

115TH CONGRESS
1ST SESSION

H. R. 3297

To streamline the application process for H-2A employers and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2017

Mr. KELLY of Mississippi introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To streamline the application process for H-2A employers 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 “Paperwork Reduction
5 for Farmers Act”.

6 **SEC. 2. ELECTRONIC FILING AND APPEALS SYSTEM FOR H-**
7 **2A PETITIONS.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of the enactment of this Act, the Secretary of Labor
10 shall establish a process for filing petitions for non-

1 immigrant visas under section 101(a)(15)(H)(ii)(a) of the
2 Immigration and Nationality Act (8 U.S.C.
3 1101(a)(15)(H)(ii)(a)) that ensures that—

4 (1) petitioners may file such petitions through
5 the Department of Labor’s website;

6 (2) any software developed to process such peti-
7 tions indicates to the petitioner any technical defi-
8 ciency in the application before submission; and

9 (3) any petitioner may file such petition in a
10 paper format if such petitioner prefers such format.

11 (b) REQUEST FOR EVIDENCE.—Section 218(h) of the
12 Immigration and Nationality Act (8 U.S.C. 1188(h)) is
13 amended by adding at the end the following:

14 “(3) If U.S. Citizenship and Immigration Services
15 issues a Request for Evidence to an employer—

16 “(A) the employer may request such Request
17 for Evidence to be delivered in an online format; and

18 “(B) if the employer makes the request de-
19 scribed in subparagraph (A)—

20 “(i) the Request for Evidence shall be pro-
21 vided to the employer in an online format; and

22 “(ii) not later than 10 business days after
23 the employer submits the requested evidence
24 online, U.S. Citizenship and Immigration Serv-

1 ices shall provide an online response to the em-
2 ployer—

3 “(I) indicating that the submitted evi-
4 dence is sufficient; or

5 “(II) explaining the reasons that such
6 evidence is not sufficient and providing the
7 employer with an opportunity to address
8 any such deficiency.”.

9 **SEC. 3. H-2A PROGRAM UPDATES.**

10 (a) **IN GENERAL.**—Section 101(a)(15)(H)(ii)(a) of
11 the Immigration and Nationality Act (8 U.S.C.
12 1101(a)(15)(H)(ii)(a)) is amended by inserting “, labor
13 as a year-round equine worker, labor as a year-round live-
14 stock worker (including as a dairy or poultry worker)” be-
15 fore “, and the pressing of apples”.

16 (b) **JOINT APPLICATION; DEFICIENCY REMEDY.**—
17 Section 214(c)(1) of the Immigration and Nationality Act
18 (8 U.S.C. 1184(c)(1)) is amended—

19 (1) by inserting “(A)” after “(1)”; and

20 (2) by adding at the end the following:

21 “(B) Multiple employers may submit a joint petition
22 under subparagraph (A) to import aliens as non-
23 immigrants described in section 101(a)(15)(H)(ii)(a).
24 Upon the approval of such petition, each joint employer
25 shall be subject to the provisions under section 218 with

1 respect to each alien listed in such petition. If any indi-
2 vidual party to such a joint contract violates any condition
3 for approval with respect to the application or provisions
4 under section 218 with respect to each alien listed in such
5 petition, after notice and opportunity for a hearing, the
6 contract may be modified to remove the party in violation
7 from the contract at no penalty to the remaining parties.

8 “(C) If a petition to import aliens as nonimmigrants
9 described in section 101(a)(15)(H)(ii)(a) is denied or if
10 the issuance of visas requested through such petition is
11 delayed due to a problem with the petition, the Director
12 of U.S. Citizenship and Immigration Services shall
13 promptly notify the petitioner of the reasons for such de-
14 nial or delay and provide the petitioner with reasonable
15 time to remedy the problem.”.

16 (c) LABOR CERTIFICATION; STAGGERED EMPLOY-
17 MENT DATES.—Section 218(h) of the Immigration and
18 Nationality Act (8 U.S.C. 1188(h)), as amended by sec-
19 tion 3(b), is further amended by adding at the end the
20 following:

21 “(4) An employer that is seeking to rehire aliens as
22 H-2A workers who previously worked for the employer as
23 H-2A workers may submit a simplified petition, to be de-
24 veloped by the Director of U.S. Citizenship and Immigra-
25 tion Services, in consultation with the Secretary of Labor,

1 which shall include a certification that the employer main-
2 tains compliance with all applicable requirements with re-
3 spect to the employment of such aliens. Such petitions
4 shall be approved upon completion of applicable security
5 screenings.

6 “(5) An employer that is seeking to hire aliens as
7 H-2A workers during different time periods in a given fis-
8 cal year may submit a single petition to U.S. Citizenship
9 and Immigration Services that details the time period dur-
10 ing which each such alien is expected to be employed.

11 “(6) Upon receiving notification from an employer
12 that the employer’s H-2A worker has prematurely aban-
13 doned employment or has failed to appear for employment
14 and such employer wishes to replace such worker—

15 “(A) the Secretary of State shall promptly issue
16 a visa under section 101(a)(15)(H)(ii)(a) to an eligi-
17 ble alien designated by the employer to replace that
18 worker; and

19 “(B) the Secretary of Homeland Security shall
20 promptly admit such alien into the United States
21 upon completion of applicable security screenings.”.

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