

119TH CONGRESS
2D SESSION

H. R. 9535

To modernize the process for the admission of H-2A workers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2026

Mr. THOMPSON of Pennsylvania (for himself, Mr. DAVIS of North Carolina, Mr. NEWHOUSE, Mr. RILEY of New York, Mr. SIMPSON, Mr. VICENTE GONZALEZ of Texas, Mr. FEENSTRA, Mr. ROUZER, Mr. KELLY of Mississippi, Ms. DE LA CRUZ, Ms. MALOY, Mr. ZINKE, Mr. LANGWORTHY, Mr. BAIRD, Mr. SMUCKER, Mr. SESSIONS, Mrs. FEDORCHAK, Ms. TENNEY, Mr. ROGERS of Alabama, Mr. KELLY of Pennsylvania, Mr. MEUSER, Mr. MOOLENAAR, Mr. EVANS of Colorado, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. KUSTOFF, Mr. EDWARDS, Ms. LEE of Florida, Mr. TAYLOR, Mr. ALLEN, Mrs. FISCHBACH, Mr. HUIZENGA, Mr. GUTHRIE, Mr. VAN ORDEN, Mr. BACON, Mr. FLOOD, Mr. AUSTIN SCOTT of Georgia, Mr. FINSTAD, Ms. SALAZAR, Mr. BENTZ, Mr. VALADAO, Mr. MCCAUL, Mr. BOST, Mr. MESSMER, Mr. DOWNING, Mrs. MILLER-MEEKS, Mr. JACK, Mr. LAHOOD, Mr. MOORE of North Carolina, and Ms. GOODLANDER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To modernize the process for the admission of H-2A workers, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Securing Agriculture’s
3 Workforce Act of 2026”.

4 **SEC. 2. MODERNIZING THE H-2A VISA PROGRAM FOR NON-**
5 **IMMIGRANT AGRICULTURAL LABOR.**

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

8 (1) by striking “Attorney General” each place
9 it appears and inserting “Secretary of Homeland Se-
10 curity”;

11 (2) in subsection (a)—

12 (A) by striking “(1)A petition” and insert-
13 ing “A petition”;

14 (B) by striking paragraph (2); and

15 (C) by redesignating subparagraphs (A)
16 and (B) as paragraphs (1) and (2), respectively;
17 (3) in subsection (b)(4)—

18 (A) by striking “within a multi-state re-
19 gion of traditional or expected labor supply
20 where the Secretary finds” and inserting
21 “and”;

22 (B) by striking the second sentence; and

23 (C) by striking “terminate on the date the
24 H-2A workers depart for the employer’s place
25 of employment” and inserting “begin on the
26 date the job opportunity is posted on the elec-

1 tronic job registry maintained by the Secretary
2 under this section and terminate on the date on
3 which the final H-2A worker whose position is
4 covered by a petition approved in connection
5 with a labor certification departs for the em-
6 ployer's place of employment";

7 (4) in subsection (c)—

8 (A) in paragraph (2)—

9 (i) in subparagraph (A), by striking
10 “in writing”; and

11 (ii) in subparagraph (B), by striking
12 “for the prompt resubmission of a modified
13 application” and inserting “to submit a
14 modified application within 7 days of the
15 date of receipt of such notice”;

16 (B) by amending paragraph (3) to read as
17 follows:

18 “(3) ISSUANCE OF CERTIFICATION.—

19 “(A) IN GENERAL.—The Secretary of
20 Labor shall make, not later than 30 days before
21 the date such labor or services are first required
22 to be performed, the certification described in
23 subsection (a)(1) if—

24 “(i) the employer has complied with
25 the criteria for certification (including cri-

1 teria for the recruitment of eligible individ-
2 uals as prescribed by the Secretary); and

3 “(ii) the employer does not actually
4 have, or has not been provided with refer-
5 rals of, a sufficient number of qualified eli-
6 gible individuals who have indicated their
7 availability to perform such labor or serv-
8 ices on the terms and conditions of a job
9 offer which meets the requirements of the
10 Secretary.

11 “(B) JOB QUALIFICATIONS.—An employer
12 may establish specific qualifications in a job
13 offer that are normal and accepted qualifica-
14 tions required by non-H-2A-employers in the
15 same or comparable occupations and crops.

16 “(C) DURATION.—The Secretary of Labor
17 may issue labor certifications under this para-
18 graph that are valid for up to three consecutive
19 years from the date of certification.”;

20 (C) by amending paragraph (4) to read as
21 follows:

22 “(4) HOUSING.—

23 “(A) IN GENERAL.—An employer employ-
24 ing H-2A workers under this section shall pro-

1 vide housing to such workers in accordance with
2 this paragraph.

