To enhance our Nation’s nurse and physician workforce during the COVID–19 crisis by recapturing unused immigrant visas.

IN THE SENATE OF THE UNITED STATES

Mr. PERDUE (for himself, Mr. DURBIN, Mr. YOUNG, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To enhance our Nation’s nurse and physician workforce during the COVID–19 crisis by recapturing unused immigrant visas.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Healthcare Workforce Resilience Act”.

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

Section 106(d) of the American Competitiveness in
the Twenty-first Century Act of 2000 (Public Law 106–
313; 8 U.S.C. 1153 note) is amended to read as follows:
“(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED
IMMIGRANT VISAS.—
“(1) IN GENERAL.—Subject to paragraph (2),
and notwithstanding any other provision of law, the
number of employment-based visas made available
under section 203(b) of the Immigration and Na-
tionality Act (8 U.S.C. 1153(b)) shall be increased
by the number calculated in paragraph (3).
“(2) LIMITATIONS.—
“(A) IN GENERAL.—Visas may only be
made available under this subsection for up to
40,000 employment-based immigrants (and
their family members accompanying or fol-
lowing to join under section 203(d) of such Act
(8 U.S.C. 1153(d))) whose immigrant worker
petitions were filed before the date that is 90
days after the termination of the President’s
declaration of a national emergency under sec-
tions 201 and 301 of the National Emergencies
Act (50 U.S.C. 1601 et seq.) pertaining to the
COVID–19 outbreak in the United States (re-
ferred to in this subsection as the ‘COVID–19
emergency declaration’)).

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

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

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

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

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

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

“(3) NUMBER AVAILABLE.—

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

“(i) the total number of employment-
based visas that were made available in fis-
cal years 1992 through 2020; and
“(ii) the total number of such visas that were used in such fiscal years.

“(B) Reduction and Limitation.—The number described in subparagraph (A) shall be reduced, for each fiscal year following the first fiscal year in which the COVID–19 emergency declaration is in effect, by the cumulative number of immigrant visas used pursuant to paragraph (1).

“(C) Family Members.—

“(i) In General.—Family members described in section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)) who are accompanying or following to join a principal beneficiary seeking admission under this subsection shall be entitled to an unreserved visa in the same status and in the same order of consideration as such principal beneficiary.

“(ii) Exempt from Skill-Based Numerical Limitation.—Visas described in clause (i)—

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

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

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

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

“(A) PREMIUM PROCESSING.—The Sec-
retary of Homeland Security, in conjunction
with the Secretary of State, shall provide pre-
mium processing procedures, as provided for
under section 286(u) of the Immigration and
Nationality Act (8 U.S.C. 1356(u)), for review-
ing and acting upon petitions and applications
for immigrants described in paragraph (2).
Notwithstanding such section, U.S. Citizenship
and Immigration Services may not charge a
premium fee for such services.
“(B) SHIPPING PETITIONS.—The Director of U.S. Citizenship and Immigration Services shall expedite the shipping of each petition described in subparagraph (A) requiring consular processing to the Department of State immediately after—

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

“(ii) the petitioner has replied to any request from U.S. Citizenship and Immigration Services for additional evidence.

“(C) EXPEDITED PROCESSING.—The Secretary of State shall expedite the processing of applications for immigrants described in paragraph (2) after receiving a petition on behalf of such immigrants from U.S. Citizenship and Immigration Services.

“(5) LABOR ATTESTATION.—Before an immigrant visa reserved under paragraph (2)(B)(i) is issued to an alien, the petitioner shall attest, in the job offer letter presented by the alien to a consular officer during the consular interview, that the hiring of the alien has not displaced and will not displace a United States worker.”.