

[DISCUSSION DRAFT]

115TH CONGRESS
1ST SESSION

H. R. _____

To create a nonimmigrant H–2C work visa program for agricultural workers,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GOODLATTE introduced the following bill; which was referred to the
Committee on _____

A BILL

To create a nonimmigrant H–2C work visa program for
agricultural 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—

5 (1) the “Agricultural Guestworker Act”; or

6 (2) the “AG Act”.

1 **SEC. 2. H-2C TEMPORARY AGRICULTURAL WORK VISA PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—Section 101(a)(15)(H) of the Im-
4 migration and Nationality Act (8 U.S.C. 1101(a)(15)(H))
5 is amended by striking “; or (iii)” and inserting “, or (c)
6 having a residence in a foreign country which he has no
7 intention of abandoning who is coming temporarily to the
8 United States to perform agricultural labor or services; or
9 (iii)”.

10 (b) DEFINITION.—Section 101(a) of such Act (8
11 U.S.C. 1101(a)) is amended by adding at the end the fol-
12 lowing:

13 “(53) The term ‘agricultural labor or services’ has
14 the meaning given such term by the Secretary of Agri-
15 culture in regulations and includes agricultural labor as
16 defined in section 3121(g) of the Internal Revenue Code
17 of 1986, agriculture as defined in section 3(f) of the Fair
18 Labor Standards Act of 1938 (29 U.S.C. 203(f)), the han-
19 dling, planting, drying, packing, packaging, processing,
20 freezing, or grading prior to delivery for storage of any
21 agricultural or horticultural commodity in its unmanufac-
22 tured state, all activities required for the preparation,
23 processing or manufacturing of a product of agriculture
24 (as such term is defined in such section 3(f)) for further
25 distribution, and activities similar to all the foregoing as
26 they relate to fish or shellfish facilities.”.

1 **SEC. 3. ADMISSION OF TEMPORARY H-2C WORKERS.**

2 (a) PROCEDURE FOR ADMISSION.—Chapter 2 of title
3 II of the Immigration and Nationality Act (8 U.S.C. 1181
4 et seq.) is amended by inserting after section 218 the fol-
5 lowing:

6 **“SEC. 218A. ADMISSION OF TEMPORARY H-2C WORKERS.**

7 “(a) DEFINITIONS.—In this section and section
8 218B:

9 “(1) DISPLACE.—The term ‘displace’ means to
10 lay off a worker from the job for which H-2C work-
11 ers are sought.

12 “(2) JOB.—The term ‘job’ refers to all posi-
13 tions with an employer that—

14 “(A) involve essentially the same respon-
15 sibilities;

16 “(B) are held by workers with substan-
17 tially equivalent qualifications and experience;
18 and

19 “(C) are located in the same place of em-
20 ployment.

21 “(3) EMPLOYER.—The term ‘employer’ means
22 an employer, or an association acting as a joint em-
23 ployer for its members, who hires workers to per-
24 form agricultural labor or services.

1 “(4) H-2C WORKER.—The term ‘H-2C worker’
2 means a nonimmigrant described in section
3 101(a)(15)(H)(ii)(c).

4 “(5) LAY OFF.—

5 “(A) IN GENERAL.—The term ‘lay off’—

6 “(i) means to cause a worker’s loss of
7 employment, other than through a dis-
8 charge for inadequate performance, viola-
9 tion of workplace rules, cause, voluntary
10 departure, voluntary retirement, or the ex-
11 piration of a grant or contract (other than
12 a temporary employment contract entered
13 into in order to evade a condition described
14 in paragraph (4) of subsection (b)); and

15 “(ii) does not include any situation in
16 which the worker is offered, as an alter-
17 native to such loss of employment, a simi-
18 lar position with the same employer at
19 equivalent or higher wages and benefits
20 than the position from which the employee
21 was discharged, regardless of whether or
22 not the employee accepts the offer.

23 “(B) CONSTRUCTION.—Nothing in this
24 paragraph is intended to limit an employee’s

1 rights under a collective bargaining agreement
2 or other employment contract.

3 “(6) UNITED STATES WORKER.—The term
4 ‘United States worker’ means any worker who is—

5 “(A) a citizen or national of the United
6 States; or

7 “(B) an alien who is lawfully admitted for
8 permanent residence, is admitted as a refugee
9 under section 207 or is granted asylum under
10 section 208.

11 “(7) SPECIAL PROCEDURES INDUSTRY.—The
12 term ‘special procedures industry’ includes sheep-
13 herding and goat herding, itinerant commercial bee-
14 keeping and pollination, the open range production
15 of livestock, itinerant animal shearing, and custom
16 combining and harvesting.

17 “(b) PETITION.—An employer that seeks to employ
18 aliens as H–2C workers under this section shall file with
19 the Secretary of Agriculture a petition attesting to the fol-
20 lowing:

21 “(1) OFFER OF EMPLOYMENT.—The employer
22 will offer employment to the aliens on a contractual
23 basis as H–2C workers under this section for a spe-
24 cific period of time during which the aliens may not
25 work on an at-will basis (as provided for in section

1 218B), and such contract shall only be required to
2 include a description of the place of employment, pe-
3 riod of employment, wages and other benefits to be
4 provided, and the duties of the positions.

5 “(2) TEMPORARY WORK OR SERVICES.—

6 “(A) IN GENERAL.—The employer is seek-
7 ing to employ a specific number of H-2C work-
8 ers on a temporary basis and will provide com-
9 pensation to such workers at a wage rate no
10 less than that set forth in subsection (k)(2).

11 “(B) DEFINITION.—For purposes of this
12 paragraph, a worker is employed on a tem-
13 porary basis if the employer intends to employ
14 the worker for no longer than the time period
15 set forth in subsection (n)(1) (subject to the ex-
16 ceptions in subsection (n)(3)).

17 “(3) BENEFITS, WAGES, AND WORKING CONDI-
18 TIONS.—The employer will provide, at a minimum,
19 the benefits, wages, and working conditions required
20 by subsection (k) to all workers employed in the job
21 for which the H-2C workers are sought.

22 “(4) NONDISPLACEMENT OF UNITED STATES
23 WORKERS.—The employer did not displace and will
24 not displace United States workers employed by the
25 employer during the period of employment of the H-

1 2C workers and during the 30-day period imme-
2 diately preceding such period of employment in the
3 job for which the employer seeks approval to employ
4 H-2C workers.

5 “(5) RECRUITMENT.—

6 “(A) IN GENERAL.—The employer—

7 “(i) conducted adequate recruitment
8 before filing the petition; and

9 “(ii) was unsuccessful in locating will-
10 ing and qualified United States workers
11 for the job for which the H-2C workers
12 are sought.