3 “(B) RULEMAKING.—The Secretary of
4 Labor shall make rules to ensure that housing
5 provided under this paragraph meets applicable
6 local standards (or the applicable alternate
7 standards under subparagraph (D)) for rental,
8 public accommodations, or other substantially
9 similar class of habitation, related to essential
10 health and safety.

11 “(C) DURATION.—The Secretary of Labor
12 shall inspect and certify housing provided to
13 workers under this section, which may be valid
14 for a period of up to 3 years after the date of
15 certification. The Secretary of Labor may dele-
16 gate authority to conduct housing inspection to
17 appropriate State agencies.

18 “(D) ALTERNATE STANDARDS.—

19 “(i) ABSENCE OF LOCAL STAND-
20 ARDS.—If no local standards described in
21 subparagraph (B) exist, the Secretary shall
22 ensure such housing meets applicable State
23 standards related to essential health and
24 safety.

1 “(ii) ABSENCE OF STATE STAND-
2 ARDS.—If no such State standards exist,
3 the Secretary shall ensure that such hous-
4 ing meets applicable Federal standards re-
5 lated to essential health and safety.

6 “(E) PROVISION EXPENSE.—

7 “(i) IN GENERAL.—The Secretary of
8 Labor shall establish a maximum daily
9 charge an employer may deduct from the
10 wages of a worker for the provision of
11 housing.

12 “(ii) CALCULATION.—The maximum
13 daily charge established under clause (i)
14 shall be calculated by dividing—

15 “(I) the Statewide average of fair
16 market rent for a 4-bedroom housing
17 unit weighted by population, as deter-
18 mined by the Secretary of Labor,
19 using data reported by the Depart-
20 ment of Housing and Urban Develop-
21 ment; by

22 “(II) 240.

23 “(iii) DISCLOSURE.—A job offer sub-
24 mitted in connection with a petition under
25 subsection (a) shall clearly state the daily

1 charge, if any, that will be applied to the
2 wages of the H-2A worker for the provi-
3 sion of housing.”; and

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

5 “(5) STAGGERED ENTRY AND EXIT OF WORK-
6 ERS.—The Secretary of Homeland Security shall au-
7 thorize an employer to stagger the entry and exit of
8 H-2A workers for a job offer submitted in connec-
9 tion with a petition under subsection (a) with mul-
10 tiple start or end dates, if—

11 “(A) the employment is in the same occu-
12 pational classification, as determined by the
13 Secretary of Labor;

14 “(B) no more than 180 days separate the
15 first start date and the final start date or the
16 first end date and last end date, listed in the
17 job offer;

18 “(C) the need for multiple dates arises
19 from variations in labor needs associated with
20 the job offer identified in the petition; and

21 “(D) the employer will continue to accept
22 referrals of all eligible United States workers
23 who apply until the final H-2A worker whose
24 position is covered by the petition departs for
25 the employer’s place of employment.

1 “(6) SUBSEQUENT EMPLOYMENT OF WORK-
2 ERS.—

3 “(A) IN GENERAL.—Beginning not earlier
4 than 90 days before the end of the authorized
5 period of employment for H-2A workers, an
6 employer seeking a subsequent period of em-
7 ployment for such workers shall post the job op-
8 portunity on the online job registry created
9 under this section, and may submit a petition
10 to the Secretary of Homeland Security for such
11 subsequent period of employment for such
12 workers.

13 “(B) APPROVAL.—The Secretary of Home-
14 land Security shall approve a petition submitted
15 under subparagraph (A) unless—

16 “(i) the employer makes a substantial
17 change to the petition that was approved;

18 “(ii) the requirements of this section
19 are no longer met;

20 “(iii) a condition in subsection (b) is
21 met; or

22 “(iv) the employer is found to be in
23 substantial violation of this section.

