

AMENDMENT TO H.R. 2
OFFERED BY MR. BUCSHON OF INDIANA

Add at the end the following (and conform the table
of contents accordingly):

1 **DIVISION C—ELIMINATING**
2 **BACKLOGS**

3 **SECTION 101. SHORT TITLE.**

4 This Act may be cited as the “Eliminating Backlogs
5 Act of 2023”.

6 **SEC. 102. PRESERVATION OF EXPIRING EMPLOYMENT-**
7 **BASED VISAS.**

8 (a) **IN GENERAL.**—Notwithstanding any other provi-
9 sion of law, for fiscal year 2024, the worldwide level of
10 employment-based immigrants authorized under section
11 201(d) of the Immigration and Nationality Act (8 U.S.C.
12 1151(d)) shall be increased by the number computed
13 under subsection (b) with respect to such worldwide levels.

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

16 (1) the number of visas that were originally
17 made available to family sponsored immigrants
18 under section 201(c)(1) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1151(c)(1)) for fiscal years

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

5 (2) the sum of the number of aliens who were
6 issued employment-based immigrant visas or who
7 otherwise acquired the status of aliens lawfully ad-
8 mitted to the United States for permanent residence
9 under section 203(b) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1153(b)) during the fiscal
11 years referred to in paragraph (1).

12 (c) ALLOCATION.—The Secretary of State, in con-
13 sultation with the Secretary of Homeland Security, shall
14 allocate the visas made available as a result of the increase
15 authorized under subsection (a) on a proportional basis,
16 in accordance with subsections (b) and (e)(1) of section
17 203 of the Immigration and Nationality Act (8 U.S.C.
18 1153), and with subsection (e) of this section.

19 (d) AVAILABILITY.—Each visa made available under
20 this section shall remain available for use in fiscal year
21 2024 or in any subsequent fiscal year, until the Secretary
22 of State, in consultation with the Secretary of Homeland
23 Security, determines that such visa has been issued and
24 used as the basis for an application for admission into the
25 United States.

1 (e) INAPPLICABILITY OF PER-COUNTRY LIMITA-
2 TION.—Each visa made available under this section shall
3 be awarded in the order in which employment-based visa
4 applications were filed and shall not be subject to the nu-
5 merical limitations under section 202 of the Immigration
6 and Nationality Act to particular foreign states.