13 “(B) OTHER REQUIREMENTS.—The re-
14 cruitment requirement under subparagraph (A)
15 is satisfied if the employer places a local job
16 order with the State workforce agency serving
17 the place of employment, except that nothing in
18 this subparagraph shall require the employer to
19 file an interstate job order under section 653 of
20 title 20, Code of Federal Regulations. The
21 State workforce agency shall post the job order
22 on its official agency website for a minimum of
23 30 days and not later than 3 days after receipt
24 using the employment statistics system author-
25 ized under section 15 of the Wagner-Peyser Act

1 (29 U.S.C. 491–2). The Secretary of Labor
2 shall include links to the official Web sites of all
3 State workforce agencies on a single webpage of
4 the official Web site of the Department of
5 Labor.

6 “(C) END OF RECRUITMENT REQUIRE-
7 MENT.—The requirement to recruit United
8 States workers for a job shall terminate on the
9 first day that work begins for the H–2C work-
10 ers.

11 “(6) OFFERS TO UNITED STATES WORKERS.—
12 The employer has offered or will offer the job for
13 which the H–2C workers are sought to any eligible
14 United States workers who—

15 “(A) apply;

16 “(B) are qualified for the job; and

17 “(C) will be available at the time and place
18 of need.

19 This requirement shall not apply to United States
20 workers who apply for the job on or after the first
21 day that work begins for the H–2C workers.

22 “(7) PROVISION OF INSURANCE.—If the job for
23 which the H–2C workers are sought is not covered
24 by State workers’ compensation law, the employer
25 will provide, at no cost to the workers unless State

1 law provides otherwise, insurance covering injury
2 and disease arising out of, and in the course of, the
3 workers' employment, which will provide benefits at
4 least equal to those provided under the State work-
5 ers compensation law for comparable employment.

6 “(8) STRIKE OR LOCKOUT.—The job that is the
7 subject of the petition is not vacant because the
8 former workers in that job are on strike or locked
9 out in the course of a labor dispute.

10 “(c) PUBLIC EXAMINATION.—Not later than 1 work-
11 ing day after the date on which a petition under this sec-
12 tion is filed, the employer shall make the petition available
13 for public examination, at the employer's principal place
14 of employment.

15 “(d) LIST.—

16 “(1) IN GENERAL.—The Secretary of Agri-
17 culture shall maintain a list of the petitions filed
18 under this subsection, which shall—

19 “(A) be sorted by employer; and

20 “(B) include the number of H-2C workers
21 sought, the wage rate, the period of employ-
22 ment, and the date of need for each alien.

23 “(2) AVAILABILITY.—The Secretary of Agri-
24 culture shall make the list available for public exam-
25 ination.

1 “(e) PETITIONING FOR ADMISSION.—

2 “(1) CONSIDERATION OF PETITIONS.—For peti-
3 tions filed and considered under this subsection—

4 “(A) the Secretary of Agriculture may not
5 require such petition to be filed more than 28
6 days before the first date the employer requires
7 the labor or services of H-2C workers;

8 “(B) unless the Secretary of Agriculture
9 determines that the petition is incomplete or ob-
10 viously inaccurate, the Secretary, not later than
11 10 business days after the date on which such
12 petition was filed, shall either approve or reject
13 the petition and provide the petitioner with no-
14 tice of such action by means ensuring same or
15 next day delivery; and

16 “(C) if the Secretary determines that the
17 petition is incomplete or obviously inaccurate,
18 the Secretary shall—

19 “(i) within 5 business days of receipt
20 of the petition, notify the petitioner of the
21 deficiencies to be corrected by means en-
22 suring same or next day delivery; and

23 “(ii) within 10 business days of re-
24 ceipt of the corrected petition, approve or
25 deny the petition and provide the petitioner

1 with notice of such action by means ensur-
2 ing same or next day delivery.

3 “(2) ACCESS.—By filing an H–2C petition, the
4 petitioner and each employer (if the petitioner is an
5 association that is a joint employer of workers who
6 perform agricultural labor or services) consent to
7 allow access to the place of employment to the De-
8 partment of Agriculture and the Department of
9 Homeland Security for the purpose of investigations
10 and audits to determine compliance with the immi-
11 gration laws (as defined in section 101(a)(17)).

12 “(f) ROLES OF AGRICULTURAL ASSOCIATIONS.—

13 “(1) TREATMENT OF ASSOCIATIONS ACTING AS
14 EMPLOYERS.—If an association is a joint employer
15 of workers who perform agricultural labor or serv-
16 ices, H–2C workers may be transferred among its
17 members to perform the agricultural labor or serv-
18 ices on a temporary basis for which the petition was
19 approved.

20 “(2) TREATMENT OF VIOLATIONS.—

21 “(A) INDIVIDUAL MEMBER.—If an indi-
22 vidual member of an association that is a joint
23 employer commits a violation described in sub-
24 sections (i)(2) and (3) or (j)(1), the Secretary
25 of Agriculture shall invoke penalties pursuant

1 to subsections (i) and (j) against only that
2 member of the association unless the Secretary
3 of Agriculture determines that the association
4 participated in, had knowledge of, or had rea-
5 son to know of the violation.

6 “(B) ASSOCIATION OF AGRICULTURAL EM-
7 PLOYERS.—If an association that is a joint em-
8 ployer commits a violation described in sub-
9 sections (i)(2) and (3) or (j)(1), the Secretary
10 of Agriculture shall invoke penalties pursuant
11 to subsections (i) and (j) against only the asso-
12 ciation and not any individual members of the
13 association, unless the Secretary determines
14 that the member participated in the violation.

15 “(g) EXPEDITED ADMINISTRATIVE APPEALS.—The
16 Secretary of Agriculture shall promulgate regulations to
17 provide for an expedited procedure for the review of a de-
18 nial of a petition under this section by the Secretary. At
19 the petitioner’s request, the review shall include a de novo
20 administrative hearing at which new evidence may be in-
21 troduced.

22 “(h) FEES.—The Secretary of Agriculture shall re-
23 quire, as a condition of approving the petition, the pay-
24 ment of a fee to recover the reasonable cost of processing
25 the petition.

