

118TH CONGRESS
2D SESSION

H. R. 7028

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

JANUARY 17, 2024

Mr. TORRES of New York (for himself, Ms. CHU, Ms. LEE of California, Ms. KAMLAGER-DOVE, Ms. WILLIAMS of Georgia, Mr. CONNOLLY, Mr. FOSTER, Ms. BONAMICI, Mr. MEEKS, Mr. MFUME, Mr. QUIGLEY, Mr. JOHNSON of Georgia, Ms. GARCIA of Texas, Mr. BLUMENAUER, Mr. HUFFMAN, Mr. GARAMENDI, Mr. GRIJALVA, Mr. COHEN, Ms. ADAMS, Ms. ESHOO, Ms. WASSERMAN SCHULTZ, Ms. NORTON, Ms. VELÁZQUEZ, Ms. DEAN of Pennsylvania, Mr. CLEAVER, Mr. TAKANO, Mr. CASTEN, Mr. CARSON, Ms. PINGREE, Ms. MOORE of Wisconsin, Ms. TOKUDA, Mr. VARGAS, Mr. TONKO, Ms. CLARKE of New York, Mrs. NAPOLITANO, Mrs. DINGELL, Mr. NICKEL, Mrs. WATSON COLEMAN, Mr. GARCÍA of Illinois, Mr. PHILLIPS, Mr. FROST, Mr. PETERS, Ms. MCCOLLUM, Ms. MENG, Ms. BALINT, Ms. CROCKETT, Mr. NORCROSS, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. TITUS, Ms. JACOBS, Mr. GREEN of Texas, Ms. ESCOBAR, Ms. BARRAGÁN, Mr. KHANNA, Mr. CÁRDENAS, Ms. BROWNLEY, Mr. ESPAILLAT, Mr. GOMEZ, Mr. MORELLE, Mr. POCAN, Mr. MCGOVERN, Mr. TRONE, Mr. SMITH of Washington, Mr. ROBERT GARCIA of California, and Mr. KRISHNAMOORTHY) 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”.

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

7 (a) IN GENERAL.—Notwithstanding section
8 204(a)(1)(I)(ii)(II) of the Immigration and Nationality
9 Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)), and subject to sub-
10 section (c) of this section, an immigrant visa made avail-
11 able to an alien under section 203(c) of the Immigration
12 and Nationality Act (8 U.S.C. 1153(c)) in any of fiscal
13 years 2017, 2018, 2019, 2020, 2021, or 2022 shall remain
14 available to such alien if—

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

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

20 (B) Executive Order 13780, “Protecting
21 the Nation from Foreign Terrorist Entry into
22 the United States” (March 6, 2017);

1 (C) Proclamation 9645, “Enhancing Vet-
2 ting Capabilities and Processes for Detecting
3 Attempted Entry into the United States by
4 Terrorists or Other Public-Safety Threats”
5 (September 24, 2017); or

6 (D) Proclamation 9983, “Improving En-
7 hanced Vetting Capabilities and Processes for
8 Detecting Attempted Entry into the United
9 States by Terrorists or Other Public-Safety
10 Threats” (January 31, 2020); or

11 (2) because of the COVID–19 public health
12 emergency—

13 (A) the alien was unable to receive a visa
14 interview despite submitting an Online Immi-
15 grant Visa and Alien Registration Application
16 (Form DS–260) to the Secretary of State, and
17 having submitted complete documentation or
18 having qualified for such a visa on or before
19 September 30 of the applicable fiscal year; or

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

24 (b) OBLIGATIONS OF THE SECRETARY.—

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

4 (A) notify each alien described in sub-
5 section (a) (and such alien’s representative, if
6 applicable) of their continuing eligibility to
7 apply for a visa under section 203(c) of the Im-
8 migration and Nationality Act (8 U.S.C.
9 1153(c)); and

10 (B) publish on the Department of State
11 website, information and procedures imple-
12 menting this Act.

13 (2) NOTICE.—The notice described in para-
14 graph (1)(A) shall include procedures for the alien
15 to notify the Secretary of State of the alien’s intent
16 to proceed with or abandon the application, and
17 shall include an advisal that such application shall
18 be deemed abandoned if the alien fails to notify the
19 Secretary of the alien’s intent to proceed within one
20 year of the date of the notice.

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

1 (1) notifies the Secretary of the alien's intent to
2 abandon the application in accordance with the pro-
3 cedures described in subsection (b);

4 (2) fails to respond to the notice described in
5 subsection (b)(2); or

6 (3) is refused a visa by a consular officer—

7 (A) for failure to meet the education or
8 work experience requirements under section
9 203(c)(2) of the Immigration and Nationality
10 Act (8 U.S.C. 1153(c)(2));

11 (B) for failure to meet the requirements
12 under section 204(a)(1)(I)(iii) of the Immigra-
13 tion and Nationality Act (8 U.S.C.
14 1154(a)(1)(I)(iii)); or

15 (C) on grounds that the alien is inadmis-
16 sible under section 212(a) of the Immigration
17 and Nationality Act (8 U.S.C. 1182(a)).

18 (d) NUMERICAL LIMITATION.—

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

1 (2) UNUSED VISAS.—Visas under section
2 201(e) of the Immigration and Nationality Act (8
3 U.S.C. 1151(e)) that go unused in any of fiscal
4 years 2017, 2018, 2019, 2020, 2021, or 2022 may
5 be allocated to aliens described in subsection (a) re-
6 gardless of the fiscal year in which such alien’s visa
7 was made available.

8 (3) OVERAGE.—In the case that the total num-
9 ber of aliens described in subsection (a) who are eli-
10 gible for visas exceeds the total number of visas
11 under section 201(e) of the Immigration and Na-
12 tionality Act (8 U.S.C. 1151(e)) for fiscal years
13 2017, 2018, 2019, 2020, 2021, and 2022, such ex-
14 cess number shall not be counted against the numer-
15 ical limitation described in such section 201(e).

16 (e) AGE OUT PROTECTIONS.—A determination of
17 whether an unmarried son or daughter of the visa appli-
18 cant is eligible to apply as a child of the visa applicant
19 pursuant to section 203(d) of the Immigration and Na-
20 tionality Act (8 U.S.C. 1153(d)) shall be made using the
21 age of the unmarried son or daughter when the applicant
22 was initially selected for a visa in accordance with section
23 203(e)(2) of the Immigration and Nationality Act (8
24 U.S.C. 10 1153(e)(2)).

1 (f) PRIORITIZATION.—The prioritization of visa serv-
2 ices, as among visa classifications and other consular serv-
3 ices, is within the sole unreviewable discretion of the Sec-
4 retary of State. To the extent possible, the Secretary of
5 State shall process applications in the rank order origi-
6 nally designated, consistent with applicable regulations.

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