

*Rep. Grace Meng, Amendment #1
Rep. mark POCAN
Rep. Adriano Espaillat
Rep. Norma Torres
Homeland - FY23*

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

Page 82, line 18, increase the dollar amount by
\$5,000,000.

At the end of the bill (before the short title) insert
the following:

1 SEC. _____. (a)(1) Notwithstanding any other provi-
2 sion of law, beginning in fiscal year 2023, the number of
3 family-sponsored immigrant visas that may be issued
4 under section 203(a) of the Immigration and Nationality
5 Act (8 U.S.C. 1153(a)) shall be increased by the number
6 computed under paragraph (2). Section 202(a)(2) of the
7 Immigration and Nationality Act (8 U.S.C. 1152(a)(2))
8 shall not apply to the additional family-sponsored immi-
9 grant visas made available under this paragraph.

10 (2) The number computed under this paragraph
11 is the difference, if any, between—

12 (A) the difference, if any, between—

13 (i) the number of visas that were
14 originally made available to family-spon-
15 sored immigrants under section 201(e)(1)

1 of the Immigration and Nationality Act (8
2 U.S.C. 1151(e)(1)) for fiscal years 1992
3 through 2021, reduced by any unused
4 visas made available to such immigrants in
5 such fiscal years under section 201(c)(3) of
6 such Act (8 U.S.C. 1151(e)(3)); and

7 (ii) the number of visas described in
8 clause (i) that were issued under section
9 203(a) of the Immigration and Nationality
10 Act (8 U.S.C. 1153(a)), or, in accordance
11 with section 201(d)(2)(C) of such Act (8
12 U.S.C. 1151(d)(2)(C)), under section
13 203(b) of such Act (8 U.S.C. 1153(b));
14 and

15 (B) the number of visas resulting from the
16 calculation under subparagraph (A) issued
17 under section 203(a) of the Immigration and
18 Nationality Act (8 U.S.C. 1153(a)) after fiscal
19 year 2022.

20 (3) The number of family-sponsored immigrant
21 visas computed under paragraph (2) that may be
22 issued under section 203(a) of the Immigration and
23 Nationality Act (8 U.S.C. 1153(a)) shall be allotted
24 between the family-sponsored categories at the start
25 of every fiscal year as follows:

1 (A) 10.4 percent to family-sponsored immi-
2 grants under section 203(a)(1) of the Immigra-
3 tion and Nationality Act (8 U.S.C. 1153(a)(1)),
4 plus any visa available under this paragraph
5 not required for subparagraph (E);

6 (B) 38.9 percent to family-sponsored immi-
7 grants under section 203(a)(2)(A) of the Immi-
8 gration and Nationality Act (8 U.S.C.
9 1153(a)(2)(A)), plus any visa available under
10 this paragraph not required for subparagraph
11 (A);

12 (C) 11.6 percent to family-sponsored immi-
13 grants under section 203(a)(2)(B) of the Immi-
14 gration and Nationality Act (8 U.S.C.
15 1153(a)(2)(B)), plus any visa available under
16 this paragraph not required for subparagraphs
17 (A) and (B);

18 (D) 10.4 percent to family-sponsored im-
19 migrants under section 203(a)(3) of the Immi-
20 gration and Nationality Act (8 U.S.C.
21 1153(a)(3)), plus any visa available under this
22 paragraph not required for subparagraphs (A)
23 through (C); and

24 (E) 28.7 percent to family-sponsored immi-
25 grants under section 203(a)(4) of the Innmigra-

1 tion and Nationality Act (8 U.S.C. 1153(a)(4)),
2 plus any visa available under this paragraph
3 not required for subparagraphs (A) through
4 (D).

