FORUM

Bill Analysis: Securing Agriculture's Workforce Act of 2026

Introduction

The U.S. agricultural industry has faced persistent labor shortages for more than a decade, making it increasingly difficult for employers to find enough workers to meet their workforce needs. While several factors have contributed to these shortages, outdated immigration laws have been a significant factor, limiting the industry's ability to access the workers needed to fill critical agricultural jobs.

In an effort to address these challenges, Rep. Glenn Thompson (R-Pennsylvania) introduced the Securing Agriculture's Workforce Act of 2026 (H.R. 9535), a bipartisan bill that would make substantial changes to the H-2A temporary agricultural worker program. Commonly referred to as SAWA, the bill would simplify the H-2A application process, expand the definition of agricultural labor covered by the program, and waive certain grounds of inadmissibility and deportability that could otherwise prevent experienced agricultural workers from obtaining H-2A status.

As of August 20, 2026, the bill had 59 cosponsors, including 52 Republicans and seven Democrats.

The Forum has published a separate bill summary that provides a detailed overview of all the key provisions of the Securing Agriculture's Workforce Act of 2026. This bill analysis takes a different approach. Rather than reviewing the bill provision by provision, it examines the major workforce challenges facing the U.S. agricultural industry and explains how SAWA's proposed changes to the H-2A program could help address them.

Challenges Facing the Agricultural Workforce

The U.S. agricultural industry, which employs over 1.93 million farmworkers, has faced labor shortages for more than a decade. As a consequence of the difficulty of attracting enough U.S. workers to fill these physically demanding positions, foreign-born workers make up a majority of the nation's agricultural workforce, accounting for an estimated 73% of U.S. farmworkers as of 2025.

According to a 2025 report by the Congressional Research Service, an estimated 27% of hired agricultural workers are U.S. citizens, 16% are H-2A workers, 22% have other forms of work authorization, and 35% lack legal work authorization.

The existing H-2A program, created in 1986 and not statutorily reformed since then, allows U.S. agricultural employers to bring foreign workers to the United States to fill temporary agricultural jobs. The program helps address some agricultural labor shortages, but its focus on temporary or seasonal employment limits its usefulness for portions of the industry. Because H-2A employment generally cannot exceed one year at a time, year-round operations such as dairy farms, as well as many animal-farming and meat-packing jobs, fall outside the program. The H-2A process is also complicated and expensive for agricultural employers, requiring them to navigate multiple federal and state agencies, obtain a temporary labor certification, recruit U.S. workers, and complete additional immigration processing before workers can begin employment. For agricultural employers operating on narrow profit margins, these administrative requirements and costs can make the program difficult to use and limit their ability to respond quickly to changing labor needs. Given the slim profit margins many farmers face, many find it unhelpful, and it provides less than 16% of the immigrant agricultural workforce.

Labor shortages also have consequences beyond individual farms. When employers cannot find enough workers, they may reduce production, leave crops unharvested, or face incentives to move certain agricultural production overseas. The Forum's research has previously noted that approximately one-third of edible produce in the United States goes unharvested for various reasons, including labor shortages. Reduced agricultural production and food waste can raise costs for consumers, although labor availability is only one of several factors affecting food prices.

How Would SAWA Address These Challenges?

Expanding the H-2A program to more agricultural operations

The current H-2A program is designed for seasonal farm work, such as planting and harvesting crops. Dairy and many livestock farms need workers year-round, so they generally cannot use H-2A for those permanent jobs. SAWA would change the definition of "temporary" H-2A employment to allow contracts lasting up to 350 days, regardless of the employer's underlying need for the position. This would make it easier for dairy and livestock operations that need workers for most of the year to use H-2A workers.

The bill would also broaden the definition of "agricultural labor" to include activities such as aquaculture, equine management, reforestation, logging, transportation and preparation of agricultural commodities, and certain meat and poultry processing.

These changes would expand the pool of agricultural employers able to use H-2A workers.

Making the H-2A program easier and faster to use

Agricultural employers often need workers within a specific production window. Delays in the H-2A process can therefore be particularly disruptive when planting, harvesting, or other agricultural activities cannot be postponed. SAWA would establish new processing deadlines, requiring the Department of Labor (DOL) to issue labor certifications no later than 30 days before the date labor or services are first required. The Department of Homeland Security (DHS) also would be required to approve, deny, or request additional information on an H-2A petition within 15 days.

The bill would allow qualifying labor certifications to remain valid for up to three consecutive years and create a streamlined process for subsequent employment periods. These provisions could reduce the need for employers with recurring labor needs to repeatedly navigate the full certification process.

SAWA would also create a single online H-2A platform through which employers could submit information and supporting documents, communicate with agencies, respond to requests for information, request inspections, receive decisions, track applications, and pay fees. The platform would allow agencies to conduct their reviews concurrently and eliminate duplicative submissions and redundant processes.

Addressing the immigration status of experienced farmworkers

Another challenge is the industry's reliance on workers who may have substantial agricultural experience but lack a lawful immigration status. 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.

This provision could help employers retain experienced agricultural workers and reduce disruptions associated with losing workers who already possess knowledge of particular crops, equipment, and production practices.

Strengthening farmworkers' benefits and mobility

SAWA would also provide H-2A workers with greater protections and flexibility during their employment. The bill would require employers to establish heat illness prevention plans that include worker training, access to drinking water and shaded rest areas, scheduled breaks during periods of excessive heat, and emergency response procedures.

The bill would also make it easier for H-2A workers to change employers. Under SAWA, an H-2A worker could begin working for another agricultural employer with an approved labor certification as soon as that employer files a non-frivolous petition on the worker's behalf, rather than waiting for the government to make a final decision.

The worker would remain authorized to work for the new employer while the petition is pending, unless the petition is denied or the original employment period ends.

Providing wage certainty for employers

Wage requirements are another challenge facing agricultural employers. Under the current H-2A program, employers must generally pay the highest applicable wage, including the Adverse Effect Wage Rate (AEWR), which is intended to ensure that hiring H-2A workers does not negatively affect the wages and working conditions of U.S. workers. However, changes in the AEWR can make it difficult for agricultural employers to predict labor costs, particularly when wage rates change after an employer has already planned for a growing season.

SAWA would change how the AEWR is calculated while maintaining the requirement that H-2A employers pay the highest applicable wage. The bill would require the Department of Labor to first determine whether H-2A employment has adversely affected the wages and working conditions of similarly employed U.S. workers. If DOL finds an adverse effect, it would calculate the AEWR using federal wage survey data and separate methodologies for entry-level and more experienced occupations. The bill would also limit annual changes to the AEWR and prevent the applicable wage from changing in the middle of an employment contract.

Conclusion

The Securing Agriculture's Workforce Act of 2026 would address several of the structural limitations that have made the H-2A program difficult for agricultural employers to use. By expanding the program to more year-round agricultural operations, streamlining government processing, and allowing certain experienced farmworkers to obtain H-2A classification despite specified prior immigration violations, the legislation could provide agricultural employers with additional tools to address persistent workforce shortages.

The bill's broader significance is that it would seek to align the H-2A program more closely with the realities of the modern agricultural economy. While it would not provide a comprehensive solution to the agricultural workforce shortage or create permanent immigration status for undocumented farmworkers, it would represent a significant effort to expand legal agricultural employment and make the existing temporary worker system more accessible to both employers and workers.