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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON of Pennsylvania introduced the following bill; which was referred to the Committee on _____

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

8 Section 218 of the Immigration and Nationality Act
9 (8 U.S.C. 1188) is amended—

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

4 (2) in subsection (a)—

5 (A) by striking “(1)A petition” and insert-
6 ing “A petition”;

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

8 (C) by redesignating subparagraphs (A)
9 and (B) as paragraphs (1) and (2), respectively;
10 (3) in subsection (b)(4)—

11 (A) by striking “within a multi-state re-
12 gion of traditional or expected labor supply
13 where the Secretary finds” and inserting
14 “and”;

15 (B) by striking the second sentence; and

16 (C) by striking “terminate on the date the
17 H-2A workers depart for the employer’s place
18 of employment” and inserting “begin on the
19 date the job opportunity is posted on the elec-
20 tronic job registry maintained by the Secretary
21 under this section and terminate on the date on
22 which the final H-2A worker whose position is
23 covered by a petition approved in connection
24 with a labor certification departs for the em-
25 ployer’s place of employment”;

1 (4) in subsection (c)—

2 (A) in paragraph (2)—

3 (i) in subparagraph (A), by striking
4 “in writing”; and

5 (ii) in subparagraph (B), by striking
6 “for the prompt resubmission of a modified
7 application” and inserting “to submit a
8 modified application within 7 days of the
9 date of receipt of such notice”;

10 (B) by amending paragraph (3) to read as
11 follows:

12 “(3) ISSUANCE OF CERTIFICATION.—

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

18 “(i) the employer has complied with
19 the criteria for certification (including cri-
20 teria for the recruitment of eligible individ-
21 uals as prescribed by the Secretary); and

22 “(ii) the employer does not actually
23 have, or has not been provided with refer-
24 rals of, a sufficient number of qualified eli-
25 gible individuals who have indicated their

1 availability to perform such labor or serv-
2 ices on the terms and conditions of a job
3 offer which meets the requirements of the
4 Secretary.

5 “(B) JOB QUALIFICATIONS.—An employer
6 may establish specific qualifications in a job
7 offer that are normal and accepted qualifica-
8 tions required by non-H-2A-employers in the
9 same or comparable occupations and crops.

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

14 (C) by amending paragraph (4) to read as
15 follows:

16 “(4) HOUSING.—

17 “(A) IN GENERAL.—An employer employ-
18 ing H-2A workers under this section shall pro-
19 vide housing to such workers in accordance with
20 this paragraph.

21 “(B) RULEMAKING.—The Secretary of
22 Labor shall make rules to ensure that housing
23 provided under this paragraph meets applicable
24 local standards (or the applicable alternate
25 standards under subparagraph (D)) for rental,

1 public accommodations, or other substantially
2 similar class of habitation, related to essential
3 health and safety.

4 “(C) DURATION.—The Secretary of Labor
5 shall inspect and certify housing provided to
6 workers under this section, which may be valid
7 for a period of up to 3 years after the date of
8 certification. The Secretary of Labor may dele-
9 gate authority to conduct housing inspection to
10 appropriate State agencies.

11 “(D) ALTERNATE STANDARDS.—

12 “(i) ABSENCE OF LOCAL STAND-
13 ARDS.—If no local standards described in
14 subparagraph (B) exist, the Secretary shall
15 ensure such housing meets applicable State
16 standards related to essential health and
17 safety.

18 “(ii) ABSENCE OF STATE STAND-
19 ARDS.—If no such State standards exist,
20 the Secretary shall ensure that such hous-
21 ing meets applicable Federal standards re-
22 lated to essential health and safety.

23 “(E) PROVISION EXPENSE.—

24 “(i) IN GENERAL.—The Secretary of
25 Labor shall establish a maximum daily

1 charge an employer may deduct from the
2 wages of a worker for the provision of
3 housing.

4 “(ii) CALCULATION.—The maximum
5 daily charge established under clause (i)
6 shall be calculated by dividing—

7 “(I) the Statewide average of fair
8 market rent for a 4-bedroom housing
9 unit weighted by population, as deter-
10 mined by the Secretary of Labor,
11 using data reported by the Depart-
12 ment of Housing and Urban Develop-
13 ment; by

14 “(II) 240.

