

Help America's Farmworkers Oppose S. 1814 / S. 1815 Agricultural Guestworker Legislation

February 15, 2000

The Honorable Dennis Hastert
Speaker of the House
The Capitol, Room H-232
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

The organizations listed below join in this letter out of their deep concern for the plight of migrant farmworkers. We include farmworker, labor, civil rights, Hispanic, Asian American, religious, environmental, and other organizations. **We strongly oppose and we urge you to strongly oppose S. 1814 and S. 1815 and any similar proposals introduced in the House to create a new temporary foreign agricultural worker program and to revise the current "H-2A" guestworker program.**

The proponents of these bills argue that they are necessary to address an alleged agricultural "labor shortage" and that the existing H-2A guestworker program must be changed.

There is no valid justification for a new temporary foreign agricultural worker program.

- Studies have been unanimous in finding that there is *no farm labor shortage*. Seasonal farmworkers have been experiencing *high unemployment and underemployment*. The General Accounting Office's (GAO) 1997 report documented labor surpluses in most major agricultural production counties in the nation. A Congressional Research Report (CRS) on farm labor issued on December 20, 1999 concurs, finding that (1) hired farmworkers from 1994-1998 experienced 11% to 13% unemployment "or at least twice the average unemployment rate in the nation," and (2) the number of days of farmworkers' employment each year has consistently fallen.
- Consistent with an oversupply of labor, *farmworkers' wages have decreased* in real terms during the past dozen years, said CRS and others. Very few farmworkers receive benefits such as health insurance, vacation pay, pensions, overtime pay, or sick leave. A 1997 Department of Labor survey found that 3 out of 5 farmworkers live below the poverty line.
- *The current H-2A temporary foreign agricultural worker program already issues temporary visas to employers*. GAO found that the Department of Labor approves 99% of employers' applications under this program. It has doubled in size and spread to new states and crops during this decade. Legislation enacted in 1999 has substantially quickened the H-2A program to answer the employers' demands for streamlining. The harsh treatment of workers under the H-2A program has not been ameliorated, as indicated in the GAO report

and in a series of articles in the Charlotte Observer ("Desperate Harvest, Oct. 31-Nov. 2, 1999). H-2A wages and working conditions remain inadequate, as does enforcement.

These bills would subject farmworkers to poor wages and working conditions and inequitable economic and political status for many years to come.

- *S. 1814 and S. 1815 would create a new temporary foreign agricultural worker program.* The bills' proponents contend that this new "adjustment" guestworker program would benefit currently undocumented farmworkers because (1) those who qualified could work legally on temporary non-immigrant visas as seasonal agricultural workers and (2) upon satisfying a 5-year agricultural work requirement, later they would be permitted to apply for immigration status. These workers (upon showing 150 days of agricultural work in 1998-1999) would be *obligated to find and prove 180 days of agricultural work each year for five more years.* They could perform *only agricultural work*, and would be required to leave the country for at least 65 days per year.
 - The lack of available work means that *many "adjustment" guestworkers would never acquire enough work in each of 5 years to qualify to apply for immigration status.*
 - *The proposal would give employers extraordinary control over workers' economic status and immigration status.* Workers would be desperate to comply with the difficult tasks of securing and proving 180 days of farmwork each year to remain in the program. Consequently, many will be too afraid of being fired and other employer reprisals to demand higher wages or better working conditions, or seek to enforce the law.
 - *The "adjustment" guestworker proposal contains none of the wage, housing or other minimum labor standards that have been part of the H-2A and the old "bracero" programs in the last 55 years. There are no protections against undercutting current wage rates or against exploitation of the vulnerable guestworkers.* As "non-immigrants," guestworkers will be ineligible for federally funded legal services and for public benefits.
 - Due to certain immigration-law restrictions, many guestworkers who complete the 5-year requirement may still not qualify for immigration status.
 - Because the bills would create a waiting list of up to 5 years for receiving immigration status, some eligible workers would not receive a green card for 10 to 12 years. During that time, spouses and children would *not* be entitled to enter the US or gain immigration status.
- *In addition to creating a new guestworker program, S. 1815 would revise the H-2A program to lower wage rates, eliminate housing opportunities, reduce recruitment inside the United States, decrease government oversight, and in other ways lower labor standards of U.S. farmworkers and allow exploitation of vulnerable foreign workers. No valid reason justifies it. The bill would also authorize wage systems ("group piece rates") and other practices that have been used to circumvent the law and prevent farmworkers from improving their conditions.*

The legislation does nothing to improve wages and working conditions of farmworkers.