5 (b)(1) Notwithstanding any other provision of law,
6 beginning in fiscal year 2023, the number of employment-
7 based immigrant visas that may be issued under section
8 203(b) of the Immigration and Nationality Act (8 U.S.C.
9 1153(b)) shall be increased by the number computed
10 under paragraph (2). Section 202(a)(2) of the Immigra-
11 tion and Nationality Act (8 U.S.C. 1152(a)(2)) shall not
12 apply to the additional employment-based immigrant visas
13 made available under this paragraph.

14 (2) The number computed under this paragraph
15 is the difference, if any, between—

16 (A) the difference, if any, between—

17 (i) the number of visas that were
18 originally made available to employment-
19 based immigrants under section 201(d)(1)
20 of the Immigration and Nationality Act (8
21 U.S.C. 1151(d)(1)) for fiscal years 1992
22 through 2022, reduced by any unused
23 visas made available to such immigrants in
24 such fiscal years under section 201(d)(2)

1 of the Immigration and Nationality Act (8
2 U.S.C. 1151(d)(2)); and

3 (ii) the number of visas described in
4 clause (i) that were issued under section
5 203(b) of the Immigration and Nationality
6 Act (8 U.S.C. 1153(b)), or, in accordance
7 with section 201(c)(3)(C) of the Immigra-
8 tion and Nationality Act (8 U.S.C.
9 1151(c)(3)(C)), under section 203(a) of
10 the Immigration and Nationality Act (8
11 U.S.C. 1153(a)); and

12 (B) the number of visas resulting from the
13 calculation under subparagraph (A) issued
14 under section 203(b) of the Immigration and
15 Nationality Act (8 U.S.C. 1153(b)) after fiscal
16 year 2022.

17 (3) The number of employment-based immi-
18 grant visas computed under paragraph (2) that may
19 be issued under section 203(b) of the Immigration
20 and Nationality Act (8 U.S.C. 1153(b)) shall be al-
21 lotted between the employment-based categories at
22 the start of every fiscal year as follows:

23 (A) 28.6 percent to employment-based im-
24 migrants under section 203(b)(1) of the Immi-
25 gration and Nationality Act (8 U.S.C.

1 1153(b)(1)), plus any visa available under this
2 paragraph not required for subparagraph (F);

3 (B) 28.6 percent to employment-based im-
4 migrants under section 203(b)(2) of the Immi-
5 gration and Nationality Act (8 U.S.C.
6 1153(b)(2)), plus any visa available under this
7 paragraph not required for subparagraph (A);

8 (C) 21.5 percent to employment-based im-
9 migrants under section 203(b)(3)(A)(i) and (ii)
10 of the Immigration and Nationality Act (8
11 U.S.C. 1153(b)(3)(A)(i) and (ii)), plus any visa
12 available under this paragraph not required for
13 subparagraphs (A) and (B);

14 (D) 7.1 percent to employment-based im-
15 migrants under section 203(b)(3)(A)(iii) of the
16 Immigration and Nationality Act (8 U.S.C.
17 1153(b)(3)(A)(iii)), plus any visa available
18 under this paragraph not required for subpara-
19 graphs (A) through (C);

20 (E) 7.1 percent to employment-based im-
21 migrants under section 203(b)(4) of the Immi-
22 gration and Nationality Act (8 U.S.C.
23 1153(b)(4)), plus any visa available under this
24 paragraph not required for subparagraphs (A)
25 through (D); and

1 (F) 7.1 percent to employment-based im-
2 migrants under section 203(b)(5) of the Immi-
3 gration and Nationality Act (8 U.S.C.
4 1153(b)(5)), plus any visa available under this
5 paragraph not required for subparagraphs (A)
6 through (E).

7 (c) Section 201(c) of the Immigration and Nation-
8 ality Act (8 U.S.C. 1151(c)) is amended to read as follows:

9 “(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IM-
10 MIGRANTS.—The worldwide level of family-sponsored im-
11 migrants under this subsection for a fiscal year is equal
12 to—

13 “(1) 226,000, plus

14 “(2) the difference (if any) between the max-
15 imum number of visas which may be issued under
16 section 203(a) (relating to family-sponsored immi-
17 grants) during the previous fiscal year and the num-
18 ber of aliens who were issued immigrant visas or
19 who otherwise acquired the status of aliens lawfully
20 admitted to the United States for permanent resi-
21 dence under that section during that year.”.