15 “(iii) DISCLOSURE.—A job offer sub-
16 mitted in connection with a petition under
17 subsection (a) shall clearly state the daily
18 charge, if any, that will be applied to the
19 wages of the H-2A worker for the provi-
20 sion of housing.”; and

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

22 “(5) STAGGERED ENTRY AND EXIT OF WORK-
23 ERS.—The Secretary of Homeland Security shall au-
24 thorize an employer to stagger the entry and exit of
25 H-2A workers for a job offer submitted in connec-

1 tion with a petition under subsection (a) with mul-
2 tiple start or end dates, if—

3 “(A) the employment is in the same occu-
4 pational classification, as determined by the
5 Secretary of Labor;

6 “(B) no more than 180 days separate the
7 first start date and the final start date or the
8 first end date and last end date, listed in the
9 job offer;

10 “(C) the need for multiple dates arises
11 from variations in labor needs associated with
12 the job offer identified in the petition; and

13 “(D) the employer will continue to accept
14 referrals of all eligible United States workers
15 who apply until the final H-2A worker whose
16 position is covered by the petition departs for
17 the employer’s place of employment.

18 “(6) SUBSEQUENT EMPLOYMENT OF WORK-
19 ERS.—

20 “(A) IN GENERAL.—Beginning not earlier
21 than 90 days before the end of the authorized
22 period of employment for H-2A workers, an
23 employer seeking a subsequent period of em-
24 ployment for such workers shall post the job op-
25 portunity on the online job registry created

1 under this section, and may submit a petition
2 to the Secretary of Homeland Security for such
3 subsequent period of employment for such
4 workers.

5 “(B) APPROVAL.—The Secretary of Home-
6 land Security shall approve a petition submitted
7 under subparagraph (A) unless—

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

10 “(ii) the requirements of this section
11 are no longer met;

12 “(iii) a condition in subsection (b) is
13 met; or

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

16 “(C) RECRUITMENT.—The Secretary of
17 Labor shall prescribe criteria for recruitment of
18 eligible individuals for employers seeking a sub-
19 sequent period of employment of H-2A workers
20 under this paragraph.”;

21 (5) in subsection (d)—

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

25 (B) in paragraph (1)—

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

3 (ii) by striking “may be filed by” and
4 all that follows and inserting the following:
5 “may be filed by—

6 “(A) an association (including a coopera-
7 tive association) of agricultural producers which
8 use agricultural labor or services;

9 “(B) two or more employers that use agri-
10 cultural labor or services and that submit a
11 joint application for a labor certification; or

12 “(C) other entities that use agricultural
13 labor or services and that submit a joint appli-
14 cation for a labor certification, as determined
15 appropriate by the Secretary of Labor, in con-
16 sultation with the Secretary of Homeland Secu-
17 rity.”;

18 (C) in paragraph (2)—

19 (i) in the heading, by striking “ASSO-
20 CIATIONS” and inserting “PERMITTED FIL-
21 ERS”;

22 (ii) by striking “If an association”
23 and inserting “If a permitted filer under
24 paragraph (1)”;

1 (iii) by striking “the association” and
2 inserting “such filer”;

3 (iv) by striking “producer” each place
4 it appears; and

5 (v) by striking “of a temporary or
6 seasonal nature” and inserting “of a tem-
7 porary nature”;

8 (D) in paragraph (3)—

9 (i) in subparagraph (A)—

10 (I) by amending the heading to
11 read as follows: “INDIVIDUAL VIOLA-
12 TIONS”;

13 (II) by striking “producer mem-
14 ber of a joint employer association”
15 and inserting “member of a permitted
16 filer”; and

17 (III) by striking “of the associa-
18 tion unless the Secretary determines
19 that the association” and inserting
20 “unless the Secretary of Labor deter-
21 mines that the permitted filer”; and

22 (ii) by amending subparagraph (B) to
23 read as follows:

24 “(B) PERMITTED FILER’S VIOLATIONS.—If
25 a permitted filer is determined to have com-

1 mitted an act that under subsection (b)(2) re-
2 sults in the denial of certification with respect
3 to the permitted filer, the denial shall apply
4 only to the permitted filer and does not apply
5 to any individual member of the permitted filer
6 unless the Secretary of Labor determines that
7 the member participated in, had knowledge of,
8 or reason to know of, the violation.”;

