

117TH CONGRESS
1ST SESSION

S. 2828

To authorize U.S. Citizenship and Immigration Services to process employment-based immigrant visa applications after September 30, 2021, and to award such visas to eligible applicants from the pool of unused employment-based immigrant visas during fiscal years 2020 and 2021.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2021

Mr. TILLIS (for himself, Ms. COLLINS, and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To authorize U.S. Citizenship and Immigration Services to process employment-based immigrant visa applications after September 30, 2021, and to award such visas to eligible applicants from the pool of unused employment-based immigrant visas during fiscal years 2020 and 2021.

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 “Preserving Employ-
5 ment Visas Act”.

1 **SEC. 2. PRESERVATION OF EXPIRING EMPLOYMENT-BASED**
2 **VISAS.**

3 (a) **IN GENERAL.**—Notwithstanding any other provi-
4 sion of law, for fiscal year 2022, the worldwide level of
5 employment-based immigrants authorized under section
6 201(d) of the Immigration and Nationality Act (8 U.S.C.
7 1151(d)) shall be increased by the number computed
8 under subsection (b) with respect to such worldwide levels.

9 (b) **COMPUTATION.**—The number computed under
10 this subsection is the difference (if any) between—

11 (1) the sum of the worldwide levels authorized
12 under the section 201(d) of the Immigration and
13 Nationality Act (8 U.S.C. 1151(d)) for fiscal years
14 2020 and 2021; and

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

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

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

3 (d) AVAILABILITY.—Each visa made available under
4 this section shall remain available for use in fiscal year
5 2022 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.

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