



Fact Sheet on Exchange Visitor Program Provision In Fiscal Year 2021 Appropriations Bill

The Alliance for International Exchange thanks Congress for protecting the U.S. Department of State's Exchange Visitor Programs in the Fiscal Year (FY) 2021 appropriations bill signed into law. The bill includes a provision reflecting strong support for exchange programs that are vital to U.S. national security and economy. Below is the enacted provision from the FY2021 appropriations bill and an excerpt from the joint explanatory statement relating to the provision.

SPECIAL PROVISIONS

SEC. 7034. (e) DIRECTIVES AND AUTHORITIES.—

(6) EXCHANGE VISITOR PROGRAM.— None of the funds made available by this Act may be used to modify the Exchange Visitor Program administered by the Department of State to implement the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256; 22 U.S.C. 2451 et seq.), except through the formal rulemaking process pursuant to the Administrative Procedure Act (5 U.S.C. 551 et seq.) and notwithstanding the exceptions to such rulemaking process in such Act: Provided, That funds made available for such purpose shall only be made available after consultation with, and subject to the regular notification procedures of, the Committees on Appropriations, regarding how any proposed modification would affect the public diplomacy goals of, and the estimated economic impact on, the United States: Provided further, That such consultation shall take place not later than 30 days prior to the publication in the Federal Register of any regulatory action modifying the Exchange Visitor Program.

DIVISION K-DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2021

Exchange Visitor Program Clarification.- For purposes of subsection (e)(6), the term "modify" means any executive action that changes the number, origin, or eligibility of program participants during any 60 day period, or that otherwise changes the manner in which the program is implemented, including the suspension of visas.

The provision, included in FY2018, FY2019, FY2020, and FY2021 enacted bills, contains specific requirements that Exchange Visitor Programs must remain the same as currently enacted in the Mutual Educational and Cultural Exchange Act of 1961, unless the U.S. Department of State goes through a transparent, formal rulemaking process and actively consults with Congress.

Such a regulatory process would allow stakeholders to comment on proposed changes and its impact on our national security and regional economies, and require the U.S. Department of State to address concerns raised. Further, the FY2020 bill requires the U.S. Department of State to consult with Congress before implementing any changes to the Exchange Visitor Program, and to justify to Congress how such changes would “affect the public diplomacy goals of, and the estimated economic impact on, the United States.”