

113TH CONGRESS  
1ST SESSION

# H. R. 1596

To increase the employment of Americans by requiring State workforce agencies to certify that employers are actively recruiting Americans and that Americans are not qualified or available to fill the positions that the employer wants to fill with H-2B nonimmigrants.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2013

Mr. DEFazio introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To increase the employment of Americans by requiring State workforce agencies to certify that employers are actively recruiting Americans and that Americans are not qualified or available to fill the positions that the employer wants to fill with H-2B nonimmigrants.

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 “American Jobs in  
5       American Forests Act of 2013”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) H-2B NONIMMIGRANT.—The term H-2B  
2       nonimmigrant means a nonimmigrant described in  
3       section 101(a)(15)(H)(ii)(b) of the Immigration and  
4       Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

5           (2) PROSPECTIVE H-2B EMPLOYER.—The term  
6       “prospective H-2B employer” means a United  
7       States business that is considering employing 1 or  
8       more nonimmigrants described in section  
9       101(a)(15)(H)(ii)(b) of the Immigration and Nation-  
10      ality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

11          (3) STATE WORKFORCE AGENCY.—Except as  
12      used in section 3, the term “State workforce agen-  
13      cy” means the workforce agency of the State in  
14      which the prospective H-2B employer intends to em-  
15      ploy H-2B nonimmigrants.

16 **SEC. 3. DEPARTMENT OF LABOR.**

17      (a) RECRUITMENT.—As a component of the labor  
18      certification process required before H-2B nonimmigrants  
19      are offered employment in the United States, the Sec-  
20      retary of Labor shall require all prospective H-2B employ-  
21      ers, before they submit a petition to hire H-2B non-  
22      immigrants, to conduct a robust effort to recruit United  
23      States workers, including—

24          (1) advertising at employment or job-placement  
25      events, such as job fairs;

1           (2) advertising with State or local workforce  
2           agencies, nonprofit organizations, or other appro-  
3           priate entities, and working with such entities to  
4           identify potential employees;

5           (3) advertising in appropriate media, including  
6           local radio stations and commonly used, reputable  
7           Internet job-search sites; and

8           (4) such other recruitment strategies as the  
9           State workforce agency considers appropriate for the  
10          sector or positions for which H-2B nonimmigrants  
11          would be considered.

12          (b) SEPARATE PETITIONS.—A prospective H-2B em-  
13          ployer shall submit a separate petition for each State in  
14          which the employer plans to employ H-2B nonimmigrants  
15          for a period of 7 days or longer.

16   **SEC. 4. STATE WORKFORCE AGENCIES.**

17          The Secretary of Labor may not grant a temporary  
18          labor certification to a prospective H-2B employer until  
19          after the Director of the State workforce agency—

20                (1) has formally consulted with the workforce  
21                agency director of each contiguous State listed on  
22                the prospective H-2B employer's application and de-  
23                termined that—

24                        (A) the employer has complied with all re-  
25                        cruitment requirements set forth in section 3

1           and there is a legitimate demand for the em-  
2           ployment of H-2B nonimmigrants in each of  
3           those States; or

4                   (B) the employer has amended the applica-  
5           tion by removing or making appropriate modi-  
6           fications with respect to the States in which the  
7           criteria set forth in subparagraph (A) have not  
8           been met;

9           (2) certifies that the prospective H-2B em-  
10          ployer has complied with all recruitment require-  
11          ments set forth in section 3 or any other applicable  
12          provision of law; and

13                  (3) makes a formal determination that nation-  
14          als of the United States are not qualified or avail-  
15          able to fill the employment opportunities offered by  
16          the prospective H-2B employer.

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