



## **AgJOBS in the 108th Congress (2003-2004)**

---

Congress began debating solutions to the labor and immigration issues in agriculture in 1995 but only succeeded in fighting to a stalemate over competing policy proposals. In September 2003, Sen. Edward Kennedy (D.-Mass.), Rep. Howard Berman (D.-Calif.), Sen. Larry Craig (R.-Idaho), Rep. Chris Cannon (R.-Utah), and Rep. Ciro Rodriguez (then chair of the Congressional Hispanic Caucus) introduced legislation containing a compromise on immigration and agricultural labor issues. The United Farm Workers played the leading role in negotiating with major agribusiness groups to resolve years of harsh conflict. The bill, the Agricultural Jobs, Opportunity, Benefits and Security Act of 2003 (AgJOBS), was number H.R. 3142 in the House of Representatives and S.1645 in the Senate (the bill was reintroduced as S. 2823 in 2004).

AgJOBS contained two parts. First, it would have created an "earned legalization" program. Applicants could have obtained a temporary immigration status by proving that they were employed in U.S. agriculture in the recent past either as a legal guestworker or as an undocumented worker. If the temporary resident then performed a specified amount of agricultural work, during a three to six year period, he or she could have converted to lawful permanent resident status and received a "green card." Security checks would have prevented terrorists, criminals and other unwanted individuals from using the program. The farmworker's spouse and minor children also would eventually have become eligible to be immigrants. Several hundred thousand current farmworkers would have been eligible for this program. Second, AgJOBS would have revised the existing H-2A agricultural guestworker program, which allows employers to hire foreign citizens on temporary, nonimmigrant work visas.

The H-2A program's history of abuses made negotiations by farmworker advocates with employers difficult. The reforms would have benefited employers by making the program easier and quicker to use while retaining or expanding important labor standards to prevent job losses and wage cuts among U.S. workers and protect foreign workers from exploitation.

AgJOBS came close to passing the Senate in July 2004 amid dramatic developments. A letter approved by over 400 organizations from every sector of society and the economy - including growers, the Chamber of Commerce, farmworkers, the AFL-CIO, most civil rights and Latino organizations - urged Congress to take action. AgJOBS had 63 cosponsors with strong bipartisan representation. Sen. Craig then pushed for a vote on AgJOBS by seeking to add the entire bill as an amendment to the "class action fairness bill," which Republicans and a few Democrats sought to pass with strong business support. Senate Majority Leader Bill Frist, however, prevented Senator Larry Craig, a fellow Republican, from gaining a debate and vote on AgJOBS. On July 8, Sen. Frist "invoked cloture" to end debate and conduct a vote on the class action bill immediately, thereby preventing AgJOBS and other amendments. The supporters of AgJOBS as well as others gained enough Senate support to stop Sen. Frist from winning the 60 votes he needed for cloture. Surprisingly, Sen. Frist then withdrew the class action bill entirely, rather than allow a vote on an immigration policy issue. (Frist also avoided a vote on a proposed increase in the federal minimum wage, even though he earlier had agreed to voting on a minimum wage increase.) The Wall Street Journal

reported that the White House told Senate Majority Leader Bill Frist to avert a vote on AgJOBS, apparently fearing election-year controversy.

In the House, AgJOBS gained 125 cosponsors in 2004 and could have obtained more if a vote were imminent. Only a minority opposed AgJOBS. Rep. Dana Rohrabacher (R.-Cal.) obtained a vote on a controversial proposal to restrict further the access of undocumented workers to publicly funded hospitals, but only 88 Representatives supported the proposal. The same 88 Representatives would probably have voted against AgJOBS (or perhaps 100), but the majority would have voted favorably. The Speaker of the House Dennis Hastert was not eager to allow a vote on AgJOBS, but he did publicly indicate mild support for it and he may have been willing to move on it at an appropriate time.

In November 2004, Congress recessed without having acted on AgJOBS.

### **The Opposition**

Anti-immigrant forces, aided by a few H-2A labor contractors who wanted the H-2A program to be made significantly more anti-worker, introduced their own legislation. In November 2003, Rep. Robert Goodlatte (R.-Va.), a member of the anti-immigrant forces in Congress and the chair of the House Agriculture Committee, introduced legislation, H.R. 3604, that would have made the H-2A program far worse for workers and "better" for employers. No legalization program was contained in his legislation. The bill would have slashed the H-2A agricultural guestworker program wage rates and made other changes that in the past had been supported by major agribusiness groups. A similar bill, S. 2185, was introduced on March 9, 2004 by Sen. Chambliss (R.-Ga.), who was then chair of the Senate immigration subcommittee. Earlier, Rep. Virgil Goode (R.-Va.) had introduced H.R. 1606, shamefully named the "Wage Equity Act," to lower the H-2A agricultural guestworker program wage rates. The bill was identical to past legislation and to the wage provisions of other grower-sponsored legislation on guestworker issues.

### **Other Guestworker Proposals**

On July 25, 2003, Rep. Jim Kolbe, Rep. Jeff Flake, and Senator John McCain, all Republicans from Arizona, introduced legislation, S. 1461 and H.R. 2899, to revise immigration law, in part by creating a massive new guestworker program, but also by providing some people who were undocumented workers in the U.S. with the opportunity to become lawful resident immigrants after serving as guestworkers. Most worker and immigrant advocates opposed these bills because undocumented workers would have been subjected, during a six-year process, to a harsh guestworker status in which their employers would have undue power over their ability to remain in the U.S. and the conditions under which they would be employed. U.S. workers (citizens and immigrants) would have experienced adverse effects on their wages and working conditions. Farmworker Justice worked with other organizations to develop a response to the legislation. Our views were reflected in an editorial in the Arizona Republic newspaper by Linda Valdez on August 11, 2003. Senator McCain and Representatives Kolbe and Flake became cosponsors of AgJOBS.

Also in July 2003, Sen. John Cornyn (R-Tex.) introduced a bill, S. 1387, that created a massive new guestworker program. The proposal would not have allowed undocumented farmworkers to become immigrants, but rather would have subjected them to a non-immigrant status without the protections that were afforded by the old, notorious "bracero" program.

A coalition letter about guestworker programs was sent to Congressional leadership on June 6, 2003.

On January 7, 2004, President Bush proposed a new temporary worker program based on several basic principles without providing details or a piece of legislation. The President's proposal covered all occupational groups and did not have a specific program for agriculture or any other sector. The President's proposed guestworker program would not have given undocumented workers full legal status or any new way to achieve permanent residency or citizenship.

#### **Other Immigration Legislation in 2004**

Other members of Congress also introduced legislation addressing immigration. For example, Rep. Major Owens (D-N.Y.) introduced a bill, H.R. 604, to grant immigration status to certain undocumented workers who had been in the U.S. for at least ten years. Many farmworkers are recent arrivals, although the bill would have benefited some farmworkers. Rep. Luis Gutierrez (D.-Ill.) also introduced H.R. 200, which would have granted immigration status to a significant number of long-term residents of the U.S. who lacked authorized status.