

117TH CONGRESS
1ST SESSION

H. R. 3548

To authorize the issuance of visas and admission of certain aliens, and their derivatives, who were selected to apply for diversity immigrant visas but were unable to be issued such visas or be admitted to the United States as a result of certain Presidential Proclamations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2021

Mr. TORRES of New York (for himself and Ms. CHU) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the issuance of visas and admission of certain aliens, and their derivatives, who were selected to apply for diversity immigrant visas but were unable to be issued such visas or be admitted to the United States as a result of certain Presidential Proclamations, and for other purposes.

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 “Keeping Our Promise
5 Act”.

1 **SEC. 2. ALIENS PREVIOUSLY ALLOCATED DIVERSITY VISAS.**

2 (a) IN GENERAL.—Notwithstanding section
3 204(a)(1)(I)(ii)(II) of the Immigration and Nationality
4 Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)), and subject to sub-
5 section (c) of this section, an immigrant visa made avail-
6 able to an alien under section 203(e)(2) of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1153(e)(2)) in any of
8 fiscal years 2017, 2018, 2019, 2020, or 2021 shall remain
9 available to such alien if—

10 (1) the alien was refused a visa or denied ad-
11 mission to the United States solely because of—

12 (A) Executive Order 13769, “Protecting
13 the Nation from Foreign Terrorist Entry into
14 The United States” (January 27, 2017);

15 (B) Executive Order 13780, “Protecting
16 the Nation from Foreign Terrorist Entry into
17 the United States” (March 6, 2017);

18 (C) Proclamation 9645, “Enhancing Vet-
19 ting Capabilities and Processes for Detecting
20 Attempted Entry into the United States by
21 Terrorists or Other Public-Safety Threats”
22 (September 24, 2017); or

23 (D) Proclamation 9983, “Improving En-
24 hanced Vetting Capabilities and Processes for
25 Detecting Attempted Entry into the United

1 States by Terrorists or Other Public-Safety
2 Threats” (January 31, 2020); or

3 (2) because of the COVID–19 public health
4 emergency—

5 (A) the alien was unable to receive a visa
6 interview despite submitting an Online Immi-
7 grant Visa and Alien Registration Application
8 (Form DS–260) to the Secretary of State; or

9 (B) the alien was unable to be admitted to
10 the United States despite being approved for a
11 visa under section 203(c) of the Immigration
12 and Nationality Act (8 U.S.C. 1153(c)).

13 (b) OBLIGATIONS OF THE SECRETARY.—

14 (1) IN GENERAL.—Not later than 90 days after
15 the date of the enactment of this Act, the Secretary
16 of State shall—

17 (A) notify each alien described in sub-
18 section (a) (and such alien’s representative, if
19 applicable) of their continuing eligibility for a
20 visa under section 203(c) of the Immigration
21 and Nationality Act (8 U.S.C. 1153(c)); and

22 (B) publish on the Department of State
23 website, information and procedures imple-
24 menting this Act.

1 (2) NOTICE.—The notice described in para-
2 graph (1)(A) shall include procedures for the alien
3 to inform the Secretary of State of the alien’s intent
4 to proceed with or abandon the application, and
5 shall include an advisal that such application shall
6 be deemed abandoned if the alien fails to notify the
7 Secretary of the alien’s intent to proceed within one
8 year of the date of the notice.

9 (c) LIMITATION ON VISA ELIGIBILITY.—An alien de-
10 scribed in subsection (a) shall remain eligible to receive
11 such visa until the earliest of the date that the alien—

12 (1) notifies the Secretary of the alien’s intent to
13 abandon the application;

14 (2) fails to respond to the notice described in
15 subsection (b)(2); or

16 (3) is refused a visa by the Secretary of State—

17 (A) for failure to meet the education or
18 work experience requirements under section
19 203(c)(2) of the Immigration and Nationality
20 Act (8 U.S.C. 1153(c)(2)); or

21 (B) on grounds that the alien is inadmis-
22 sible under section 212(a) of the Immigration
23 and Nationality Act (8 U.S.C. 1182(a)).

24 (d) NUMERICAL LIMITATION.—

1 (1) IN GENERAL.—Except as provided in para-
2 graphs (2) and (3), visas issued to aliens under this
3 Act shall be counted against the numerical limitation
4 described in section 201(e) of the Immigration and
5 Nationality Act (8 U.S.C. 1151(e)) for the fiscal
6 year in which such visas were made available to such
7 aliens.

8 (2) UNUSED VISAS.—Visas under section
9 201(e) of the Immigration and Nationality Act (8
10 U.S.C. 1151(e)) that go unused in any of fiscal
11 years 2017, 2018, 2019, 2020, or 2021 may be allo-
12 cated to aliens described in subsection (a) regardless
13 of the fiscal year in which such alien’s visa was
14 made available.

15 (3) OVERAGE.—In the case that the total num-
16 ber of aliens described in subsection (a) who are eli-
17 gible for visas exceeds the total number of visas
18 under section 201(e) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1151(e)) for fiscal years
20 2017, 2018, 2019, 2020, and 2021, such excess
21 number shall not be counted against the numerical
22 limitation described in such section 201(e).

23 (e) AGE OUT PROTECTIONS.—A determination of
24 whether an alien is the child of a visa recipient described
25 in this Act pursuant section 203(d) of the Immigration

1 and Nationality Act (8 U.S.C. 1153(d)) shall be made
2 using the age of the child when applicant was initially se-
3 lected for a visa in accordance with section 203(e)(2) of
4 the Immigration and Nationality Act (8 U.S.C.
5 1153(e)(2)).

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