1 “(i) ENFORCEMENT.—

2 “(1) INVESTIGATIONS AND AUDITS.—The Sec-
3 retary of Agriculture shall be responsible for con-
4 ducting investigations and audits, including random
5 audits, of employers to ensure compliance with the
6 requirements of the H-2C program. All monetary
7 fines levied against employers shall be paid to the
8 Department of Agriculture and used to enhance the
9 Department of Agriculture’s investigative and audit-
10 ing abilities to ensure compliance by employers with
11 their obligations under this section

12 “(2) VIOLATIONS.—If the Secretary of Agri-
13 culture finds, after notice and opportunity for a
14 hearing, a failure to fulfill an attestation required by
15 this subsection, or a material misrepresentation of a
16 material fact in a petition under this subsection, the
17 Secretary—

18 “(A) may impose such administrative rem-
19 edies (including civil money penalties in an
20 amount not to exceed \$1,000 per violation) as
21 the Secretary determines to be appropriate; and

22 “(B) may disqualify the employer from the
23 employment of H-2C workers for a period of 1
24 year.

1 “(3) WILLFUL VIOLATIONS.—If the Secretary
2 of Agriculture finds, after notice and opportunity for
3 a hearing, a willful failure to fulfill an attestation re-
4 quired by this subsection, or a willful misrepresenta-
5 tion of a material fact in a petition under this sub-
6 section, the Secretary—

7 “(A) may impose such administrative rem-
8 edies (including civil money penalties in an
9 amount not to exceed \$5,000 per violation, or
10 not to exceed \$15,000 per violation if in the
11 course of such failure or misrepresentation the
12 employer displaced one or more United States
13 workers employed by the employer during the
14 period of employment of H–2C workers or dur-
15 ing the 30-day period immediately preceding
16 such period of employment) in the job the H–
17 2C workers are performing as the Secretary de-
18 termines to be appropriate;

19 “(B) may disqualify the employer from the
20 employment of H–2C workers for a period of 2
21 years;

22 “(C) may, for a subsequent failure to fulfill
23 an attestation required by this subsection, or a
24 misrepresentation of a material fact in a peti-
25 tion under this subsection, disqualify the em-

1 employer from the employment of H-2C workers
2 for a period of 5 years; and

3 “(D) may, for a subsequent willful failure
4 to fulfill an attestation required by this sub-
5 section, or a willful misrepresentation of a ma-
6 terial fact in a petition under this subsection,
7 permanently disqualify the employer from the
8 employment of H-2C workers.

9 “(j) FAILURE TO PAY WAGES OR REQUIRED BENE-
10 FITS.—

11 “(1) IN GENERAL.—If the Secretary of Agri-
12 culture finds, after notice and opportunity for a
13 hearing, that the employer has failed to provide the
14 benefits, wages, and working conditions that the em-
15 ployer has attested that it would provide under this
16 subsection, the Secretary shall require payment of
17 back wages, or such other required benefits, due any
18 United States workers or H-2C workers employed
19 by the employer.

20 “(2) AMOUNT.—The back wages or other re-
21 quired benefits described in paragraph (1)—

22 “(A) shall be equal to the difference be-
23 tween the amount that should have been paid
24 and the amount that was paid to such workers;
25 and

1 “(B) shall be distributed to the workers to
2 whom such wages or benefits are due.

3 “(k) MINIMUM WAGES, BENEFITS, AND WORKING
4 CONDITIONS.—

5 “(1) PREFERENTIAL TREATMENT OF H-2C
6 WORKERS PROHIBITED.—

7 “(A) IN GENERAL.—Each employer seek-
8 ing to hire United States workers for the job
9 the H-2C workers will perform shall offer such
10 United States workers not less than the same
11 benefits, wages, and working conditions that the
12 employer will provide to the H-2C workers. No
13 job offer may impose on United States workers
14 any restrictions or obligations which will not be
15 imposed on H-2C workers.

16 “(B) INTERPRETATION.—Every interpreta-
17 tion and determination made under this section
18 or under any other law, regulation, or interpre-
19 tative provision regarding the nature, scope,
20 and timing of the provision of these and any
21 other benefits, wages, and other terms and con-
22 ditions of employment shall be made so that—

23 “(i) the services of workers to their
24 employers and the employment opportuni-
25 ties afforded to workers by the employers,

1 including those employment opportunities
2 that require United States workers or H-
3 2C workers to travel or relocate in order to
4 accept or perform employment—

5 “(I) mutually benefit such work-
6 ers, as well as their families, and em-
7 ployers; and

8 “(II) principally benefit neither
9 employer nor employee; and

10 “(ii) employment opportunities within
11 the United States benefit the United
12 States economy.

13 “(2) REQUIRED WAGES.—

14 “(A) IN GENERAL.—Each employer peti-
15 tioning for H-2C workers under this subsection
16 shall pay them a wage not less than 115 per-
17 cent of the applicable Federal minimum wage,
18 or the State or local minimum wage, whichever
19 is greatest.

20 “(B) SPECIAL RULE.—An employer can
21 utilize a piece rate or other alternative wage
22 payment system so long as the employer guar-
23 antees each worker a wage rate that equals or
24 exceeds the amount required under subpara-
25 graph (A) for the total hours worked in each

1 pay period. Compensation from a piece rate or
2 other alternative wage payment system shall in-
3 clude time spent during rest breaks, moving
4 from job to job, clean up, or any other non-
5 productive time, provided that such time does
6 not exceed 20 percent of the total hours in the
7 work day.

8 “(3) EMPLOYMENT GUARANTEE.—

9 “(A) IN GENERAL.—

10 “(i) REQUIREMENT.—Each employer
11 petitioning for workers under this sub-
12 section shall guarantee to offer the H-2C
13 workers and United States workers per-
14 forming the same job employment for the
15 hourly equivalent of not less than 50 per-
16 cent of the work hours set forth in the
17 work contract.

18 “(ii) FAILURE TO MEET GUAR-
19 ANTEE.—If an employer affords the
20 United States workers or the H-2C work-
21 ers less employment than that required
22 under this subparagraph, the employer
23 shall pay such workers the amount which
24 the workers would have earned if the work-

1 ers had worked for the guaranteed number
2 of hours.

3 “(B) CALCULATION OF HOURS.—Any
4 hours which workers fail to work, up to a max-
5 imum of the number of hours specified in the
6 work contract for a work day, when the workers
7 have been offered an opportunity to do so, and
8 all hours of work actually performed (including
9 voluntary work in excess of the number of
10 hours specified in the work contract in a work
11 day) may be counted by the employer in calcu-
12 lating whether the period of guaranteed employ-
13 ment has been met.

14 “(C) LIMITATION.—If the workers aban-
15 don employment before the end of the work
16 contract period, or are terminated for cause,
17 the workers are not entitled to the 50 percent
18 guarantee described in subparagraph (A).

