

111TH CONGRESS
1ST SESSION

S. 388

To extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2009

Ms. MIKULSKI (for herself, Mr. SPECTER, Mr. LEVIN, Mr. CRAPO, Mr. BOND, Mr. LIEBERMAN, Mr. REED, Mr. KERRY, Mr. ENZI, Ms. COLLINS, Mr. BENNETT, Mr. COBURN, Mr. WHITEHOUSE, Mr. BURR, Ms. SNOWE, Mr. LEAHY, Mr. CARPER, Mr. CARDIN, Mr. HATCH, and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

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 “Save Our Small and
5 Seasonal Businesses Act of 2009”.

1 **SEC. 2. EXTENSION OF RETURNING WORKER EXEMPTION**
 2 **TO H-2B NUMERICAL LIMITATION.**

3 (a) IN GENERAL.—Section 214(g)(9)(A) of the Im-
 4 migration and Nationality Act (8 U.S.C. 1184(g)(9)(A) is
 5 amended to read as follows:

6 “(A) Subject to subparagraphs (B) and (C), an alien
 7 who has already been counted toward the numerical limi-
 8 tation under paragraph (1)(B) during any 1 of the 3 fiscal
 9 years immediately prior to the fiscal year of the approved
 10 start date of a petition for a nonimmigrant worker de-
 11 scribed in section 101(a)(15)(H)(ii)(b) shall not again be
 12 counted toward such limitation for the fiscal year for
 13 which the petition is approved. Such an alien shall be con-
 14 sidered a returning worker.”.

15 (b) EFFECTIVE DATE; 3-YEAR LIMITATION; SUNSET
 16 PROVISION.—The amendment made by subsection (a)
 17 shall—

18 (1) take effect as if enacted on December 1,
 19 2008;

20 (2) apply only to petitions with an approved
 21 start date in fiscal year 2009, 2010, or 2011; and

22 (3) terminate on the date that is 3 years after
 23 the date of the enactment of this Act.

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