To revise certain requirements for H–2B employers and require submission of information regarding H–2B nonimmigrants, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Summer Operations and Seasonal Equity Act of 2005”.

SEC. 2. NUMERICAL LIMITATIONS ON H–2B WORKERS.

(a) In General.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)(B), by inserting “of which not less than 12,000 shall be made available in each
quarter of each fiscal year” before the period at the end; and

(2) by adding at the end the following:

“(9) An alien counted toward the numerical limitations of paragraph (1)(B) within the 3 years prior to the approval of a petition for a temporary worker described in section 101(a)(15)(H)(ii)(b) of this title shall not be counted again toward such limitations.”.

(b) Effective Date.—The amendment in subsection (a) shall take effect as if enacted on October 1, 2004, and shall expire on October 1, 2007.

SEC. 3. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H–2B NONIMMIGRANTS.

Section 416 of the American Competitiveness and Workforce Improvement Act of 1998 (title IV of division C of Public Law 105–277; 8 U.S.C. 1184 note) is amend—

(1) by striking “Attorney General” each place that term appears and inserting “Secretary of Homeland Security”; and

(2) by adding at the end the following:

“(d) Provision of Information.—

“(1) Quarterly Notification.—Beginning not later than December 1, 2006, the Secretary of Homeland Security shall notify, on a quarterly basis,
the Committees on the Judiciary of the House of Representatives and the Senate of the number of aliens who during the preceding 3-month period—

“(A) were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)); or

“(B) had such a visa or such status expire or be revoked or otherwise terminated.

“(2) Annual submission.—Beginning with fiscal year 2007, the Secretary of Homeland Security shall submit on an annual basis, to the Committees on the Judiciary of the House of Representatives and the Senate—

“(A) information on the countries of origin, occupations of, and compensation paid to aliens who were issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) during the previous fiscal year;

“(B) the number of aliens who had such a visa or such status expire or be revoked or oth-
erwise terminated during each month of such fiscal year; and

“(C) the number of aliens who were provided nonimmigrant status under such section during both such fiscal year and the preceding fiscal year.”.