24 “(C) RECRUITMENT.—The Secretary of
25 Labor shall prescribe criteria for recruitment of

1 eligible individuals for employers seeking a sub-
2 sequent period of employment of H-2A workers
3 under this paragraph.”;

4 (5) in subsection (d)—

5 (A) by amending the heading to read as
6 follows: “ROLES OF AGRICULTURAL ASSOCIA-
7 TIONS AND JOINT EMPLOYERS”;

8 (B) in paragraph (1)—

9 (i) by amending the heading to read
10 as follows “PERMITTED FILING”; and

11 (ii) by striking “may be filed by” and
12 all that follows and inserting the following:

13 “may be filed by—

14 “(A) an association (including a coopera-
15 tive association) of agricultural producers which
16 use agricultural labor or services;

17 “(B) two or more employers that use agri-
18 cultural labor or services and that submit a
19 joint application for a labor certification; or

20 “(C) other entities that use agricultural
21 labor or services and that submit a joint appli-
22 cation for a labor certification, as determined
23 appropriate by the Secretary of Labor, in con-
24 sultation with the Secretary of Homeland Secu-
25 rity.”;

1 (C) in paragraph (2)—

2 (i) in the heading, by striking “ASSO-
3 CIATIONS” and inserting “PERMITTED FIL-
4 ERS”;

5 (ii) by striking “If an association”
6 and inserting “If a permitted filer under
7 paragraph (1)”;

8 (iii) by striking “the association” and
9 inserting “such filer”;

10 (iv) by striking “producer” each place
11 it appears; and

12 (v) by striking “of a temporary or
13 seasonal nature” and inserting “of a tem-
14 porary nature”;

15 (D) in paragraph (3)—

16 (i) in subparagraph (A)—

17 (I) by amending the heading to
18 read as follows: “INDIVIDUAL VIOLA-
19 TIONS”;

20 (II) by striking “producer mem-
21 ber of a joint employer association”
22 and inserting “member of a permitted
23 filer”; and

24 (III) by striking “of the associa-
25 tion unless the Secretary determines

1 that the association” and inserting
2 “unless the Secretary of Labor deter-
3 mines that the permitted filer”; and
4 (ii) by amending subparagraph (B) to
5 read as follows:

6 “(B) PERMITTED FILER’S VIOLATIONS.—If
7 a permitted filer is determined to have com-
8 mitted an act that under subsection (b)(2) re-
9 sults in the denial of certification with respect
10 to the permitted filer, the denial shall apply
11 only to the permitted filer and does not apply
12 to any individual member of the permitted filer
13 unless the Secretary of Labor determines that
14 the member participated in, had knowledge of,
15 or reason to know of, the violation.”; and

16 (E) by adding at the end the following:

17 “(4) MINIMUM AND MAXIMUM HOURS.—In the
18 case of a permitted filer under subparagraph (B) or
19 (C) of paragraph (1) there shall be no weekly min-
20 imum or maximum hours required for each employer
21 to employ an H-2A worker, except that each em-
22 ployer shall employ such worker for at least one
23 hour during every 30-day period.”;

24 (6) in subsection (h), by adding at the end the
25 following:

1 “(3) SPECIAL PROCEDURES.—The Secretary of
2 Labor, in consultation with the Secretary of Agri-
3 culture and the Secretary of Homeland Security,
4 may establish, by regulation, alternate procedures
5 that modify the requirements under this section (in-
6 cluding the requirements under subsection (c)(4)
7 (related to housing)) when the Secretary of Labor
8 determines that such a modification is necessary due
9 to the unique nature of the work involved, which
10 may include herding, care, or production of livestock
11 on the range, commercial beekeeping, and itinerant
12 custom harvesting.

13 “(4) HEAT ILLNESS PREVENTION PLAN.—

14 “(A) IN GENERAL.—An employer that em-
15 ploys H-2A workers under this section shall
16 maintain a plan to prevent heat illness for
17 workers of that employer, which plan shall in-
18 clude—

19 “(i) prevention measures that are at
20 least as protective as the applicable Fed-
21 eral and State requirements;

22 “(ii) training for workers; and

23 “(iii) protocols for—

24 “(I) workers’ access to water and
25 shade;

1 “(II) the provision of breaks; and

2 “(III) emergency response.

3 “(B) POSTING REQUIREMENT.—An em-
4 ployer that employs H-2A workers under this
5 section shall make the plan required under this
6 paragraph available to employees in English
7 and, if a significant portion of such workers are
8 not fluent in English, in a language that such
9 workers understand, by—

10 “(i) posting the plan in a conspicuous
11 location at the worksite; and

12 “(ii) making the plan available to
13 such workers prior to the date on which
14 they start work.

15 “(5) FORCE MAJEURE TERMINATION.—

16 “(A) IN GENERAL.—If, before the expira-
17 tion of the period of employment specified in a
18 work contract for H-2A workers, the services of
19 the workers are no longer required due to any
20 form of natural disaster, including flood, hurri-
21 cane, freeze, earthquake, fire, drought, plant or
22 animal disease, pest infestation, or any other
23 reason that the Secretary of Labor, in consulta-
24 tion with the Secretary of Agriculture, deter-
25 mines is beyond the control of the employer, the

1 employer may terminate the workers' employ-
2 ment.

