2A Evidence: H-2A Visa Reform

By “Coach Vance” Trefethen

***Resolved:* *The United States federal government should substantially reduce its restrictions on legal immigration to the United States.***

Case Summary: Face it, there a lot of agricultural jobs involving back-breaking labor in the hot sun that most American citizens are simply not willing to do. But there are thousands of immigrants or would-be immigrants to whom such work is a golden opportunity compared to what they have at home. Lacking sufficient workers, farmers in labor-intensive agriculture crops in the U.S. today face two bad choices:  Either let the crops rot in the field, or hire illegal immigrants to do the work. They would like to hire the plentiful foreign workers who might come on an H-2A visa (for temporary agriculture work), but doing so is often too slow and costly. So slow, in fact, that the crops rot in the field while waiting for the H-2A process to finish and the legal workers to arrive. Instead, they turn to the multitude of illegal aliens willing to work immediately and without all the red tape. This plan reduces restrictions on H-2A visas and gets the illegal workers a pathway to legalization so that they get into the system and become taxpaying members of society. Law enforcement can then focus on high risk immigrants who pose a threat of terrorism instead of wasting resources chasing after those who are just trying to pick tomatoes. Everyone wins.

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2A Evidence: H2A Visa Reform

INHERENCY

Farms can't get enough H-2A workers. Congress needs to reform H-2A

Dan Wheat. 2016. (Member of the Department of Civil, Architectural and Environmental Engineering of the University of Texas at Austin.) “Another tight year for farm labor” 03 NOVEMBER 2016. <http://www.capitalpress.com/Nation_World/Nation/20161103/another-tight-year-for-farm-labor>

"Packers needed” signs, in English and Spanish, were tacked to stacks of apple bins outside Valicoff Fruit Co. Inside, Maria Sanchez and Joaquin Melo Vaca, both from nearby Toppenish, filled out job applications for two of 12 openings. “We’ve been short since we began this season’s packing the first week of August,” said Brett Valicoff, general manager, the morning of Oct. 12. The remaining positions were only filled once harvest wound down, allowing some employees who had been picking to shift to packing, he said two weeks later. Valicoff Fruit’s predicament reflects the new normal for many U.S. growers. In some cases, the number of jobs is growing as the number of workers stagnates, forcing more employers to turn to the costly and cumbersome H-2A visa program for foreign guestworkers. It also underscores the need for Congress to improve that program and reform U.S. immigration policies. At the same time, it drives the quest for greater mechanization

Status Quo H-2A system is not working, we need a new approach

American Farm Bureau Federation 2016 (non-profit farm advocacy organization, largest general farm organization in the US) AGRICULTURAL LABOR – IMMIGRATION REFORM June 2016  <http://www.fb.org/issues/docs/aglabor16.pdf>

Farmers and ranchers have long experienced difficulty in obtaining workers who are willing and able to work on. The demand for foreign workers is heightened due to not only a lack of a domestic workforce, but also the reverse migration of workers from the U.S. to Mexico, historic levels of immigration enforcement and bipartisan congressional commitment to a credible work authorization system through mandatory E-Verify. Those factors, combined with an increasingly rigid and burdensome H-2A program, demonstrate the need for a new approach.

A/T "Just use illegal immigrants" – Not a good idea, due to work stoppages and employer fines

Executive Office of the President. 2013. (The Executive Office of the President of the United States (EOPOTUS or EOP) consists of the immediate staff of the current President of the United States and multiple levels of support staff reporting to the President. The EOP is headed by the White House Chief of Staff, currently Denis McDonough.) “THE ECONOMIC BENEFITS OF FIXING OUR BROKEN IMMIGRATION SYSTEM” JULY 2013. <https://www.whitehouse.gov/sites/default/files/docs/report.pdf>

The agriculture industry – a key engine of American economic growth – is especially reliant on immigrant workers. Currently, the agriculture industry is hampered by a broken immigration system that fails to produce predictable and stable worker flows. Today, roughly half of all farmworkers are estimated to be unauthorized, which means deportations, employer fines, and work stoppages are a constant fear.

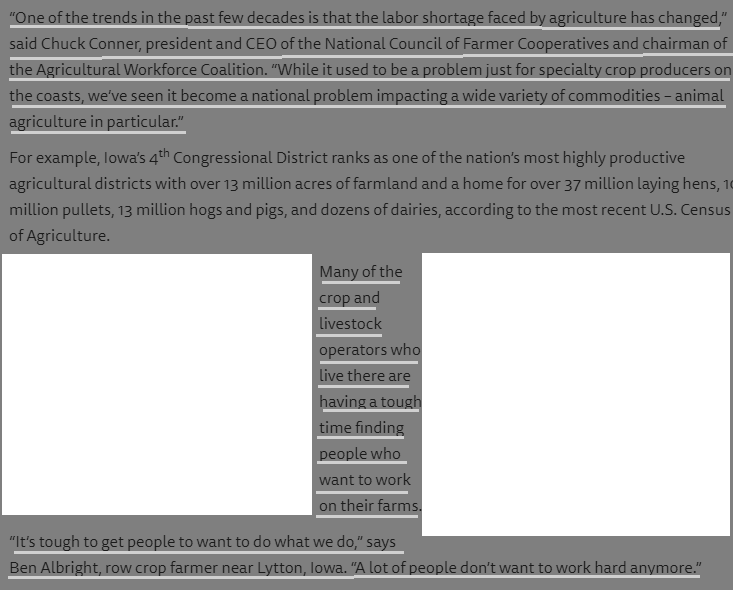
American workers scarce due to labor intensive work

