

**AMENDMENT OFFERED BY MR. OWENS OF NEW
YORK
TO THE RULES COMMITTEE PRINT OF H.R. 6429**

Page 1, before line 1, insert the following:

1 TITLE I—STEM JOBS ACT OF 2012

Redesignate sections 1 through 6 as sections 101 through 106, respectively.

Page 1, line 2, strike “Act” and insert “title”.

Page 24, after line 19, insert the following:

**2 TITLE II—H-2A IMPROVEMENT
3 ACT**

4 SECTION 201. SHORT TITLE.

5 This Act may be cited as the “H-2A Improvement
6 Act”.

**7 SEC. 202. NONIMMIGRANT STATUS FOR DAIRY WORKERS,
8 SHEEPHERDERS, AND GOAT HERDERS.**

9 Section 101(a)(15)(H)(ii)(a) of the Immigration and
10 Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is
11 amended by inserting “who is coming temporarily to the
12 United States to perform agricultural labor or services as

1 a dairy worker, shepherd, or goat herder, or” after
2 “abandoning”.

3 **SEC. 203. SPECIAL RULES FOR ALIENS EMPLOYED AS**
4 **DAIRY WORKERS, SHEEPHERDERS, OR GOAT**
5 **HERDERS.**

6 Section 218 of the Immigration and Nationality Act
7 (8 U.S.C. 1188) is amended—

8 (1) by redesignating subsections (h) and (i) as
9 subsections (i) and (j), respectively; and

10 (2) by inserting after subsection (g) the fol-
11 lowing:

12 “(h) SPECIAL RULES FOR ALIENS EMPLOYED AS
13 DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERD-
14 ERS.—

15 “(1) IN GENERAL.—Notwithstanding any other
16 provision of this Act, an alien admitted as a non-
17 immigrant under section 101(a)(15)(H)(ii)(a) for
18 employment as a dairy worker, shepherd, or goat
19 herder—

20 “(A) may be admitted for an initial period
21 of 3 years; and

22 “(B) subject to paragraph (3)(E), may
23 have such initial period of admission extended
24 for an additional period of up to 3 years.

1 “(2) EXEMPTION FROM TEMPORARY OR SEA-
2 SONAL REQUIREMENT.—Not withstanding section
3 101(a)(15)(H)(ii)(a), an employer filing a petition to
4 employ H–2A workers in positions as dairy workers,
5 sheepherders, or goat herders shall not be required
6 to show that such positions are of a seasonal or tem-
7 porary nature.

8 “(3) ADJUSTMENT TO LAWFUL PERMANENT
9 RESIDENT STATUS.—

10 “(A) ELIGIBLE ALIEN.—In this paragraph,
11 the term ‘eligible alien’ means an alien who—

12 “(i) has H–2A worker status based on
13 employment as a dairy worker, sheep-
14 herder, or goat herder;

15 “(ii) has maintained such status in
16 the United States for a not fewer than 33
17 of the preceding 36 months; and

18 “(iii) is seeking to receive an immi-
19 grant visa under section 203(b)(3)(A)(iii).

20 “(B) CLASSIFICATION PETITION.—A peti-
21 tion under section 204 for classification of an
22 eligible alien under section 203(b)(3)(A)(iii)
23 may be filed by—

24 “(i) the alien’s employer on behalf of
25 the eligible alien; or

1 “(ii) the eligible alien.

2 “(C) NO LABOR CERTIFICATION RE-
3 QUIRED.—Notwithstanding section
4 203(b)(3)(C), no determination under section
5 212(a)(5)(A) is required with respect to an im-
6 migrant visa under section 203(b)(3)(A)(iii) for
7 an eligible alien.

8 “(D) EFFECT OF PETITION.—The filing of
9 a petition described in subparagraph (B) or an
10 application for adjustment of status based on a
11 petition described in subparagraph (B) shall not
12 be a basis for denying—

13 “(i) another petition to employ H–2A
14 workers;

15 “(ii) an extension of nonimmigrant
16 status for a H–2A worker;

17 “(iii) admission of an alien as an H–
18 2A worker;

19 “(iv) a request for a visa for an H–
20 2A worker;

21 “(v) a request from an alien to modify
22 the alien’s immigration status to or from
23 status as an H–2A worker; or

1 “(vi) a request made for an H-2A
2 worker to extend such worker’s stay in the
3 United States.

4 “(E) EXTENSION OF STAY.—The Sec-
5 retary of Homeland Security shall extend the
6 stay of an eligible alien having a pending or ap-
7 proved petition described in subparagraph (B)
8 in 1-year increments until a final determination
9 is made on the alien’s eligibility for adjustment
10 of status to that of an alien lawfully admitted
11 for permanent residence.

12 “(F) CONSTRUCTION.—Nothing in this
13 paragraph may be construed to prevent an eligi-
14 ble alien from seeking adjustment of status in
15 accordance with any other provision of law.”.

