



100
YEARS

Securing Agriculture's Workforce Act (SAWA)

Key Policy Provisions

Expands Access to H-2A

- Removes the requirement that H-2A employment be both temporary and seasonal; employment must only be temporary, defined as a job contract of 350 days or fewer.
- Expands eligibility to agricultural sectors with year-round labor needs that have historically been excluded from the program.
- Broadens the definition of "agricultural labor and services" to include a wider range of agricultural, horticultural, transportation, forestry, aquaculture, equine and certain meat and poultry processing activities.
- Transfers authority to further define eligible agricultural activities from the Secretary of Labor to the Secretary of Agriculture.
- Allows staggered entry and exit schedules for workers employed by the same employer.
- Streamlines the process for employers seeking subsequent periods of employment for H-2A workers.
- Expands eligibility for associations, joint employers and other approved entities to file labor certification applications on behalf of members.

Stabilizes Wages and Reduce Costs

- Codifies recent reforms to the Adverse Effect Wage Rate (AEWR) methodology.
- Requires annual AEWR determinations using a prescribed methodology based on federal labor data.
- Caps annual wage fluctuations at a maximum 3.5% increase or 1.5% decrease.
- Maintains wage protections by requiring employers to pay the highest applicable wage among:
 - The AEWR;
 - Federal, state or local minimum wage; or
 - Applicable collective bargaining agreement wage.
- Establishes a standardized housing adjustment methodology.
- Authorizes multi-year labor certifications and housing inspections to reduce administrative costs.
- Establishes maximum allowable daily housing charges that may be deducted from workers' wages.

Streamlines Program Administration

- Creates a single online H-2A platform for all labor certification and petition processes.
- Requires participating agencies to conduct concurrent reviews through the online platform.
- Clarifies and delineates responsibilities among the Departments of Agriculture, Homeland Security, Labor and State.
- Requires the Department of Labor to issue labor certifications within 30 days when requirements are met.
- Allows labor certifications to remain valid for up to three consecutive years.
- Permits employers to revise incomplete applications within seven days of notification.
- Streamlines worker transfers between employers.
- Provides operational flexibility for natural disasters, pest outbreaks and other unforeseen events.
- Designates H-2A processing functions as essential government services during federal funding lapses.



100
YEARS

Securing Agriculture's Workforce Act (SAWA)

Key Policy Provisions

Worker Provisions

- Requires employers to maintain heat illness prevention plans.
- Provides a limited opportunity for certain experienced agricultural workers to transition into H-2A status after meeting eligibility requirements, including background checks and in-person interviews.
- Specifies that this transition process does not create a pathway to citizenship.
- Limits the use of employer documentation provided in support of worker transition applications to immigration-related purposes, except in cases involving fraud.