

119TH CONGRESS  
1ST SESSION

# H. R. 4367

To reform the H-2A worker program, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2025

Ms. DE LA CRUZ introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To reform the H-2A worker program, 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 “Bracero Program 2.0  
5 Act”.

6 **SEC. 2. REFORMS TO EMPLOYER PROCESSES UNDER H-2A**  
7 **PROGRAM.**

8 (a) ESTABLISHMENT OF PORTAL.—Not later than 18  
9 months after the date of enactment of this Act, the Sec-  
10 retary of Homeland Security, in consultation with the Sec-

1 retary of Labor, shall establish and implement an online  
2 portal for use by employers to—

3 (1) file a petition to import an alien as an H–  
4 2A worker (as such term is defined in section 218  
5 of the Immigration and Nationality Act (8 U.S.C.  
6 1188)); and

7 (2) post a job on an electronic job registry,  
8 which posting shall satisfy any requirement to adver-  
9 tise a job.

10 (b) PORTAL REQUIREMENTS FOR PETITIONS.—The  
11 Secretary of Homeland Security shall ensure that a peti-  
12 tion filed using the portal established under this sub-  
13 section—

14 (1) may be processed simultaneously by the  
15 Secretary, the Secretary of Labor, and a State  
16 Workforce Agency; and

17 (2) may reflect staggered labor needs and stag-  
18 gered date of entry needs of the employer in a single  
19 petition.

20 **SEC. 3. H-2A WAGE REFORM; PERIOD OF AUTHORIZED AD-**  
21 **MISSION.**

22 Section 218 of the Immigration and Nationality Act  
23 is amended—

24 (1) by redesignating subsections (g) through (i)  
25 as subsections (j) through (l), respectively; and

1           (2) by inserting after subsection (f) the fol-  
2           lowing:

3           “(g) WAGE RATE.—For purposes of this section, a  
4           wage rate for an H–2A worker that is equal to the applica-  
5           ble minimum wage of the State in which the labor or serv-  
6           ices will be performed plus \$2.00 per hour shall be consid-  
7           ered to not adversely affect the wages of workers in the  
8           United States similarly employed.

9           “(h) PERIOD OF AUTHORIZED ADMISSION.—The pe-  
10          riod of authorized admission for an H–2A worker shall  
11          be one year.

12          “(i) EXPEDITED REVIEW OF RETURNING WORK-  
13          ERS.—An alien seeking admission to the United States as  
14          an H–2A worker who has previously been admitted as an  
15          H–2A worker and who the Secretary of Homeland Secu-  
16          rity determines pursuant to security and law enforcement  
17          background checks does not pose a criminal or national  
18          security threat to the United States shall not be required  
19          to undergo an in-person interview.”.

20       **SEC. 4. PORTABLE H-2A VISA PILOT PROGRAM.**

21          (a) ESTABLISHMENT OF PILOT PROGRAM.—

22               (1) IN GENERAL.—Not later than 18 months  
23               after the date of the enactment of this Act, the Sec-  
24               retary of Homeland Security, in consultation with  
25               the Secretary of Labor and the Secretary of Agri-

1 culture, shall establish through regulation a 6-year  
2 pilot program to facilitate the free movement and  
3 employment of temporary or seasonal H–2A workers  
4 to perform agricultural labor or services for agricul-  
5 tural employers registered with the Secretary of Ag-  
6 riculture within the State in which the worker is ini-  
7 tially admitted to be employed. Notwithstanding the  
8 requirements of section 218 of the Immigration and  
9 Nationality Act, such regulation shall establish the  
10 requirements for the pilot program, consistent with  
11 subsection (b). For purposes of this section, such a  
12 worker shall be referred to as a portable H–2A  
13 worker, and status as such a worker shall be re-  
14 ferred to as portable H–2A status.

15 (2) ONLINE PLATFORM.—The Secretary of  
16 Homeland Security, in consultation with the Sec-  
17 retary of Labor and the Secretary of Agriculture,  
18 shall maintain an online electronic platform to con-  
19 nect portable H–2A workers with registered agricul-  
20 tural employers seeking workers to perform tem-  
21 porary or seasonal agricultural labor or services.  
22 Employers shall post on the platform available job  
23 opportunities, including a description of the nature  
24 and location of the work to be performed, the antici-  
25 pated period or periods of need, and the terms and

1 conditions of employment. Such platform shall allow  
2 portable H-2A workers to search for available job  
3 opportunities using relevant criteria, including the  
4 types of jobs needed to be filled and the dates and  
5 locations of need.

