

117TH CONGRESS
2D SESSION

H. R. 9646

To preserve expiring employment-based visas, and make them available for issuance during fiscal year 2023.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 2022

Mr. BUCSHON (for himself and Mr. KRISHNAMOORTHY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To preserve expiring employment-based visas, and make them available for issuance during fiscal year 2023.

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 “Eliminating Backlogs
5 Act of 2022”.

6 **SEC. 2. PRESERVATION OF EXPIRING EMPLOYMENT-BASED**
7 **VISAS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, for fiscal year 2023, the worldwide level of
10 employment-based immigrants authorized under section

1 201(d) of the Immigration and Nationality Act (8 U.S.C.
2 1151(d)) shall be increased by the number computed
3 under subsection (b) with respect to such worldwide levels.

4 (b) COMPUTATION.—The number computed under
5 this subsection is the difference (if any) between—

6 (1) the number of visas that were originally
7 made available to family sponsored immigrants
8 under section 201(c)(1) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1151(c)(1)) for fiscal years
10 1992 through 2021, reduced by any unused visas
11 made available to such immigrants in such fiscal
12 years under section 201(c)(3) of such Act (8 U.S.C.
13 1151(c)(3)); and

14 (2) the sum of the number of aliens who were
15 issued employment-based immigrant visas or who
16 otherwise acquired the status of aliens lawfully ad-
17 mitted to the United States for permanent residence
18 under section 203(b) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1153(b)) during the fiscal
20 years referred to in paragraph (1).

21 (c) ALLOCATION.—The Secretary of State, in con-
22 sultation with the Secretary of Homeland Security, shall
23 allocate the visas made available as a result of the increase
24 authorized under subsection (a) on a proportional basis,
25 in accordance with subsections (b) and (e)(1) of section

1 203 of the Immigration and Nationality Act (8 U.S.C.
2 1153), and with subsection (e) of this section.

3 (d) AVAILABILITY.—Each visa made available under
4 this section shall remain available for use in fiscal year
5 2023 or in any subsequent fiscal year, until the Secretary
6 of State, in consultation with the Secretary of Homeland
7 Security, determines that such visa has been issued and
8 used as the basis for an application for admission into the
9 United States.

10 (e) INAPPLICABILITY OF PER-COUNTRY LIMITA-
11 TION.—Each visa made available under this section shall
12 be awarded in the order in which employment-based visa
13 applications were filed and shall not be subject to the nu-
14 merical limitations under section 202 of the Immigration
15 and Nationality Act to particular foreign states.

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