3 “(B) REQUIREMENTS.—If a worker’s em-
4 ployment is terminated under subparagraph
5 (A), the employer shall—

6 “(i) make efforts to transfer the work-
7 er to other comparable employment per-
8 mitted by the Secretary of Labor and ac-
9 ceptable to the worker; and

10 “(ii) no later than 72 hours after ter-
11 mination, notify the Secretary of Labor
12 and Secretary of Agriculture of such termi-
13 nation and state the nature of the contract
14 impossibility.

15 “(6) TRANSFER OF H-2A WORKERS.—

16 “(A) IN GENERAL.—An H-2A worker may
17 begin employment with a new employer on the
18 date that the employer files a non-frivolous peti-
19 tion with the Secretary of Homeland Security
20 on behalf of such worker.

21 “(B) ELIGIBLE EMPLOYER.—A transfer of
22 an H-2A worker under this paragraph may
23 only occur between agricultural employers that
24 possess a valid labor certification approved by
25 the Secretary of Labor under this section.

1 “(C) TIMING.—The H–2A worker shall be
2 considered authorized to be employed by the pe-
3 titioning employer until the earlier of the end
4 date of the employment contract pursuant to
5 which the H–2A worker was working prior to
6 the transfer under this paragraph or the receipt
7 of a notice of denial for the petition.

8 “(D) PETITION DENIAL OR WITH-
9 DRAWAL.—If the petition under subparagraph
10 (A) is denied or withdrawn the H–2A worker’s
11 employment authorization shall be terminated
12 and such worker shall voluntarily depart the
13 United States within 30 days after the date of
14 denial or withdrawal, unless such worker is em-
15 ployed by an H–2A employer prior to that date.

16 “(7) WAIVER.—

17 “(A) IN GENERAL.—Subject to the limita-
18 tion in this paragraph, the grounds of inadmis-
19 sibility under paragraphs (5)(A), (6)(A), (6)(C),
20 (7), and (9)(B) of section 212(a), and the
21 grounds of deportability under paragraphs
22 (1)(A) (with respect to the grounds of inadmis-
23 sibility waived under this paragraph), (1)(B),
24 (1)(C)(i), and (3)(A) of section 237(a) shall be
25 waived with respect to conduct that occurred

1 prior to the alien first receiving status as an H-
2 2A worker, for the purpose of providing the
3 alien with such status if the alien is otherwise
4 eligible.

5 “(B) LIMITATIONS.—

6 “(i) ALIEN.—An alien described in
7 this paragraph is an alien who—

8 “(I) has voluntarily departed the
9 country; or

10 “(II)(aa) was unlawfully present
11 in the United States on May 31,
12 2026; and

13 “(bb) performed agricultural
14 labor or services in the United States
15 for at least 5.75 hours during each of
16 at least 180 days during the 2-year
17 period ending on the date of enact-
18 ment of Securing Agriculture’s Work-
19 force Act of 2026.

20 “(ii) CONDUCT.—A waiver provided
21 under this paragraph shall—

22 “(I) only apply to unlawful con-
23 duct that occurred in relation to ob-
24 taining employment performing agri-

1 cultural labor or services, in the
2 United States; and

3 “(II) not extend to conduct that
4 occurred in pursuit of obtaining public
5 benefits, as determined by the Sec-
6 retary of Homeland Security.

7 “(8) EMPLOYER RESPONSIBILITIES AND PRO-
8 TECTIONS.—

9 “(A) RECORD OF EMPLOYMENT.—An em-
10 ployer of an alien seeking to establish their
11 qualifications under clause (ii) of paragraph
12 (7)(B) and receive status as an H-2A worker
13 shall provide such alien with a written record of
14 employment upon the alien’s request.

15 “(B) CONTINUING EMPLOYMENT.—It shall
16 not be a violation of section 274A(a)(2) for an
17 employer to continue to employ an alien de-
18 scribed in paragraph (7)(B)(i)(II) knowing that
19 the alien intends to apply for status as an H-
20 2A worker for the duration of the period during
21 which the alien’s application is pending final de-
22 termination.

23 “(C) EMPLOYMENT RECORDS.—Any em-
24 ployment record or other evidence of employ-
25 ment provided by an alien or by an alien’s em-

1 employer in support of an alien’s application for
2 status as an H–2A worker under this section
3 may not be used in a civil or criminal prosecu-
4 tion or investigation of that employer under sec-
5 tion 274A or the Internal Revenue Code of
6 1986 for the prior unlawful employment of that
7 alien regardless of the outcome of such applica-
8 tion.

