

HR 3897

H-2B Returning Worker Exception Act of 2021

Congress: 117 (2021–2023, Ended)

Chamber: House

Policy Area: Immigration

Introduced: Jun 15, 2021

Current Status: Referred to the Subcommittee on Immigration and Citizenship.

Latest Action: Referred to the Subcommittee on Immigration and Citizenship. (Nov 1, 2022)

Official Text: <https://www.congress.gov/bill/117th-congress/house-bill/3897>

Sponsor

Name: Rep. Cuellar, Henry [D-TX-28]

Party: Democratic • **State:** TX • **Chamber:** House

Cosponsors (92 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Chabot, Steve [R-OH-1]	R · OH		Jun 15, 2021
Rep. Harris, Andy [R-MD-1]	R · MD		Jun 15, 2021
Rep. Joyce, David P. [R-OH-14]	R · OH		Jun 15, 2021
Rep. Keating, William R. [D-MA-9]	D · MA		Jun 15, 2021
Rep. Pingree, Chellie [D-ME-1]	D · ME		Jun 15, 2021
Rep. Mace, Nancy [R-SC-1]	R · SC		Jun 16, 2021
Rep. Johnson, Bill [R-OH-6]	R · OH		Jul 2, 2021
Rep. Norman, Ralph [R-SC-5]	R · SC		Jul 9, 2021
Rep. Spanberger, Abigail Davis [D-VA-7]	D · VA		Jul 9, 2021
Rep. Moore, Blake D. [R-UT-1]	R · UT		Jul 19, 2021
Rep. Rice, Tom [R-SC-7]	R · SC		Jul 19, 2021
Rep. Slotkin, Elissa [D-MI-8]	D · MI		Jul 20, 2021
Rep. Bergman, Jack [R-MI-1]	R · MI		Jul 27, 2021
Rep. Houlahan, Chrissy [D-PA-6]	D · PA		Jul 27, 2021
Rep. Meijer, Peter [R-MI-3]	R · MI		Jul 27, 2021
Rep. Pappas, Chris [D-NH-1]	D · NH		Jul 27, 2021
Rep. Rutherford, John H. [R-FL-4]	R · FL		Jul 27, 2021
Rep. Walberg, Tim [R-MI-7]	R · MI		Jul 27, 2021
Rep. Young, Don [R-AK-At Large]	R · AK		Jul 27, 2021
Rep. Hartzler, Vicky [R-MO-4]	R · MO		Sep 10, 2021
Rep. Luria, Elaine G. [D-VA-2]	D · VA		Sep 14, 2021
Rep. Stevens, Haley M. [D-MI-11]	D · MI		Sep 22, 2021
Rep. Carter, Earl L. "Buddy" [R-GA-1]	R · GA		Oct 20, 2021
Rep. Letlow, Julia [R-LA-5]	R · LA		Oct 20, 2021
Rep. Rouzer, David [R-NC-7]	R · NC		Oct 20, 2021
Rep. Gonzalez, Vicente [D-TX-15]	D · TX		Nov 4, 2021
Rep. Neguse, Joe [D-CO-2]	D · CO		Nov 4, 2021
Rep. Delgado, Antonio [D-NY-19]	D · NY		Nov 30, 2021
Rep. Kuster, Ann M. [D-NH-2]	D · NH		Nov 30, 2021
Rep. Gibbs, Bob [R-OH-7]	R · OH		Dec 7, 2021
Rep. Long, Billy [R-MO-7]	R · MO		Dec 7, 2021
Rep. Reschenthaler, Guy [R-PA-14]	R · PA		Dec 7, 2021
Rep. Cartwright, Matt [D-PA-8]	D · PA		Jan 11, 2022
Rep. Gonzalez, Anthony [R-OH-16]	R · OH		Jan 11, 2022
Rep. Granger, Kay [R-TX-12]	R · TX		Jan 11, 2022
Rep. Graves, Garret [R-LA-6]	R · LA		Jan 11, 2022
Rep. Herrera Beutler, Jaime [R-WA-3]	R · WA		Jan 11, 2022
Rep. McKinley, David B. [R-WV-1]	R · WV		Jan 11, 2022
Rep. McMorris Rodgers, Cathy [R-WA-5]	R · WA		Jan 11, 2022
Rep. Salazar, Maria Elvira [R-FL-27]	R · FL		Jan 11, 2022
Rep. Welch, Peter [D-VT-At Large]	D · VT		Jan 11, 2022

