

111TH CONGRESS
2D SESSION

H. R. 4835

To allow an employer to pay an H-2A worker the Federal minimum wage or the prevailing wage in a case where the employer pays either wage to United States citizens similarly employed.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2010

Mr. WHITFIELD introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To allow an employer to pay an H-2A worker the Federal minimum wage or the prevailing wage in a case where the employer pays either wage to United States citizens similarly employed.

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. PAYMENT OF MINIMUM OR PREVAILING WAGE**

4 **TO H-2A WORKERS.**

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

1 “(5) PAYMENT OF MINIMUM OR PREVAILING
2 WAGE.—In a case in which an employer pays a
3 qualified United States worker the Federal minimum
4 wage in effect under section 6(a) of the Fair Labor
5 Standards Act of 1938 (29 U.S.C. 206(a)) or the
6 prevailing wage in the area of intended employment,
7 the employer shall not be required to pay an H–2A
8 worker similarly employed more than such wage.”.

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