

Statement of Arturo S. Rodriguez
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Senate Committee on the Judiciary
“The Border Security, Economic Opportunity, and Immigration
Modernization Act, S.744.”
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Chairman Leahy, Ranking Member Grassley, and members of the subcommittee, thank you for the opportunity to testify today. My name is Arturo Rodriguez, and I have the honor of being President of the United Farm Workers of America. Tomorrow will mark the 20th year since our founder Cesar Chavez passed away – so we think it is very appropriate that we are here on this historic day to talk about the future of American agriculture. I want to give a special thank you to Senators Feinstein with whom we have worked for years to solve this problem and Senator Hatch, with whom we have worked very closely over the last several months to come to a proposal supported by both agricultural employer associations and agricultural workers that we believe will address a crisis in American agriculture and we hope will provide some stability in the years to come.

Last week, both agricultural employers and agricultural workers joined together in supporting a policy proposal put together by Senators Feinstein, Hatch, Bennet, and Rubio that will strengthen our nation’s agricultural industry.

The proposal is part of the broader more comprehensive immigration policy submitted last week by Senators Schumer, McCain, Durbin, Graham, Menendez, Flake, Bennet, and Rubio. It is great to see so many of you on this committee today.

Both farmers and farm workers have worked together over the last 5 months with the support of these Senators from both political parties and representing very different regions of the country in the interests of

improving our nation's agricultural industry and securing our nation's food supply.

We have worked so hard to come together and we ask you as members of this committee to come together to support this proposal because America's farms and ranches produce an incredible bounty that is the envy of the world. The farmers and farm workers that make up our nation's agricultural industry are truly heroic in their willingness to work hard and take on risk as they plant and harvest the food all of us eat every day.

But our broken immigration system threatens our nation's food supply. The UFW and our nation's agricultural employers have often been at odds on many policy issues – but we have now come together to unify our nation's agriculture industry. We are in a unique moment in our nation's history – and together with a lot of work, you on this committee can make the changes we need to secure our nation's food supply.

Let me speak a little about what's at stake for the women and men who work in the fields and do some of what even some Congressional opponents of our past proposals have acknowledged are the "hardest, toughest, dirtiest jobs." Every day, across America, almost two million women, men, and, yes, even children, labor on our nation's farms and ranches, producing our fruits and vegetables and caring for our livestock. At least 600,000 of these Americans are US Citizens or permanent legal residents. Our migrant and seasonal farmworkers are rarely recognized for bringing this rich bounty to supermarkets and our dinner tables. And most Americans cannot comprehend the difficult struggles faced every day by farm worker families. Increasingly, however, America's consumers are asking government and the food industry for assurances that their food is safe, healthy and produced under fair conditions.

The life of a farm worker in 2013 is not an easy one. Most farm workers earn very low wages. Housing in farmworker communities is often poor and overcrowded. Federal and state laws exclude farmworkers from many labor

protections other workers enjoy, such as the right to join a union without being fired for it, overtime pay, many of the OSHA safety standards, and even workers' compensation in some states. Farm worker exclusion from these basic Federal Laws in the 1930s is one of the sadder chapters of our history. We learned painful lessons from the abusive guest worker program of the 1940's to 1960's, known as the *bracero* program, and we should not repeat those abuses. Even when protections exist, there is often inadequate labor law enforcement. In California, where state laws thankfully provide most of the protections that Federal law does not, we have still seen dozens of farm workers die over the last several years for the simple lack of water and shade.

Such poor conditions, discriminatory laws and weak enforcement have resulted in substantial employee turnover in agriculture. An unstable labor market harms farmers, farm workers and consumers. Numerous federal commissions have made recommendations to achieve stability in the farm labor market. We believe, as have both Republican and Democrats who have prepared those commission reports in the past, that improving wages and working conditions and increasing farmworkers' legal protections would help attract and retain current workers in the farm labor force and end chronic employee turnover. These commissions and we recognize that immigration policy plays an important role in determining labor stability. We now turn to our goals and recommendations.

First and foremost, we seek an end to the status quo of poverty and abuse; we should not continue to treat farm workers as second-class workers. We also know that any new immigration policy must consider the future of the work force upon which American agriculture and American consumers depend.

With these goals in mind, we are very excited about what we have accomplished together with the nation's grower associations and I want to share some highlights of the agricultural labor sections in the immigration proposal, S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013.

While there are important details still to be worked out and debated, we are supportive of the comprehensive bill submitted by Senators Schumer, McCain, Durbin, Graham, Menendez, and Flake.

The comprehensive bill includes language drafted by Senators Feinstein, Rubio, Bennet, and Hatch regarding agricultural employers and workers. Should it become law, the proposal would give professional farm workers presently in the United States, who have been contributing to our country by helping feed our nation, temporary legal status and the opportunity to earn permanent legal residence in the future by continuing to work in agriculture.

Farm workers are the backbone of our agriculture industry here in the United States and an expeditious process toward adjustment of their status provides a strong incentive for those farm workers who are currently working on our farms and ranches to continue working in agriculture. Doing so also honors the people who feed our nation every day, helps farmers prosper, ensures the security of our food supply, and strengthens rural America's communities.

The bill also creates a new agricultural worker visa program for the future. The new visa program creates a legal avenue for farm workers to enter the country and a way for agricultural employers to recruit farm workers in a legal and just manner. The protections in the comprehensive legislation against the current corrupt recruitment practices we witness around the world are critical for all workers, but in particular for agricultural workers. S. 744 includes a registry of foreign recruiters and requires recruiters to post of a bond. Right now, in Mexico, where more than 90% of H-2A workers are recruited, no one knows who the recruiters are. This lack of transparency breeds fraud, coercion and worse. Requiring recruiters to register in the US and to post a bond will shed light on an industry that currently has no regulatory oversight either in the US or Mexico. The legislation also appropriately puts the ultimate responsibility with the US employers. They

must ensure that there is integrity in their labor supply chain. This concept is consistent with current codes of conducts of major retailers like Costco, who requires that companies who supply them with products to ensure compliance with their standards all the way down their supply chains. Anything less than the recruitment standards in this legislation will promote abuse and trafficking.

Finally, there are many substantial changes in this compromise that greatly benefit agricultural employers. Agricultural employers, under this proposal, will not be subject to some of the paperwork and labor regulations in the current H-2A guestworker program. On the other hand, the employers will be subject to some new and stronger worker protections and enforcement mechanisms. The proposal's wage requirements differ substantially from the H-2A program, including by recognizing the variation in wage rates for different jobs. We believe the new program's wage rates, while beneficial to employers, will protect wages for those farm workers working in the United States. We are hopeful that the new wage rates will enhance stability for both agricultural employers and agricultural workers into the future.

As a result of this compromise, farm workers are one step closer to much-earned recognition for their contributions to the United States. We believe this compromise could be a vehicle for improving the working conditions and job opportunities for farm workers. We also believe that this proposal will benefit agricultural employers, consumers and the nation.

We hope it earns the support of this committee.