

108TH CONGRESS
2D SESSION

S. 2616

To increase the availability of H-2B nonimmigrant visas during fiscal year 2004 for rural border areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 7, 2004

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

A BILL

To increase the availability of H-2B nonimmigrant visas during fiscal year 2004 for rural border areas, and for other purposes.

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 “Emergency Relief for
5 Rural Borderlands Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The laws of the United States that govern
9 labor-based immigration require employers to give

1 United States workers priority for employment over
2 foreign workers.

3 (2) Many employers have found themselves un-
4 able to hire United States citizens for certain posi-
5 tions, particularly for temporary, seasonal employ-
6 ment.

7 (3) Due to the historic availability of H-2B
8 visas, many employers have developed business mod-
9 els based on an assumption that businesses will be
10 able to hire temporary seasonal workers who are
11 aliens.

12 (4) During fiscal year 2004, the date on which
13 no more H-2B visas could be issued because the
14 maximum number of such visas available for such
15 fiscal year had been issued was earlier than the date
16 such maximum number had been reached during any
17 prior fiscal year.

18 (5) As a result of the maximum of H-2B visas
19 being issued prior to the end of fiscal year 2004,
20 many employers face an urgent shortage of workers
21 that threatens to seriously erode the current and fu-
22 ture revenues of the employers' businesses.

23 (6) It is particularly difficult for employers lo-
24 cated in rural areas to attract workers and such em-
25 ployers have often relied on foreign workers.

1 (7) An employer located near an international
 2 border has a smaller radius for recruiting United
 3 States workers than an employer located more cen-
 4 trally, which can create difficulties in finding United
 5 States workers to fill vacant positions.

6 (8) Large employers located in rural areas are
 7 invaluable to the communities in which such employ-
 8 ees are located, and a disruption in the business of
 9 such employers is devastating for such communities
 10 facing challenging economic conditions.

11 **SEC. 3. ADDITIONAL H-2B VISA ENTRANTS FOR FISCAL**
 12 **YEAR 2004.**

13 (a) IN GENERAL.—During fiscal year 2004, an alien
 14 who is issued a visa under section 101(a)(15)(H)(ii)(b) of
 15 the Immigration and Nationality Act (8 U.S.C.
 16 101(a)(15)(H)(ii)(b)) may not be counted toward the nu-
 17 merical limitation set out in section 214(g)(1)(B) of such
 18 Act (8 U.S.C. 1184(g)(1)(B)) if such alien is providing
 19 temporary service or labor in the United States—

20 (1) at a work site that is located—

21 (A) in a rural area; and

22 (B) not more than 50 miles from an inter-
 23 national border; and

24 (2) for an employer that has hired aliens who
 25 received visas under such section

1 101(a)(15)(H)(ii)(b) during not less than 2 of the
2 fiscal years between fiscal years 1999 and 2003.

3 (b) **EXPEDITED VISA PROCESSING.**—During fiscal
4 year 2004, a petition for a nonimmigrant visa submitted
5 by an alien who intends to provide temporary service or
6 labor that meets the requirements of paragraphs (1) and
7 (2) of subsection (a) shall be processed not more than 30
8 days after the date of the submission of such petition.

9 **SEC. 4. RURAL AREA DEFINED.**

10 In this Act, the term “rural area” has the meaning
11 given that term in section 343(a) of the Consolidated
12 Farm and Rural Development Act (7 U.S.C. 1991(a)).

13 **SEC. 5. EFFECTIVE DATE.**

14 Section 3(a) of this Act shall take effect as if enacted
15 on September 30, 2003.

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