

119TH CONGRESS
2^D SESSION

S. _____

To authorize, if applicable, the Secretary of Labor to annually establish a 2-tiered wage rate for H-2A workers that distinguishes between entry-level and experience-level workers and to annually establish a compensation adjustment factor to account for the value of housing provided to H-2A workers.

IN THE SENATE OF THE UNITED STATES

Mr. BUDD (for himself, Mr. SCOTT of South Carolina, Mrs. HYDE-SMITH, Mr. BOOZMAN, Mr. CRAPO, Mr. RICKETTS, Mr. TILLIS, Ms. LUMMIS, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To authorize, if applicable, the Secretary of Labor to annually establish a 2-tiered wage rate for H-2A workers that distinguishes between entry-level and experience-level workers and to annually establish a compensation adjustment factor to account for the value of housing provided to H-2A workers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLES.**

2 This Act may be cited as the “Farmworker Access
3 and Retention Modernization Stability Act” or the
4 “FARM Stability Act”.

5 **SEC. 2. ANNUAL WAGE RATES AND ADJUSTMENTS FOR H-**
6 **2A WORKERS.**

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

10 “(3) If the Secretary of Labor determines a minimum
11 wage rate other than the Federal or State minimum wage
12 rate applicable to agricultural employment is required to
13 be paid to H–2A workers, the Secretary shall—

14 “(A) annually establish a 2-tiered wage rate
15 based on the skill level required for H–2A occupa-
16 tions that—

17 “(i) classifies positions requiring entry-
18 level workers as Skill Level I;

19 “(ii) classifies positions requiring experi-
20 ence-level workers with formal education, train-
21 ing certificates, or significant experience in ag-
22 ricultural operations as Skill Level II; and

23 “(iii) sets the wage rate for Skill Level II
24 H–2 A workers higher than the wage rate for
25 Skill Level I H–2A workers; and

1 “(B) account for the value of housing provided
2 to H-2A workers by—

3 “(i) annually establishing a compensation
4 adjustment factor to the wage rate established
5 for each State pursuant to subparagraph (A);

6 “(ii) computing such compensation adjust-
7 ment factor as an equivalent hourly rate based
8 on the weighted statewide average of fair mar-
9 ket rents for a 4-bedroom housing unit avail-
10 able from the Department of Housing and
11 Urban Development; and

12 “(iii) keeping such compensation adjust-
13 ment factor at or below 30 percent of the rel-
14 evant wage rate established pursuant to sub-
15 paragraph (A).”.