6 (3) LIMITATION.—Notwithstanding the  
7 issuance of the regulation described in paragraph  
8 (1), the Secretary of State may not issue a portable  
9 H-2A visa and the Secretary of Homeland Security  
10 may not confer portable H-2A status on any alien  
11 until the Secretary of Homeland Security, in con-  
12 sultation with the Secretary of Labor and the Sec-  
13 retary of Agriculture, has determined that a suffi-  
14 cient number of employers have been designated as  
15 registered agricultural employers under subsection  
16 (b)(1) and that such employers have sufficient job  
17 opportunities to employ a reasonable number of  
18 portable H-2A workers to initiate the pilot program.

19 (b) PILOT PROGRAM ELEMENTS.—The pilot program  
20 in subsection (a) shall contain the following elements:

21 (1) REGISTERED AGRICULTURAL EMPLOY-  
22 ERS.—

23 (A) DESIGNATION.—Agricultural employ-  
24 ers shall be provided the ability to seek designa-  
25 tion as registered agricultural employers. Rea-

1           sonable fees may be assessed commensurate  
2           with the cost of processing applications for des-  
3           ignation. A designation shall be valid for a pe-  
4           riod of up to 3 years unless revoked for failure  
5           to comply with program requirements. Reg-  
6           istered employers that comply with program re-  
7           quirements may apply to renew such designa-  
8           tion for additional periods of up to 3 years for  
9           the duration of the pilot program.

10           (B) LIMITATIONS.—Registered agricultural  
11           employers may employ aliens with portable H-  
12           2A status without filing a petition. Such em-  
13           ployers shall pay such aliens at least the wage  
14           required under section 218 of the Immigration  
15           and Nationality Act (8 U.S.C. 1188).

16           (C) WORKERS' COMPENSATION.—If a job  
17           opportunity is not covered by or is exempt from  
18           the State workers' compensation law, a reg-  
19           istered agricultural employer shall provide, at  
20           no cost to the worker, insurance covering injury  
21           and disease arising out of, and in the course of,  
22           the worker's employment, which will provide  
23           benefits at least equal to those provided under  
24           the State workers' compensation law.

25           (2) DESIGNATED WORKERS.—

1 (A) IN GENERAL.—Individuals who have  
2 been previously admitted to the United States  
3 in H-2A status, and maintained such status  
4 during the period of admission, shall be pro-  
5 vided the opportunity to apply for portable H-  
6 2A status. Portable H-2A workers shall be sub-  
7 ject to the period of authorized admission for  
8 H-2A workers described in section 218 of the  
9 Immigration and Nationality Act (8 U.S.C.  
10 1188).

11 (B) LIMITATIONS ON AVAILABILITY OF  
12 PORTABLE H-2A STATUS.—

13 (i) INITIAL OFFER OF EMPLOYMENT  
14 REQUIRED.—No alien may be granted  
15 portable H-2A status without an initial  
16 valid offer of employment to perform tem-  
17 porary or agricultural labor or services  
18 from a registered agricultural employer.

19 (ii) NUMERICAL LIMITATIONS.—The  
20 total number of aliens who may hold valid  
21 portable H-2A status at any one time may  
22 not exceed 10,000. Notwithstanding such  
23 limitation, the Secretary of Homeland Se-  
24 curity may further limit the number of  
25 aliens with valid portable H-2A status if

1           the Secretary determines that there are an  
2           insufficient number of registered agricul-  
3           tural employers or job opportunities to  
4           support the employment of all such port-  
5           able H-2A workers.

6           (C) SCOPE OF EMPLOYMENT.—During the  
7           period of admission, a portable H-2A worker  
8           may perform temporary or seasonal agricultural  
9           labor or services for any employer in the United  
10          States that is designated as a registered agri-  
11          cultural employer pursuant to paragraph (1)  
12          that is located in the State of the alien’s initial  
13          offer of employment under subparagraph (B)(i).  
14          An employment arrangement under this section  
15          may be terminated by either the portable H-2A  
16          worker or the registered agricultural employer  
17          at any time.

18          (D) TRANSFER TO NEW EMPLOYMENT.—  
19          At the cessation of employment with a reg-  
20          istered agricultural employer, a portable H-2A  
21          worker shall have 60 days to secure new em-  
22          ployment with a registered agricultural em-  
23          ployer.

24          (E) MAINTENANCE OF STATUS.—A port-  
25          able H-2A worker who does not secure new em-

1           employment with a registered agricultural em-  
2           ployer within 60 days shall be considered to  
3           have failed to maintain such status and shall  
4           depart the United States or be subject to re-  
5           moval under section 237(a)(1)(C)(i) of the Im-  
6           migration and Nationality Act (8 U.S.C.  
7           1188(a)(1)(C)(i)).

