

115TH CONGRESS  
2D SESSION

# S. 2972

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

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IN THE SENATE OF THE UNITED STATES

MAY 24, 2018

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

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## 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”.

1 **SEC. 2. PRIORITIZING THE ALLOCATION OF H-2B VISAS**  
2 **FOR STATES WITH LOW UNEMPLOYMENT**  
3 **RATES.**

4 Section 214(g) of the Immigration and Nationality  
5 Act (8 U.S.C. 1184(g)) is amended by adding at the end  
6 the following:

7 “(12)(A) Except as provided in subparagraphs (B)  
8 through (E), the numerical limitation under paragraph  
9 (1)(B) shall not apply to H–2B visas issued to aliens for  
10 positions that are certified for employment pursuant to  
11 subpart A of part 655 of title 20, Code of Federal Regula-  
12 tions, to perform service or labor in a State that had a  
13 seasonally adjusted unemployment rate of 3.5 percent or  
14 lower in 3 of the 5 most recent monthly reports issued  
15 by the Bureau of Labor Statistics in the previous fiscal  
16 year.

17 “(B) The number of aliens exempted from the numer-  
18 ical limitation pursuant to subparagraph (A) in any State  
19 during any fiscal year may not exceed the lesser of—

20 “(i) 125 percent of the number of visas issued  
21 to aliens working in such State during the most re-  
22 cently concluded fiscal year; or

23 “(ii) 1,500.

24 “(C) The number of aliens exempted from the numer-  
25 ical limitation pursuant to subparagraph (A) in any State

1 during the first 6 months of any fiscal year may not ex-  
2 ceed the lesser of—

3 “(i) 125 percent of the number of visas issued  
4 to aliens working in such State during the cor-  
5 responding period in the most recently concluded fis-  
6 cal year; or

7 “(ii) 1,000.

8 “(D) If more than 1,000 H-2B visa applications are  
9 received during the first 6 months of a fiscal year on be-  
10 half of aliens desiring to work in a State described in sub-  
11 paragraph (A)—

12 “(i) 1,000 eligible applicants shall be selected,  
13 by lottery, from such applications for the exemption  
14 under subparagraph (A); and

15 “(ii) the remaining applicants shall be subject  
16 to the numerical limitation under paragraph (1)(B).

17 “(E)(i) If more H-2B visa applications are received  
18 during the last 6 months of a fiscal year on behalf of aliens  
19 desiring to work in a State described in subparagraph (A)  
20 than the number computed under clause (ii)—

21 “(I) eligible applicants equal to such computed  
22 number shall be selected, by lottery, from such appli-  
23 cations for the exemption under subparagraph (A);  
24 and

1           “(II) the remaining applicants shall be subject  
2           to the numerical limitation under paragraph (1)(B).

3           “(ii) The number computed under this clause is the  
4           sum of—

5           “(I) the difference between—

6           “(aa) 1,000; and

7           “(bb) the number of visas that were issued  
8           to aliens desiring to work in the State during  
9           the first 6 months of a fiscal year that were not  
10          subject to the numerical limitation under para-  
11          graph (1)(B) pursuant to subparagraph (A);  
12          and

13          “(II) 500.”.

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