

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.

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## 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

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## 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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