

109TH CONGRESS  
1ST SESSION

# S. 278

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

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2005

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

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## A BILL

To revise certain requirements for H-2B employers and require submission of information regarding H-2B nonimmigrants, 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 “Summer Operations  
5       and Seasonal Equity Act of 2005”.

6       **SEC. 2. NUMERICAL LIMITATIONS ON H-2B WORKERS.**

7       (a) IN GENERAL.—Section 214(g) of the Immigra-  
8       tion and Nationality Act (8 U.S.C. 1184(g)) is amended—

9               (1) in paragraph (1)(B), by inserting “of which  
10       not less than 12,000 shall be made available in each

1 quarter of each fiscal year” before the period at the  
2 end; and

3 (2) by adding at the end the following:

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

9 (b) EFFECTIVE DATE.—The amendment in sub-  
10 section (a) shall take effect as if enacted on October 1,  
11 2004, and shall expire on October 1, 2007.

12 **SEC. 3. SUBMISSION TO CONGRESS OF INFORMATION RE-**  
13 **GARDING H-2B NONIMMIGRANTS.**

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

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

21 (2) by adding at the end the following:

22 “(d) PROVISION OF INFORMATION.—

23 “(1) QUARTERLY NOTIFICATION.—Beginning  
24 not later than December 1, 2006, the Secretary of  
25 Homeland Security shall notify, on a quarterly basis,

1 the Committees on the Judiciary of the House of  
2 Representatives and the Senate of the number of  
3 aliens who during the preceding 3-month period—

4 “(A) were issued visas or otherwise pro-  
5 vided nonimmigrant status under section  
6 101(a)(15)(H)(ii)(b) of the Immigration and  
7 Nationality Act (8 U.S.C.  
8 1101(a)(15)(H)(ii)(b)); or

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

11 “(2) ANNUAL SUBMISSION.—Beginning with  
12 fiscal year 2007, the Secretary of Homeland Secu-  
13 rity shall submit on an annual basis, to the Commit-  
14 tees on the Judiciary of the House of Representa-  
15 tives and the Senate—

16 “(A) information on the countries of ori-  
17 gin, occupations of, and compensation paid to  
18 aliens who were issued visas or otherwise pro-  
19 vided nonimmigrant status under section  
20 101(a)(15)(H)(ii)(b) of the Immigration and  
21 Nationality Act (8 U.S.C.  
22 1101(a)(15)(H)(ii)(b)) during the previous fis-  
23 cal year;

24 “(B) the number of aliens who had such a  
25 visa or such status expire or be revoked or oth-

1           erwise terminated during each month of such  
2           fiscal year; and

3           “(C) the number of aliens who were pro-  
4           vided nonimmigrant status under such section  
5           during both such fiscal year and the preceding  
6           fiscal year.”.

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