

117TH CONGRESS
1ST SESSION

S. 2443

To expand the definition of H-2A nonimmigrant for purposes of the Immigration and Nationality Act to include aliens engaged in seafood processing, horticultural commodities, or the care of horses.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2021

Mr. GRAHAM (for himself and Mr. MANCHIN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To expand the definition of H-2A nonimmigrant for purposes of the Immigration and Nationality Act to include aliens engaged in seafood processing, horticultural commodities, or the care of horses.

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. EXPANSION OF AGRICULTURE-RELATED WORK**

4 **ACTIVITIES FOR WHICH H-2A NON-**
5 **IMMIGRANTS ARE ELIGIBLE.**

6 Section 101(a)(15)(H) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1101(a)(15)(H)) is amended by

1 striking “or (ii)” and all that follows through “or (b)”
2 and inserting the following:

3 “(ii)(a) having a residence in a foreign
4 country, which the alien has no intention of
5 abandoning, who is coming temporarily to the
6 United States to perform agricultural labor or
7 services (as defined by the Secretary of Labor,
8 by regulation, and as commonly characterized
9 by its inclusion in any relevant occupational
10 code in the Standard Occupational Classifica-
11 tion Manual issued by the Office of Manage-
12 ment and Budget), including—

13 “(aa) labor (as defined in section
14 3121(g) of the Internal Revenue Code of
15 1986);

16 “(bb) labor or services in agriculture
17 (as defined in section 3(f) of the Fair
18 Labor Standards Act of 1938 (29 U.S.C.
19 203(f)));

20 “(cc) labor relating to the pressing of
21 apples for cider on a farm;

22 “(dd) labor related to aquaculture,
23 fish trimming, or wild seafood processing;

24 “(ee) labor related to the cultivation,
25 installation, establishment and mainte-

1 nance of horticultural commodities without
2 regard to commodity source or location;
3 “(ff) labor related to the breeding,
4 care and feeding of equines; or
5 “(b)”.

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