2026

Agricultural Workforce and the H-2A Visa Program

> *108.01 — "We support simplifying the ag labor visa process and lengthening the visa terms."*
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> *108.02 — "We support H-2A spousal visas to allow spousal visa holders to work in rural communities to fill labor shortages."*
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> *108.03 — "We believe employers should hire only legal employees."*

Labor availability remains a practical concern for many North Dakota producers. While the state's greatest workforce needs continue to be seasonal, many operations are also diversifying into livestock, dairy, horticulture, and value-added agriculture that require employees beyond traditional seasonal timelines. The H-2A program serves as an important tool for agricultural employers to access a legal temporary workforce when domestic recruitment efforts do not produce enough qualified workers.

H-2A VISA USAGE IN NORTH DAKOTA

North Dakota is not among the highest-volume H-2A user states nationally (which are concentrated in high-labor-intensity fruit, vegetable, and specialty crop regions). However, the program is actively used by N.D. producers. According to USDA disclosure data and related analyses, North Dakota has seen approximately 2,000 to 3,500 H-2A positions certified in recent fiscal years, with 3,489 positions reported in 2025.

Certified positions support roles such as farm equipment operators for grain operations, general farm workers, and seasonal support during peak periods. Individual employer filings and job postings demonstrate ongoing demand for H-2A workers in N.D. grain farming and related agricultural services

REFORMS AND CURRENT STATUS

Congressional Proposals: Congress is considering several H-2A reform bills.

1. **The most significant proposal is the Securing Agriculture's Workforce Act (SAWA) of 2026, introduced by House Agriculture Committee** Chairman G.T. Thompson (R-PA). Key provisions include extending H-2A contracts to 350 days for year-round agriculture, revising wage calculations, streamlining administrative requirements, and expanding legal workforce options for agricultural employers.

2. Several additional bills have been introduced but have not advanced significantly. The bipartisan Farm Workforce Modernization Act (H.R. 3227) would reform the H-2A petition process, stabilize wages, and create a pathway to legal status for certain long-term agricultural workers. The Protect U.S. Workers Act of 2026 would impose an annual cap of 400,000 on H-2A visas for the first time. Senate action has been more limited. The FARM Stability Act (introduced March 27, 2026, by Sen. Ted Budd (R-NC)) would codify the Department of Labor's recent changes to the Adverse Effect Wage Rate (AEWR) methodology, including the Compensation Adjustment Factor, locking in greater wage predictability and cost stability for farmers.

Current Status: H-2A reform remains part of the ongoing debate over how to balance labor costs and national security while ensuring agriculture has access to a legal workforce.

QUESTIONS TO CONSIDER

NDFB policy currently supports simplifying the agricultural labor visa process and ensuring employers hire only legal employees.

▶ Have you used the H-2A program? If so, what aspects of the program work well, and what changes would improve it?

▶ How should lawmakers balance agriculture's workforce needs with broader security questions?

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