

LABOR

AGRICULTURAL LABOR REFORM

Farmers and ranchers need a legal, reliable workforce that supports their farms and treats workers respectfully. American agriculture faces a critical shortage of labor that harms annual harvests, animal agriculture production and processing facilities. This damages American competitiveness and overall food security. Both farmers and U.S. consumers have been haunted by labor shortages, which are driving up prices and threatening U.S. agriculture's place in the global marketplace.



Reforming the H-2A program would provide farmers and ranchers with a legal and reliable workforce while curbing rising food prices and maintaining our global competitiveness.

By 2026



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will be 55 and older**

&

**5.53 million jobs
will be available in the
agriculture and food sector**

BACKGROUND

By 2026, nearly 25 percent of the U.S. workforce will be 55 and older, according to the Bureau of Labor Statistics. The agricultural and food sectors comprise more than 21 million full and part-time jobs, which continues to rise annually, according to USDA Economic Research Service. This means that in less than nine years, more than 5.35 million jobs will be available and necessary to fill in the agricultural and food sectors.

The H-2A temporary agricultural visa program allows agricultural employers who anticipate a shortage of domestic workers to bring

nonimmigrant foreign workers to the United States to perform agricultural labor or services of a temporary or seasonal nature. The H-2B temporary non-agricultural program permits employers who meet the program requirements to hire nonimmigrant workers to temporarily come to the U.S. and perform non-agricultural services or labor based on the employer's temporary need.

Due to the ongoing instability in the domestic workforce, the use of seasonal nonimmigrant programs has become vital to ensuring businesses have an adequate supply of labor. The H-2A program has expanded significantly in recent years. Similarly, applications for the H-2B program have well exceeded its statutory cap of 66,000 visas. In the H-2A program, the Department of Labor reports more than 302,000 certified positions for H-2A workers through the 3rd quarter of fiscal year 2023. Throughout the entire fiscal year of 2020, there were only 275,430 certifications.

NASDA supports border control and border security measures in conjunction with meaningful congressional reform as a means toward a legal and stable workforce. NASDA believes both the current H-2A visa for temporary agriculture workers and the H-2B visa for temporary non-agricultural workers are impractical and in need of comprehensive reform.



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AGRICULTURAL LABOR REFORM (CONTINUED)

LEGISLATIVE ACTION

NASDA supports the Farm Workforce Modernization Act, which would reform the H-2A program to provide more flexibility for employers while ensuring critical protections for workers. It would also establish a program for agricultural workers in the United States to choose to earn legal status through continued agricultural employment and contribution to the U.S. agricultural economy. Finally, the bill focuses on modifications to make the program more responsive and user-friendly for employers and provides access to the program for industries with year-round labor needs.



REGULATORY ACTION

NASDA Comments on the Department of Labor's proposed rule for temporary agricultural employment

- NASDA outlined concerns that the DOL's proposed rule seeks to expand labor organizations' access and input to the H-2A program in an inefficient manner and potentially undermining the program's goals.

NASDA Comments on Department of Homeland Security proposed rulemaking on modernizing H-2A Program

- NASDA is interested in the department's provision in this proposed rule that would clarify that H-2 workers may take steps toward becoming lawful permanent residents of the United States while still maintaining lawful nonimmigrant status. NASDA also seeks an "at-will" visa where employees do not have contractual commitments and can move between employers as seasons and labor demands change.

NASDA'S POLICIES AND ACTIONS

As Congress considers immigration legislation, NASDA recommends the following criteria:

- Amend the H-2A and H-2B programs to include year-round workers for all agricultural, livestock, and forestry industries.
- Respect and recognize the importance of our current experienced but unauthorized workforce by creating a mechanism for workers in good standing to earn legal status based on agricultural work experience.
- Ensure flexibility by allowing guest workers to access and work in all types of agriculture, not just those occupations limited to seasonality.
- Establish a market-based approach to wages that is fair to both the agricultural employee and employer.
- Provide the ability for agricultural employers to meet expanding labor needs without arbitrary limits.

January 2024



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