

**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 Se-  
2       curity, after appropriate consultation with the Secretary  
3       of Labor and appropriate employers, shall develop,  
4       through notice and comment rulemaking, a process to pro-  
5       vide quarterly allocation of visas issued pursuant to peti-  
6       tions submitted by employers for individuals to be admit-  
7       ted 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.