9 “(D) ADDITIONAL PROTECTIONS.—

10 “(i) IN GENERAL.—An employer that
11 provides a record in accordance with sub-
12 paragraph (A) shall not be subject to civil
13 and criminal liability pursuant to such sec-
14 tion 274A for employing such unauthorized
15 aliens. Records or other evidence of em-
16 ployment provided by employers in re-
17 sponse to a request for such records for
18 the purpose of establishing eligibility for
19 status under this section may not be used
20 for any purpose other than establishing
21 such eligibility.

22 “(ii) LIMITATION ON PROTECTION.—

23 The protections for employers under this
24 section shall not apply if the employer pro-

1 vides employment records to the alien that
2 are determined to be fraudulent.

3 “(9) ESSENTIAL FUNCTIONS.—In the case of a
4 lapse of government appropriations, all functions
5 necessary for the processing, certification, and ad-
6 mission of H-2A workers shall be deemed essential
7 to the protection of life and property and such func-
8 tions shall continue uninterrupted for the duration
9 of such lapse.”;

10 (7) by redesignating subsection (i) as subsection
11 (m);

12 (8) by inserting after subsection (h) the fol-
13 lowing:

14 “(i) ROLES OF FEDERAL AGENCIES AND STATES IN
15 THE H-2A PROGRAM.—

16 “(1) DEPARTMENT OF HOMELAND SECURITY.—

17 “(A) IN GENERAL.—The authority of the
18 Secretary of Homeland Security under this sec-
19 tion does not include the authority that is spe-
20 cifically reserved for the head of another Fed-
21 eral agency under this subsection.

22 “(B) FEES.—The Secretary of Homeland
23 Security, in consultation with the Secretary of
24 Labor, may require by regulation, as a condi-
25 tion of issuing a certification under subsection

1 (a)(1), the payment of a fee to recover the rea-
2 sonable costs of processing applications and cer-
3 tifications by the Department of Homeland Se-
4 curity and Department of Labor with respect to
5 H-2A workers, and shall not include any costs
6 of processing other visa categories, asylum or
7 refugee processing, or any other functions of
8 the Department of Homeland Security or De-
9 partment of Labor other than those which are
10 applicable to the admission of H-2A workers.

11 “(C) PRIORITIZATION.—Not later than 15
12 days after receiving a petition for an H-2A
13 worker, the Secretary of Homeland Security
14 shall approve, deny, or request additional infor-
15 mation from the employer.

16 “(2) DEPARTMENT OF LABOR.—

17 “(A) IN GENERAL.—The Secretary of
18 Labor shall—

19 “(i) establish standards for the re-
20 cruitment of United States workers, that
21 are reasonable and cost effective;

22 “(ii) ensure employer compliance with
23 the requirements under this section; and

24 “(iii) determine the labor needs of ag-
25 ricultural employers in the United States.

1 “(B) POST CERTIFICATION AMEND-
2 MENTS.—The Secretary of Labor shall create
3 an expedited process to allow an employer to
4 file an amendment to a labor certification that
5 has been approved, including an amendment
6 to—

7 “(i) the dates of employment;

8 “(ii) the places of employment, due to
9 unforeseen circumstances;

10 “(iii) the housing provided, due to un-
11 foreseen circumstances;

12 “(iv) the modes of daily transpor-
13 tation; and

14 “(v) the agricultural activities that
15 will be performed by an H-2A worker, if
16 such activities are substantially similar to
17 the activities included in the approved
18 labor certification.

19 “(C) HOUSING.—The Secretary of Labor
20 shall make rules under subsection (c)(4).

21 “(D) ONLINE JOB REGISTRY.—The Sec-
22 retary of Labor shall maintain a national, pub-
23 licly accessible online job registry and database
24 of all job offers submitted by employers seeking

1 a labor certification required to employ H-2A
2 workers under this section.

3 “(3) DEPARTMENT OF STATE.—

4 “(A) IN GENERAL.—The Secretary of
5 State shall prioritize the adjudication of visa
6 issuance for H-2A workers and shall ensure
7 sufficient and trained staffing at consulates
8 through which a significant number of applica-
9 tions by H-2A workers originate during periods
10 of increased H-2A visa applications.

11 “(B) RETURNING WORKERS.—The Sec-
12 retary of State may waive the interview require-
13 ment under section 222(h)(1) for an alien seek-
14 ing admission to the United States as an H-2A
15 worker if the alien has been previously admitted
16 to the United States as an H-2A worker, and
17 appears to be eligible for such status.

