

U.S. Department of Labor: Proposes to help America's farmers with rule to modernize and improve the H-2A Temporary Agricultural Labor Certification Program

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WASHINGTON, DC - Furthering the agenda to help America's farmers, the U.S. Department of Labor's Employment and Training Administration (ETA) and Wage and Hour Division (WHD) today is posting online a Notice of Proposed Rulemaking (NPRM) to solicit public comment on proposed changes to improve the H-2A temporary agricultural labor certification program. These proposed changes would modernize the Department's H-2A regulations in a way that is responsive to stakeholder concerns and enhances employer access to a legal source of agricultural labor, while maintaining the program's protections for the U.S. workforce and enhancing enforcement against fraud and abuse.

The NPRM includes several major proposals that would streamline and simplify the H-2A application process, strengthen protections for U.S. and foreign workers, and ease unnecessary burdens on employers. For example, the NPRM would streamline the H-2A application process by mandating electronic filing of job orders and applications, promoting the use of digital signatures, and providing employers with the option of staggering the entry of H-2A workers on a single application.

The NPRM also proposes to strengthen protections for U.S. and foreign workers by enhancing standards applicable to rental housing and public accommodations, strengthening surety bond requirements, expanding the Department's authority to use enforcement tools like program debarment for substantial violations of program

rules, and updating the methodologies used to determine the Adverse Effect Wage Rates and prevailing wages to ensure U.S. workers similarly employed are not adversely impacted.

Finally, the NPRM would expand access to the H-2A program by revising the definition of agricultural labor or services to include employers engaged in reforestation and pine straw activities, as workers performing these services share many of the same characteristics as traditional agricultural crews. The proposal would also codify and update procedures governing the certification for job opportunities in animal shearing, custom combining, beekeeping, and reforestation.

The Department is posting a copy of the NPRM in advance of its publication in the Federal Register.

Note: These versions of the proposed regulations may vary slightly from the published document if minor technical or formatting changes are made during the review by the Office of the Federal Register. Only the version published in the Federal Register is the official proposed regulation.