

**AMENDMENT TO LABOR/HHS/EDUCATION
APPROPRIATIONS BILL
OFFERED BY MR. HARRIS OF MARYLAND**

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. _____. (a)(1) The Secretary of Homeland Secu-
2 rity, after appropriate consultation with the Secretary of
3 Labor and appropriate employers, shall develop, through
4 notice and comment rulemaking, a process to provide
5 quarterly allocation of visas issued pursuant to petitions
6 submitted by employers for individuals to be admitted
7 under section 101(a)(15)(H)(ii)(b) of the Immigration
8 and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

9 (2) In developing the process described in paragraph
10 (1), the Secretary shall ensure that—

11 (A) all such petitions are submitted to the Sec-
12 retary not later than 45 days before the first day of
13 the quarter during which the requested beneficiaries
14 are expected to begin their employment with the em-
15 ployer; and

16 (B) all decisions to approve or deny a petition
17 are made not later than 15 days before the first date
18 of employment specified in the petition.

1 (b) Subject to subsection (c), for fiscal year 2021,
2 and every fiscal year thereafter, of the visas authorized
3 under section 214(g)(1)(B) of the Immigration and Na-
4 tionality Act (8 U.S.C. 1184(g)(1)(B)), the Secretary of
5 Homeland Security shall issue—

6 (1) not more than 14 percent to aliens whose employ-
7 ment is scheduled to begin during the first quarter of the
8 fiscal year;

9 (2) not more than 45 percent (plus any visas author-
10 ized, but not issued, under paragraph (1)) to aliens whose
11 employment is scheduled to begin during the second quar-
12 ter of the fiscal year;

13 (3) not more than 39 percent (plus any visas author-
14 ized, but not issued, under paragraphs (1) and (2)) to
15 aliens whose employment is scheduled to begin during the
16 third quarter of the fiscal year; and

17 (4) not more than 2 percent (plus any visas author-
18 ized, but not issued, under paragraph (1), (2), and (3))
19 to aliens whose employment is scheduled to begin during
20 the fourth quarter of the fiscal year.

21 (c) Not later than 2 years after the date of the enact-
22 ment of this Act, and every 2 years thereafter, the Sec-
23 retary of Homeland Security, in the Secretary's sole and
24 unreviewable discretion, and after consultation with the
25 Secretary of Labor, shall—

1 (1) compare the quarterly allocation of visas under
2 subsection (b) to the actual need for individuals to be ad-
3 mitted under section 101(a)(15)(H)(ii)(b) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b))
5 in each quarter; and

6 (2) adjust the quarterly allocation of such visas ac-
7 cordingly.

8 (d) For each calendar quarter subject to the visa allo-
9 cation process set forth in subsection (b) or (c), if the total
10 number of visas requested by employers whose petitions
11 meet the standards for approval exceeds the total number
12 of visas available for such employers, the Secretary shall
13 ensure that each such petition is approved for a minimum
14 number of visas, which shall be calculated based on the
15 ratio between the total number of visas requested by such
16 employers and the total number of visas available.

17 (e) Effective October 1, 2020, section 214(g)(10) of
18 the Immigration and Nationality Act (8 U.S.C.
19 1184(g)(10)) is repealed.

20 (f) Section 214(c)(14)(C) of the Immigration and
21 Nationality Act (8 U.S.C. 1184(c)(14)(C)) is amended to
22 read as follows:

23 “(C) In determining the level of penalties to be as-
24 sessed under subparagraph (A), the highest penalties shall
25 be reserved for—

1 “(i) willful failures to meet any of the condi-
2 tions of the petition that involve harm to United
3 States workers; and

4 “(ii) willful misrepresentations of the number of
5 necessary nonimmigrants in an application for tem-
6 porary labor certification in support of a petition for
7 nonimmigrants described in section
8 101(a)(15)(H)(ii)(b).”.

