

9.28.17 Goodlatte Draft Major Changes

- Adds forestry and aquaculture activities to the definition of agricultural labor or services and defines forestry (page 3, lines 3 and 4)
- Addresses concerns of master applications and labor contractors by defining job to include more than one place of employment and by allowing the job offer/order to include more than one place of employment (page 10, line 13)
- Adds the qualifier of “sufficient numbers” of willing and qualified workers to the recruitment attestation (page 7, line 24)
- To accommodate the multiple job sites, requires that the job order be placed with the SWA in each place of employment (page 8, line 7)
- Reduces from 10 days to 5 business days the time period for USDA to adjudicate a corrected petition (page 11, line 16)
- Clarifies that the required minimum wage offered is the state or local minimum or 115% of the federal minimum, whichever is highest (page 18, lines 9-11)
- Slightly alters the H2C touchback construct by removing language on cumulative absences and instead requiring DHS to “deduct” absences during the visa period if the worker or employer requests (page 23, lines 20-23)
- Exempts employers of Special Procedures workers and day workers from the wage deduction and employment tax contributions to the Trust Fund (page 27, lines 1-5)
- Alters the method of collecting the funds held in trust to include an approval process by USDA (page 28, lines 3-18)
- Revises the work requirement to at least 5.75 hours during each of at least 180 days during the 2 -year period beginning on the day of enactment for cap exemption and ending on the date of

enactment to receive EAD (page 37, lines 13 and 14; page 42, line 25)

- Clarifies that H2As and Bs previously employed who are returning to the same employer are cap exempt (page 37, line 24)
- Revises the work experience for employer sponsorship under the green card category to at least 5.75 hours during each of at least 90 days in each of the preceding 4 fiscal years (page 44, lines 16-19)
- Clarifies that beneficiaries of such sponsorship can maintain dual intent while working as a non-immigrants (page 39, line 16)
- Extends EAD beyond the 2 year period for sponsored workers until the green card petition is adjudicated (page 47, lines 13-17)
- Specifies that certain regulations covering Special Procedures under H2A that were adopted after 2008 shall nevertheless remain in effect (page 48, lines 2-25)