stabilization strategy for such country.

(2) ELEMENTS OF STRATEGY.—The stabilization strategy required by paragraph (1) shall set forth the following:

(A) The United States interests in conducting stabilization activities in the country specified in subsection (b)(2).

(B) The key foreign partners and actors in such country.

(C) The desired end states and objectives of the United States stabilization activities in such country.

(D) The Department of Defense support intended to be provided for the stabilization activities of other Federal agencies under subsection (a).

(E) Any mechanism for civil-military coordination regarding support for stabilization activities.

(F) The mechanisms for monitoring and evaluating the effectiveness of Department of Defense support for United States stabilization activities in the area.

(e) IMPLEMENTATION IN ACCORDANCE WITH GUIDANCE.—Support provided under subsection (a) shall be implemented in accordance with the guidance of the Department of Defense entitled “DoD Directive 3000.05 Stabilization”, dated December 13, 2018 (or successor guidance).

(f) REPORT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress on an annual basis a report that includes the following:

(1) The identification of each foreign area within countries specified in subsection (b)(2) for which support to stabilization has occurred.

(2) The total amount spent by the Department of Defense, broken out by recipient Federal agency and activity.

(3) An assessment of the contribution of each activity toward greater stability.

(4) An articulation of any plans for continued Department of Defense support to stabilization in the specified foreign area in order to maintain or improve stability.

(5) Other matters as the Secretary of Defense considers to be appropriate.

(g) USE OF FUNDS.—

(1) SOURCE OF FUNDS.—Amounts for activities carried out under this section in a fiscal year shall be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for Operation and Maintenance, Defense-wide.

(2) LIMITATION.—Not more than \$18,000,000 in each fiscal year is authorized to be used to provide nonreimbursable support under this section.

(h) EXPIRATION.—The authority provided under this section may not be exercised after ~~December 31, 2021~~ December 31, 2022.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES.—The term “logistic support, supplies, and services” has the meaning given the term in section 2350(1) of title 10, United States Code.

1 **SEC. \_\_\_\_ . PAYMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR**  
2 **CERTAIN COSTS IN CONNECTION WITH THE FORMER ROCKY**  
3 **MOUNTAIN ARSENAL, COLORADO.**

4 (a) AUTHORITY FOR PAYMENT.—

5 (1) TRANSFER AMOUNT.—(A) Using funds described in subsection (b) and  
6 notwithstanding section 2215 of title 10, United States Code, chapter 160 of such title,  
7 section 1367 of the National Defense Authorization Act for Fiscal Year 1987 (Public  
8 Law 99-661, 100 Stat. 4003), or any other provision of law, the Secretary of Defense may  
9 transfer to the Administrator of the Environmental Protection Agency for use at the  
10 former Rocky Mountain Arsenal—

11 (i) in fiscal year 2022, the amount of \$4,805,000 for costs associated with  
12 the involvement of the Environmental Protection Agency with the cleanup by the  
13 Department of the Army from fiscal years 2015 through 2020, after  
14 documentation is provided in accordance with subparagraph (B); and

15 (ii) in each of fiscal years 2022, 2023, and 2024, to account for costs  
16 incurred by the Environmental Protection Agency in fiscal years 2021, 2022, and  
17 2023, an amount not to exceed \$600,000, after documentation is provided in  
18 accordance with subparagraph (B).

19 (B) Prior to payment of the amount authorized in subparagraph (A), the  
20 Administrator of the Environmental Protection Agency shall furnish to the Secretary of  
21 Defense a specific accounting of costs for which payment is requested.

22 (C) Payment of costs is authorized only for those costs that are not inconsistent  
23 with the National Oil and Hazardous Substances Pollution Contingency Plan that the

1 Environmental Protection Agency incurred or incurs for fiscal years 2015 through 2023  
2 for providing technical assistance in accordance with the 1989 Settlement Agreement on  
3 response actions performed by the Army at the Rocky Mountain Arsenal, Colorado.

4 (2) PURPOSE OF PAYMENT.—The amounts authorized to be transferred under  
5 paragraph (1) are for payment to the Environmental Protection Agency for all costs that  
6 may be owed by the Department of the Army to the Environmental Protection Agency  
7 pursuant to a February 15, 1989, Settlement Agreement, as incorporated into a February  
8 12, 1992, Consent Decree, for providing technical assistance on response actions  
9 performed by the Army at the Rocky Mountain Arsenal, Colorado. The payments are for  
10 use at the former Rocky Mountain Arsenal to allow the Environmental Protection Agency  
11 to proceed with review of cleanup documents that the Agency had suspended.

