

118TH CONGRESS
1ST SESSION

H. R. 6205

To enhance our Nation’s nurse and physician workforce by recapturing unused immigrant visas.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2023

Mr. SCHNEIDER (for himself, Ms. CARAVEO, Mr. BACON, Mr. COLE, Ms. SALAZAR, Ms. WILD, Mr. VARGAS, Mr. FOSTER, Ms. PINGREE, Mr. CLEAVER, Mr. QUIGLEY, Mr. TRONE, Mr. PANETTA, Ms. GARCIA of Texas, Ms. CASTOR of Florida, Mr. KILDEE, Mr. PETERS, Mr. RUPPERSBERGER, Mr. EVANS, Mr. GOLDMAN of New York, Ms. SPANBERGER, Ms. BROWNLEY, Mr. CASTEN, Mr. COHEN, Mr. SOTO, Ms. WILLIAMS of Georgia, Ms. BLUNT ROCHESTER, and Ms. ROSS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To enhance our Nation’s nurse and physician workforce by recapturing unused immigrant visas.

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 “Healthcare Workforce
5 Resilience Act”.

1 **SEC. 2. RECAPTURING UNUSED IMMIGRANT VISAS FOR**
2 **PROFESSIONAL NURSES AND PHYSICIANS.**

3 Section 106(d) of the American Competitiveness in
4 the Twenty-first Century Act of 2000 (title I of Public
5 Law 106–313; 8 U.S.C. 1153 note) is amended to read
6 as follows:

7 “(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED
8 IMMIGRANT VISAS.—

9 “(1) IN GENERAL.—Subject to paragraph (2),
10 and notwithstanding any other provision of law, the
11 number of employment-based visas made available
12 under section 203(b) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1153(b)) shall be increased
14 by the number calculated in paragraph (3).

15 “(2) LIMITATIONS.—

16 “(A) IN GENERAL.—Visas may only be
17 made available under this subsection for up to
18 40,000 employment-based immigrants (and
19 their family members accompanying or fol-
20 lowing to join under section 203(d) of such Act
21 (8 U.S.C. 1153(d))) whose immigrant worker
22 petitions were filed no later than three years
23 following the date of enactment of the
24 Healthcare Workforce Resilience Act.

25 “(B) RESERVATIONS.—Of the visas au-
26 thorized under subparagraph (A)—

1 “(i) 25,000 shall be reserved for pro-
2 fessional nurses; and

3 “(ii) 15,000 shall be reserved for phy-
4 sicians.

5 “(C) EXEMPTION FROM COUNTRY CAPS.—
6 Visas made available under this subsection—

7 “(i) shall not be subject to the per
8 country numerical limitation set forth in
9 section 202(a)(2) of the Immigration and
10 Nationality Act (8 U.S.C. 1152(a)(2)); and

11 “(ii) shall be issued in order of the
12 priority date assigned at the time the visa
13 petition was filed.

14 “(D) ADDITIONAL LIMITATION.—Visas
15 may only be made available under this sub-
16 section to a beneficiary and such beneficiary’s
17 dependents if visas are not otherwise imme-
18 diately available to such individuals pursuant to
19 the worldwide and per country allocations set
20 forth in sections 202(a)(2) and 203(b) of the
21 Immigration and Nationality Act (8 U.S.C.
22 1152(a)(2) and 1153(b)).

23 “(3) NUMBER AVAILABLE.—

1 “(A) UNUSED VISAS.—Subject to subpara-
2 graph (B), the number calculated in this para-
3 graph is the difference between—

4 “(i) the total number of employment-
5 based visas that were made available in fis-
6 cal years 1992 through 2021; and

7 “(ii) the total number of such visas
8 that were used in such fiscal years.

9 “(B) REDUCTION AND LIMITATION.—The
10 number described in subparagraph (A) shall be
11 reduced, for each fiscal year following the fiscal
12 year during which the Healthcare Workforce
13 Resilience Act is enacted, by the cumulative
14 number of immigrant visas used pursuant to
15 paragraph (1).

16 “(C) FAMILY MEMBERS.—

17 “(i) IN GENERAL.—Family members
18 described in section 203(d) of the Immi-
19 gration and Nationality Act (8 U.S.C.
20 1153(d)) who are accompanying or fol-
21 lowing to join a principal beneficiary seek-
22 ing admission under this subsection shall
23 be entitled to an unreserved visa in the
24 same status and in the same order of con-
25 sideration as such principal beneficiary.

1 “(ii) EXEMPT FROM SKILL-BASED NU-
2 MERICAL LIMITATION.—Visas described in
3 clause (i)—

4 “(I) shall be made available from
5 the pool of recaptured unused immi-
6 grant visas calculated under subpara-
7 graph (A); and

8 “(II) shall not be counted against
9 the total number of immigrant visas
10 reserved for professional nurses and
11 physicians under paragraph (2).

12 “(D) RULE OF CONSTRUCTION.—Nothing
13 in this paragraph may be construed as affecting
14 the application of section 201(c)(3)(C) of the
15 Immigration and Nationality Act (8 U.S.C.
16 1151(c)(3)(C)).

17 “(4) PREMIUM PROCESSING; EXPEDITED PROC-
18 ESSING.—

19 “(A) PREMIUM PROCESSING.—The Sec-
20 retary of Homeland Security, in conjunction
21 with the Secretary of State, shall provide pre-
22 mium processing procedures, as provided for
23 under section 286(u) of the Immigration and
24 Nationality Act (8 U.S.C. 1356(u)), for review-
25 ing and acting upon petitions and applications

1 for immigrants described in paragraph (2).
2 Notwithstanding such section, U.S. Citizenship
3 and Immigration Services may not charge a
4 premium fee for such services.

5 “(B) SHIPPING PETITIONS.—The Director
6 of U.S. Citizenship and Immigration Services
7 shall expedite the shipping of each petition de-
8 scribed in subparagraph (A) requiring consular
9 processing to the Department of State imme-
10 diately after—

11 “(i) the completed petition has been
12 resolved; and

13 “(ii) the petitioner has replied to any
14 request from U.S. Citizenship and Immi-
15 gration Services for additional evidence.

16 “(C) EXPEDITED PROCESSING.—The Sec-
17 retary of State shall expedite the processing of
18 applications for immigrants described in para-
19 graph (2) after receiving a petition on behalf of
20 such immigrants from U.S. Citizenship and Im-
21 migration Services.

22 “(5) LABOR ATTESTATION.—Before an immi-
23 grant visa reserved under paragraph (2)(B)(i) is
24 issued to an alien, the petitioner shall attest, in the
25 job offer letter presented by the alien to a consular

1 officer during the consular interview or to the De-
2 partment of Homeland Security as an application
3 for an adjustment of status, that the hiring of the
4 alien has not displaced and will not displace a
5 United States worker.”.

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