

High Plains Dairy Conference

Amarillo, Texas

March 4, 2026

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Ag Labor Reform

- ▶ A “Must Have” for the U.S. dairy industry
- ▶ Helps keep food affordable for Americans
- ▶ Provides labor certainty for producers, workers
- ▶ Federal legislation is required

Ag Labor Reform

- ▶ Some History
 - ▶ 1986 Legalization
 - ▶ Late 1990's 3- and 10-year bars
 - ▶ 2002 “AgJOBS”
 - ▶ 2013 S 744 “Gang of 8” Bill
 - ▶ 2017 “Goodlatte Bill”
 - ▶ 2019 “Farm Workforce Modernization Act”

Ag Labor Reform

- ▶ 1986 Legalization
 - ▶ Green Cards for undocumented immigrants
 - ▶ Many left ag for a better-paying job
 - ▶ Temporary worker program for seasonal agriculture
 - ▶ H-2A
 - ▶ Program for nonseasonal agriculture was to follow
 - ▶ Still waiting after 40 years

Ag Labor Reform

- ▶ 3- and 10-year Bars on Admission
 - ▶ Entering the country without inspection is a civil violation
 - ▶ 3-year bar on readmission
 - ▶ Entering more than once and/or staying longer than one year makes it a felony
 - ▶ 10-year bar on readmission
- ▶ A major hurdle for U.S. dairy workers

Ag Labor Reform

- ▶ AgJOBS Bill
 - ▶ A “Blue Card” for agricultural workers
 - ▶ ‘Disaggregation’ of jobs for worker visas
 - ▶ Changed the pay structure
 - ▶ More complicated visa program

Ag Labor Reform

- ▶ S 744 “Gang of 8” U.S. Senate Bill
 - ▶ Comprehensive
 - ▶ Passed the Senate with 68 bipartisan votes
 - ▶ Agriculture provisions negotiated between employers and the UFW
 - ▶ Passed committee, floor with no Ag changes
 - ▶ House Speaker declined to take up the Senate bill

Ag Labor Reform

- ▶ The “Goodlatte Bill”
 - ▶ Named for then-chairman of House Judiciary Committee
 - ▶ Included a waiver of the bar on admissibility
 - ▶ Only for worker entering H-2A
 - ▶ Included a departure requirement to qualify
 - ▶ Did not include immediate family

Ag Labor Reform

- ▶ Farm Workforce Modernization Act
 - ▶ Has passed the House twice
 - ▶ Bipartisan negotiations from the start
 - ▶ Democrats, Republicans
 - ▶ Ag employers, the UFW

- ▶ Title 1: The current workforce
- ▶ Title 2: H-2A Improvements
- ▶ Title 3: Mandatory E-Verify

Ag Labor Reform

- ▶ Farm Workforce Modernization Act
 - ▶ Title I: The current workforce
 - ▶ Adjustment of status for vetted current workers
 - ▶ “Certified Agricultural Worker” (CAW)
 - ▶ Future work requirement in Ag
 - ▶ Green Card eligibility timing based on length of previous work in agriculture
 - ▶ Includes immediate family

Ag Labor Reform

- ▶ Farm Workforce Modernization Act
 - ▶ Title 2: H-2A Improvements
 - ▶ Streamlined application, processing
 - ▶ Wage freeze and study
 - ▶ Would have codified the AEWR
 - ▶ Disaggregated wages
 - ▶ Two programs
 - ▶ Seasonal - no cap
 - ▶ Non-seasonal: cap that could adjust

Ag Labor Reform

- ▶ Farm Workforce Modernization Act
 - ▶ Title 3: Mandatory E-Verify
 - ▶ No requirement for Ag until Congress provides a program for legal workers
 - ▶ Persuasive talking point with some in Congress
 - ▶ Shuts off the “jobs magnet”

Ag Labor Reform

- ▶ Farm Workforce Modernization Act
 - ▶ Passed the House twice (2019, 2021)
 - ▶ Democrats had the majority
 - ▶ Bill needed to reflect that
 - ▶ Did not move in the Senate
 - ▶ 60 votes required to pass
 - ▶ Changes to get there didn't happen