19 “(D) TERMINATION OF EMPLOYMENT.—

20 “(i) IN GENERAL.—If, before the expi-
21 ration of the period of employment speci-
22 fied in the work contract, the services of
23 the workers are no longer required due to
24 any form of natural disaster, including
25 flood, hurricane, freeze, earthquake, fire,

1 drought, plant or animal disease, pest in-
2 festation, regulatory action, or any other
3 reason beyond the control of the employer
4 before the employment guarantee in sub-
5 paragraph (A) is fulfilled, the employer
6 may terminate the workers' employment.

7 “(ii) REQUIREMENTS.—If a worker's
8 employment is terminated under clause (i),
9 the employer shall—

10 “(I) fulfill the employment guar-
11 antee in subparagraph (A) for the
12 work days that have elapsed during
13 the period beginning on the first work
14 day and ending on the date on which
15 such employment is terminated;

16 “(II) make efforts to transfer the
17 worker to other comparable employ-
18 ment acceptable to the worker; and

19 “(III) not later than 72 hours
20 after termination, notify the Secretary
21 of Homeland Security of such termi-
22 nation and stating the nature of the
23 contract impossibility.

24 “(l) NONDELEGATION.—The Department of Agri-
25 culture and the Department of Homeland Security shall

1 not delegate their investigatory, enforcement, or adminis-
2 trative functions relating to this section or section 218B
3 to other agencies or departments of the Federal govern-
4 ment.

5 “(m) COMPLIANCE WITH BIO-SECURITY PROTO-
6 COLS.—Except in the case of an imminent threat to health
7 or safety, any personnel from a Federal agency or Federal
8 grantee seeking to determine the compliance of an em-
9 ployer with the requirements of this section or section
10 218B shall, when visiting such employer’s place of employ-
11 ment, make their presence known to the employer and
12 sign-in in accordance with reasonable bio-security proto-
13 cols before proceeding to any other area of the place of
14 employment.

15 “(n) LIMITATION ON H-2C WORKERS’ STAY IN STA-
16 TUS.—

17 “(1) MAXIMUM PERIOD.—The maximum con-
18 tinuous period of authorized status as an H-2C
19 worker (including any extensions) is 18 months for
20 workers employed in a job that is of a temporary or
21 seasonal nature. For H-2C workers employed in a
22 job that is not of a temporary or seasonal nature,
23 the initial maximum continuous period of authorized
24 status is 36 months and subsequent maximum con-
25 tinuous periods of authorized status are 18 months.

1 “(2) REQUIREMENT TO REMAIN OUTSIDE THE
2 UNITED STATES.—In the case of H–2C workers who
3 were employed in a job of a temporary or seasonal
4 nature whose maximum continuous period of author-
5 ized status as H–2C workers (including any exten-
6 sions) have expired, the aliens may not again be eli-
7 gible to be H–2C workers until they remain outside
8 the United States for a continuous period equal to
9 at least $\frac{1}{12}$ th of the duration of their previous period
10 of authorized status an H–2C workers. For H–2C
11 workers who were employed in a job not of a tem-
12 porary or seasonal nature whose maximum contin-
13 uous period of authorized status as H–2C workers
14 (including any extensions) have expired, the aliens
15 may not again be eligible to be H–2C workers until
16 they remain outside the United States for a contin-
17 uous period equal to at least the lesser of $\frac{1}{12}$ th of
18 the duration of their previous period of authorized
19 status as H–2C workers or 45 days.

20 “(3) EXCEPTIONS.—

21 “(A) Absences from the United States can
22 interrupt the accrual of time spent as an H–2C
23 worker against the maximum continuous period
24 of authorized status set forth in paragraph (1).
25 Absences are interruptive if they last for a cu-

1 mulative period of at least 45 days. To qualify
2 for this exception, the petitioner or the alien
3 must provide clear and convincing proof that
4 the alien qualifies for such an exception. Such
5 proof shall consist of evidence such as arrival
6 and departure records, copies of tax returns,
7 and records of employment abroad.

8 “(B) There is no maximum continuous pe-
9 riod of authorized status as set forth in para-
10 graph (1) or a requirement to remain outside
11 the United States as set forth in paragraph (2)
12 for H-2C workers employed as a shepherd
13 or goatherder or who return to the workers’
14 permanent residence outside the United States
15 each day.

16 “(o) PERIOD OF ADMISSION.—In addition to the
17 maximum continuous period of authorized status, workers’
18 authorized period of admission shall include—

19 “(1) a period of not more than 7 days prior to
20 the beginning of authorized employment as H-2C
21 workers for the purpose of travel to the place of em-
22 ployment; and

23 “(2) a period of not more than 14 days after
24 the conclusion of their authorized employment for
25 the purpose of departure from the United States or

1 a period of not more than 30 days following the em-
2 ployment for the purpose of seeking a subsequent
3 offer of employment by an employer pursuant to a
4 petition under this section (or pursuant to at-will
5 employment under section 218B during such times
6 as that section is in effect) if they have not reached
7 their maximum continuous period of authorized em-
8 ployment under subsection (n) (subject to the excep-
9 tions in subsection (n)(3)) unless they accept subse-
10 quent offers of employment as H-2C workers or are
11 otherwise lawfully present. H-2C workers who do
12 not depart the United States within these periods
13 will be considered to have failed to maintain non-
14 immigrant status as H-2C workers and shall be sub-
15 ject to removal under section 237(a)(1)(C)(i). Such
16 aliens shall be considered to be inadmissible pursu-
17 ant to section 212(a)(9)(B)(i) for having been un-
18 lawfully present, with the aliens considered to have
19 been unlawfully present for 180 days as of the 15th
20 day following their period of employment for the
21 purpose of departure or as of the 31st day following
22 their period of employment for the purpose of seek-
23 ing subsequent offers of employment.

24 “(p) ABANDONMENT OF EMPLOYMENT.—

1 “(1) REPORT BY EMPLOYER.—Not later than
2 72 hours after an employer learns of the abandon-
3 ment of employment by H–2C workers before the
4 conclusion of their work contracts, the employer
5 shall notify the Secretary of Homeland Security of
6 such abandonment.

7 “(2) REPLACEMENT OF ALIENS.—An employer
8 may designate eligible aliens to replace H–2C work-
9 ers who abandon employment notwithstanding the
10 numerical limitation found in section 214(g)(1)(C).

11 “(q) ADJUSTMENT OF STATUS.—Aliens who are un-
12 lawfully present in the United States on July [____],
13 2017, are eligible to adjust status to that of H–2C workers
14 despite their unlawful presence.

