

117TH CONGRESS
1ST SESSION

S. 495

To prioritize the allocation of H-2B visas for States with low unemployment rates.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2021

Mr. THUNE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prioritize the allocation of H-2B visas for States with low unemployment rates.

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 “Prioritizing Help to
5 Businesses Act”.

1 **SEC. 2. PRIORITIZING THE ALLOCATION OF H-2B VISAS**
2 **FOR STATES WITH LOW UNEMPLOYMENT**
3 **RATES.**

4 Section 214(g)(10) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1184(g)(10)) is amended to read as
6 follows:

7 “(10)(A) Except as provided in subparagraphs (B)
8 and (C), the numerical limitation under paragraph (1)(B)
9 shall not apply to H-2B visas issued to aliens for positions
10 that are certified for employment pursuant to subpart A
11 of part 655 of title 20, Code of Federal Regulations, to
12 perform service or labor in a State that had a seasonally
13 adjusted unemployment rate of 3.5 percent or lower in at
14 least 3 of the 6 most recent monthly reports issued by
15 the Bureau of Labor Statistics during the previous fiscal
16 half year corresponding to each allotment period of H-
17 2B visas pursuant to subpart A of part 655 of title 20,
18 Code of Federal Regulations.

19 “(B) The number of aliens exempted from the numer-
20 ical limitation pursuant to subparagraph (A) in any State
21 during any fiscal year may not exceed the lesser of—

22 “(i) 125 percent of the number of visas issued
23 to aliens working in such State during the most re-
24 cently concluded fiscal year; or

25 “(ii) 2,500.

1 “(C) If more H-2B visa applications are received in
2 a fiscal year on behalf of aliens desiring to work in a State
3 described in subparagraph (A) than the limit set forth in
4 subparagraph (B)—

5 “(i) eligible applicants, in a number equal to
6 such limit, shall be selected, by lottery, from such
7 applications for the exemption under subparagraph
8 (A); and

9 “(ii) the remaining applicants shall be subject
10 to the numerical limitation under paragraph
11 (1)(B).”.

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