- *Agricultural employers who fear a shortage of authorized farmworkers should attract and retain workers by improving wages and working conditions.* The value of labor-intensive agricultural products and the value of exports of these products have dramatically increased during the last decade, but farmworkers have not shared in the benefits of global trade. Numerous governmental commissions have recommended that agricultural employers “stabilize” its workforce by modernizing its labor practices. Fruit and vegetable growers, however, have not begun to compete to attract and retain their workers.
- *If Government is concerned about the potential for a shortage of authorized workers, then it should remove discrimination in laws that makes farmwork less desirable than other occupations.* Many federal and state laws exclude farmworkers from coverage or subject them to special exceptions. Examples include: overtime pay, occupational safety and health protections, unemployment compensation, collective bargaining rights, child labor protections.
- *Many workers are suffering violations of labor laws, such as minimum wage, because the laws are not being enforced.* Farmworkers often lack adequate access to the justice system or fear that they will be fired for exercising their rights. We must enforce the law to protect workers as well as to *protect law-abiding employers from unfair competition.*
- *Employers who rely on undocumented workers and do not wish to use the H-2A program should ask their legislators to grant real immigration status to experienced farmworkers.* Employers have benefited economically from their ever-increasing hiring of undocumented workers, who are so vulnerable. Such farmworkers should not be forced to accept the guestworker status that would be imposed by this legislation, which has been rightly described as a form of indentured servitude.

Please vigorously oppose S. 1814 and S. 1815 and work for a brighter future for farmworkers.

Sincerely,

NATIONAL ORGANIZATIONS

American Federation of State, County and
Municipal Employees, AFL-CIO
American Federation of Teachers, AFL-CIO
American Friends Service Committee
Americans for Democratic Action
Asian Pacific American Labor Alliance,
AFL-CIO
Association of Farmworker Opportunity
Programs

Campaign for Labor Rights
Central Conference of American Rabbis
Farm Labor Organizing Committee, AFL-
CIO
Farmworker Justice Fund
Institute for Agriculture and Trade Policy
League of United Latin American Citizens
Mennonite Central Committee U.S.
Mexican American Legal Defense and
Education Fund

Mexico Solidarity Network
Migrant Legal Action Program
National Association for Bilingual Education
National Association of Community Health Centers
National Center for Farmworker Health
National Consumers League
National Council of La Raza
National Employment Law Project
National Farm Worker Ministry
National Immigration Project of the National Lawyers Guild

National Latino Arts, Education and Media Institute
National Network for Immigrant and Refugee Rights
Service Employees International Union, AFL-CIO
Student Action with Farmworkers
Union of Needletrades, Industrial and Textile Employees, AFL-CIO
United Farm Workers, AFL-CIO
United Methodist Church, General Board of Church and Society

STATE AND LOCAL ORGANIZATIONS

Adult Learning Resource Center, IL
Arc-en-Ciel, OR
Asian American Institute, IL
Asian Human Services, IL
Asian Law Alliance, CA
Asociacion Pro-Servicios Sociales, Centro Aztlan, Inc., TX
BOCES GENESEO Migrant Center, NY
Bridge Academy, CT
Cabrillo Economic Development, CA
Calexico Community Action Council, CA
California Association for Bilingual Education, CA
California Rural Legal Assistance Foundation, Inc., CA
Carlos Rosario International Charter School, DC
Casa Guadalupe of Catholic Social Services, NC
CASA of Maryland, Inc., MD
Catholic Charities, Diocese of Fresno, CA
Catholic Charities, Immigration Counseling Services, TX
Catholic Charities, Immigration Legal Services, Gilroy, CA

Catholic Charities, Immigration Services of Oregon, OR
Catholic Charities, San Jose Mission, FL
Catholic Migrant Farmworker Network, Inc., ID
CAUSA, OR
Center for a Changing Workforce, WA
Center on Race, Poverty and the Environment, CA
Central American Resource Center, DC
Central Florida Health Care, Inc., FL
Centro de la Comunidad, MD
Centro Hispano de Hawaii, HI
Centro Hispano of Dave County, WI
Centro Independiente de Trabajadores Agrícolas, NY
Chicano Awareness Center, IL
Church Women United in Illinois, IL
Clinicas de Salud del Pueblo, Inc., CA
Coalition for Humane Immigrant Rights of Los Angeles, CA
Coalition of Florida Farmworker Organizations, Inc., FL
Coalition of Immokalee Workers, FL
Colorado Rural Housing, CO

