

117TH CONGRESS
2D SESSION

H. R. 9101

To direct the Secretary of Labor to establish that the adverse effect wage rate shall be 125 percent of a certain minimum wage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2022

Mrs. FISCHBACH introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To direct the Secretary of Labor to establish that the adverse effect wage rate shall be 125 percent of a certain minimum wage, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “H–2A Reform Act of
5 2022”.

6 **SEC. 2. REFORMING ADMISSION OF TEMPORARY H-2A**
7 **WORKERS.**

8 (a) WAGE REFORM.—Not later than 60 days after
9 the date of the enactment of this Act, the Secretary of
10 Labor shall issue such regulations necessary to establish

1 that the adverse effect wage rate shall be the difference
2 of—

3 (1) the amount that is 125 percent of the Fed-
4 eral minimum wage required by the Fair Labor
5 Standards Act; and

6 (2) the value of any other benefit provided to
7 the alien.

8 (b) CODIFICATION OF WAGE REFORM.—Section 218
9 of the Immigration and Nationality Act (8 U.S.C. 1188)
10 is amended—

11 (1) in subsection (i), by adding at the end the
12 following:

13 “(3) The term ‘adverse effect wage rate’ means
14 the difference of—

15 “(A) the amount that is 125 percent of the
16 Federal minimum wage required by the Fair
17 Labor Standards Act; and

18 “(B) the value of any other benefit pro-
19 vided to the alien.”;

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

21 “(j) CLARIFICATION OF ADVERSELY AFFECT.—The
22 Secretary of Labor shall ensure that an H-2A worker do
23 not adversely affect the wage of a United States worker
24 by ensuring that the H-2A worker is paid the adverse ef-
25 fect wage rate.”.

1 (c) TEMPORARY NATURE.—Section
2 101(a)(15)(H)(ii)(a) of the Immigration and Nationality
3 Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by strik-
4 ing “of a temporary or seasonal nature,”.

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