



SECURING AGRICULTURE'S WORKFORCE ACT OF 2026

Background:

The only U.S. visa program designed specifically for agricultural work is the H-2A Temporary Agricultural Worker Program (H-2A). Originally created in 1986 by the Immigration Reform and Control Act (IRCA), the statute has remained largely untouched for 40 years, except for regulatory actions limited by the outdated statute. **Despite the fact that H-2A is limited to seasonal labor and is a costly and burdensome program for producers to participate in, demand for these visas has grown significantly in the last decade—increasing from just under 100,000 certified positions in 2013 to almost 400,000 positions in 2025.** This is due to a lack of domestic workers willing to perform many of the agricultural jobs that are vital to the everyday operation of farming.

Reforms are necessary to adapt this program to the needs of today's agriculture industry. Without modern updates, labor costs and shortages will continue to impact food availability and affordability, a direct threat to national security.

Key Reforms in the Securing Agriculture's Workforce Act:

Expanding Access to H-2A:

The INA states that H-2A visas are for non-immigrant workers who come to the United States to “perform agriculture labor or services ... of a seasonal or temporary nature.” For decades, that has been strictly defined in regulations to mean the length of the job contract is limited to 10 months and the underlying job must be BOTH seasonal and temporary. **This has arbitrarily excluded significant sectors of the agriculture industry** (such as dairy) from eligibility in the program, leaving them with few options when they cannot find domestic workers willing and able to do these important yet arduous jobs.

SAWA addresses this by:

- Stipulating that H-2A visas are for performing agricultural labor or services of a temporary nature only, removing the requirement that it also be seasonal.
- Clarifying that “temporary” is in relation to the length of the job contract (a maximum of 350 days), rather than the underlying nature of the work being performed.

- Transferring the authority to define “agriculture labor and services” to the Secretary of Agriculture, rather than Labor.
- Ensuring that a suite of additional activities, such as controlled environment agriculture, forestry, aquaculture, and the “harvest” of livestock, would be eligible for the program.
- Limiting disruptions to the food supply by providing an opportunity for existing unauthorized agricultural workers to gain access to the program if they are otherwise eligible and can meet the requirements (which include background checks and an in-person interview) of the H-2A program. A pathway to citizenship is not included.

Controlling Costs of H-2A:

The INA requires that the Secretary of Labor ensures H-2A workers do not “adversely affect the wages” of U.S. workers. To enforce this vague requirement, through regulation, the Labor Department establishes an Adverse Effect Wage Rate (AEWR)—the minimum rate an employer must pay an H-2A worker. Because there is limited clarity in the statute, and often because of litigation, farmers have had to endure at least five major revisions to the wage rate methodology since 2008. Until the most recent rulemaking in 2025, flaws in this methodology, such as establishing the average wage from one year to be the minimum wage required in a subsequent year, **resulted in an AEWR that outpaced general inflation by over 70% since 2010**. In 2025, a court struck down the 2023 AEWR rule, requiring DOL to publish an Interim Final Rule (IFR) that established a new methodology addressing many of the deficiencies in the prior rulemaking. The IFR also adjusts the wage rate to reflect the free housing farmers are required to provide to H-2A workers, leveling the playing field with domestic workers who do not get that same benefit.

SAWA provides certainty and stability for users of the program by:

- Codifying the general wage rate methodology of the IFR, which relies on BLS data to ensure the wages are reflective of reality and provide higher wages for work that requires specific skills or experience.
- Establishing the housing adjustment from the IFR as a daily charge instead of hourly rate, which is fairer to workers that perform more than 40 hours of work per week.
- Limiting wage rate fluctuations year-over-year to not exceed a 3.5% increase or a 1.5% decrease.
- Reducing compliance costs by allowing multi-year labor certifications and housing inspections.

Streamlining H-2A:

The H-2A program requires interacting with Departments of Labor, Homeland Security, and State, and oftentimes also a state workforce agency prior to a worker ever showing up to the jobsite. This fractured administration among agencies—ones that often do not communicate well with one another—frequently results in bureaucratic delays that can cause farmers to miss critical planting or harvest windows, causing significant economic losses. Additionally, onerous requirements, such as separate labor certifications for different dates of need or having to refile a certification just to add new crops or worksites, unnecessarily cost farmers time and money.

SAWA streamlines the administration of the H-2A program by:

- Mandating the creation of an online platform in which all interactions and correspondence between employers, workers, and all relevant agencies can occur in a timely manner.
- Clarifying the roles of the various federal agencies to prevent duplication of work and consistency in interpretation and implementation of policy and procedures.
- Providing commonsense flexibilities necessary for the dynamic nature of agricultural production and the diversity of use cases while maintaining strong, rules-based standards.