

119TH CONGRESS
2D SESSION

S. _____

To provide for records preservation processes for certain at-risk Afghan allies.

IN THE SENATE OF THE UNITED STATES

_____ *Mr. Tillis and Mr. Coons*
Mr. ROUNDS (for himself and Ms. KLOBUCHAR) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To provide for records preservation processes for certain
at-risk Afghan allies.

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 Ally Records
5 and Credential Heritage of 2026” or “ARCH Act”.

6 **SEC. 2. RECORDS PRESERVATION PROCESSES FOR CER-**
7 **TAIN AT-RISK AFGHAN ALLIES.**

8 (a) DEFINITION OF AFGHAN ALLY.—In this section
9 and only for the purpose of the Department of Defense
10 records preservation processes established by this section,

1 the term “Afghan ally” means an alien who is a citizen
2 or national of Afghanistan, or in the case of an alien hav-
3 ing no nationality, an alien who last habitually resided in
4 Afghanistan, who—

5 (1) was—

6 (A) a member of—

7 (i) the special operations forces of the
8 Afghanistan National Defense and Secu-
9 rity Forces;

10 (ii) the Afghanistan National Army
11 Special Operations Command;

12 (iii) the Afghan Air Force; or

13 (iv) the Special Mission Wing of Af-
14 ghanistan;

15 (B) a female member of any other entity
16 of the Afghanistan National Defense and Secu-
17 rity Forces, including—

18 (i) a cadet or instructor at the Af-
19 ghanistan National Defense University;
20 and

21 (ii) a civilian employee of the Ministry
22 of Defense or the Ministry of Interior Af-
23 fairs;

24 (C) an individual associated with former
25 Afghan military and police human intelligence

1 activities, including operators and Department
2 of Defense sources;

3 (D) an individual associated with former
4 Afghan military counterintelligence, counterter-
5 rorism, or counternarcotics;

6 (E) an individual associated with the
7 former Afghan Ministry of Defense, Ministry of
8 Interior Affairs, or court system, and who was
9 involved in the investigation, prosecution, or de-
10 tention of combatants or members of the
11 Taliban or criminal networks affiliated with the
12 Taliban;

13 (F) an individual employed in the former
14 justice sector in Afghanistan as a judge, pros-
15 ecutor, or investigator who was engaged in rule
16 of law activities for which the United States
17 provided funding or training; or

18 (G) a senior military officer, senior enlisted
19 personnel, or civilian official who served on the
20 staff of the former Ministry of Defense or the
21 former Ministry of Interior Affairs of Afghani-
22 stan; and

23 (2) provided service to an entity or organization
24 described in paragraph (1) for not less than one
25 year during the period beginning on December 22,

1 2001, and ending on September 1, 2021, and did so
2 in support of the United States mission in Afghani-
3 stan.

4 (b) INCLUSIONS.—For purposes of this section, the
5 Afghanistan National Defense and Security Forces in-
6 cludes members of the security forces under the Ministry
7 of Defense and the Ministry of Interior Affairs of the Is-
8 lamic Republic of Afghanistan, including the Afghanistan
9 National Army, the Afghan Air Force, the Afghanistan
10 National Police, and any other entity designated by the
11 Secretary of Defense as part of the Afghanistan National
12 Defense and Security Forces during the relevant period
13 of service of the applicant concerned.

14 (c) AFGHAN ALLIES RECORDS PRESERVATION PRO-
15 GRAM.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Defense shall establish a process by which
19 an individual may apply to the Secretary of Defense
20 for classification as an Afghan ally.

21 (2) APPLICATION SYSTEM.—The process estab-
22 lished under paragraph (1) shall—

23 (A) include the development and mainte-
24 nance of a secure online portal through which
25 applicants may provide information verifying

1 their status as Afghan allies and upload sup-
2 porting documentation; and

3 (B) allow—

4 (i) an applicant to submit his or her
5 own application;

6 (ii) a designee of an applicant to sub-
7 mit an application on behalf of the appli-
8 cant; and

9 (iii) the submission of an application
10 regardless of where the applicant is lo-
11 cated, provided that the applicant is out-
12 side the United States.