Comite de Apoyo a Los Trabajadores
Agrícolas, NJ
Committee for Farmworker Justice, NY
Concilio for the Spanish Speaking, WA
Council for the Spanish Speaking, CA
Council for the Spanish Speaking, Inc., WI
Council of Latino Agencies, DC
Counseling Center of Lakeview, IL
Darin M. Camarena Health Center, Inc., CA
Diocese of West Missouri Hispanic
Ministries, MO
Eighteenth Street Development Corporation,
IL
El Centro de la Raza, WA
El Concilio del Condado de Ventura, CT
El Proyecto del Barrio, CA
Episcopal Diocese of West Missouri, MI
Episcopal Mission of St. Louis Valley, CO
Erie Neighborhood House, IL
Everglades Community Association, FL
Farmworker Association of Florida, FL
Farmworker Coordinating Council of Palm
Beach County, Inc., FL
Florida Advisory Group of National Farm
Worker Ministry, FL
Florida Association of Community Health
Centers, FL
Florida Coalition for Peace & Justice, FL
Florida Council of Churches, FL
Florida Impact, FL
Florida Legal Services, FL
Franciscan Sisters of Little Falls, MN
Greater Dallas Foundation, TX
Guadalupe Social Services, FL
Gulf Coast Council of La Raza, TX
Hands Across Cultures, NM
Harvest America Corporation, KS
Hawaii Hispanic News, HI
Hispanic American Council, MI
Hispanic Coalition, FL
Home Education Livelihood Program, Inc.,
NM
Houston Community Services, TX
Human Rights Action Service, MO
Human Rights Advocates, CA
Humboldt Park Economic Development
Corporation, IL
Illinois Coalition for Immigrant and Refugee
Rights, IL
Immigrant Legal Resource Center, CA
Immigrant Workers Human Rights Project,
PA
Immigration Assistance Project, MI
InDios, FL
Instituto del Progress Latino, IL
Instituto Sanchez-Mendoza for Community,
CA
Justice for Farmworkers, NY
La Causa, Inc., WI
La Clinica de La Raza, CA
La Raza Centro Legal, Inc., CA
Labor Party, Roque Organizing Committee,
OR
Latin American Research and Service
Agency, OR
Latino Civil Rights Center, DC
Latino Community Development Agency,
OK
League of United Latin American Citizens,
PMB 273, ME
Maine Rural Workers Coalition, ME
Mary's Center for Maternal and Child Care,
DC
Maui Economic Opportunity, Inc., HI
Mexican American Commission, NE
Mexican American Council, FL
Mexican American Unity Council, Inc., TX
Mexicanoyotl Academy, AZ
Micah Intentional Group-Servants of Mary,
WI
Migrant Health Promotion, MI

NAF Multicultural Human Development Corp., NE
NAF Multicultural Human Development Corp., NE
National Council of La Raza Regional Offices, TX, IL, CA, AZ
National Lawyers Guild, San Diego Chapter, CA
New York Immigration Coalition, NY
North Carolina Council of Churches, NC
Northwest Immigrant Rights Project, WA
Northwest Treeplanters and Farmworkers United (Pineros y Campesinos Unidos del Noroeste), OR
Orange County Interfaith Committee to Aid Farm Workers, CA
Oregon Farmworker Ministry, OR
Oregon Law Center, OR
Our Lady of Victory Missionary Sisters, IL
Our Redeemer Lutheran Church, CA
People of Faith Network, NY
Public Justice Center, MD
Resource Center of the Americas, MN
Roque Valley Oregon Action, OR
Rural Opportunities, Inc., NY
San Diego County SER/Jobs for Progress Inc., Carlsbad Hiring Center, CA
School Sisters of Notre Dame, Baltimore Province, Office for Justice and Peace, MD
School Sisters of Notre Dame, Dallas Province, Office for Justice and Peace, TX
School Sisters of Notre Dame, Makato Province, Office for Justice, Peace and Integrity of Creation, MN
Sea Mar Community Health Centers, WA
Servicios de La Raza, Inc., CO
Siete del Norte, NM
SIN FRONTERAS, I.A.P, Mexico
Social Justice Network Sisters of Charity, BVM, IL
South Texas Civil Rights Project, TX
Spanish Speaking Citizens, CA
Spanish Speaking Information Center, MI
St. Louis Catholic Worker House, MO
St. Louis Inter-Faith Committee on Latin American, MO
Student Organization of Latino/a University of Michigan School of Social Work, MI
Texas Appleseed Advocacy Fund, TX
Texas Immigrant and Refugee Coalition, TX
Houston Immigrant and Refugee Coalition, TX
The Episcopal Migrant Ministry Committee Episcopal Church Center, NY
The Political Ecology Group, CA
Tidewater Labor Support Coalition, VA
Transnational Information Exchange of North America, IL
Triangle Friends of the United Farm Workers, NC
Unete Al Movimiento de Conciencia Popular, OR
United Farm Workers (AFL-CIO) of Washington, WA
United Farm Workers (AFL-CIO) of Texas, TX
United Migrant Opportunity Services, WI
United Network for Immigrant and Refugee Rights, IL
Ventura County Mexican-American Bar Association, CA
Virginia Justice Center for Farm & Immigrant Workers, VA
Washington Alliance for Immigrant and Refugee Justice, WA
Watts/Century Latino Organization, CA
World Relief, Chicago, IL
World Relief, DuPage, IL