




## The Road to AgJOBS: History Leading to the Negotiations

---

### Agribusiness lobbies for more guestworkers

From 1995 to 2000, legislators with close ties to agricultural employers repeatedly introduced bills to create a new agricultural guestworker program or substantially revise the H-2A program. These proposals were unacceptable to farmworker advocates because they would have transformed the agricultural labor market into vulnerable guestworkers and undocumented workers, rather than legal immigrants and citizens. In addition, the bills would have eliminated or substantially weakened the existing law's modest protections for wages and working conditions at employers that hire guestworkers.

The changes, if enacted would have reduced government oversight over the H-2A guestworker program, lowered the wage rates, removed most of the labor protections and transformed most of the farm labor force into non-immigrant "guestworkers" who would lack economic or political bargaining power. The growers came close to success with the help of Senators Gordon Smith (R.-Ore.), Larry Craig (R.-Idaho) and Bob Graham (D.-Fla.). In 1998, the Senate hastily passed a guestworker amendment as part of an appropriations bill but, largely due to President Clinton's responsiveness to farmworker supporters, it did not become law. In September 2000, the House Judiciary Committee approved a major overhaul of the H-2A agricultural guestworker program (Rep. Richard Pombo's bill, H.R. 4548), but there was not a vote on the House floor. ([Download our analysis of H.R. 4548](#) ) Nor was there a vote in the Senate floor on the Sen. Gordon Smith/Bob Graham bill, S. 1814 (which in the House was H.R. 4056). Opposition from President Clinton played a key role in preventing passage during the 106th Congress.


### Farmworker Advocates Fight Back



The growers' efforts failed in the face of strong opposition by farmworker supporters, including most Latino organizations, whose political influence had been increasing. A broad coalition criticized the Graham-Smith proposals because they would have eliminated most of the major labor protections in the H-2A guestworker program and would not have established a meaningful way for undocumented farmworkers to become immigrants and eventually citizens. President Clinton's threat to veto legislation that contained the growers' guestworker proposals was very important to preventing its enactment. However, we suspected that many members of Congress, even some conservative Republicans, were uncomfortable with the growers' demands.


### The Compromise

Serious discussions about a possible compromise began at the end of the 106th Congress (1999-2000). For farmworkers, the negotiations were led by Rep. Howard Berman (D.-Cal.), an expert and longstanding advocate, and the United Farm Workers union. On the employers' side, the lead was taken by the National Council of Agricultural Employers and the American Farm Bureau Federation with Sen. Bob Graham (D.-Fla.), Sen. Gordon Smith (R.-Ore.) and other co-sponsors of the legislation.

In 2000, the parties reached a compromise and sought to include it in appropriations bills that were being debated belatedly in December 2000. The compromise would have created a new legalization program for farmworkers who lacked authorized immigration status, as long as they had been performing agricultural work in the U.S. and continued to perform such work for a period of time into the future. It also would have revised the H-2A program in some ways that the growers sought, but would have extended coverage to the H-2A guestworkers, for the first time, the protections of the Migrant and Seasonal Agricultural Worker Protection Act. However, Sen. Trent Lott, under pressure from Sen. Phil Gramm, refused to add the compromise to the spending legislation. Gramm opposed granting immigration status to undocumented workers in the United States, claiming that "lawbreakers" should not be rewarded. The compromise did not become law.

In 2001, with the transition to the Bush Administration and the 107th Congress (2001-2002), the agricultural employers withdrew their prior support for the compromise. [Read a letter regarding guestworker programs sent to President Bush and Congress on February 13, 2001 by a national coalition on behalf of farmworkers](#) 

In July 2001, Senator Larry Craig (R.-Idaho) introduced, at the request of agricultural employers, a new guestworker bill similar to his previous proposals, S. 1161. Although some of the Craig bill's provisions came from the compromise, key sections had been changed for the worse. Most importantly, the onerous qualification standards meant that few undocumented farmworkers would be able to obtain immigration status. In addition, Craig's bill lacked labor protections that are in the current H-2A program or were in the compromise. Also in 2001, Rep. Chris Cannon (R.-Utah) introduced H.R. 2457, which would have changed the wage formula under the H-2A program. Rep. Cannon's bill would have lowered farmworkers' wage rates and allowed various evasions of the law through exceptions to even the lowered wage rate. Sen. Zell Miller (D-Ga.) introduced an identical bill in the Senate, S. 1442. [Read a coalition letter to Congress criticizing these proposals](#) . On October 26, 2001, a [coalition of over 100 civil rights, Latino, labor, immigrants' rights and farmworker groups sent a letter to every member of Congress opposing the Cannon/Miller legislation](#) . And on November 13, 2001, the [Leadership Conference on Civil Rights sent a letter regarding S. 1442/H.R. 2457](#).

In August 2001, Senator Edward Kennedy and Rep. Howard Berman introduced immigration/labor legislation regarding migrant farmworkers. The bills were S. 1313 and H.R. 2736. Their legislation proposed the creation of a new legalization program and revised the H-2A program, as well as provided additional labor protections for farmworkers. [For a description of these bills, click here](#) 

The terrorist attacks of September 11, 2001 caused a major restructuring of the U.S. government agencies involved in immigration and, partly due to concerns about border security, interfered with progress on proposals regarding immigration policy that might have improved conditions for many farmworkers in the U.S.