8           (3) ENFORCEMENT.—The Secretary of Labor  
9           shall be responsible for conducting investigations  
10          and random audits of employers to ensure compli-  
11          ance with the employment-related requirements of  
12          this section. The Secretary of Labor shall have the  
13          authority to collect reasonable civil penalties for vio-  
14          lations, which shall be utilized by the Secretary for  
15          the administration and enforcement of the provisions  
16          of this section.

17          (4) ELIGIBILITY FOR SERVICES.—Section 305  
18          of Public Law 99–603 (100 Stat. 3434) is amended  
19          by striking “other employment rights as provided in  
20          the worker’s specific contract under which the non-  
21          immigrant was admitted” and inserting “employ-  
22          ment-related rights”.

23          (c) REPORT.—Not later than 6 months before the  
24          end of the third fiscal year of the pilot program, the Sec-  
25          retary of Homeland Security, in consultation with the Sec-

1   retary of Labor and the Secretary of Agriculture, shall  
2   prepare and submit to the Committees on the Judiciary  
3   of the House of Representatives and the Senate, a report  
4   that provides—

5           (1) the number of employers designated as reg-  
6           istered agricultural employers, broken down by geo-  
7           graphic region, farm size, and the number of job op-  
8           portunities offered by such employers;

9           (2) the number of employers whose designation  
10          as a registered agricultural employer was revoked;

11          (3) the number of individuals granted portable  
12          H-2A status in each fiscal year, along with the  
13          number of such individuals who maintained portable  
14          H-2A status during all or a portion of the 3-year  
15          period of the pilot program;

16          (4) an assessment of the impact of the pilot  
17          program on the wages and working conditions of  
18          United States farm workers;

19          (5) the results of a survey of individuals grant-  
20          ed portable H-2A status, detailing their experiences  
21          with and feedback on the pilot program;

22          (6) the results of a survey of registered agricul-  
23          tural employers, detailing their experiences with and  
24          feedback on the pilot program;

1 (7) an assessment as to whether the program  
2 should be continued and if so, any recommendations  
3 for improving the program; and

4 (8) findings and recommendations regarding ef-  
5 fective recruitment mechanisms, including use of  
6 new technology to match workers with employers  
7 and ensure compliance with applicable labor and em-  
8 ployment laws and regulations.

9 **SEC. 5. GREENHOUSE AND INDOOR FARM WORKERS ELIGI-**  
10 **BLE FOR H-2A NONIMMIGRANT STATUS.**

11 101(a)(15)(H)(ii)(a) of the Immigration and Nation-  
12 ality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by  
13 inserting after “of a temporary or seasonal nature,” the  
14 following: “, and including work in a greenhouse or indoor  
15 farm (whether or not of a temporary or seasonal nature)”.

16 **SEC. 6. GAO REPORT ON H-2A PROGRAM INTEGRITY.**

17 Not later than one year after the date of enactment  
18 of this Act, the Comptroller General of the United States  
19 shall submit to Congress a report on this Act and the  
20 amendments made by this Act that includes the following:

21 (1) Whether United States employers are in-  
22 creasingly reliant on H-2A workers.

23 (2) Any challenges for employers in securing  
24 adequate and affordable housing for H-2A workers  
25 and potential effects on hiring.

1           (3) Compliance of employers with the employ-  
2           ment conditions of the H-2A worker program.

3           (4) The effects of wage rate requirement under  
4           subsection (g) of section 218 of the Immigration and  
5           Nationality Act (8 U.S.C. 1188).

6           (5) How the admission of H-2A workers may  
7           be affecting working conditions for the United  
8           States.

9           (6) Whether staffing at the Department of  
10          Labor and the Department of Homeland Security is  
11          sufficient to administer the H-2A worker program  
12          effectively and efficiently.

13 **SEC. 7. GAO REPORT ON H-2A WORKER PROTECTIONS AND**  
14 **ENFORCEMENT.**

15          Not later than 2 years after the date of enactment  
16          of this Act, and every 2 years thereafter, the Comptroller  
17          General of the United States shall submit to Congress a  
18          report that describes, for each State in which H-2A work-  
19          ers are employed, the following:

20               (1) The mechanisms for H-2A workers to re-  
21               port workplace violations, including unsafe working  
22               conditions, crimes, unsafe living conditions, and un-  
23               derpayment of wages.

24               (2) How H-2A workers are made aware of such  
25               mechanisms.

1           (3) The daily accessibility of such mechanisms.

2           (4) How H-2A workers are educated about  
3 their rights.

4           (5) Any barriers H-2A workers face when at-  
5 tempting to use such mechanisms.

6           (6) The processes in place after an H-2A work-  
7 er reports a workplace violation.

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