Ag Labor Reform

- ▶ Where are we now?
- ▶ Needs for dairy haven't changed:
 - ▶ Current workforce
 - ▶ Adjustment of status
 - ▶ Non-disruptive process
 - ▶ Include immediate family
 - ▶ Access to legal workers in the future
 - ▶ Nonseasonal work included

Ag Labor Reform

- ▶ The current workforce
 - ▶ Trained, experienced
 - ▶ Came to the U.S. for the economic opportunity
 - ▶ Many here for a decade or more
 - ▶ Many with immediate family residing with them
 - ▶ Many with citizen spouses, children
 - ▶ DACA?
 - ▶ Workers now afraid to go to the grocery store, church

Ag Labor Reform

- ▶ H-2A Improvements
 - ▶ Remove seasonal job requirement
 - ▶ Increase the 10-month work limit
 - ▶ Simplify application process
 - ▶ Make wage structure competitive
 - ▶ No new employer liabilities
 - ▶ No cap on visa numbers

Ag Labor Reform

- ▶ Mandatory E-Verify
 - ▶ Is interior enforcement, not border security
 - ▶ For new hires only
 - ▶ Cannot happen until current workers can adjust legal status
 - ▶ Will prevent same situation in 10 years
 - ▶ Valuable selling point in Congress

Ag Labor Reform

- ▶ Food Processing
 - ▶ Doesn't fit the definition of agriculture
 - ▶ Involves more unions in negotiations
 - ▶ Dependent on immigrant labor
 - ▶ Year-round work
 - ▶ Many current workers are recent immigrants
 - ▶ Result of Biden Executive Orders
 - ▶ DHS wants them to self-deport now

Ag Labor Reform

- ▶ Where Are We Now?
- ▶ Several bills in Congress
 - ▶ FWMA reintroduced with few changes
 - ▶ “DIGNITY” Act
 - ▶ Comprehensive
 - ▶ Current workers only (deferring on H-2A)
 - ▶ H-2A bill
 - ▶ Caps program at 400k visas
 - ▶ H-2A workers in a union would not count against the cap

Ag Labor Reform

- ▶ House Agriculture Committee Bill
- ▶ Still being drafted
- ▶ Based on Committee Working Group on Ag Labor (2024)
 - ▶ Bipartisan
 - ▶ Mostly H-2A program reforms
 - ▶ Judiciary Committee has jurisdiction

Ag Labor Reform

- ▶ House Agriculture Committee Bill
 - ▶ Remove the seasonal requirement for the job
 - ▶ Define period of admission for the employee
 - ▶ Define “temporary” as up to 11½ months
 - ▶ Worker can stay for up to three years

Ag Labor Reform

- ▶ House Agriculture Committee Bill
 - ▶ Removes requirement that eligible work is defined as “on a farm by a farmer”
 - ▶ Cooperatives would now qualify for H-2A
 - ▶ Codifies wage methodology in Trump Administration Interim Final Rule
 - ▶ Would no longer rely on USDA Farm Labor Survey for wage data

Ag Labor Reform

- ▶ House Agriculture Committee Bill
 - ▶ A waiver of the 3- and 10-year bars on admission for Ag workers
 - ▶ The ballgame for dairy
 - ▶ How will it work?
 - ▶ Put existing workers into H-2A
 - ▶ Agencies already pressed by program growth
 - ▶ Departure requirement?

Ag Labor Reform

- ▶ House Agriculture Committee Bill
 - ▶ Working Group recommendations were bipartisan - will that still be the case?
 - ▶ Judiciary Committee has jurisdiction over immigration issues
 - ▶ Will Speaker Johnson want a bill to proceed?
 - ▶ How much bipartisan support in the full House?
 - ▶ And then there's the Senate

Ag Labor Reform

- ▶ The Politics of Immigration Reform
 - ▶ Republicans have the majority now in Senate, House
 - ▶ Republican divisions on immigration
 - ▶ Outcome of November midterms?
 - ▶ Both parties see immigration as a winning issue
 - ▶ Anti-immigration groups
 - ▶ What would the President sign?

Ag Labor Reform

- ▶ The Politics of Immigration Reform
 - ▶ Potential for Executive Orders
 - ▶ Definition of “temporary”
 - ▶ Definition of “work”
 - ▶ Wage structure
 - ▶ Transportation costs
 - ▶ Housing inspections
 - ▶ DACA was an EO

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