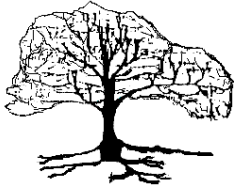


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### CATA Statement on The Farm Workforce Modernization Act

On November 12, 2019, H.R. 5038 – The Farm Workforce Modernization Act of 2019 was introduced by Representative Zoe Lofgren of California. After conversations with CATA members, CATA has decided to oppose the bill as proposed.

This bill, divided into three sections, holds the potential to drastically alter the current agricultural labor force, creating a vulnerable workforce of mostly non-citizen, temporary workers that employers can easily control. This proposed bill does not include the right to organize for farmworkers, does not provide for any job security, and ties farmworkers ability to qualify for a legal immigration status to an obligation to keep working in agricultural for many years to come.

The three sections in the bill include:

1. A limited pathway to immigration status for SOME undocumented farmworkers
2. Expansion of the H-2A program to year-round work and several modifications to the program
3. Mandatory use of the E-Verify program by agricultural employers.

For years, agricultural employers, particularly in the dairy industry, have been pressuring legislators for the expansion and the simplification of the H-2A program to make it easier, faster and cheaper for employers to import labor from abroad. In a separate attempt to acquiesce to those demands, the House of Representatives in July of this year added a rider (section 533) to an appropriations bill for the Department of Homeland Security (H.R. 3931) that if approved would expand the H-2A program to year-round work, with no reforms made to the program.

CATA has been engaging in conversations with our members – both workers who could and couldn't potentially benefit from these changes – to get their feedback on the proposal. CATA's values have always led us to commit our support to piecemeal immigration reform legislation only if it meant those who qualify could benefit without penalizing other members of our community.

**There was a broad agreement across our organizational membership that this bill did not meet that criteria. We agree that the H-2A program needs to be revised with stronger worker protections and that providing a path to a legal immigration status for farmworkers is a step in the right direction, but not at the expense of other farmworkers and the immigrant community. We understand that considerable effort was put into negotiating these reforms, however, they come up short for CATA and its membership. We cannot support The Farm Workforce Modernization Act (H.R. 5038) for the following reasons:**

1. **Path to Legal Status is Limited, Complex and Excludes Many of our Current Farmworkers:** The bill has a complex process that will only benefit a portion of current agricultural workers while excluding others. Even for those who can benefit, the pathway to meaningful citizenship status is ridiculously long and obligates workers to commit to up to as many as 8 more years working in agriculture to qualify.
2. **Expansion of the H-2A program is dangerous and unfair to current and future workers in the program:** Worker's H-2A visas are tied to their employer, giving employers all the power. If a worker loses their job, they lose their visa and must return immediately to their home country. We have documented extensive lack of compliance with the workers' rights regulations included in the current H-2A program. Despite this, workers in the program are extremely reluctant to report issues with their job orders and problems in the workplace because their status and their ability to return through the program depends on their employers.

We have seen the program grow significantly in our region over the past 10 years. Pro-active enforcement of workers' rights under the program is sorely lacking and without significant reforms and the appropriate resources for the Department of Labor, expansion of the program would be irresponsible to both current and future workers in the program.

3. **The Mandatory Use of E-Verify in Agriculture would be a dangerous precedent:** E-Verify is a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. Currently, there are no entire industries that are required under law to use E-Verify. Agriculture and many other industries depend on an undocumented immigrant workforce. Mandatory use of E-Verify in Agriculture would cause chaos in rural communities, further displace and discriminate against the community that has been harvesting our food.

### **Call to Action**

1. Call your legislators to oppose Section 533 in the appropriations bill H.R. 3931
2. Call your legislators to oppose H.R. 5038 – the Farm Workforce Modernization Act

**Visit <https://www.usa.gov/elected-officials>** for contact information for your federal, state and local elected officials. You can also be directly connected to US representatives by calling 202-225-3121 and US senators by calling 202-224-3121.