



Farmworker bill gains favor with House committee but Republican concerns remain

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The House Judiciary Committee voiced support for an immigration bill that aims to solve critical agricultural workforce issues despite several Republican concerns during a markup that lasted several hours Wednesday.

The decision to advance the bill, called the Farm Workforce Modernization Act, will be official after a recorded vote scheduled for Thursday morning.

Ranking member Rep. Doug Collins, a Georgia Republican, made his concerns known in his opening remarks. He argued that the bill doesn't provide the number of workers employers need, doesn't create wage certainty, excludes specific industries such as poultry processors and puts more emphasis on offering legal status for "an unknown number of immigrants" than increasing agricultural workers.

"I believe this is a missed opportunity," he said. "My hope is that we can revisit this."

The bill is the product of several months of negotiations between a group of several House members, including Rep. Dan Newhouse, a Republican who represents Central Washington, agricultural employers and farmworker advocates. The negotiation aimed to craft legislation that would garner bipartisan support.

Newhouse, in a phone interview Wednesday, said he was happy about the outcome, but he was focused on getting the bill through the House to the Senate in a timely matter.

"The bottom line is we need to get the bill to (President Donald Trump) so he can sign it," he said.

The bill includes provisions to provide legal status for those who show proof of continued agricultural employment, reforms the existing foreign guest worker program, known as H-2A, and makes an E-Verify system mandatory of farming employers once the legalization process and H-2A reforms are in place.

Rep. Zoe Lofgren, a California Democrat who is a member of the Judiciary Committee and a co-sponsor of the bill, said the bill came together once all were willing to engage in compromise, a process that took some nine months.

For example, Lofgren said she would have preferred to exclude aspects of the proposed wage reforms, but the group worked to reach consensus. She also noted a study from the Cato Institute, a Libertarian think tank, said farmers would have saved at least \$324 million in H-2A expenses alone this year if the bill's provisions were in place.

"This bill shows that members of good faith across the aisle can work together to find a solution to the big problems facing America," she said.

Collins questioned whether those involved in crafting the bill, despite having differing political views regarding immigration, honestly had divergent views.

"If you're like-minded when you're starting negotiations, you're not really negotiating," he said. "When you start on the same basic premise, that's not a negotiation."

Several Republicans, including Collins, proposed amendments to the bill in response to concerns they had. Collins aimed at eliminating a section that would allow H-2A workers to be under the Migrant and Seasonal Agricultural Workers Protection Act. This would enable workers to sue employers in federal court for not honoring provisions of an H-2A contract.

Collins argued the move would lead to frivolous lawsuits and put farmers in more financial risk.

When that amendment was voted down by the Democratic-controlled committee, he proposed a second amendment that would allow a right for employers to cure issues addressed in a worker complaint. That amendment was also rejected.

Newhouse said a provision that would require mediation would prevent lawsuits. When asked about Collins' assertion that the language did not make mediation necessary, he said that the nature of mediation was that it would be mandatory once a party requested it.

Several amendments highlighted concerns regarding the perceived amnesty Republicans felt the bill provided to undocumented immigrants. One amendment would prohibit those who had DUI convictions from earning certified agricultural worker status. Another required additional documentation to gain eligibility for legal status. None of those amendments passed.

The one amendment that did pass would allow those under deferred enforced departure, or DED, or temporary protected status, or TPS, the ability to seek the certified agricultural worker status if they met the agricultural work requirements. DED allows individuals who are under civic or political conflict or natural disaster to stay in the U.S. temporarily. The temporary protected status is a legal status offered those unable to return to their home countries for extraordinary reasons, such as an armed conflict or natural disaster.

"They too seek access to a continued pathway of legalization," said Sheila Jackson Lee, a Texas Democrat who proposed the amendment. "All of them are vital hands and vital families who want to be part of the economic engine of this country. I believe it's a positive addition to this legislation."

Newhouse said claims that workers would be given amnesty under this bill are a mischaracterization since workers are not only required to provide proof of past work, but are also required to commit to agricultural employment in the future.

“We are not forgiving anybody here,” he said. “We’re requiring lots of different things from them to gain legal status.”

Ultimately, he said, it’s difficult to discuss an effort to increase the number of agricultural workers without talking about immigration status.

“This whole bill is an effort to reform the agricultural worker laws that we have in this country with the goal of increasing the number of legal employees in agriculture,” he said.

Even though Lofgren said she could not back several of the proposed amendments, she said she was willing to talk with committee members on how she could address concerns before the bill went before the entire House of Representatives.

Newhouse said he felt Lofgren did her best to preserve the compromise agreement and shared her willingness to address the issues brought by colleagues at today’s markup.

“Before the bill comes to the floor, there will be a lot of work on the ideas that came before us today,” he said. “I’m hopeful we can adopt some of them in one form or another.”