18 “(4) DEPARTMENT OF AGRICULTURE.—The
19 Secretary of Agriculture shall—

20 “(A) provide input and comment to the
21 Secretary of Homeland Security and the Sec-
22 retary of Labor regarding the implementation
23 of the requirements under this section; and

24 “(B) make rules to define the term ‘agri-
25 cultural labor or services’ under section 101.

1 “(j) APPLICABLE WAGE.—

2 “(1) IN GENERAL.—An employer shall offer at
3 minimum a contract wage to an H-2A worker that
4 is the highest of—

5 “(A) the agreed-upon collective bargaining
6 wage;

7 “(B) the Federal, State, or local minimum
8 wage applicable to all agricultural workers; or

9 “(C) the adverse effect wage rate deter-
10 mined under subsection (k), if applicable.

11 “(2) LIMITATION ON MID-CONTRACT WAGE
12 CHANGES.—The applicable wage under paragraph
13 (1), as determined on the date the job opportunity
14 is posted on the electronic job registry maintained by
15 the Secretary, shall remain in effect for the duration
16 of the contract period and shall not be modified
17 based on any subsequent adjustment to the adverse
18 effect wage rate determined and published pursuant
19 to subsection (k).

20 “(3) USE OF FEDERAL SURVEY DATA.—To cal-
21 culate an adverse effect wage rate, the Secretary of
22 Labor shall use data that is available pursuant to a
23 Federal Government survey of base wages paid to
24 domestic workers in the occupational classification
25 and may not consider in the calculation additional

1 forms of compensation, such as shift differential
2 pay, on-call pay, special assignments, overtime, bo-
3 nuses, incentive-based pay, or piece rates.

4 “(k) DETERMINATION OF ADVERSE EFFECT ON
5 WAGES.—

6 “(1) IN GENERAL.—The Secretary of Labor
7 shall make an annual determination as to whether
8 the employment of H-2A workers from the prior
9 year adversely affected the wages and working condi-
10 tions of workers in the United States similarly em-
11 ployed. Such determination shall be subject to review
12 under chapter 7 of title 5, United States Code.

13 “(2) CONTRACTING AUTHORITY.—The Sec-
14 retary of Labor may enter into a contract with an
15 independent entity to assist in making the deter-
16 mination under paragraph (1).

17 “(3) PUBLICATION OF RATE.—The Secretary of
18 Labor, on making a determination under paragraph
19 (1) that an adverse effect existed from the prior
20 year, shall calculate and publish in the Federal Reg-
21 ister, an adverse effect wage rate, in accordance with
22 this subsection.

23 “(4) CALCULATION.—The Secretary shall cal-
24 culate an adverse effect wage rate as follows:

1 “(A) ENTRY-LEVEL OCCUPATIONS.—For
2 occupations that the Secretary of Labor deter-
3 mines the qualifications of the job offer are
4 entry-level (including field and livestock worker
5 occupations combined), as compared to the
6 qualifications possessed by an average worker
7 in such occupation, the adverse effect wage rate
8 shall be equal to—

9 “(i) if a statewide annual hourly gross
10 wage in the State for the occupation de-
11 scribed in the job offer is reported in the
12 Occupational Employment and Wage Sta-
13 tistics survey, the required minimum hour-
14 ly wage for entry-level qualifications shall
15 be the 17th percentile of the wage distribu-
16 tion for the occupation in that State; or

17 “(ii) if a statewide annual hourly
18 gross wage in the State for the occupation
19 described in the job offer is not reported in
20 the Occupational Employment and Wage
21 Statistics survey, the required minimum
22 hourly wage for entry-level qualifications
23 shall be the 17th percentile of the wage
24 distribution for the occupation on a nation-
25 wide basis, as reported in such survey.

1 “(B) EXPERIENCE-LEVEL OCCUPATIONS.—

2 For any other occupation that the Secretary of
3 Labor determines the qualifications of the job
4 offer are representative of the qualifications
5 possessed by an average worker in such occupa-
6 tion (including field and livestock worker occu-
7 pations combined), the adverse effect wage rate
8 shall be equal to—

9 “(i) if a statewide annual hourly gross
10 wage in the State for experience-level
11 qualifications for the occupation described
12 in the job offer is reported in the Occupa-
13 tional Employment and Wage Statistics
14 survey, the required minimum hourly wage
15 for experience-level qualifications shall be
16 the 50th percentile of the wage distribution
17 for the occupation for that State described
18 in the job offer, as reported in such survey;
19 or

20 “(ii) if a statewide annual hourly
21 gross wage in the State for experience-level
22 qualifications for the occupation described
23 in the job offer is not reported in such sur-
24 vey, the required minimum hourly wage
25 shall be the 50th percentile of the national

1 wage distribution for the occupation, as re-
2 ported in such survey.

