

112TH CONGRESS  
1ST SESSION

# H. R. 3718

To prioritize certain returning workers for purposes of the numerical limitation on H-2B temporary workers.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2011

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

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## A BILL

To prioritize certain returning workers for purposes of the numerical limitation on H-2B temporary workers.

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 “Save Our Small and  
5       Seasonal Businesses Act of 2011”.

1 SEC. 2. PRIORITIZATION OF CERTAIN RETURNING WORK-  
2                   ERS WITH RESPECT TO H-2B NUMERICAL  
3                   LIMITATION.

4 (a) IN GENERAL.—Section 214(g)(9)(A) of the Im-  
5 migration and Nationality Act (8 U.S.C. 1184(g)(9)(A))  
6 is amended to read as follows:

7                     “(9)(A) Subject to subparagraphs (B) and (C),  
8                     an alien who has been present in the United States  
9                     as an H-2B nonimmigrant during any 1 of the 3  
10                    fiscal years immediately preceding the fiscal year of  
11                    the approved start date of a petition for a non-  
12                    immigrant worker described in section  
13                    101(a)(15)(H)(ii)(b) shall be prioritized for purposes  
14                    of the limitation described in paragraph (1)(B) for  
15                    the fiscal year in which the petition is approved.  
16                    Such an alien shall be considered a returning work-  
17                    er, except that this subparagraph shall not apply to  
18                    an alien who has been so prioritized during 3 con-  
19                    secutive fiscal years until the alien has again been  
20                    lawfully present in the United States as an H-2B  
21                    nonimmigrant without having been so prioritized.”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall take effect 180 days after the date  
24 of the enactment of this Act.