Cosponsor	Party / State	Role	Date Joined
Rep. Balderson, Troy [R-OH-12]	R · OH		Jan 12, 2022
Rep. Rose, John W. [R-TN-6]	R · TN		Jan 12, 2022
Rep. Ruppersberger, C. A. Dutch [D-MD-2]	D · MD		Jan 12, 2022
Rep. Wittman, Robert J. [R-VA-1]	R · VA		Jan 13, 2022
Rep. Lucas, Frank D. [R-OK-3]	R · OK		Jan 19, 2022
Rep. Swalwell, Eric [D-CA-15]	D · CA		Jan 19, 2022
Rep. Kind, Ron [D-WI-3]	D · WI		Feb 1, 2022
Rep. Neal, Richard E. [D-MA-1]	D · MA		Feb 1, 2022
Rep. Owens, Burgess [R-UT-4]	R · UT		Feb 1, 2022
Rep. Pence, Greg [R-IN-6]	R · IN		Feb 1, 2022
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Feb 1, 2022
Rep. Thompson, Glenn [R-PA-15]	R · PA		Feb 1, 2022
Rep. Upton, Fred [R-MI-6]	R · MI		Feb 1, 2022
Rep. Vela, Filemon [D-TX-34]	D · TX		Feb 1, 2022
Rep. Perlmutter, Ed [D-CO-7]	D · CO		Feb 3, 2022
Rep. Murphy, Gregory [R-NC-3]	R · NC		Feb 7, 2022
Rep. Grothman, Glenn [R-WI-6]	R · WI		Feb 8, 2022
Rep. Huizenga, Bill [R-MI-2]	R · MI		Feb 8, 2022
Rep. Langevin, James R. [D-RI-2]	D · RI		Feb 8, 2022
Rep. Moolenaar, John R. [R-MI-4]	R · MI		Feb 9, 2022
Rep. Ross, Deborah K. [D-NC-2]	D · NC		Feb 9, 2022
Rep. Wild, Susan [D-PA-7]	D · PA		Feb 9, 2022
Rep. Bourdeaux, Carolyn [D-GA-7]	D · GA		Mar 2, 2022
Rep. DeGette, Diana [D-CO-1]	D · CO		Mar 2, 2022
Rep. Smucker, Lloyd [R-PA-11]	R · PA		Mar 2, 2022
Rep. Stansbury, Melanie Ann [D-NM-1]	D · NM		Mar 2, 2022
Rep. Brady, Kevin [R-TX-8]	R · TX		Mar 3, 2022
Rep. Carey, Mike [R-OH-15]	R · OH		Mar 3, 2022
Rep. Dunn, Neal P. [R-FL-2]	R · FL		Mar 3, 2022
Rep. Rogers, Harold [R-KY-5]	R · KY		Mar 7, 2022
Rep. Comer, James [R-KY-1]	R · KY		Mar 8, 2022
Rep. Barr, Andy [R-KY-6]	R · KY		Mar 15, 2022
Rep. Malliotakis, Nicole [R-NY-11]	R · NY		Mar 15, 2022
Rep. Cheney, Liz [R-WY-At Large]	R · WY		Mar 29, 2022
Rep. Cole, Tom [R-OK-4]	R · OK		Mar 31, 2022
Rep. Underwood, Lauren [D-IL-14]	D · IL		Apr 6, 2022
Rep. Garbarino, Andrew R. [R-NY-2]	R · NY		Apr 14, 2022
Rep. Westerman, Bruce [R-AR-4]	R · AR		May 6, 2022
Rep. Crow, Jason [D-CO-6]	D · CO		May 10, 2022
Rep. Bost, Mike [R-IL-12]	R · IL		May 12, 2022
Rep. Malinowski, Tom [D-NJ-7]	D · NJ		May 16, 2022
Rep. Davids, Sharice [D-KS-3]	D · KS		Jun 8, 2022

Cosponsor	Party / State	Role	Date Joined
Rep. Kelly, Trent [R-MS-1]	R · MS		Jun 8, 2022
Rep. Gonzales, Tony [R-TX-23]	R · TX		Jun 9, 2022
Rep. Wenstrup, Brad R. [R-OH-2]	R · OH		Jun 9, 2022
Rep. Jackson Lee, Sheila [D-TX-18]	D · TX		Jul 7, 2022
Rep. Cleaver, Emanuel [D-MO-5]	D · MO		Jul 29, 2022
Rep. Wagner, Ann [R-MO-2]	R · MO		Aug 2, 2022
Rep. Newhouse, Dan [R-WA-4]	R · WA		Aug 16, 2022
Rep. Lamborn, Doug [R-CO-5]	R · CO		Sep 13, 2022
Rep. Bucshon, Larry [R-IN-8]	R · IN		Oct 21, 2022

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred To	Jun 15, 2021
Judiciary Committee	House	Referred to	Nov 1, 2022

Subjects & Policy Tags

Policy Area:

Immigration

Related Bills

Bill	Relationship	Last Action
117 HR 6637	Related bill	Nov 1, 2022: Referred to the Subcommittee on Immigration and Citizenship.

H-2B Returning Worker Exception Act of 2021

This bill modifies the H-2B (temporary nonagricultural workers) nonimmigrant visa program, including by exempting certain workers from an annual numerical limit on such visas and requiring civil penalties for program violations.

Under this bill, if a worker seeking a H-2B visa has been counted toward the 66,000 annual cap on such visas in one of the three preceding fiscal years, that worker shall not be counted against the cap again.

Furthermore, the Department of Homeland Security (DHS) must impose a civil monetary penalty on an employer for (1) failing to meet requirements related to an H-2B visa petition, or (2) making a willful misrepresentation of material fact in such a petition.

DHS must also ensure the establishment of an electronic platform (1) for employers to submit and request approval of an H-2B petition, and (2) to act as a single point of access for applicants and the relevant government agencies. The Department of Labor must maintain a publicly available online database of all job orders by H-2B employers.

Furthermore, Labor may take certain actions to enforce program requirements, such as imposing penalties and seeking injunctions.

The bill provides statutory authority for the current practice of limiting the program to workers who are nationals of countries approved by DHS. DHS may make exceptions to this limitation in individual cases if it is in the U.S. interest to do so. DHS shall select approved countries based on various factors, such as the rate of overstay by H-2B visa holders from each country.

Actions Timeline

- **Nov 1, 2022:** Referred to the Subcommittee on Immigration and Citizenship.
- **Jun 15, 2021:** Introduced in House
- **Jun 15, 2021:** Referred to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.