



## Save America's Carnivals and Fairs

*Co-Sponsor Companion Bipartisan Bills in the House (H.R. 1787) or the Senate (S. 4040)*

### The Challenge for America's Carnivals and Fairs

Carnivals, Fairs, and circuses have long been cornerstones of community entertainment and civic activity. Unfortunately, from 2016 and 2023, the number of carnival companies operating in the United States has dropped by 50%. This is in large part due to a historic and acute worker shortage that is preventing companies from meeting demand and making profits. Many outdoor amusement businesses continue to use the H-2B visa program, which only issued 61% of requested for H-2B temporary workers in 2022.

### The Solution – Support the House's CARE Act or the Senate's RIDE Act

The **Carnivals are Real Entertainment Act – or the CARE Act** (H.R. 1787) and its companion legislation in the Senate, the **Restoring Industry Development in Entertainment - or the RIDE Act** (S. 4040), help this unique and threatened industry address the labor shortage issue by correcting and clarifying existing laws that currently exclude mobile entertainment employers from utilizing the P non-immigrant visa classification to secure the temporary seasonal staff they need to survive.

The P non-immigrant visa (NIV) classification was created by the Immigration Act of 1990, Public Law 101-649 of November 29, 1990, specifically to provide for certain athletes, entertainers, and artists who are coming to perform in the United States. To work for a P-1, P-2, or P-3 visa recipient in the U.S., an applicant must be coming to the United States to perform essential support services that cannot be readily performed by a US worker and is an indispensable part of the performance of services to be performed. **Historically, P-1 thru P-3 visa applicants came to the U.S. for a temporary purpose such as a festivals, circuses or to tour in the United States.**

**Highlights and Key Points of the Solution** (the CARE Act or the RIDE Act):

- **Utilizes an existing non-immigrant visa** known as the P-Visa, which currently allow for the support staff of artists and entertainers to travel to the U.S. for a limited time. The **CARE Act** and the **RIDE Act** clarify that the existing P-Visa category would also apply to staff for the America's mobile entertainment industry.
- **Allows the P-Visa to extend to Foreign Entertainment Staff Temporarily in the U.S.** The bill grants temporary, non-immigrant visas to support staff entering the U.S. temporarily and solely for the purpose of working in the mobile entertainment industry.
- **Continues the Department of Labor Certification.** The bill requires the Department of Labor to certify that sufficient American workers are not available and that wages and working conditions for American workers would not be affected. These are the same limitations placed on the H-2B program which is currently used by the mobile entertainment industry.
- **Makes H-2B Visas Available for Other Eligible Workers.** Most outdoor amusement companies currently utilize the traditional H-2B temporary worker visas to supplement their American workforce. Clarifying that mobile entertainment industry support staff are able to utilize the P-Visa will reduce demand on the H-2B program by approximately 10,000 visas, making more visas available to other H-2B employers during this historic worker shortage.

- **Allows P-Visa to be utilized as originally intended.** While the P-Visa classification is available for foreign national entertainers coming to the U.S. temporarily, ***it historically has also been available to essential support personnel who are an integral part of the performance of entertainment under the P-Visa structure.*** The intent and practical application of the P-Visa conforms well with the outdoor mobile entertainment industry and these proposals make a simple adjustment to clarify and include the performing functions that are integral and essential to the operation of a mobile entertainment provider in the program.
- **Clearly Defines Mobile Entertainment Employees.** The bills clarify that mobile entertainment employees are indeed essential support personnel who are an integral part of the performance of a P-Visa applicant and the proposals are extremely restrictive and limited to carnivals or circuses that travel around the United States on a temporary or seasonal basis. The newly created P-4 category is restricted to providers of services normally affiliated with carnivals or circuses that travel around the United States on a seasonal or temporary basis to provide services to State, county, and local fairs and festivals, or support events sponsored by not-for-profit organizations for fundraising.

The **annual need for H-2B visas** – as reported by the Department of Labor’s certified need – is grossly unmet despite limited cap relief provided by Congress and without a reliable and legal workforce, carnivals and those industries they support will not be able to operate. For instance, **Fairs all across America rely upon the mobile entertainment industry to generate revenues that sustain agriculture programs all across the country.** The **CARE Act** was introduced by Representatives Zoe Lofgren (D-CA) and Maria Salazar (R-FL) and the **RIDE Act** was introduced by Senators Thom Tillis (R-NC) and Amy Klobuchar (D-MN).

### To Co-Sponsor H.R. 1787 – The CARE Act

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