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

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

17 (6) in subsection (h), by adding at the end the
18 following:

19 “(3) SPECIAL PROCEDURES.—The Secretary of
20 Labor, in consultation with the Secretary of Agri-
21 culture and the Secretary of Homeland Security,
22 may establish, by regulation, alternate procedures
23 that modify the requirements under this section (in-
24 cluding the requirements under subsection (c)(4)
25 (related to housing)) when the Secretary of Labor

1 determines that such a modification is necessary due
2 to the unique nature of the work involved, which
3 may include herding, care, or production of livestock
4 on the range, commercial beekeeping, and itinerant
5 custom harvesting.

6 “(4) HEAT ILLNESS PREVENTION PLAN.—

7 “(A) IN GENERAL.—An employer that em-
8 ploys H-2A workers under this section shall
9 maintain a plan to prevent heat illness for
10 workers of that employer, which plan shall in-
11 clude—

12 “(i) prevention measures that are at
13 least as protective as the applicable Fed-
14 eral and State requirements;

15 “(ii) training for workers; and

16 “(iii) protocols for—

17 “(I) workers’ access to water and
18 shade;

19 “(II) the provision of breaks; and

20 “(III) emergency response.

21 “(B) POSTING REQUIREMENT.—An em-
22 ployer that employs H-2A workers under this
23 section shall make the plan required under this
24 paragraph available to employees in English
25 and, if a significant portion of such workers are

1 not fluent in English, in a language that such
2 workers understand, by—

3 “(i) posting the plan in a conspicuous
4 location at the worksite; and

5 “(ii) making the plan available to
6 such workers prior to the date on which
7 they start work.

8 “(5) FORCE MAJEURE TERMINATION.—

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

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

24 “(i) make efforts to transfer the work-
25 er to other comparable employment per-

1 mitted by the Secretary of Labor and ac-
2 ceptable to the worker; and

3 “(ii) no later than 72 hours after ter-
4 mination, notify the Secretary of Labor
5 and Secretary of Agriculture of such termi-
6 nation and state the nature of the contract
7 impossibility.

8 “(6) TRANSFER OF H-2A WORKERS.—

9 “(A) IN GENERAL.—An H-2A worker may
10 begin employment with a new employer on the
11 date that the employer files a non-frivolous peti-
12 tion with the Secretary of Homeland Security
13 on behalf of such worker.

14 “(B) ELIGIBLE EMPLOYER.—A transfer of
15 an H-2A worker under this paragraph may
16 only occur between agricultural employers that
17 possess a valid labor certification approved by
18 the Secretary of Labor under this section.

19 “(C) TIMING.—The H-2A worker shall be
20 considered authorized to be employed by the pe-
21 titioning employer until the earlier of the end
22 date of the employment contract pursuant to
23 which the H-2A worker was working prior to
24 the transfer under this paragraph or the receipt
25 of a notice of denial for the petition.

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

9 “(7) WAIVER.—

10 “(A) IN GENERAL.—Subject to the limita-
11 tion in this paragraph, the grounds of inadmis-
12 sibility under paragraphs (5)(A), (6)(A), (6)(C),
13 (7), and (9)(B) of section 212(a), and the
14 grounds of deportability under paragraphs
15 (1)(A) (with respect to the grounds of inadmis-
16 sibility waived under this paragraph), (1)(B),
17 (1)(C)(i), and (3)(A) of section 237(a) shall be
18 waived with respect to conduct that occurred
19 prior to the alien first receiving status as an H–
20 2A worker, for the purpose of providing the
21 alien with such status if the alien is otherwise
22 eligible.

23 “(B) LIMITATIONS.—

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

1 “(I) has voluntarily departed the
2 country; or

3 “(II)(aa) was unlawfully present
4 in the United States on May 31,
5 2026; and

6 “(bb) performed agricultural
7 labor or services in the United States
8 for at least 5.75 hours during each of
9 at least 180 days during the 2-year
10 period ending on the date of enact-
11 ment of Securing Agriculture’s Work-
12 force Act of 2026.

