

Press release: August 2, 2001

NEWS FROM U.S. SENATOR TED KENNEDY AND U.S. REP. HOWARD L. BERMAN

SEN. KENNEDY AND REP. BERMAN ANNOUNCE LEGISLATION TO EXTEND LABOR AND IMMIGRANT RIGHTS TO FARM WORKERS

WASHINGTON – Senator Edward M. Kennedy (D-MA) and Congressman Howard L. Berman (D-CA) today introduced legislation in the Senate and the House to improve the labor conditions and immigrant status of farm workers, America's most impoverished working men and women. The legislation is strongly endorsed by the United Farm Workers of America (UFW), AFL-CIO.

"For years, growers have lobbied Congress for a massive new guest worker program that would give them cheap foreign labor, get rid of worker protections in the current H-2A visa program, and undercut wages and working conditions for farm workers in the U.S.," said Berman.

"Senator Kennedy and I have successfully fought those efforts."

"Farm workers have long labored under poor working conditions with few labor protections and extremely low wages," said Kennedy. "Congressman Berman and I have long fought to change these conditions."

"Last year," said Berman, "the UFW entered into negotiations with the National Council of Agricultural Employers to see whether their differences could be bridged. After enormous effort, all parties agreed on legislation that had two central components: an earned adjustment program for undocumented farm workers, and reform of the H-2A program which eliminated red tape but retained core labor protections. That landmark agreement has since been repudiated by agricultural employers who are now supporting S. 1161, legislation introduced by Sen. Larry Craig."

"I vigorously oppose S. 1161," said Kennedy, who is Chairman of the Senate Subcommittee on Immigration, noting that it would ravage wages and working conditions for farm workers under the H-2A program, and make eligibility and work requirements for the earned adjustment program so onerous that few undocumented farm workers would qualify.

"The legislation we introduce today is not ideal," said Berman. "There is much more that can and should be done to rectify decades of abusive treatment of farm workers in this country. But we have remained within the format of the agreement, while removing concessions made by the UFW in their sincere attempt to reach common ground with the growers."

The Berman and Kennedy bills:

- provide a workable program to adjust the status of 500,000 farm workers working in the U.S. without employment authorization, assuring that agriculture has a legal workforce and that eligible farm workers are accorded the protection that only immigrant status affords;

- preserve the labor standards of the current H-2A program, including the adverse effect wage rate;
- give guest workers the same labor rights as U.S. workers by ending the unfair exclusion of H-2A workers from coverage under the Migrant and Seasonal Agricultural Worker Protection Act;
- end the historic discrimination against all farm workers by giving them the right under federal law to organize and join a union, a right which other workers have had for six decades;
- remove the incentive to discriminate against U.S. workers by requiring the employers of H-2A workers to pay the equivalent of FICA and FUTA taxes into a fund to improve labor management practices in agriculture. The FICA/FUTA exemption which employers of H-2A workers now enjoy (unlike employers in the other industries employing guest workers) means it costs the employer 13.85% less to employ an H-2A worker than a U.S. worker; and
- prohibit the use of H-2A workers as strikebreakers

"Agricultural workers are indispensable members of the workforce. We need an agricultural policy that recognizes their contributions and rewards their hard work. We don't need a policy that caters heavily to the growers and pays little attention to the needs of the workers. Our bill benefits the farm workers and will improve their lives and their working conditions," said Kennedy.

"The Kennedy and Berman measures are fair and reasonable bills to legalize undocumented farm workers and address grower concerns about the current H-2A temporary foreign worker program," said Arturo Rodriguez, President of the United Farm Workers