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

At the end of section 535, insert the following:

(XX) $1,000,000 from the unobligated balances available in the “Management Directorate—Office of Biometric Identity Management” account (70 X 0521).

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

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

(b) For each of the worldwide levels described in subsection (a) of this section, the number computed under this subsection is the difference (if any) between the sum of the worldwide levels established under the applicable subsection of section 201 of the Immigration and Nation-
aliticy Act (8 U.S.C. 1151) for fiscal years 2020 and 2021 and the number of visas that were issued and used as the basis for an application for admission into the United States as an immigrant described in the applicable subsection during such fiscal years.

(c) The Secretary of State, in consultation with the Secretary of Homeland Security, shall allocate the visas made available as a result of the computation under subsection (b) on a proportional basis consistent with subsections (a) and (b) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(a) and (b)), and in accordance with subsection (e)(1) of such section (8 U.S.C. 1153(e)(1)).

(d) Each visa made available as a result of the computation made under subsection (b) of this section shall remain available for use in fiscal year 2022 or any subsequent fiscal year, until the Secretary of State, in consultation with the Secretary of Homeland Security, determines that such visa has been issued and used as the basis for an application for admission into the United States.

(e) For fiscal year 2021 and 2022, the number computed under subsection (c)(3)(C) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), and the number computed under subsection (d)(2)(C) of such section, are deemed to equal zero.
(f) Notwithstanding section 204(a)(1)(I)(ii)(II) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)), and subject to subsection (i) of this section, an immigrant visa for those selected in accordance with section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)) in fiscal year 2020 or 2021 shall remain available to such alien if, because of restrictions or limitations on visa processing, visa issuance, travel, or other effects associated with the COVID–19 public health emergency—

(1) the alien was unable to receive a visa interview despite submitting an Online Immigrant Visa and Alien Registration Application (Form DS–260) to the Secretary of State; or

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

(g) Not later than 90 days after the date of the enactment of this section, the Secretary of State shall—

(1) provide written notice consistent with subsection (h) to each alien described in subsection (f) (and such alien’s representative, if applicable) of their continuing eligibility to apply for a visa under
section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)); and

(2) publish on the Department of State website, information and procedures implementing this section.

(h) The notice described in subsection (g)(1) shall include procedures for the alien to inform the Secretary of State of the alien’s intent to proceed with or abandon the application, and shall include an advisal that such application shall be deemed abandoned if the alien fails to notify the Secretary of the alien’s intent to proceed within one year after the date on which the notice was issued.

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

(1) the alien—

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

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

(2) the Secretary of State makes a final determination of the alien’s ineligibility for such visa under section 203(e)(2), 204(a)(1)(I)(iii), or 212(a) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2), 1154(a)(1)(I)(iii), or 1182(a)).
(j) A determination of whether an alien is the child of a visa recipient described in subsection (f), pursuant to section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)) shall be made using the age of the child when the applicant was initially selected for a visa in accordance with section 203(e)(2) of such Act.