13 “(ii) CONDUCT.—A waiver provided
14 under this paragraph shall—

15 “(I) only apply to unlawful con-
16 duct that occurred in relation to ob-
17 taining employment performing agri-
18 cultural labor or services, in the
19 United States; and

20 “(II) not extend to conduct that
21 occurred in pursuit of obtaining public
22 benefits, as determined by the Sec-
23 retary of Homeland Security.

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

1 “(A) RECORD OF EMPLOYMENT.—An em-
2 ployer of an alien seeking to establish their
3 qualifications under clause (ii) of paragraph
4 (7)(B) and receive status as an H–2A worker
5 shall provide such alien with a written record of
6 employment upon the alien’s request.

7 “(B) CONTINUING EMPLOYMENT.—It shall
8 not be a violation of section 274A(a)(2) for an
9 employer to continue to employ an alien de-
10 scribed in paragraph (7)(B)(i)(II) knowing that
11 the alien intends to apply for status as an H–
12 2A worker for the duration of the period during
13 which the alien’s application is pending final de-
14 termination.

15 “(C) EMPLOYMENT RECORDS.—Any em-
16 ployment record or other evidence of employ-
17 ment provided by an alien or by an alien’s em-
18 ployer in support of an alien’s application for
19 status as an H–2A worker under this section
20 may not be used in a civil or criminal prosecu-
21 tion or investigation of that employer under sec-
22 tion 274A or the Internal Revenue Code of
23 1986 for the prior unlawful employment of that
24 alien regardless of the outcome of such applica-
25 tion.

1 “(D) ADDITIONAL PROTECTIONS.—

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

14 “(ii) LIMITATION ON PROTECTION.—
15 The protections for employers under this
16 section shall not apply if the employer pro-
17 vides employment records to the alien that
18 are determined to be fraudulent.

19 “(9) ESSENTIAL FUNCTIONS.—In the case of a
20 lapse of government appropriations, all functions
21 necessary for the processing, certification, and ad-
22 mission of H-2A workers shall be deemed essential
23 to the protection of life and property and such func-
24 tions shall continue uninterrupted for the duration
25 of such lapse.”; and

1 (7) by redesignating subsection (i) as subsection
2 (m);

3 (8) by inserting after subsection (h) the fol-
4 lowing:

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

7 “(1) DEPARTMENT OF HOMELAND SECURITY.—

8 “(A) IN GENERAL.—The authority of the
9 Secretary of Homeland Security under this sec-
10 tion does not include the authority that is spe-
11 cifically reserved for the head of another Fed-
12 eral agency under this subsection.

13 “(B) FEES.—The Secretary of Homeland
14 Security, in consultation with the Secretary of
15 Labor, may require by regulation, as a condi-
16 tion of issuing a certification under subsection
17 (a)(1), the payment of a fee to recover the rea-
18 sonable costs of processing applications and cer-
19 tifications by the Department of Homeland Se-
20 curity and Department of Labor with respect to
21 H-2A workers, and shall not include any costs
22 of processing other visa categories, asylum or
23 refugee processing, or any other functions of
24 the Department of Homeland Security or De-

1 partment of Labor other than those which are
2 applicable to the admission of H-2A workers.

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

8 “(2) DEPARTMENT OF LABOR.—

9 “(A) IN GENERAL.—The Secretary of
10 Labor shall—

11 “(i) establish standards for the re-
12 cruitment of United States workers, that
13 are reasonable and cost effective;

14 “(ii) ensure employer compliance with
15 the requirements under this section; and

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

18 “(B) POST CERTIFICATION AMEND-
19 MENTS.—The Secretary of Labor shall create
20 an expedited process to allow an employer to
21 file an amendment to a labor certification that
22 has been approved, including an amendment
23 to—

24 “(i) the dates of employment;

1 “(ii) the places of employment, due to
2 unforeseen circumstances;

3 “(iii) the housing provided, due to un-
4 foreseen circumstances;

5 “(iv) the modes of daily transpor-
6 tation; and

7 “(v) the agricultural activities that
8 will be performed by an H-2A worker, if
9 such activities are substantially similar to
10 the activities included in the approved
11 labor certification.