13 (3) REVIEW PROCESS.—As soon as practicable
14 after receiving a request for classification described
15 in paragraph (1), the Secretary of Defense shall—

16 (A) review—

17 (i) the service record of the applicant,
18 if available;

19 (ii) if the applicant provides a service
20 record or other supporting documentation,
21 any information within the internal or con-
22 tractor-held records of the Department of
23 Defense that helps verify the service record
24 concerned, including information or an at-
25 testation provided by any current or

1 former official of the Department of De-
2 fense who has personal knowledge of the
3 eligibility of the applicant for such classi-
4 fication; and

5 (iii) available data holdings in the pos-
6 session of the Department of Defense or
7 any contractor of the Department of De-
8 fense, including as applicable biographic
9 and biometric records, iris scans, finger-
10 prints, voice biometric information, hand
11 geometry biometrics, other identifiable in-
12 formation, and any other information re-
13 lated to the applicant, including relevant
14 derogatory information; and

15 (B)(i) in a case in which the Secretary of
16 Defense determines that the applicant is an Af-
17 ghan ally without significant derogatory infor-
18 mation, the Secretary shall preserve a complete
19 record of such application for potential future
20 use by the applicant or a designee of the appli-
21 cant; and

22 (ii) include with such preserved record—

23 (I) any service record concerned, if
24 available;

1 (II) if the applicant provides a service
2 record, any information that helps verify
3 the service record concerned; and

4 (III) any biometrics for the applicant.

5 (4) REVIEW PROCESS FOR DENIAL OF REQUEST
6 FOR RECORDS PRESERVATION.—

7 (A) IN GENERAL.—In the case of an appli-
8 cant with respect to whom the Secretary of De-
9 fense denies a request for classification and
10 records preservation based on a determination
11 that the applicant is not an Afghan ally or
12 based on derogatory information—

13 (i) the Secretary shall provide the ap-
14 plicant with a written notice of the denial
15 that provides, to the maximum extent
16 practicable, a description of the basis for
17 the denial, including the facts and infer-
18 ences, or evidentiary gaps, underlying the
19 individual determination; and

20 (ii) the applicant shall be provided an
21 opportunity to submit not more than one
22 written appeal to the Secretary for each
23 such denial.

1 (B) DEADLINE FOR APPEAL.—An appeal
2 under clause (ii) of subparagraph (A) shall be
3 submitted—

4 (i) not more than 120 days after the
5 date on which the applicant concerned re-
6 ceives notice under clause (i) of that sub-
7 paragraph; or

8 (ii) on any date thereafter, at the dis-
9 cretion of the Secretary of Defense.

10 (C) REQUEST TO REOPEN.—

11 (i) IN GENERAL.—An applicant who
12 receives a denial under subparagraph (A)
13 may submit a request to reopen a request
14 for classification and records preservation
15 under the process established under para-
16 graph (1) so that the applicant may pro-
17 vide additional information, clarify existing
18 information, or explain any unfavorable in-
19 formation.

20 (ii) LIMITATION.—After considering
21 one such request to reopen from an appli-
22 cant, the Secretary of Defense may deny
23 subsequent requests to reopen submitted
24 by the same applicant.

1 (5) TERMINATION.—The application process
2 under this subsection shall terminate on the date
3 that—

4 (A) is not earlier than ten years after the
5 date of the enactment of this Act; and

6 (B) on which the Secretary of Defense
7 makes a determination that such termination is
8 in the national interest of the United States.

9 (6) GENERAL PROVISIONS.—

10 (A) PROHIBITION ON FEES.—The Sec-
11 retary of Defense may not charge any fee in
12 connection with a request for a classification or
13 records preservation under this section.

14 (B) DEFENSE PERSONNEL.—Any limita-
15 tion in law with respect to the number of per-
16 sonnel within the Office of the Secretary of De-
17 fense, the military departments, or a Defense
18 Agency (as defined in section 101(a) of title 10,
19 United States Code) shall not apply to per-
20 sonnel employed for the primary purpose of car-
21 rying out this section.

22 (C) REPRESENTATION.—An alien applying
23 for records preservation under this section may
24 be represented during the application process,
25 including at relevant interviews and examina-

1 tions, by an attorney or other accredited rep-
2 resentative. Such representation shall not be at
3 the expense of the United States Government.