

**AMENDMENT TO H.R. 1603**  
**OFFERED BY MR. NADLER OF NEW YORK**

In section 126(c)(3), strike “(1)(D)” and insert “(1)(E)”.

In section 126(c), add at the end the following:

1           (4) HARDSHIP WAIVER.—

2                   (A) IN GENERAL.—As part of the rule-  
3           making described in section 122(a), the Sec-  
4           retary shall establish procedures allowing for a  
5           partial waiver of the requirement under section  
6           111(a)(1)(A) for a certified agricultural worker  
7           if such worker—

8                           (i) has continuously maintained cer-  
9                           tified agricultural worker status since the  
10                          date such status was initially granted;

11                          (ii) has partially completed the re-  
12                          quirement under section 111(a)(1)(A); and

13                          (iii) is no longer able to engage in ag-  
14                          ricultural labor or services safely and effec-  
15                          tively because of—

1 (I) a permanent disability suf-  
2 fered while engaging in agricultural  
3 labor or services; or

4 (II) deteriorating health or phys-  
5 ical ability combined with advanced  
6 age.

7 (B) DISABILITY.—In establishing the pro-  
8 cedures described in subparagraph (A), the Sec-  
9 retary shall consult with the Secretary of  
10 Health and Human Services and the Commis-  
11 sioner of Social Security to define “permanent  
12 disability” for purposes of a waiver under sub-  
13 paragraph (A)(iii)(I).

In section 302(b), add at the end the following:

14 (5) DELAYED IMPLEMENTATION.—The Sec-  
15 retary of Homeland Security, in consultation with  
16 the Secretary of Agriculture, may delay the effective  
17 dates described in paragraphs (1) and (2) for a pe-  
18 riod not to exceed 180 days if the Secretary deter-  
19 mines, based on the most recent report described in  
20 section 133 and other relevant data, that a signifi-  
21 cant number of applications under section 101 re-  
22 main pending.

