

109TH CONGRESS
1ST SESSION

H. R. 4028

To require employers of temporary H-2A workers to pay such workers at least the greater of the Federal or State minimum wage rate.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2005

Mr. DAVIS of Tennessee introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require employers of temporary H-2A workers to pay such workers at least the greater of the Federal or State minimum wage rate.

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. REQUIRED MINIMUM WAGE FOR TEMPORARY**
4 **H-2A WORKERS.**

5 Section 218(b) of the Immigration and Nationality
6 Act (8 U.S.C. 1188(b)) is amended by adding at the end
7 the following:

8 “(5) The employer has not provided the Sec-
9 retary with satisfactory assurances that the em-
10 ployer will pay the alien at least—

1 “(A) the legal Federal or State minimum
2 wage rate, whichever is highest, for every hour
3 or portion thereof worked during a pay period,
4 if the alien will be paid by the hour; or

5 “(B) an aggregate amount, for each pay
6 period, that is at least equal to the amount the
7 worker would have earned during the pay pe-
8 riod if the alien had been paid at the hourly
9 rate described in subparagraph (A) for each
10 hour worked, if the worker will be paid on a
11 piece rate basis.”.

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