

## HR 4381

### H-2B Program Reform Act of 2009

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Immigration

**Introduced:** Dec 16, 2009

**Current Status:** Referred to the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International

**Latest Action:** Referred to the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. (Mar 1, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/4381>

### Sponsor

**Name:** Rep. Lofgren, Zoe [D-CA-16]

**Party:** Democratic • **State:** CA • **Chamber:** House

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Miller, George [D-CA-7]	D · CA		Dec 16, 2009

### Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred to	Feb 23, 2010
Judiciary Committee	House	Referred to	Mar 1, 2010

### Subjects & Policy Tags

#### Policy Area:

Immigration

### Related Bills

No related bills are listed.

H-2B Program Reform Act of 2009 - Amends the Immigration and Nationality Act to make any alien seeking to enter the United States as an H-2B visa (nonagricultural temporary/seasonal worker) inadmissible unless the Secretary of Labor (Secretary) certifies to the Secretary of State and the Secretary of Homeland Security (DHS) that: (1) there are not sufficient U.S. workers to perform such temporary labor or services; and (2) such alien's employment will not adversely affect similarly-employed U.S. workers' wages and working conditions.

Requires H-2B employers to file an application with the Secretary which shall include information regarding: (1) the numbers, occupational classifications, and employment locations of such nonimmigrants; (2) the recurring and temporary need for such labor and the inability to secure U.S. workers to meet such labor needs; and (3) instances of employment-related violations within the previous three years.

Limits labor contracting and construction entities registration eligibility.

Directs the Secretary to set the number of H-2B visas each employer would be approved to use. Requires an employer to pay a \$100 application fee and a \$100 per-worker fee.

Sets forth: (1) labor certification application provisions; (2) H-2B and U.S. worker protections; and (3) penalties, including temporary program removal, for compliance failures.

Establishes in the Treasury the Employment Certification Fee Account.

States that forest, conservation, and logging workers shall be considered: (1) H-2A nonimmigrant agricultural workers for employment purposes; and (2) seasonal agricultural workers under the Migrant Seasonal Worker Protection Act.

## **Actions Timeline**

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- **Mar 1, 2010:** Referred to the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law.
- **Feb 23, 2010:** Referred to the Subcommittee on Workforce Protections.
- **Dec 16, 2009:** Introduced in House
- **Dec 16, 2009:** Referred to House Judiciary
- **Dec 16, 2009:** Referred to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Dec 16, 2009:** Referred to House Education and Labor