116TH CONGRESS
1ST SESSION

S. 135

To prioritize the allocation of H–2B visas for States with low unemployment
rates.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2019

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

A BILL

To prioritize the allocation of H–2B visas for States with
low unemployment rates.

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 ''Prioritizing Help to

5 Businesses Act''.

SEC. 2. PRIORITIZING THE ALLOCATION OF H–2B VISAS FOR STATES WITH LOW UNEMPLOYMENT RATES.

(a) IN GENERAL.—Section 214(g)(10) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(10)) is amended to read as follows:

"(10)(A) Except as provided in subparagraphs (B) and (C), the numerical limitation under paragraph (1)(B) shall not apply to H–2B visas issued to aliens for positions that are certified for employment pursuant to subpart A of part 655 of title 20, Code of Federal Regulations, to perform service or labor in a State that had a seasonally adjusted unemployment rate of 3.5 percent or lower in 3 of the 5 most recent monthly reports issued by the Bureau of Labor Statistics in the previous fiscal year.

"(B) The number of aliens exempted from the numerical limitation pursuant to subparagraph (A) in any State during any fiscal year may not exceed the lesser of—

"(i) 125 percent of the number of visas issued to aliens working in such State during the most recently concluded fiscal year; or

"(ii) 2,500.

"(C) If more H–2B visa applications are received in a fiscal year on behalf of aliens desiring to work in a State described in subparagraph (A) than the limit set forth in subparagraph (B)—

1   ''(i) eligible applicants, in a number equal to

2   such limit, shall be selected, by lottery, from such

3   applications for the exemption under subparagraph

4   (A); and

5   ''(ii) the remaining applicants shall be subject

6   to the numerical limitation under paragraph

7   (1)(B).''.

8   (b) EFFECTIVE DATE.—The amendment made by

9 subsection (a) shall take place on the first day of the first

10 fiscal year beginning after the date of the enactment of

11 this Act.

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