

114TH CONGRESS  
2D SESSION

# S. 3439

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

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2016

Mr. PAUL introduced the following bill; which was read twice and 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. H-2A WORKERS.**

7 (a) **JOINT APPLICATION; PERIOD OF AUTHORIZED**  
8 **ADMISSION.**—Section 214(c)(1) of the Immigration and  
9 Nationality Act (8 U.S.C. 1184(c)(1)) is amended—

10 (1) by inserting “(A)” after “(1)”;

1           (2) by striking “Attorney General” each place  
2           such term appears and inserting “Director of U.S.  
3           Citizenship and Immigration Services”;

4           (3) by striking “For purposes” and inserting  
5           the following:

6           “(B) For purposes”; and

7           (4) by adding at the end the following:

8           “(C) Multiple employers may submit a joint petition  
9           under subparagraph (A) to import aliens as non-  
10          immigrants described in section 101(a)(15)(H)(ii)(a).  
11          Upon the approval of such petition, each joint employer  
12          shall be subject to the provisions under section 218 with  
13          respect to each alien listed in such petition.

14          “(D) The period of authorized admission for a non-  
15          immigrant described in section 101(a)(15)(H)(ii)(a) may  
16          not exceed the shorter of—

17                 “(i) the period for which a petitioner under this  
18                 paragraph has contracted to employ such non-  
19                 immigrant; or

20                 “(ii) three years.

21          “(E) If a petition to import aliens as nonimmigrants  
22          described in section 101(a)(15)(H)(ii)(a) is denied or if  
23          the issuance of visas requested through such petition is  
24          delayed due to a problem with the petition, the Director  
25          shall promptly notify the petitioner of the reasons for such

1 denial or delay and provide the petitioner with reasonable  
2 time to remedy the problem.”.

3 (b) LABOR CERTIFICATION; STAGGERED EMPLOY-  
4 MENT DATES.—Section 218(h) of the Immigration and  
5 Nationality Act (8 U.S.C. 1188(h)) is amended by adding  
6 at the end the following:

7 “(3) An employer that is seeking to rehire aliens as  
8 H–2A workers who previously worked for the employer as  
9 H–2A workers at any time during the most recent 12-  
10 month period may submit a simplified petition, to be devel-  
11 oped by the Director of U.S. Citizenship and Immigration  
12 Services, in consultation with the Secretary of Labor,  
13 which shall include a certification that the employer main-  
14 tains compliance with all applicable requirements with re-  
15 spect to the employment of such aliens. Such petitions  
16 shall be approved upon completion of applicable security  
17 screenings.

18 “(4) An employer that is seeking to hire aliens as  
19 H–2A workers during different time periods in a given fis-  
20 cal year may submit a single petition to U.S. Citizenship  
21 and Immigration Services that details the time period dur-  
22 ing which each such alien is expected to be employed.”.

1 **SEC. 3. OPTION FOR ELECTRONIC REQUESTS FOR EVI-**  
2 **DENCE.**

3 Section 218(h) of the Immigration and Nationality  
4 Act, as amended by section 2, is further amended by add-  
5 ing at the end the following:

6 “(5) If U.S. Citizenship and Immigration Services  
7 issues a Request for Evidence to an employer—

8 “(A) the employer may request that U.S. Citi-  
9 zenship and Immigration Services deliver such Re-  
10 quest for Evidence in an online format; and

11 “(B) if the employer makes such a request—

12 “(i) the Request for Evidence shall be pro-  
13 vided in an online format; and

14 “(ii) not later than three business days  
15 after the employer submits the requested evi-  
16 dence online, U.S. Citizenship and Immigration  
17 Services shall provide to the employer—

18 “(I) an online response that indicates  
19 the submitted evidence is sufficient; or

20 “(II) an online response that explains  
21 the reasons such evidence is not sufficient  
22 and an opportunity for the employer to ad-  
23 dress any such deficiency.”.

○