
Commerce & Labor Committee

HJM 4017

Brief Description: Requesting that the United States Congress enact the AgJOBS legislation.

Sponsors: Representatives Chandler, Conway, Cox, Warnick, Bailey, Kenney, Johnson and Ross.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Petitions the U.S. Congress to enact the AgJOBS legislation to address the need for immigration reform to protect the agricultural industry and farm workers.

Hearing Date: 1/12/10

Staff: Jill Reinmuth (786-7134).

Background:

The federal Agricultural Job Opportunities, Benefits, and Security (AgJOBS) Act was first introduced in the U.S. Congress in 2003. Similar bills were introduced in 2005, 2007, and 2009. The AgJOBS Act of 2009 addresses both the immigration status of agricultural workers and the H-2A visa program for agricultural guest workers.

Pilot Program for Earned Status Adjustment of Agricultural Workers.

A pilot program that provides for a two-step earned adjustment of status is established. Through the program, agricultural workers may apply for temporary residence (blue card status), and then legal residence (green card status).

For blue card status, a worker must: (1) have worked for a minimum number of days or hours in or earned a minimum amount from United States agriculture during a specified period; (2) apply for blue card status during a specified period; (3) not be barred from entry based on certain immigration law provisions; (4) not have been convicted of any felony or certain misdemeanors; and (5) pay a fine of \$100. Once an agricultural worker is granted blue card status, the Secretary

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of Homeland Security provides the worker with an employment authorized endorsement or other work permit. The number of blue cards that may be issued is limited to 1,350,000 during the five-year period following enactment.

For green card status, a worker who has been granted blue card status must perform agricultural work for a minimum number of work days per year for a minimum number of years. The worker must also: (1) apply for adjustment of status within seven years; (2) pay a fine of \$400; and (3) establish that no federal tax liability is owed.

Other provisions address the termination of blue card or green card status, the immigration status of spouses and minor children, travel outside the United States, and exemptions from prosecution for certain violations of the Social Security Act.

Reform of the H-2A Worker Program.

An H-2A employer application process is established in place of the H-2A labor certification process. An employer is required to file an application containing: (1) a description of the nature and location of the work to be performed; (2) the anticipated period for which the workers will be needed; (3) the number of job opportunities in which the employer seeks to employ the workers; and (4) certain assurances. For a job covered by a collective bargaining agreement, the assurances include that the employer has offered or will offer the job to an equally or better qualified United States applicant. For a job that is not covered, the assurances include that the employer will provide the required benefits, wages, and working conditions to all workers in the jobs, and that the employer will take certain steps to recruit and hire United States workers for the jobs.

The H-2A employment requirements are also modified. An employer continues to be required to pay an H-2A worker the greater of the adverse effect wage rate or the prevailing wage rate, but not less than the federal or state minimum wage rate. However, for three years, the adverse effect wage rate is set at the rate in effect on January 1, 2009. Then, if a new wage standard is not enacted, the adverse effect wage rate is adjusted annually by the lesser of the change in the Consumer Price Index for All Urban Consumers (CPI-U) or 4 percent. Other provisions allow housing allowances in lieu of housing, establish transportation safety standards, and provide enforcement authority.

Summary of Bill:

The Washington Legislature requests the U.S. Congress to enact the federal Agricultural Job Opportunities, Benefits and Security (AgJOBS) Act, based on legislative findings.

Legislative findings include that:

- Agriculture is a cornerstone of the economy and farm workers are an essential part of the agricultural industry;
- Agriculture created over \$8 billion in on-farm production value and employed over 100,000 workers in 2007;
- Large sectors of agriculture are labor-intensive and rely on seasonal and immigrant workers to perform vital labor;

- The agricultural industry require access to a legal and stable workforce, and farm workers require legal and stable employment;
- Immigration reform is required to protect the viability of the agricultural industry and thousands of immigrant farm workers; and
- There is an urgent need for immigration reform as proposed in the AgJOBS Act.

Appropriation: None.

Fiscal Note: Not requested.