



The Senate Must Improve Upon the Farm Workforce Modernization Act

ACTION REQUESTED

- ✓ To alleviate the agricultural labor crisis, an industry-supported solution must be sent to the president's desk.
- ✓ This solution must include a responsive guest worker program, and a viable option for the current improperly documented workforce to obtain legal work status.
- ✓ The Senate must enhance the Farm Workforce Modernization Act that passed the House.
- ✓ Improvements that agriculture supports should be sought in FWMA, particularly in replacing the skyrocketing Adverse Effect Wage Rate (AEWR).

The agriculture industry is experiencing a critical shortage of labor to plant and harvest crops. Estimates are that upwards of 70% of the overall agriculture labor in the U.S. is provided by an improperly documented immigrant workforce. This highly vulnerable workforce creates uncertainty for the workers and the farms and ranches that employ them.

The sole agricultural guest worker program (H-2A) supplies only 10% of the necessary agricultural workforce, in part because it operates in a cumbersome and unresponsive manner. In particular, the Adverse Effect Wage Rate (AEWR) that is required for the H-2A program has skyrocketed recently by over 20% annually in certain states. This unworkable structure drives employers away from the program and harms investment in rural America that would otherwise occur.

The passage of the bipartisan Farm Workforce Modernization Act in the last Congress was the first time the House of Representatives had successfully acted upon agricultural labor reform in over 20 years. In the 117th Congress, the House passed this bipartisan compromise for the second time. The Senate must now improve upon that bill and create the opportunity to secure a long-term fix to this crisis through the following actions:

- ✓ **Create a new guestworker program** with the flexibility to meet the current and future demands of American agriculture that includes:
 - Predictable market-based wage rate
 - Administration by the Dept. of Agriculture instead of the Dept. of Labor
 - Responsive visa terms and no "hard caps" on participation
 - Preventing predatory lawsuits against employers
 - Reducing costs of program participation

- ✓ **Stabilize the current improperly documented workforce** through a program with the following goals:
 - Incentivize workers to remain in American agriculture
 - Respect that some of these workers may have lost their ties to their home countries and may be unable to self-deport or “touchback”
 - Consider that workers may have family members (either American or foreign) that will factor into their decision to participate in the program

These pieces must be in place before any additional enforcement measures can be implemented. Mandatory E-Verify (alone or with an “agriculture exemption”) would be extremely destructive to our industry and cannot move forward without an ag labor solution.