3 “(C) LIMITATIONS ON FLUCTUATIONS.—

4 The adverse effect wage rate calculated under
5 this paragraph may not—

6 “(i) be more than 1.5 percent lower
7 than the wage in effect for the immediately
8 preceding calendar year; and

9 “(ii) be more than 3.25 percent higher
10 than the wage in effect for the preceding
11 calendar year.

12 “(5) JOB CLASSIFICATION.—

13 “(A) IN GENERAL.—If the Secretary of
14 Labor establishes an adverse effect wage rate
15 under this subsection, the Secretary may aggre-
16 gate occupational classifications for purposes of
17 establishing such rate.

18 “(B) PRIMARY DUTY.—When determining
19 the occupation in which to classify an H-2A
20 worker, the Secretary shall classify the worker
21 in an occupation that reflects the duties and
22 work tasks described in the employment con-
23 tract that will constitute the greatest percent-
24 age of the worker’s working hours.”; and

1 (9) in subsection (m), as so redesignated, by
2 adding at the end the following:

3 “(3) The term ‘employer’ means a person or en-
4 tity who hires workers to perform agricultural labor
5 or services and includes—

6 “(A) a single employer;

7 “(B) an association or farm labor con-
8 tractor;

9 “(C) an agricultural cooperative associa-
10 tion, as such term is defined in section 15 of
11 the Agricultural Marketing Act (12 U.S.C.
12 1141j); and

13 “(D) other persons or entities as deter-
14 mined by the Secretary of Labor.”.

15 **SEC. 3. DEFINITIONS.**

16 Section 101(a) of the Immigration and Nationality
17 Act (8 U.S.C. 1101(a)) is amended—

18 (1) in paragraph (15)(H)(ii)(a) by striking “,
19 as defined by the Secretary of Labor in regulations
20 and including agricultural labor defined in section
21 3121(g) of the Internal Revenue Code of 1986, agri-
22 culture as defined in section 3(f) of the Fair Labor
23 Standards Act of 1938 (29 U.S.C. 203(f)), and the
24 pressing of apples for cider on a farm, of a tem-

1 porary or seasonal nature,” and inserting “of a tem-
2 porary nature”; and

3 (2) by adding at the end the following:

4 “(53) The term ‘agricultural labor or services’
5 has the meaning given such term by the Secretary
6 of Agriculture in regulations and includes—

7 “(A) agricultural labor (as such term is de-
8 fined in section 3121(g) of the Internal Rev-
9 enue Code of 1986, notwithstanding the limita-
10 tions set forth in paragraphs (4)(A) or (4)(B)
11 of such section);

12 “(B) agriculture (as such term is defined
13 in section 3(f) of the Fair Labor Standards Act
14 of 1938 (29 U.S.C. 203(f)));

15 “(C) the handling, planting, drying, pack-
16 ing, packaging, processing, freezing, or grading
17 of any agricultural or horticultural commodity
18 in its unmanufactured state, without regard to
19 the ownership or location of such facilities or
20 activities;

21 “(D) the transportation and preparation
22 for transportation of any agricultural or horti-
23 cultural commodity, in its unmanufactured
24 state from the farm to the place of storage,
25 first processing or first marketing;

1 “(E) pine straw gathering and reforest-
2 ation activities;

3 “(F) aquaculture activities, including the
4 primary processing of seafood;

5 “(G) activities related to the management
6 and training of equines;

7 “(H) the pressing of apples for cider on a
8 farm, or logging employment;

9 “(I) the installation of horticulture com-
10 modities; and

11 “(J) the harvest and processing of meat
12 and poultry, which shall only include the
13 slaughter of animals and the breakdown of car-
14 casses.

15 “(54) The term ‘temporary’ means, for the pur-
16 poses of paragraph (15)(H)(ii)(a), work performed
17 pursuant to a contract with a term of less than 350
18 days, without regard to the approved employer’s un-
19 derlying need or nature of the job.”.