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

14 “(D) ONLINE JOB REGISTRY.—The Sec-
15 retary of Labor shall maintain a national, pub-
16 licly accessible online job registry and database
17 of all job offers submitted by employers seeking
18 a labor certification required to employ H-2A
19 workers under this section.

20 “(3) DEPARTMENT OF STATE.—

21 “(A) IN GENERAL.—The Secretary of
22 State shall prioritize the adjudication of visa
23 issuance for H-2A workers and shall ensure
24 sufficient and trained staffing at consulates
25 through which a significant number of applica-

1 tions by H-2A workers originate during periods
2 of increased H-2A visa applications.

3 “(B) RETURNING WORKERS.—The Sec-
4 retary of State may waive the interview require-
5 ment under section 222(h)(1) for an alien seek-
6 ing admission to the United States as an H-2A
7 worker if the alien has been previously admitted
8 to the United States as an H-2A worker, and
9 appears to be eligible for such status.

10 “(4) DEPARTMENT OF AGRICULTURE.—The
11 Secretary of Agriculture shall—

12 “(A) provide input and comment to the
13 Secretary of Homeland Security and the Sec-
14 retary of Labor regarding the implementation
15 of the requirements under this section; and

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

18 “(j) APPLICABLE WAGE.—

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

22 “(A) the agreed-upon collective bargaining
23 wage;

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

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

3 “(2) LIMITATION ON MID-CONTRACT WAGE
4 CHANGES.—The applicable wage under paragraph
5 (1), as determined on the date the job opportunity
6 is posted on the electronic job registry maintained by
7 the Secretary, shall remain in effect for the duration
8 of the contract period and shall not be modified
9 based on any subsequent adjustment to the adverse
10 effect wage rate determined and published pursuant
11 to subsection (k).

12 “(3) USE OF FEDERAL SURVEY DATA.—To cal-
13 culate an adverse effect wage rate, the Secretary of
14 Labor shall use data that is available pursuant to a
15 Federal government survey of base wages paid to
16 domestic workers in the occupational classification
17 and may not consider in the calculation additional
18 forms of compensation, such as shift differential
19 pay, on-call pay, special assignments, overtime, bo-
20 nuses, incentive-based pay, or piece rates.

21 “(k) DETERMINATION OF ADVERSE EFFECT ON
22 WAGES.—

23 “(1) IN GENERAL.—The Secretary of Labor
24 shall make an annual determination as to whether
25 the employment of H-2A workers from the prior

1 year adversely affected the wages and working condi-
2 tions of workers in the United States similarly em-
3 ployed. Such determination shall be subject to review
4 under chapter 7 of title 5, United States Code.

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

9 “(3) PUBLICATION OF RATE.—The Secretary of
10 Labor, on making a determination under paragraph
11 (1) that an adverse effect existed from the prior
12 year, shall calculate and publish in the Federal Reg-
13 ister, an adverse effect wage rate, in accordance with
14 this subsection.

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

17 “(A) ENTRY-LEVEL OCCUPATIONS.—For
18 occupations that the Secretary of Labor deter-
19 mines the qualifications of the job offer are
20 entry-level (including field and livestock worker
21 occupations combined), as compared to the
22 qualifications possessed by an average worker
23 in such occupation, the adverse effect wage rate
24 shall be equal to—

1 “(i) if a statewide annual hourly gross
2 wage in the State for the occupation de-
3 scribed in the job offer is reported in the
4 Occupational Employment and Wage Sta-
5 tistics survey, the required minimum hour-
6 ly wage for entry-level qualifications shall
7 be the 17th percentile of the wage distribu-
8 tion for the occupation in that State; or

9 “(ii) if a statewide annual hourly
10 gross wage in the State for the occupation
11 described in the job offer is not reported in
12 the Occupational Employment and Wage
13 Statistics survey, the required minimum
14 hourly wage for entry-level qualifications
15 shall be the 17th percentile of the wage
16 distribution for the occupation on a nation-
17 wide basis, as reported in such survey.