15 “(r) TRUST FUND TO ASSURE WORKER RETURN.—

16 “(1) ESTABLISHMENT.—There is established in
17 the Treasury of the United States a trust fund (in
18 this section referred to as the ‘Trust Fund’) for the
19 purpose of providing a monetary incentive for H–2C
20 workers to return to their country of origin upon ex-
21 piration of their visas.

22 “(2) WITHHOLDING OF WAGES; PAYMENT INTO
23 THE TRUST FUND.—

24 “(A) IN GENERAL.—Notwithstanding the
25 Fair Labor Standards Act of 1938 (29 U.S.C.

1 201 et seq.) and State and local wage laws, all
2 employers of H-2C workers shall withhold from
3 the wages of the workers an amount equivalent
4 to 10 percent of the gross wages of each worker
5 in each pay period and pay such withheld
6 amount into the Trust Fund.

7 “(B) JOBS THAT ARE NOT OF A TEM-
8 PORARY OR SEASONAL NATURE.—Employers of
9 H-2C workers employed in jobs that are not of
10 a temporary or seasonal nature shall also pay
11 into the Trust Fund an amount equivalent to
12 the Federal tax on the wages paid to H-2C
13 workers that the employer would be obligated to
14 pay under chapters 21 and 23 of the Internal
15 Revenue Code of 1986 had the H-2C workers
16 been subject to such chapters.

17 “(3) DISTRIBUTION OF FUNDS.—Amounts paid
18 into the Trust Fund on behalf of an H-2C worker,
19 and held pursuant to paragraph (2)(A) and interest
20 earned thereon, shall be paid by the Secretary of
21 State to the worker if the worker—

22 “(A) applies to the Secretary of State (or
23 the designee of such Secretary) for payment
24 within 120 days of the expiration of the alien’s
25 last authorized stay in the United States as an

1 H-2C worker at a United States embassy or
2 consulate in the worker's home country;

3 “(B) establishes that they have complied
4 with the terms and conditions of the H-2C pro-
5 gram; and

6 “(C) confirms their identity.

7 “(4) ADMINISTRATIVE EXPENSES.—The
8 amounts paid into the Trust Fund and held pursu-
9 ant to paragraph (2)(A), and interest earned there-
10 on, shall be paid to the Secretary of State, the Sec-
11 retary of Agriculture, and the Secretary of Home-
12 land Security in amounts equivalent to the expenses
13 incurred by such officials in the administration and
14 enforcement of the terms of the H-2C program.

15 “(5) LAW ENFORCEMENT.—Notwithstanding
16 any other provision of law, amounts paid into the
17 Trust Fund under paragraph (2), and interest
18 earned thereon, that are not needed to carry out
19 paragraphs (3) and (4) shall, to the extent provided
20 in advance in appropriations Acts, be made available
21 until expended without fiscal year limitation to the
22 Secretary of Homeland Security to apprehend, de-
23 tain, and remove aliens inadmissible to or deportable
24 from the United States.

25 “(6) INVESTMENT OF TRUST FUND.—

1 “(A) IN GENERAL.—It shall be the duty of
2 the Secretary of the Treasury to invest such
3 portion of the Trust Fund as is not, in the Sec-
4 retary’s judgment, required to meet current
5 withdrawals. Such investments may be made
6 only in interest-bearing obligations of the
7 United States or in obligations guaranteed as to
8 both principal and interest by the United
9 States.

10 “(B) CREDITS TO TRUST FUND.—The in-
11 terest on, and the proceeds from the sale or re-
12 demption of, any obligations held in the Trust
13 Fund shall be credited to and form a part of
14 the Trust Fund.

15 “(C) REPORT TO CONGRESS.—It shall be
16 the duty of the Secretary of the Treasury to
17 hold the Trust Fund, and (after consultation
18 with the Secretary of Agriculture) to report to
19 the Congress each year on the financial condi-
20 tion and the results of the operations of the
21 Trust Fund during the preceding fiscal year
22 and on its expected condition and operations
23 during the next fiscal year. Such report shall be
24 printed as both a House and a Senate docu-

1 ment of the session of the Congress in which
2 the report is made.

3 “(s) PROCEDURES FOR SPECIAL PROCEDURES IN-
4 DUSTRIES.—

5 “(1) WORK LOCATIONS.—The Secretary shall
6 permit an employer in a Special Procedures Industry
7 that does not operate at a single fixed place of em-
8 ployment to provide, as part of its petition, a list of
9 places of employment, which—

10 “(A) may include an itinerary; and

11 “(B) may be subsequently amended by the
12 employer, after notice to the Secretary.

13 “(2) WAGES.—Notwithstanding subsection
14 (k)(2), the Secretary may establish monthly, weekly,
15 or biweekly wage rates for occupations in a Special
16 Procedures Industry for a State or other geographic
17 area. For an employer in a Special Procedures In-
18 dustry that typically pays a monthly wage, the Sec-
19 retary shall require that H-2C workers be paid not
20 less frequently than monthly and at a rate no less
21 than the legally required monthly cash wage in an
22 amount as re-determined annually by the Secretary.

23 “(3) ALLERGY LIMITATION.—An employer en-
24 gaged in the commercial beekeeping or pollination
25 services industry may require that job applicants be

1 free from bee-related allergies, including allergies to
2 pollen and bee venom.”.

3 (b) **AT-WILL EMPLOYMENT.**—Chapter 2 of title II of
4 the Immigration and Nationality Act (8 U.S.C. 1181 et
5 seq.) is amended by inserting after section 218A (as in-
6 serted by subsection (a)) the following:

7 **“SEC. 218B. AT-WILL EMPLOYMENT OF TEMPORARY H-2C**
8 **WORKERS.**

9 “(a) **IN GENERAL.**—An employer that is designated
10 as a ‘registered agricultural employer’ pursuant to sub-
11 section (d) may employ aliens as H-2C workers. However,
12 an H-2C worker may only perform labor or services pur-
13 suant to this section if the worker is already lawfully
14 present in the United States as an H-2C worker, having
15 been admitted or otherwise provided nonimmigrant status
16 pursuant to section 218A, and has completed the period
17 of employment specified in the job offer the worker accept-
18 ed pursuant to section 218A or the employer has termi-
19 nated the worker’s employment pursuant to section
20 218A(k)(3)(D)(i). An H-2C worker who abandons the em-
21 ployment which was the basis for admission or status pur-
22 suant to section 218A may not perform labor or services
23 pursuant to this section until the worker has returned to
24 their home country, been readmitted as an H-2C worker
25 pursuant to section 218A and has completed the period

1 of employment specified in the job offer the worker accept-
2 ed pursuant to section 218A or the employer has termi-
3 nated the worker's employment pursuant to section
4 218A(k)(3)(D)(i).

