

A man wearing a cap and sunglasses is operating a red tractor in a field. The tractor is moving through rows of young green plants. In the background, a large irrigation system is spraying water over the field, creating a misty atmosphere. The scene is set in a rural area with trees in the distance.

2019 Agricultural Labor Relations Forum

Tuesday, November 5, 2019

Tifton, Georgia

Today's Discussion

- Political Outlook: How the Current Political Climate May Impact Ag Labor and Workforce
- Ag Labor Regulations
- Ag Labor Legislation
- What's Next?
- Bonus Points
 - Hurricane Ag Assistance Update
 - Trade

U.S. House of Representatives

116th Congress

- Impeachment
- USMCA
- Finalize Fiscal Year 2020 Appropriations Legislation
- 2020 Elections

U.S. Senate

116th Congress

- Impeachment
- Finalize Fiscal Year 2020 Appropriations Legislation
- USMCA
- Nominations
- 2020 Elections

Administration

- Impeachment
- Nominations
- 2020 Election
- Trade
 - China
 - USMCA
 - EU
 - Japan
 - India

Ag Labor Background

- Too Many Organizations
- Regional Differences
- Partisan Division
- Controversial Package on the Table
- Potential for Change
 - The Clock
 - Elections

What's Happened in Congress on AG Labor?

- U.S. House Meeting with USDOL Secretary
- House Letter to USDOL Outlining AG Labor Reforms
- Interagency Working Group
- Proposed Regulation
- Legislation Introduced: H.R. 4916

Proposed Reforms by Ag State Members

- Make the wage rate more transparent and predictable.
- Streamline the application process.
- Reduce bureaucratic delays in the system for workers crossing the border.
- Change program eligibility.
- Provide for mediation and arbitration agreements.
- Improve housing availability.

Immigration Reform Legislation

116th Congress

- Lofgren Bill (H.R. 4916)
- Senate Legislation
- Outlook
 - Mark-up
 - Floor Consideration

Farm Workforce Modernization Act

- H.R. 4916
- Earned Legalization for Certified Ag Workers
- Improves the H-2A Program
- Mandatory E-Verify for the Ag Sector

SE H.R. 4916 Issues

- Certified Agricultural Worker or CAW is immediately treated as a 'U.S. Worker'.
- Multiple wage classifications, many of these with higher wage rates than the current AEWR.
- Adverse Effect Wage Rate (AEWR) Reforms
- E-verify mandatory only for agriculture.
- H2A workers are granted a private right of action to sue employers for H-2A violations.

PROPOSED USDOL REG

Temporary Ag Employment of H-2A Nonimmigrants in the U.S.

- Transportation to Place of Employment
- Positive Recruitment of U.S. Workers
- Staggered Entry of H-2A Workers
- Recruitment
- Post-Certification Amendments

USDOL Proposed Reg Areas of Concern

- Wage Rates
- Administrative Review
- Definition of a Temporary or Seasonal Nature
- Abandonment of Employment or Termination for Cause
- Contact with Former U.S. Workers
- Joint Employer Filing Requirements
- Transition Procedures

What's Next

- U.S. Congress
- H.R. 4916
- Proposed Regulation
- Future of Immigration Reform

Hurricane Ag Assistance

- 2017 WHIP Program
 - Blueberry-Peach Freeze
- 2018 Hurricane Michael Assistance
 - Process
 - WHIP +
 - USDA State Block Grants
 - Fall Vegetables
 - Pecans
 - Row Crops

Trade

- In Play
 - China
 - USMCA
 - EU
 - Japan
 - India

THANK YOU!

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