20 **SEC. 4. STREAMLINED ONLINE H-2A PLATFORM.**

21 Section 218 of the Immigration and Nationality Act
22 (8 U.S.C. 1188), as amended by this Act, is further
23 amended by inserting after subsection (k) the following:

24 “(l) STREAMLINED ONLINE H-2A PLATFORM.—

1 “(1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, the Sec-
3 retary of Homeland Security, in consultation with
4 the Secretary of Labor, the Secretary of Agriculture,
5 the Secretary of State, and the Administrator of the
6 Department of Government Efficiency, shall estab-
7 lish an online platform which shall serve as a single
8 point of access—

9 “(A) for an employer to input all informa-
10 tion and supporting documentation required
11 for—

12 “(i) obtaining a labor certification
13 from the Secretary of Labor; and

14 “(ii) the adjudication of a petition for
15 the admission of an H-2A worker.

16 “(B) for the Secretary of Homeland Secu-
17 rity, the Secretary of Labor, and State work-
18 force agencies to concurrently perform their re-
19 spective review and adjudicatory responsibilities
20 related to the admission of H-2A workers; and

21 “(C) to facilitate communication between
22 employers and agency adjudicators, including
23 by allowing employers to—

24 “(i) receive and respond to notices of
25 deficiency and requests for information;

1 “(ii) submit requests for inspections
2 and necessary approvals;

3 “(iii) receive notices of approval and
4 denial;

5 “(iv) request reconsideration or appeal
6 of agency decisions;

7 “(v) provide information to the Sec-
8 retary of State and U.S. Customs and Bor-
9 der Protection necessary for the efficient
10 and secure processing of visas and applica-
11 tions for admission of H-2A workers;

12 “(vi) receive and request documents,
13 such as the I-94, I-797A, I-797B (or suc-
14 cessor forms) of the H-2A worker, and
15 any other form required for the admission
16 of H-2A workers;

17 “(vii) request updates on the status of
18 the processing of applications for labor cer-
19 tifications, petitions, and applications for
20 the admission of H-2A workers;

21 “(viii) pay all fees associated with the
22 admission and employment of H-2A work-
23 ers, including fees imposed by the Sec-
24 retary of Homeland Security, the Secretary
25 of State, and the Secretary of Labor; and

1 “(ix) file, or have filed on their behalf,
2 Form G–28, or any successor form, from
3 non-attorney agents to indicate representa-
4 tion of their clients, which shall send notice
5 to non-attorney agents with respect to
6 processing as would any other Form G–28,
7 or any successor form, regarding said rep-
8 resentation.

9 “(2) OBJECTIVES.—In developing the platform
10 described in subsection (a), the Secretary of Home-
11 land Security, in consultation with the Secretary of
12 Labor, the Secretary of Agriculture, the Secretary of
13 State, and the Administrator of the Department of
14 Government Efficiency, shall streamline and improve
15 the process for the admission of H–2A workers, in-
16 cluding by—

17 “(A) eliminating the need for employers to
18 submit duplicate information and documenta-
19 tion to multiple agencies;

20 “(B) eliminating redundant processes,
21 where a single matter in a petition is adju-
22 dicated by more than one agency;

23 “(C) reducing the occurrence of common
24 petition errors, and otherwise improving and ex-

1 pediting the processing of petitions for H–2A
2 workers; and

3 “(D) ensuring compliance with the require-
4 ments for the admission of H–2A workers and
5 the protection of the wages and working condi-
6 tions of workers.”.

7 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE REVIEWS.**

8 Not later than 2 years after the enactment of this
9 Act, the Comptroller General of the United States shall
10 submit to the Committee on Agriculture, the Committee
11 on Education and Workforce, and the Committee on the
12 Judiciary of the House of Representatives, and to the
13 Committee on Agriculture, Nutrition, and Forestry, the
14 Committee on Health, Education, Labor and Pensions,
15 and the Committee on the Judiciary of the Senate, a re-
16 port on the following:

17 (1) An evaluation of information related to the
18 availability and affordability of housing that com-
19 plies with the requirements under section 218(c)(4)
20 of the Immigration and Nationality Act (8 U.S.C.
21 1188(c)(4)) related to housing for H–2A workers.

22 (2) Challenges faced by employers in securing
23 and maintaining adequate and affordable housing
24 for H–2A workers.

1 (3) The measures undertaken by the Secretary
2 of Labor to monitor and enforce employer compli-
3 ance with the requirements under such section
4 218(c)(4), including the conduct of inspections, in-
5 vestigations, and other enforcement actions.

6 (4) The availability of Federal programs to as-
7 sist employers in providing housing that complies
8 such requirements and the extent to which those
9 Federal programs are being used by employers.

10 **SEC. 6. EFFECTIVE DATE.**

11 The amendments made by this Act shall take effect
12 on the date that is one year after the date of enactment
13 of this Act. Any rule to carry out the amendments made
14 by this Act may be made as an interim final rule on the
15 date that the amendments made by this Act take effect.

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