5 “(b) PERIOD OF STAY.—H-2C workers performing
6 at-will labor or services for a registered agricultural em-
7 ployer are subject to the period of admission, limitation
8 of stay in status, and requirement to remain outside the
9 United States contained in subsections (o) and (n) of sec-
10 tion 218A, except that subsection (n)(3)(A) does not
11 apply.

12 “(c) REGISTERED AGRICULTURAL EMPLOYERS.—
13 The Secretary of Agriculture shall establish a process to
14 accept and adjudicate applications by employers to be des-
15 ignated as registered agricultural employers. The Sec-
16 retary shall require, as a condition of approving the appli-
17 cation, the payment of a fee to recover the reasonable cost
18 of processing the application. The Secretary shall des-
19 ignate an employer as a registered agricultural employer
20 if the Secretary determines that the employer—

21 “(1) employs (or plans to employ) individuals
22 who perform agricultural labor or services;

23 “(2) has not been subject to debarment from
24 receiving temporary agricultural labor certifications

1 pursuant to section 101(a)(15)(H)(ii)(a) within the
2 last five years;

3 “(3) has not been subject to disqualification
4 from the employment of H–2C workers within the
5 last five years;

6 “(4) agrees to, if employing H–2C workers pur-
7 suant to this section, fulfill the attestations con-
8 tained in section 218A(b) as if it had submitted a
9 petition making those attestations (excluding sub-
10 section (k)(3) of such section) and not to employ H–
11 2C workers who have reached their maximum con-
12 tinuous period of authorized status under section
13 218A(n) (subject to the exceptions contained in sec-
14 tion 218A(n)(3)) or if the workers have complied
15 with the terms of section 218A(n)(2); and

16 “(5) agrees to notify the Secretary of Agri-
17 culture and the Secretary of Homeland Security
18 each time it employs H–2C workers pursuant to this
19 section within 72 hours of the commencement of em-
20 ployment and within 72 hours of the cessation of
21 employment.

22 “(d) LENGTH OF DESIGNATION.—An employer’s des-
23 ignation as a registered agricultural employer shall be
24 valid for 3 years, and the designation can be extended
25 upon reapplication for additional 3-year terms. The Sec-

1 retary shall revoke a designation before the expiration of
2 its 3-year term if the employer is subject to disqualifica-
3 tion from the employment of H-2C workers subsequent
4 to being designated as a registered agricultural employer.

5 “(e) ENFORCEMENT.—The Secretary of Agriculture
6 shall be responsible for conducting investigations and au-
7 dits, including random audits, of employers to ensure com-
8 pliance with the requirements of this section. All monetary
9 fines levied against employers shall be paid to the Depart-
10 ment of Agriculture and used to enhance the Department
11 of Agriculture’s investigatory and audit abilities to ensure
12 compliance by employers with their obligations under this
13 section and section 218A. The Secretary of Agriculture’s
14 enforcement powers and an employer’s liability described
15 in subsections (i) through (j) of section 218A are applica-
16 ble to employers employing H-2C workers pursuant to
17 this section.”.

18 (c) PROHIBITION ON FAMILY MEMBERS.—Section
19 101(a)(15)(H) of the Immigration and Nationality Act (8
20 U.S.C. 1101(a)(15)(H)) is amended by striking “him;” at
21 the end and inserting “him, except that no spouse or child
22 may be admitted under clause (ii)(c);”.

23 (d) NUMERICAL CAP.—Section 214(g)(1) of the Im-
24 migration and Nationality Act (8 U.S.C. 1184(g)(1)) is
25 amended—

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

3 (2) in subparagraph (B), by striking the period
4 at the end and inserting “; or”; and

5 (3) by adding at the end the following:

6 “(C) under section 101(a)(15)(H)(ii)(c) may
7 not exceed 500,000, except that—

8 “(i) if the base allocation is exhausted dur-
9 ing any fiscal year, the base allocation for that
10 and subsequent fiscal years shall be increased
11 by the lesser of 10 percent or a percentage rep-
12 resenting the number of petitioned-for aliens
13 (as a percentage of the base allocation) who
14 would be eligible to be issued visas or otherwise
15 provided nonimmigrant status as H-2C workers
16 during that fiscal year but for the base alloca-
17 tion being exhausted, and if the increased base
18 allocation is itself exhausted during a subse-
19 quent fiscal year, the base allocation for that
20 and subsequent fiscal years shall be further in-
21 creased by the lesser of 10 percent or a percent-
22 age representing the number of petitioned-for
23 aliens (as a percentage of the increased base al-
24 location) who would be eligible to be issued
25 visas or otherwise provided nonimmigrant sta-

1 tus as H-2C workers during that fiscal year
2 but for the increased base allocation being ex-
3 hausted (subject to clause (ii));

4 “(ii) if the base allocation is not exhausted
5 during any fiscal year, the base allocation for
6 subsequent fiscal years shall be decreased by
7 the greater of 5 percent or a percentage rep-
8 resenting the unutilized portion of the base allo-
9 cation (as a percentage of the base allocation)
10 during that fiscal year, and if in a subsequent
11 fiscal year the decreased base allocation is itself
12 not exhausted, the base allocation for fiscal
13 years subsequent to that fiscal year shall be
14 further decreased by the greater of 5 percent or
15 a percentage representing the unutilized portion
16 of the decreased base allocation (as a percent-
17 age of the decreased base allocation) during
18 that fiscal year (subject to clause (i) and except
19 that the base allocation shall not fall below
20 500,000); and

21 “(iii) this numerical limitation shall not
22 apply to any alien—

23 “(I) who performed agricultural labor
24 or services in the United States for not
25 fewer than 575 hours pursuant to section

1 7 of the AG Act during the 2-year period
2 beginning on the date of the enactment of
3 such Act; or

4 “(II) who has previously been issued a
5 visa or otherwise provided nonimmigrant
6 status pursuant to section
7 101(a)(15)(H)(ii)(a), but only to the ex-
8 tent that the alien is being petitioned for
9 by an employer pursuant to section
10 218A(b) who previously employed the alien
11 pursuant to section 101(a)(15)(H)(ii)(a)
12 beginning no later than July [____],
13 2017.”.

14 (e) WAIVER OF BARS TO ADMISSIBILITY.—Section
15 212(a)(9)(B)(v) of the Immigration and Nationality Act
16 (8 U.S.C. 1182(a)(9)(B)(v)) is amended—

17 (1) by striking “The Attorney General” and in-
18 serting the following:

19 “(I) IN GENERAL.—The Sec-
20 retary of Homeland Security”.

