



## Agricultural Legislative & Public Policy ADVISORY ■

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### Critical Opportunity to Develop Program Terms of H-2A Employer Grants

by [Kristi Boswell](#)

This In June 2022, the U.S. Department of Agriculture (USDA) [announced](#) it would invest up to \$65 million in grants to H-2A employers through a pilot program to “strengthen the food supply chain, reduce irregular migration, and improve labor protections for farmworkers.” This is the first funding of opportunity of its kind, but initially the USDA only partnered with the United Farmworkers Union to develop the terms of the program. This was met with criticism from agricultural employers that worried employers would not be given an opportunity to also provide the USDA with input on the formation of the program.

However, in September, in a positive step forward, the USDA [announced](#) it would engage directly with agricultural employers as it continues to develop the terms of the program, which will supply up to \$65 million in grant funds directly to employers that can be used to offset costs of using the H-2A visa program. In the last week of September, the Farm Service Agency (FSA) hosted three listening sessions for public input for employers, labor unions, and labor advocates. Unfortunately, only a few participants spoke on behalf of employers and left many open questions about how this program could also be crafted to consider the needs of H-2A employers.

There is still time. The FSA is accepting written comments through October 24, 2022, and it is absolutely critical that employers engage through the written comment process to develop the eligibility requirements of this funding opportunity. Employers have the ability to discuss the barriers and challenges agricultural employers face in accessing the H-2A program, including specific barriers in hiring workers from northern Central America. Also, the USDA wants feedback on housing challenges and what other incentives the USDA could provide to improve hiring workers under the seasonal worker visa program.

The H-2A visa program serves a critical role in ensuring farmers have access to temporary or seasonal farmworkers needed to prune and harvest crops, tend to livestock, and operate agricultural equipment. The program is administered by the Department of Labor, Department of Homeland Security, and State Department.

Those familiar with this program know that the cost of visa fees, housing, and transportation are the biggest challenges of using the H-2A program. Add the challenges presented in navigating the bureaucratic hurdles of three federal agencies, recruitment of foreign workers, and payment of the adverse effect wage rate, and these costs often serve as a barrier to using the H-2A program and have forced some growers out of business because they can no longer access local labor nor afford to use the H-2A visa program.

The recently announced USDA grant program could be incredibly helpful to offset some of these costs, providing more labor stability to growers and more security in our food supply chain. However, if the program is crafted without adequate employer feedback, the funding may go unused or be misallocated.

Kristi Boswell and the Alston & Bird team are positioned to provide employers a direct voice into the crafting of this program. Kristi not only has extensive experience in the inner workings of the H-2A program but has also facilitated the implementation of multiple FSA programs while serving at the USDA.

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