



VIA E-MAIL

December 8, 2019

Speaker Nancy Pelosi
US Representative
1236 Longworth House Office Building
Washington DC 20515

Majority Leader Steny Hoyer
US Representative
1705 Longworth House Office Building
Washington DC 20515

Chair Zoe Lofgren
US Representative
1401 Longworth House Office Building
Washington DC 20515

Chair Bobby Scott
US Representative
1201 Longworth House Office Building
Washington DC 20515

Chair Maxine Waters
US Representative
2221 Rayburn House Office Building
Washington DC 20515

Chair Richard Neal
US Representative
2309 Rayburn House Office Building
Washington DC 20515

Dear Representatives:

Re: Concern over the Farm Workforce Modernization Act (H.R. 5038)

On behalf of the 1.3 million members of the United Food and Commercial Workers International Union (UFCW), I urge the House to not rush consideration of the Farm Workforce Modernization Act (H.R. 5038). Members of Congress should openly debate the direct and indirect dangers to workers resulting from this bill.

The Farm Workforce Modernization Act, sponsored by Representatives Lofgren (D-CA-19) and Newhouse (R-WA-4), would provide a segment of the undocumented agricultural workforce with legal status; revise the H-2A program; and require the use of electronic employment verification in agriculture. The bill will expand the contract labor program for agricultural labor in exchange for the promise of legal immigration status for some undocumented farmworkers. Although the bill provides a path to citizenship for some agricultural workers, it prohibits newly documented agricultural workers from accessing certain federal means-tested public benefits (such as CHIP and Medicaid), certain tax credits, and Affordable Care Act (ACA) benefits.

Farmworker groups are not unanimous in their support for this bill. Community to Community (C2C), a farmworker advocacy organization in Bellingham, Washington and others have concerns about the number of workers who will be able to take advantage of the pathway to legal residence and the unintended consequence of encouraging family separation by only offering permanent status to the visa holder.

UFCW is concerned that the Farm Workforce Modernization Act will expand the length of farm worker visas from seasonal to year-round and weaken the requirements to hire American workers. Currently, the H-2A program is for temporary or seasonal work and cannot be used to meet employers' year-round agricultural labor needs. Allowing for year-round visas would increase the number of employers that might consider using the program and decrease wages for workers in other sectors.

We are also concerned that this bill will result in pay cuts for workers. Currently, H-2A employers must offer, advertise, and pay a wage that is the highest of the federal or state minimum wage, the collective bargaining wage rate, the local prevailing wage, or the adverse effect wage rate (AEWR). The AEWR is designed to prevent the hiring of H-2A workers from depressing the wages of U.S. farmworkers. Unfortunately, changes to how the AEWR is calculated under this bill would lower wages for most H-2A workers, depressing wages for all farmworkers.

UFCW opposes the exploitation of migrant workers and supports a path to citizenship for farmworkers in this country and that position remains unchanged. However, we are concerned that the Farm Workforce Modernization Act sets up a framework that will harm agricultural workers and workers in neighboring industries such as meat and poultry processing.

We urge Congress to proceed cautiously and give this legislation a full vetting.

Sincerely,

Ademola Oyefeso

International Vice President
Director, Legislative and Political
Action Department

CC: Democratic Caucus