18 “(B) EXPERIENCE-LEVEL OCCUPATIONS.—
19 For any other occupation that the Secretary of
20 Labor determines the qualifications of the job
21 offer are representative of the qualifications
22 possessed by an average worker in such occupa-
23 tion (including field and livestock worker occu-
24 pations combined), the adverse effect wage rate
25 shall be equal to—

1 “(i) if a statewide annual hourly gross
2 wage in the State for experience-level
3 qualifications for the occupation described
4 in the job offer is reported in the Occupa-
5 tional Employment and Wage Statistics
6 survey, the required minimum hourly wage
7 for experience-level qualifications shall be
8 the 50th percentile of the wage distribution
9 for the occupation for that State described
10 in the job offer, as reported in such survey;
11 or

12 “(ii) if a statewide annual hourly
13 gross wage in the State for experience-level
14 qualifications for the occupation described
15 in the job offer is not reported in such sur-
16 vey, the required minimum hourly wage
17 shall be the 50th percentile of the national
18 wage distribution for the occupation, as re-
19 ported in such survey.

20 “(C) LIMITATIONS ON FLUCTUATIONS.—

21 The adverse effect wage rate calculated under
22 this paragraph may not—

23 “(i) be more than 1.5 percent lower
24 than the wage in effect for the immediately
25 preceding calendar year; and

1 “(ii) be more than 3.25 percent higher
2 than the wage in effect for the preceding
3 calendar year.

4 “(5) JOB CLASSIFICATION.—

5 “(A) IN GENERAL.—If the Secretary of
6 Labor establishes an adverse effect wage rate
7 under this subsection, the Secretary may aggregate
8 occupational classifications for purposes of
9 establishing such rate.

10 “(B) PRIMARY DUTY.—When determining
11 the occupation in which to classify an H-2A
12 worker, the Secretary shall classify the worker
13 in an occupation that reflects the duties and
14 work tasks described in the employment contract
15 that will constitute the greatest percentage
16 of the worker’s working hours.”; and

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

19 “(3) The term ‘employer’ means a person or entity
20 who hires workers to perform agricultural labor
21 or services and includes—

22 “(A) a single employer;

23 “(B) an association or farm labor contractor;
24 tractor;

1 “(C) an agricultural cooperative associa-
2 tion, as such term is defined in section 15 of
3 the Agricultural Marketing Act (12 U.S.C.
4 1141j); and

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

7 **SEC. 3. DEFINITIONS.**

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

10 (1) in paragraph (15)(H)(ii)(a) by striking “,
11 as defined by the Secretary of Labor in regulations
12 and including agricultural labor defined in section
13 3121(g) of the Internal Revenue Code of 1986, agri-
14 culture as defined in section 3(f) of the Fair Labor
15 Standards Act of 1938 (29 U.S.C. 203(f)), and the
16 pressing of apples for cider on a farm, of a tem-
17 porary or seasonal nature,” and inserting “of a tem-
18 porary nature”; and

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

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

23 “(A) agricultural labor (as such term is de-
24 fined in section 3121(g) of the Internal Rev-
25 enue Code of 1986, notwithstanding the limita-

1 tions set forth in paragraphs (4)(A) or (4)(B)
2 of such section);

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

6 “(C) the handling, planting, drying, pack-
7 ing, packaging, processing, freezing, or grading
8 of any agricultural or horticultural commodity
9 in its unmanufactured state, without regard to
10 the ownership or location of such facilities or
11 activities;

12 “(D) the transportation and preparation
13 for transportation of any agricultural or horti-
14 cultural commodity, in its unmanufactured
15 state from the farm to the place of storage,
16 first processing or first marketing;

17 “(E) pine straw gathering and reforest-
18 ation activities;

19 “(F) aquaculture activities, including the
20 primary processing of seafood;

21 “(G) activities related to the management
22 and training of equines;

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

1 “(I) the installation of horticulture com-
2 modities; and

3 “(J) the harvest and processing of meat
4 and poultry, which shall only include the
5 slaughter of animals and the breakdown of car-
6 casses.