21 (2) by striking “Attorney General” each place
22 it appears and inserting “Secretary of Homeland Se-
23 curity”; and

24 (3) by adding at the end the following:

1 “(II) H-2C WORKERS.—The Sec-
2 retary of Homeland Security shall
3 waive clause (i) solely as necessary to
4 allow aliens to perform agricultural
5 labor or services as provided in section
6 101(a)(15)(H)(ii)(c), except to the ex-
7 tent that the aliens’ unlawful presence
8 was subsequent to their receiving the
9 status of nonimmigrants under such
10 section. If the Secretary waives clause
11 (i) pursuant to this subclause with re-
12 spect to an alien, the alien must
13 thereafter remain outside the United
14 States for a period by not later than
15 6 months after being issued a visa or
16 otherwise being provided with status
17 as an H-2C worker. Aliens who do
18 not remain outside the United States
19 as required by the previous sentence
20 are considered to be unlawfully
21 present as of the date 6 months after
22 being issued a visa or otherwise being
23 provided with status as an H-2C
24 worker, have failed to maintain non-
25 immigrant status as an H-2C worker,

1 and shall be subject to removal under
2 section 237(a)(1)(C)(i).”.

3 (f) CLERICAL AMENDMENT.—The table of contents
4 for the Immigration and Nationality Act (8 U.S.C. 1101
5 et seq.) is amended by inserting after the item relating
6 to section 218 the following:

“Sec. 218A. Admission of temporary H-2C workers.

“Sec. 218B. At-will employment of temporary H-2C workers.”.

7 **SEC. 4. MEDIATION.**

8 Nonimmigrants having status under section
9 101(a)(15)(H)(ii)(c) of the Immigration and Nationality
10 Act (8 U.S.C. 1101(a)(15)(H)(ii)(c)) may not bring civil
11 actions for damages against their employers, nor may any
12 other attorneys or individuals bring civil actions for dam-
13 ages on behalf of such nonimmigrants against the non-
14 immigrants’ employers, unless at least 90 days prior to
15 bringing an action a request has been made to the Federal
16 Mediation and Conciliation Service to assist the parties
17 in reaching a satisfactory resolution of all issues involving
18 all parties to the dispute and mediation has been at-
19 tempted.

20 **SEC. 5. MIGRANT AND SEASONAL AGRICULTURAL WORKER**
21 **PROTECTION.**

22 Section 3(8)(B)(ii) of the Migrant and Seasonal Agri-
23 cultural Worker Protection Act (29 U.S.C.
24 1802(8)(B)(ii)) is amended by striking “under sections

1 101(a)(15)(H)(ii)(a) and 214(c) of the Immigration and
2 Nationality Act.” and inserting “under subclauses (a) and
3 (c) of section 101(a)(15)(H)(ii), and section 214(c), of the
4 Immigration and Nationality Act.”.

5 **SEC. 6. BINDING ARBITRATION.**

6 (a) **APPLICABILITY.**—H–2C workers may, as a condi-
7 tion of employment with an employer, be subject to man-
8 datory binding arbitration and mediation of any grievance
9 relating to the employment relationship. An employer shall
10 provide any such workers with notice of such condition of
11 employment at the time it makes job offers.

12 (b) **ALLOCATION OF COSTS.**—Any cost associated
13 with such arbitration and mediation process shall be
14 equally divided between the employer and the H–2C work-
15 ers, except that each party shall be responsible for the cost
16 of its own counsel, if any.

17 (c) **DEFINITIONS.**—As used in this section:

18 (1) The term “condition of employment” means
19 a term, condition, obligation, or requirement that is
20 part of the job offer, such as the term of employ-
21 ment, job responsibilities, employee conduct stand-
22 ards, and the grievance resolution process, and to
23 which applicants or prospective H–2C workers must
24 consent or accept in order to be hired for the posi-
25 tion.

1 (2) The term “H-2C worker” means a non-
2 immigrant described in section 218A(a)(4) of the
3 Immigration and Nationality Act (8 U.S.C.
4 1188A(a)(4)), as added by section 3(a) of this Act.

5 **SEC. 7. THE PERFORMANCE OF AGRICULTURAL LABOR OR**
6 **SERVICES BY ALIENS WHO ARE UNLAWFULLY**
7 **PRESENT.**

8 (a) IN GENERAL.—The Secretary of Homeland Secu-
9 rity shall waive the grounds of inadmissibility contained
10 in paragraphs (5), (6), (7), and (9)(B) of section 212(a),
11 and the grounds of deportability contained in subpara-
12 graphs (A) through (D) of paragraph (1), and paragraph
13 (3), of section 237(a), of the Immigration and Nationality
14 Act (8 U.S.C. 1101 et seq.) in the case of aliens described
15 in subsection (b) solely as may be necessary in order to
16 allow the aliens to perform agricultural labor or services.
17 Such aliens shall not be considered unauthorized aliens for
18 purposes of section 274A(h)(3) of the Immigration and
19 Nationality Act (8 U.S.C. 1324a(h)(3)) or to be unlaw-
20 fully present as long as the aliens perform such labor or
21 services. They shall be provided documents indicating
22 their authorization to work only in agricultural labor or
23 services.

24 (b) ALIENS DESCRIBED.—Aliens described in this
25 subsection are aliens who—

1 (1) were physically present in the United States
2 on July **【_____】**, 2017; and

3 (2) performed agricultural labor or services in
4 the United States for not fewer than 575 hours dur-
5 ing the 2-year period ending on the date of the en-
6 actment of this Act.

7 **SEC. 8. ELIGIBILITY FOR HEALTH CARE SUBSIDIES AND**
8 **REFUNDABLE TAX CREDITS.**

9 (a) **HEALTH CARE SUBSIDIES.**—H-2C workers (as
10 defined in section 218A(a)(4) of the Immigration and Na-
11 tionality Act (8 U.S.C. 1188A(a)(4)), as added by section
12 3(a) of this Act, and aliens performing agricultural labor
13 or services pursuant to section 7 of this Act—

14 (1) are not entitled to the premium assistance
15 tax credit authorized under section 36B of the Inter-
16 nal Revenue Code of 1986 and shall be subject to
17 the rules applicable to individuals who are not law-
18 fully present set forth in subsection (e) of such sec-
19 tion; and

20 (2) shall be subject to the rules applicable to in-
21 dividuals who are not lawfully present set forth in
22 section 1402(e) of the Patient Protection and Af-
23 fordable Care Act (42 U.S.C. 18071(e)).

