Bill Summary: Securing Agriculture's Workforce Act of 2026

On June 30, 2026, Rep. Glenn Thompson (R-Pennsylvania) introduced the Securing Agriculture's Workforce Act of 2026 (H.R. 9535), a bipartisan bill that would make significant changes to the H-2A temporary agricultural worker program. As of July 28, 2026, the bill has 52 cosponsors, including 47 Republicans and five Democrats.

The bill seeks to modernize the H-2A program by streamlining the application process, expanding program flexibility for employers, modifying wage calculations, broadening the definition of agricultural labor, and waiving certain grounds of inadmissibility and deportability that would otherwise prevent experienced agricultural workers from obtaining H-2A classification. It also includes new worker protections, agency responsibilities, and oversight requirements, among other provisions.

What would the Securing Agriculture's Workforce Act of 2026 do?

The bill would:

Streamline the labor certification process. Before an employer can hire H-2A workers, the Department of Labor (DOL) must certify that there are not enough qualified U.S. workers available and that hiring foreign workers will not adversely affect U.S. workers' wages and working conditions. The bill would simplify this process by allowing labor certifications to remain valid for up to three consecutive years for employers with recurring labor needs, reducing the need to file new applications each year.

Establish new processing deadlines. The bill would require DOL to issue labor certifications no later than 30 days before workers are needed. It would also require the Department of Homeland Security (DHS) to approve, deny, or request additional information on H-2A petitions within 15 days of receiving them. Currently, the law establishes no deadlines for DOL or DHS.

Provide greater flexibility for employers. The bill would allow employers to schedule different arrival and departure dates for H-2A workers under a single job order to better reflect changing labor needs throughout a growing season. It also would create a streamlined process for employers seeking to rehire returning H-2A workers for subsequent periods of employment.

Allow changes to approved labor certifications. The bill would require DOL to establish an expedited process allowing employers to amend approved labor certifications when unforeseen circumstances arise, including changes to employment dates, housing, transportation arrangements, work locations, or substantially similar job duties.

Create a single online H-2A application portal. Within one year of enactment, DHS, DOL, the U.S. Department of Agriculture (USDA), and the Department of State would be required to establish a single online platform through which employers could submit applications, upload supporting documents, communicate with agencies, pay fees, receive decisions, and monitor case status. The online platform would allow multiple agencies to review applications simultaneously, eliminate duplicate paperwork, reduce common filing errors, and streamline communication between employers and the federal government.

Change H-2A housing requirements. The legislation would allow housing certifications to remain valid for up to three years, permit housing inspections to be conducted by qualified state agencies, establish standards for housing deductions from workers' wages, and continue requiring housing to meet applicable health and safety standards.

Establish additional worker protections. Employers would be required to maintain heat illness prevention plans that include worker training, access to water and shade, rest breaks, and emergency response procedures.

Expand operational flexibility for agricultural employers. The bill would authorize DOL to establish alternative H-2A procedures for industries with unique labor needs, including livestock production, commercial beekeeping, and custom harvesting. It also would allow employers to terminate employment contracts when natural disasters or other force majeure events make continued employment impossible, subject to specified worker protections.

Expand joint participation in the H-2A program. The legislation would broaden the entities that may jointly file H-2A applications to include agricultural associations, cooperatives, joint employers, and other entities approved by DOL.

Allow H-2A workers to transfer employers more easily. The bill would permit H-2A workers to begin working for another certified agricultural employer immediately after the filing of a non-frivolous petition, rather than waiting for final approval. It also establishes procedures if the transfer petition is denied or withdrawn.

Allow certain experienced farmworkers to obtain H-2A classification despite prior immigration violations. The bill would authorize DHS to waive certain grounds of inadmissibility and deportability that would otherwise prevent experienced agricultural workers from obtaining H-2A classification. To qualify, applicants generally would have to demonstrate either that they voluntarily departed the United States or that they were unlawfully present on May 31, 2026, and performed at least 180 days of agricultural work during the previous two years. The waiver would apply only to specified immigration violations that occurred before the worker obtains H-2A status and would not create a new immigration status or a pathway to permanent residence.

Change how H-2A wages are calculated. The bill would retain the requirement that employers pay the highest applicable wage but would establish a new methodology for calculating the Adverse Effect Wage Rate (AEWR). DOL would first determine whether H-2A employment adversely affected domestic wages before calculating an AEWR. The bill also would establish separate wage calculations for entry-level and experienced occupations, limit annual wage increases and decreases, prohibit mid-contract wage adjustments, and exclude certain supplemental forms of compensation from AEWR calculations.

Expand the definition of agricultural labor. The legislation would direct USDA to adopt a broader definition of "agricultural labor or services" that includes additional activities such as aquaculture, logging, equine management, reforestation, transportation and packing of agricultural commodities, installation of horticultural products, and certain meat and poultry processing activities. It also would define "temporary" employment as work performed under contracts lasting fewer than 350 days, expanding the H-2A program to cover dairy and other year-round agricultural industries.

Require additional oversight and establish an effective date. The bill would require the Government Accountability Office to study H-2A housing availability, affordability, employer compliance, and existing federal housing assistance programs. The legislation would take effect one year after enactment, and federal agencies would be authorized to issue interim final rules during implementation.