

**AMENDMENT TO HOMELAND SECURITY**  
**APPROPRIATIONS BILL**  
**OFFERED BY MS. MENG OF NEW YORK**

At the end of section 535, insert the following:

1       (XX) \$1,000,000 from the unobligated balances  
2 available in the “Management Directorate—Office of Bio-  
3 metric Identity Management” account (70 X 0521).

Page 64 after line 11, add the following new section:

4       SEC. \_\_\_\_\_. (a) Notwithstanding any other provision  
5 of law, beginning in fiscal year 2022, the worldwide level  
6 of family-sponsored immigrants under subsection (c) of  
7 section 201 of the Immigration and Nationality Act (8  
8 U.S.C. 1151) and the worldwide level of employment-  
9 based immigrants under subsection (d) of such section  
10 shall each be increased by the number computed under  
11 subsection (b) of this section with respect to each of such  
12 worldwide levels.

13       (b) For each of the worldwide levels described in sub-  
14 section (a) of this section, the number computed under  
15 this subsection is the difference (if any) between the sum  
16 of the worldwide levels established under the applicable  
17 subsection of section 201 of the Immigration and Nation-

1 ality Act (8 U.S.C. 1151) for fiscal years 2020 and 2021  
2 and the number of visas that were issued and used as the  
3 basis for an application for admission into the United  
4 States as an immigrant described in the applicable sub-  
5 section during such fiscal years.

6 (c) The Secretary of State, in consultation with the  
7 Secretary of Homeland Security, shall allocate the visas  
8 made available as a result of the computation under sub-  
9 section (b) on a proportional basis consistent with sub-  
10 sections (a) and (b) of section 203 of the Immigration and  
11 Nationality Act (8 U.S.C. 1153(a) and (b)), and in accord-  
12 ance with subsection (e)(1) of such section (8 U.S.C.  
13 1153(e)(1)).

14 (d) Each visa made available as a result of the com-  
15 putation made under subsection (b) of this section shall  
16 remain available for use in fiscal year 2022 or any subse-  
17 quent fiscal year, until the Secretary of State, in consulta-  
18 tion with the Secretary of Homeland Security, determines  
19 that such visa has been issued and used as the basis for  
20 an application for admission into the United States.

21 (e) For fiscal year 2021 and 2022, the number com-  
22 puted under subsection (c)(3)(C) of section 201 of the Im-  
23 migration and Nationality Act (8 U.S.C. 1151), and the  
24 number computed under subsection (d)(2)(C) of such sec-  
25 tion, are deemed to equal zero.

1 (f) Notwithstanding section 204(a)(1)(I)(ii)(II) of the  
2 Immigration and Nationality Act (8 U.S.C.  
3 1154(a)(1)(I)(ii)(II)), and subject to subsection (i) of this  
4 section, an immigrant visa for those selected in accordance  
5 with section 203(e)(2) of the Immigration and Nationality  
6 Act (8 U.S.C. 1153(e)(2)) in fiscal year 2020 or 2021  
7 shall remain available to such alien if, because of restric-  
8 tions or limitations on visa processing, visa issuance, trav-  
9 el, or other effects associated with the COVID–19 public  
10 health emergency—

11 (1) the alien was unable to receive a visa inter-  
12 view despite submitting an Online Immigrant Visa  
13 and Alien Registration Application (Form DS–260)  
14 to the Secretary of State; or

15 (2) the alien was unable to seek admission or  
16 was denied admission to the United States despite  
17 being approved for a visa under section 203(e) of  
18 the Immigration and Nationality Act (8 U.S.C.  
19 1153(e)).

20 (g) Not later than 90 days after the date of the enact-  
21 ment of this section, the Secretary of State shall—

22 (1) provide written notice consistent with sub-  
23 section (h) to each alien described in subsection (f)  
24 (and such alien’s representative, if applicable) of  
25 their continuing eligibility to apply for a visa under

1 section 203(c) of the Immigration and Nationality  
2 Act (8 U.S.C. 1153(e)); and

3 (2) publish on the Department of State website,  
4 information and procedures implementing this sec-  
5 tion.

6 (h) The notice described in subsection (g)(1) shall in-  
7 clude procedures for the alien to inform the Secretary of  
8 State of the alien's intent to proceed with or abandon the  
9 application, and shall include an advisal that such applica-  
10 tion shall be deemed abandoned if the alien fails to notify  
11 the Secretary of the alien's intent to proceed within one  
12 year after the date on which the notice was issued.

13 (i) An alien described in subsection (f) shall remain  
14 eligible to receive a visa described in such subsection until  
15 the earliest of the date that—

16 (1) the alien—

17 (A) notifies the Secretary of State of the  
18 alien's intent to abandon the application; or

19 (B) fails to respond to the notice described  
20 in subsection (g)(1); or

21 (2) the Secretary of State makes a final deter-  
22 mination of the alien's ineligibility for such visa  
23 under section 203(c)(2), 204(a)(1)(I)(iii), or 212(a)  
24 of the Immigration and Nationality Act (8 U.S. C.  
25 1153(e)(2), 1154(a)(1)(I)(iii), or 1182(a)).

1           (j) A determination of whether an alien is the child  
2 of a visa recipient described in subsection (f), pursuant  
3 section 203(d) of the Immigration and Nationality Act (8  
4 U.S.C. 1153(d)) shall be made using the age of the child  
5 when the applicant was initially selected for a visa in ac-  
6 cordance with section 203(e)(2) of such Act.