24 (b) **REFUNDABLE TAX CREDITS.**—H-2C workers (as
25 defined in section 218A(a)(4) of the Immigration and Na-

1 tionality Act (8 U.S.C. 1188A(a)(4)), as added by section
2 3(a) of this Act, and aliens performing agricultural labor
3 or services pursuant to section 7 of this Act shall not be
4 allowed any credit under sections 24 and 32 of the Inter-
5 nal Revenue Code of 1986. In the case of a joint return,
6 no credit shall be allowed under either such section if both
7 spouses are such workers or aliens.

8 **SEC. 9. IMMIGRANT VISAS FOR AGRICULTURAL WORKERS.**

9 (a) Amend the heading of paragraph (3) of section
10 203(b) of the Immigration and Nationality Act (8 U.S.C.
11 1153(b)(3)) to read as follows: “SKILLED WORKERS, PRO-
12 FESSIONALS, AND AGRICULTURAL WORKERS.—”.

13 (b) Amend section 203(b)(3)(A)(iii) of the Immigra-
14 tion and Nationality Act (8 U.S.C. 1153(b)(3)(A)(iii)) to
15 read as follows:

16 “(iii) AGRICULTURAL WORKERS.—

17 “(I) Qualified immigrants who
18 have performed agricultural labor or
19 services (as defined in section
20 101(a)(53)) for at least 500 days in
21 which the alien was employed 5.75 or
22 more hours during the preceding 10
23 year period and who are capable, at
24 the time of petitioning for classifica-

1 tion under this paragraph, of per-
2 forming such labor or services.

3 “(II) The Secretary of Homeland
4 Security shall waive the grounds of in-
5 admissibility contained in paragraphs
6 (5), (6), (7), and (9)(B) of section
7 212(a) and the grounds of deport-
8 ability contained in subparagraphs (A)
9 through (D) of paragraph (1), and
10 paragraph (3), of section 237(a), sole-
11 ly as may be necessary in order to
12 allow an alien to receive a visa or oth-
13 erwise be provided with status pursu-
14 ant to subclause (I).”.

15 **SEC. 10. EFFECTIVE DATES; SUNSET; REGULATIONS.**

16 (a) EFFECTIVE DATES.—

17 (1) IN GENERAL.—Sections 2 and 4 through 6
18 of this Act, subsections (a) and (c) through (f) of
19 section 3 of this Act, and the amendments made by
20 the sections, shall take effect on the date that is 2
21 years after the date of the enactment of this Act,
22 and the Secretary of Agriculture shall accept peti-
23 tions pursuant to section 218A of the Immigration
24 and Nationality Act, as inserted by this Act, begin-
25 ning 28 days earlier. Section 8 of this Act shall take

1 effect on the date of enactment of the Act. Section
2 9 of this Act, and the amendments made by that
3 section, shall take effect on the date of enactment of
4 the Act.

5 (2) AT-WILL EMPLOYMENT.—Section 3(b) of
6 this Act and the amendments made by that sub-
7 section shall take effect on the date that it becomes
8 unlawful for any person or other entity to hire, or
9 to recruit or refer for a fee, for employment in the
10 United States an individual (as provided in section
11 274A(a)(1) of the Immigration and Nationality Act)
12 (8 U.S.C. 1324a(a)(1)) without participating in the
13 E-Verify Program described in section 403(a) of the
14 Illegal Immigration Reform and Immigrant Respon-
15 sibility Act of 1996 (8 U.S.C. 1324a note) or an em-
16 ployment eligibility verification system patterned on
17 such program’s verification system, and only if at
18 that time the E-Verify Program (or another pro-
19 gram patterned after the E-Verify Program) re-
20 sponds to inquiries made by such persons or entities
21 by providing confirmation, tentative nonconfirma-
22 tion, and final nonconfirmation of an individual’s
23 identity and employment eligibility in such a way
24 that indicates whether the individual is eligible to be
25 employed in all occupations or only to perform agri-

1 cultural labor or services under sections 218A and
2 219B of the Immigration and Nationality Act (8
3 U.S.C. 1188A; 8 U.S.C. 1188B) (as added by sec-
4 tion 3 of this Act), and if the latter, whether the
5 nonimmigrant would be in compliance with their
6 maximum continuous period of authorized status
7 and requirement to remain outside the United States
8 under section 218A(n) of such Act (8 U.S.C.
9 1188A(n)), as added by section 3(a) of this Act, and
10 on what date the alien would cease to be in compli-
11 ance with their maximum continuous period of au-
12 thorized status.

13 (3) AGRICULTURAL LABOR OR SERVICES BY
14 ALIENS UNLAWFULLY PRESENT.—Section 7 of this
15 Act shall take effect on the date of the enactment
16 of this Act and shall cease to be in effect on the date
17 that is 2 years after such date.

18 (b) OPERATION AND SUNSET OF THE H-2A PRO-
19 GRAM.—

20 (1) APPLICATION OF EXISTING REGULA-
21 TIONS.—The Department of Labor H-2A program
22 regulations published at 73 Federal Register 77110
23 et seq. (2008) shall be in force for all petitions ap-
24 proved under sections 101(a)(15)(H)(ii)(a) and 218
25 of the Immigration and Nationality Act (8 U.S.C.

1 1101(a)(15)(h)(ii)(a); 8 U.S.C. 1188) beginning on
2 the date of the enactment of this Act.

3 (2) ADJUSTMENT OF STATUS.—Aliens who were
4 unlawfully present in the United States on July
5 **【** , 2017, shall be eligible for status as aliens de-
6 scribed in section 101(a)(15)(H)(ii)(a) of the Immi-
7 gration and Nationality Act (8 U.S.C.
8 1101(a)(15)(H)(ii)(a)) despite their unlawful pres-
9 ence beginning on the date of the enactment of this
10 Act and ending on the date that is 2 years after the
11 date of enactment of this Act.

12 (3) SUNSET.—Beginning on the date on which
13 employers can file petitions pursuant to section
14 218A of the Immigration and Nationality Act (8
15 U.S.C. 1188A) as added by section 3(a) of this Act,
16 no new petitions under sections 101(a)(15)(H)(ii)(a)
17 and 218 of the Immigration and Nationality Act (8
18 U.S.C. 1101(a)(15)(H)(ii)(a); 8 U.S.C. 1188) shall
19 be accepted.

20 (c) REGULATIONS.—Not later than 18 months after
21 the date of the enactment of this Act, the Secretary of
22 Agriculture shall promulgate regulations, in accordance
23 with the notice and comment provisions of section 553 of
24 title 5, United States Code, to implement the Secretary's
25 duties under this Act.