

118TH CONGRESS
1ST SESSION

H. R. 1787

To amend the Immigration and Nationality Act to provide nonimmigrant status to mobile entertainment workers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2023

Ms. LOFGREN (for herself and Ms. SALAZAR) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide nonimmigrant status to mobile entertainment workers, 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 “Carnivals are Real En-
5 tertainment Act”.

6 **SEC. 2. MOBILE ENTERTAINMENT WORKERS.**

7 (a) MOBILE ENTERTAINMENT WORKERS.—

8 (1) IN GENERAL.—Subparagraph (P) of section
9 101(a)(15) of the Immigration and Nationality Act
10 (8 U.S.C. 1101(a)(15)(P)) is amended—

1 (A) in clause (iii)(II), by striking “or” at
2 the end;

3 (B) by redesignating clause (iv) as clause
4 (v);

5 (C) in clause (v), as redesignated by sub-
6 paragraph (B), by striking “clause (i), (ii), or
7 (iii)” and inserting “clause (i), (ii), (iii), or
8 (iv)”; and

9 (D) by inserting after clause (iii) the fol-
10 lowing:

11 “(iv) seeks to enter the United States tem-
12 porarily and solely for the purpose of per-
13 forming functions that are integral and essen-
14 tial to the operation of a mobile entertainment
15 provider (as set forth in section
16 214(c)(4)(I)(ii)); or”.

17 (2) ADMISSION OF MOBILE ENTERTAINMENT
18 WORKERS.—Paragraph (4) of section 214(c) of the
19 Immigration and Nationality Act (8 U.S.C.
20 1184(c)(4)) is amended by adding at the end the fol-
21 lowing:

22 “(I) The following shall apply to the ad-
23 mission of any alien under section
24 101(a)(15)(P)(iv):

1 “(i) The Department of Labor shall
2 certify a mobile entertainment position
3 under this subparagraph if—

4 “(I) there are not sufficient
5 United States workers who are able,
6 willing, and qualified, and who will be
7 available at the time and place need-
8 ed, to perform the labor or services
9 required; and

10 “(II) the employment of the alien
11 in such labor or services will not ad-
12 versely affect the wages and working
13 conditions of workers in the United
14 States similarly employed.

15 “(ii) For purposes of section
16 101(a)(15)(P)(iv), functions that are inte-
17 gral and essential to the operation of a mo-
18 bile entertainment provider include trans-
19 porting, assembly, operation, disassembly,
20 and maintenance of mobile entertainment
21 attractions, structures, and equipment, in-
22 cluding rides, games, novelties, and food or
23 beverage concessions, as well as other func-
24 tions that are common in the mobile enter-
25 tainment industry and are necessary for

1 the safe and efficient operation of the mo-
2 bile entertainment provider.

3 “(iii) For purposes of this subpara-
4 graph, the term ‘mobile entertainment pro-
5 vider’ means—

6 “(I) a carnival or circus that
7 travels around the United States on a
8 temporary or seasonal basis; or

9 “(II) a provider of services nor-
10 mally affiliated with a carnival or cir-
11 cus, such as food and game conces-
12 sions, that travels around the United
13 States on a seasonal or temporary
14 basis to provide services to State,
15 county, and local fairs and festivals,
16 or support events sponsored by not-
17 for-profit organizations for fund-
18 raising.”.

19 (3) RULEMAKING.—Not later than 180 days
20 after the date of the enactment of this Act, the Sec-
21 retary of Homeland Security and the Secretary of
22 Labor shall separately publish in the Federal Reg-
23 ister proposed rules implementing the provisions of
24 this section and the amendments made by this sec-

1 tion, and shall finalize such rules not later than 1
2 year after the date of the enactment of this Act.

○