22 (d) Section 201(d) of the Immigration and Nation-
23 ality Act (8 U.S.C. 1151(d)) is amended to read as fol-
24 lows:

1 “(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED
2 IMMIGRANTS.—The worldwide level of employment-based
3 immigrants under this subsection for a fiscal year is equal
4 to—

5 “(1) 140,000, plus

6 “(2) the difference (if any) between the max-
7 imum number of visas which may be issued under
8 section 203(b) (relating to employment-based immi-
9 grants) during the previous fiscal year and the num-
10 ber of aliens who were issued immigrant visas or
11 who otherwise acquired the status of aliens lawfully
12 admitted to the United States for permanent resi-
13 dence under that section during that year.”.

14 SEC. _____. (a) Notwithstanding section
15 204(a)(1)(I)(ii)(II) of the Immigration and Nationality
16 Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)), and subject to sub-
17 section (d) of this section, an immigrant visa for those
18 selected in accordance with section 203(e)(2) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1153(e)(2)) in any
20 of fiscal years 2017, 2018, 2019, 2020, or 2021 shall re-
21 main available to such alien if the alien was refused a visa,
22 prevented from seeking admission, or denied admission to
23 the United States solely because of—

24 (1) Executive Order 13769 (82 Fed. Reg.
25 8977; relating to “Protecting the Nation from

1 Foreign Terrorist Entry into The United
2 States”);

3 (2) Executive Order 13780 (82 Fed. Reg.
4 13209; relating “Protecting the Nation from
5 Foreign Terrorist Entry into the United
6 States”);

7 (3) Proclamation 9645 (82 Fed. Reg.
8 45161; relating to “Enhancing Vetting Capa-
9 bilities and Processes for Detecting Attempted
10 Entry into the United States by Terrorists or
11 Other Public-Safety Threats”); or

12 (4) Proclamation 9983 (85 Fed. Reg.
13 6699; relating to “Improving Enhanced Vetting
14 Capabilities and Processes for Detecting At-
15 tempted Entry into the United States by Ter-
16 rorists or Other Public-Safety Threats”).

17 (b) Not later than 90 days after the date of the enact-
18 ment of this section, the Secretary of State shall—

19 (1) provide written notice, consistent with subsection
20 (c), to each alien described in subsection (a) (and such
21 alien’s representative, if applicable) of the alien’s con-
22 tinuing eligibility to apply for a visa under section 203(c)
23 of the Immigration and Nationality Act (8 U.S.C.
24 1153(e)); and

1 (2) publish on the Department of State website, in-
2 formation and procedures implementing this section.

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

10 (d) An alien described in subsection (a) shall remain
11 eligible to receive a visa described in such subsection until
12 the earliest of the date that—

13 (1) the alien—

14 (A) notifies the Secretary of the alien's intent
15 to abandon the application; or

16 (B) fails to respond to the notice described in
17 subsection (b)(1); or

18 (2) the Secretary of State makes a final determina-
19 tion of the alien's ineligibility for such visa under section
20 203(c)(2), 204(a)(1)(I)(iii), or 212(a) of the Immigration
21 and Nationality Act (8 U.S.C. 1153(c)(2),
22 1154(a)(1)(I)(iii), or 1182(a)).

23 (e) A determination of whether an alien is the child
24 of a visa recipient described in subsection (a), pursuant
25 to section 203(d) of the Immigration and Nationality Act

1 (8 U.S.C. 1153(d)) shall be made using the age of the
2 child when applicant was initially selected for a visa in
3 accordance with section 203(e)(2) of such Act.

