



Stupak Introduces Save Our Small and Seasonal Businesses Act of 2009

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On February 23, Representative Bart Stupak (D-MI) introduced the Save Our Small and Seasonal Businesses Act of 2009 (H.R.1136) to provide cap relief for those using the H-2B Visa program. Senator Barbara Mikulski (D-MD) introduced a Senate version of this bill (S.388) on February 5, 2009. The H-2B worker program is used to employ aliens in non-agricultural positions in many industries, including the horse industry, who work at racetracks, horse shows, fairs and similar non-agricultural activities.

Currently, there is a cap of 66,000 on the number of H-2B visas that can be issued annually. Each year, once it has received enough petitions to meet the year's Congressionally-mandated cap of 66,000, the U.S. Citizenship and Immigration Services (USCIS) does not accept any more petitions for H-2B foreign workers for the Fiscal Year. This cap is reached very quickly each year, this year the cap was reached on January 7th.

The Save Our Small and Seasonal Businesses Act of 2009 will exempt from the cap workers who have received a visa under the H-2B program in any of the three previous fiscal years. This bill would "take effect as if enacted on October 1, 2008", the exemption for returning workers will expire three years from that date. This enactment date is the only difference between the House and Senate versions of this bill.

This bill currently has 55 cosponsors and has been referred to the House Committee on the Judiciary.