

**AMENDMENT TO THE LABRADOR AMENDMENT IN
THE NATURE OF A SUBSTITUTE TO H.R. 4092
OFFERED BY MR. DeSantis**

Page 27, beginning on line 19, strike “the date of the enactment of the Ag Act” and insert “October 23, 2017”.

Page 39, beginning on line 22, strike “the date of the enactment of the Ag Act” and insert “October 23, 2017”.

Page 45, strike line 12 and all that follows through the end of the bill and insert the following:

1 SEC. 9. EFFECTIVE DATES; SUNSET; REGULATIONS.

2 (a) EFFECTIVE DATES; REGULATIONS.—

3 (1) IN GENERAL.—Sections 2 and 4 through 6
4 of this Act, subsections (a) and (c) through (f) of
5 section 3 of this Act, and the amendments made by
6 the sections, shall take effect on the date on which
7 the Secretary issues the rules under paragraph (4),
8 and the Secretary of Homeland Security shall accept
9 petitions pursuant to section 218A of the Immigra-
10 tion and Nationality Act, as inserted by this Act, be-
11 ginning no later than that date. Sections 7 of this

1 Act shall take effect on the date set forth in para-
2 graph (3).

3 (2) AT-WILL EMPLOYMENT.—Section 3(b) of
4 this Act and the amendments made by that sub-
5 section shall take effect on the date that it becomes
6 unlawful for all persons or other entities to hire, or
7 to recruit or refer for a fee, for employment in the
8 United States an individual (as provided in section
9 274A(a)(1) of the Immigration and Nationality Act
10 (8 U.S.C. 1324a(a)(1)) without participating in the
11 E-Verify Program described in section 403(a) of the
12 Illegal Immigration Reform and Immigrant Respon-
13 sibility Act of 1996 (8 U.S.C. 1324a note) or an em-
14 ployment eligibility verification system patterned on
15 such program's verification system, and only if at
16 that time the E-Verify Program (or another pro-
17 gram patterned after the E-Verify Program) re-
18 sponds to inquiries made by such persons or entities
19 by providing confirmation, tentative nonconfirma-
20 tion, and final nonconfirmation of an individual's
21 identity and employment eligibility in such a way
22 that indicates whether the individual is eligible to be
23 employed in all occupations or only to perform agri-
24 cultural labor or services under sections 218A and
25 219B of the Immigration and Nationality Act, as

1 added by section 3 of this Act, and if the latter,
2 whether the nonimmigrant would be in compliance
3 with their maximum continuous period of authorized
4 status and requirement to remain outside the United
5 States under section 218A(n) of such Act, as added
6 by section 3(a) of this Act, and on what date the
7 alien would cease to be in compliance with their
8 maximum continuous period of authorized status.

9 (3) DATE.—The date set forth in this para-
10 graph is the date of enactment of H.R. 3711 or any
11 other Act providing that it shall be unlawful for all
12 persons or other entities to hire, or to recruit or
13 refer for a fee, for employment in the United States
14 an individual (as provided in section 274A(a)(1) of
15 the Immigration and Nationality Act (8 U.S.C.
16 1324a(a)(1)) without participating in the E-Verify
17 Program or other verification system (as described
18 in paragraph (2)).

19 (4) REGULATIONS.—Notwithstanding any other
20 provision of law, not later than the first day of the
21 seventh month that begins after the date set forth
22 in paragraph (3), the Secretary of Homeland Secu-
23 rity shall issue final rules, on an interim or other
24 basis, to carry out this Act.

1 (b) OPERATION AND SUNSET OF THE H-2A PRO-
2 GRAM.—

3 (1) APPLICATION OF EXISTING REGULA-
4 TIONS.—The Department of Labor H-2A program
5 regulations published at 73 Federal Register 77110
6 et seq. (2008) shall be in force for all petitions ap-
7 proved under sections 101(a)(15)(H)(ii)(a) and 218
8 of the Immigration and Nationality Act (8 U.S.C.
9 1101(a)(15)(h)(ii)(a); 8 U.S.C. 1188) beginning on
10 the date of the enactment of this Act, except that
11 the following, as in effect on such date, shall remain
12 in effect, and, to the extent that any rule published
13 at 73 Federal Register 77110 et seq. is in conflict,
14 such rule shall have no force and effect:

15 (A) Paragraph (a) and subparagraphs (1)
16 and (3) of paragraph (b) of section 655.200 of
17 title 20, Code of Federal Regulations.

18 (B) Section 655.201 of title 20, Code of
19 Federal Regulations, except the paragraphs en-
20 titled “Production of Livestock” and “Range”.

21 (C) Paragraphs (c), (d) and (e) of section
22 655.210 of title 20, Code of Federal Regula-
23 tions.

24 (D) Section 655.230 of title 20, Code of
25 Federal Regulations.

1 (E) Section 655.235 of title 20, Code of
2 Federal Regulations.

3 (F) The Special Procedures Labor Certifi-
4 cation Process for Employers in the Itinerant
5 Animal Shearing Industry under the H-2A
6 Program in effect under the Training and Em-
7 ployment Guidance Letter No. 17-06, Change
8 1, Attachment B, Section II, with an effective
9 date of October 1, 2011.

10 (2) SUNSET.—Beginning on the date on which
11 employers can file petitions pursuant to section
12 218A of the Immigration and Nationality Act, as
13 added by section 3(a) of this Act, no new petitions
14 under sections 101(a)(15)(H)(ii)(a) and 218 of the
15 Immigration and Nationality Act (8 U.S.C.
16 1101(a)(15)(H)(ii)(a); 8 U.S.C. 1188) shall be ac-
17 cepted.