12 (b) SOURCE OF FUNDS.—The transfer authorized by this section shall be made using  
13 funds authorized to be appropriated for fiscal years 2022, 2023, and 2024 for Operation and  
14 Maintenance, Army for Environmental Restoration.

15 (c) FINALITY OF PAYMENTS.—The transfer authorized by this section constitutes final and  
16 complete payment for all Environmental Protection Agency costs arising from the Settlement  
17 Agreement referred to in subsection (a)(2) for fiscal years 2015 through 2023.

### **Section-by-Section Analysis**

This proposal would authorize the Department of Defense to provide payments to the U.S. Environmental Protection Agency (EPA) for that Agency's costs incurred in relation to the Army's cleanup of the former Rocky Mountain Arsenal (RMA) from October 1, 2014, through September 30, 2023. Under a 1989 Settlement Agreement, as incorporated into a February 12, 1992, Consent Decree, DoD agreed to pay EPA for certain costs incurred by EPA in providing technical assistance to the Army for the Army's environmental cleanup at RMA ("EPA Costs"). This proposal would allow DoD appropriations to be transferred to EPA for these EPA Costs incurred at RMA. This measure would authorize payment of certain prior year costs and would also allow payments to be used by EPA for ongoing work in relation to RMA. This Fiscal Year (FY) 2022 proposal specifically covers past EPA Costs from FY 2015 through FY 2020 and



future EPA Costs incurred in FY 2021 through FY 2023. EPA and the Army will file a joint motion seeking a stay of the administrative penalty proceeding from the Presiding Officer within 30 days of the parties reaching agreement about NDAA language. Congressional approval of this proposal resolves this interagency dispute on costs for the fiscal years specified in the paragraph immediately below, and allows the administrative penalty proceeding between the Environmental Protection Agency and the Department of the Army to be dismissed once EPA receives payment in full for past costs as provided below.

Subsection (a)(1)(A)(i) authorizes \$4.805M to be paid by the Army to the EPA for past costs incurred between FY 2015 through FY 2020. This amount for past costs is based on negotiated amounts of EPA Costs incurred in the stated fiscal years, after documentation is provided by EPA in accordance with subsection (a)(1)(B). Subsection (a)(1)(A)(ii) authorizes up to \$600K per year to be paid by the Army to EPA for costs incurred in FY 2021, and costs to be incurred in fiscal years 2022 through 2023, after documentation is provided by EPA in accordance with subsection (a)(1)(B). Section 1367 of the FY 1987 NDAA is specifically mentioned because it requires funds received from RMA litigation to be paid solely to the Secretary of the Army and used solely for the purpose of correction of environmental contamination.

Subsections (a)(1)(B) and (a)(1)(C) ensure that the EPA Costs paid by the Army are documented by EPA and not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan, and through itemized cost summaries, and are for only those costs incurred by EPA for technical assistance to the Army.

Subsection (a)(2) provides that payment is to reimburse the EPA for technical assistance costs incurred by EPA in accordance with a 1989 Settlement Agreement, as incorporated into a 1992 Consent Decree. The payment resolves an interagency dispute between EPA and the Army and allows EPA to proceed with review of documents that EPA had suspended.

Subsection (b) provides that the source of funds to be used by the DoD are from the Army’s environmental restoration account. Subsection (c) provides that the payment constitutes a final and complete payment for all past EPA Costs through September 30, 2020, as well as future EPA Costs that may be incurred in FY 2021 through FY 2023.

**Budget Implications:** The resources impacted are reflected in the table below and are included within the Fiscal Year (FY) 2022 President’s Budget request.

RESOURCE REQUIREMENTS (\$MILLIONS)									
	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Appropriation From	Budget Activity	BLI/SAG	Program Element
Army	5.405	0.600	0.600	0.000	0.000	Defense Environmental Restoration, Army	01	493	0708008A
Total	5.405	0.600	0.600	0.000	0.000				

**Changes to Existing Law:** This proposal would not change the text of any existing law.