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

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

13 Section 218 of the Immigration and Nationality Act
14 (8 U.S.C. 1188), as amended by this Act, is further
15 amended by inserting after subsection (k) the following:

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

17 “(1) IN GENERAL.—Not later than one year
18 after the date of the enactment of this Act, the Sec-
19 retary of Homeland Security, in consultation with
20 the Secretary of Labor, the Secretary of Agriculture,
21 the Secretary of State, and the Administrator of the
22 Department of Government Efficiency, shall estab-
23 lish an online platform which shall serve as a single
24 point of access—

1 “(A) for an employer to input all informa-
2 tion and supporting documentation required
3 for—

4 “(i) obtaining a labor certification
5 from the Secretary of Labor; and

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

8 “(B) for the Secretary of Homeland Secu-
9 rity, the Secretary of Labor, and State work-
10 force agencies to concurrently perform their re-
11 spective review and adjudicatory responsibilities
12 related to the admission of H-2A workers; and

13 “(C) to facilitate communication between
14 employers and agency adjudicators, including
15 by allowing employers to—

16 “(i) receive and respond to notices of
17 deficiency and requests for information;

18 “(ii) submit requests for inspections
19 and necessary approvals;

20 “(iii) receive notices of approval and
21 denial;

22 “(iv) request reconsideration or appeal
23 of agency decisions;

24 “(v) provide information to the Sec-
25 retary of State and U.S. Customs and Bor-

1 der Protection necessary for the efficient
2 and secure processing of visas and applica-
3 tions for admission of H-2A workers;

4 “(vi) receive and request documents,
5 such as the I-94, I-797A, I-797B (or suc-
6 cessor forms) of the H-2A worker, and
7 any other form required for the admission
8 of H-2A workers;

9 “(vii) request updates on the status of
10 the processing of applications for labor cer-
11 tifications, petitions, and applications for
12 the admission of H-2A workers;

13 “(viii) pay all fees associated with the
14 admission and employment of H-2A work-
15 ers, including fees imposed by the Sec-
16 retary of Homeland Security, the Secretary
17 of State, and the Secretary of Labor; and

18 “(ix) file, or have filed on their behalf,
19 Form G-28, or any successor form, from
20 non-attorney agents to indicate representa-
21 tion of their clients, which shall send notice
22 to non-attorney agents with respect to
23 processing as would any other Form G-28,
24 or any successor form, regarding said rep-
25 resentation.

1 “(2) OBJECTIVES.—In developing the platform
2 described in subsection (a), the Secretary of Home-
3 land Security, in consultation with the Secretary of
4 Labor, the Secretary of Agriculture, the Secretary of
5 State, and the Administrator of the Department of
6 Government Efficiency, shall streamline and improve
7 the process for the admission of H–2A workers, in-
8 cluding by—

9 “(A) eliminating the need for employers to
10 submit duplicate information and documenta-
11 tion to multiple agencies;

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

15 “(C) reducing the occurrence of common
16 petition errors, and otherwise improving and ex-
17 pediting the processing of petitions for H–2A
18 workers; and

19 “(D) ensuring compliance with the require-
20 ments for the admission of H–2A workers and
21 the protection of the wages and working condi-
22 tions of workers.”.

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

24 Not later than 2 years after the enactment of this
25 Act, the Comptroller General of the United States shall

1 submit to the Committee on Agriculture, the Committee
2 on Education and Workforce, and the Committee on the
3 Judiciary of the House of Representatives, and to the
4 Committee on Agriculture, Nutrition, and Forestry, the
5 Committee on Health, Education, Labor and Pensions,
6 and the Committee on the Judiciary of the Senate, a re-
7 port on the following:

8 (1) An evaluation of information related to the
9 availability and affordability of housing that com-
10 plies with the requirements under section 218(c)(4)
11 of the Immigration and Nationality Act (8 U.S.C.
12 1188(c)(4)) related to housing for H-2A workers.

13 (2) Challenges faced by employers in securing
14 and maintaining adequate and affordable housing
15 for H-2A workers.

16 (3) The measures undertaken by the Secretary
17 of Labor to monitor and enforce employer compli-
18 ance with the requirements under such section
19 218(c)(4), including the conduct of inspections, in-
20 vestigations, and other enforcement actions.

21 (4) The availability of Federal programs to as-
22 sist employers in providing housing that complies
23 such requirements and the extent to which those
24 Federal programs are being used by employers.

1 **SEC. 6. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect
3 on the date that is one year after the date of enactment
4 of this Act. Any rule to carry out the amendments made
5 by this Act may be made as an interim final rule on the
6 date that the amendments made by this Act take effect.