Octavio Blanco. 2016. (journalist; B.A. in International Affairs.) “The worker shortage facing America's farmers” 29 SEPTEMBER 2016. [parenthesis in original] <http://money.cnn.com/2016/09/29/news/economy/american-farm-workers/>

With increased competition for labor, workers are also asking for and winning better working conditions, such as a 15-minute shade break for each hour of work. "If they don't like how they're being treated or what they're being paid, they'll just go to another farm," said Nassif. Still, the increased pay, improved working conditions and overtime benefits have failed to attract many American workers. "Of the 300 workers I have in the field, two are Americans," said Joe Del Bosque, a farm owner in Firebaugh, California. One big reason: The work can be very labor intensive, said Nassif. Picking strawberries, tomatoes or melons requires bending down or kneeling all day. Picking tree fruits, like oranges and peaches, means carrying 10- to 20-pound bushels while balancing on ladders in all sorts of weather conditions.

Farm labor shortages are widespread and getting worse: Jobs Americans won't do

Delaney Howell 2017 (journalist) 13 Dec 2017 "Farm labor shortages worsening in the nation's Heartland" AGRIPULSE <https://www.agri-pulse.com/articles/10358-farm-labor-shortages-worsening-in-the-nations-heartland>



Agricultural Labor Shortages.  Immigrants are needed to fill agricultural jobs Americans won’t do

Dr. Stephanie Mercier 2014 (PhD in agricultural economics from Iowa State University; retired in 2011 from the position of chief economist for the Democratic staff of the Senate Agriculture Committee) “Employing Agriculture: How the Midwest Farm and Food Sector Relies on Immigrant Labor” <https://www.thechicagocouncil.org/sites/default/files/Midwest_Ag_final.pdf>

Several factors—both real and perceived—contribute to the reluctance of native-born workers to seek jobs in agriculture, either on farms or in processing facilities. These include low wages compared to those paid for other occupations involving hard physical labor, difficult working conditions, often transitory employment opportunities, and the prospect of extensive travel for undertaking seasonal work. While farmworker jobs are located in metropolitan areas in the West and Southwest regions of the United States (including 99 percent in California and 95 percent in Washington State), in the Midwest nearly half the jobs are in rural areas, ostensibly making them less accessible for would-be workers. Furthermore, the tradition of younger family members working on multiple-generation, family-run farms seems to be weakening in some parts of the country, especially given the declining number of these farms. Some workers are being pulled away from agriculture into other sectors. The inflation-adjusted hourly wage for construction workers has consistently been two to three times higher than for crop farmworkers over the last few decades, according to data collected by USDA and the US Department of Labor. But there are less concrete factors as well. Princeton University Sociologist Doug Massey has found that the public identification of farm labor in the United States as an “immigrant job category” over the last few decades has created a stigmatization of that type of work among native-born Americans, making it unattractive to many even as an employment opportunity of the last resort.

**END QUOTE. Dr. Mercier goes on to conclude in the same context QUOTE:**

As a result, immigrant workers are the backbone of the hired farm labor force in the United States, filling a labor shortage estimated at 80,000 people or more nationwide in the fresh produce sector alone.

Over half of U.S. farm workers are undocumented and farms are begging for workers

Octavio Blanco. 2016. (journalist; B.A. in International Affairs.) “The worker shortage facing America's farmers” 29 SEPTEMBER 2016. [parenthesis in original] <http://money.cnn.com/2016/09/29/news/economy/american-farm-workers/>

More than half of U.S. farm workers are undocumented immigrants, according to the U.S. Department of Labor. Yet, that pool of workers is shrinking. A recent Pew Research report found that more [Mexican immigrants are now leaving the U.S.](http://money.cnn.com/2015/11/19/news/economy/more-mexicans-leaving-us-than-coming/?iid=EL) than coming into the country, citing tougher enforcement of immigration laws and the slow economic recovery here in the U.S. (The report accounted for both documented and undocumented immigrants). With fewer workers, farm owners say costs are rising and they often must leave unpicked fruit to rot in the fields. Many producers are even opting to leave the U.S. for countries with lower costs and fewer regulations, said Tom Nassif, CEO of Western Growers, a trade organization that represents farm owners both in the U.S. and abroad. "We're pretty much begging for workers. It's very bleak," he said.

**A/T "H-2A visa approvals are faster now with new technology" – But we still have delays and backlogs, it's not enough**

American Farm Bureau Federation. 2016. (nonprofit organization and is the largest general farm organization in the US) American Farm Bureau Federation Statement Regarding H-2A e-Approval System” 11 MAY 2016. <http://www.fb.org/newsroom/american-farm-bureau-federation-statement-regarding-h-2a-e-approval-system>

"Farm Bureau is pleased to see the United States Citizenship and Immigration Services and the State Department launching a new online approval platform today that will hopefully expedite H-2A processing. "These visa approval delays have gone on far too long and cost farmers across the country hundreds of thousands of dollars in lost business. Without workers in place to plant, tend and harvest, crops are going to waste while bureaucratic paperwork keeps piling up. "Farm Bureau raised the flag on this major breakdown in our food-growing system in hopes that agencies would find an immediate solution, and we believe USCIS and DOS are taking an important step to bring the H-2A processing system into the 21st century. However, farmers across the country are still experiencing delays due to this backlog that spans multiple agencies.

A/T "Just pay higher wages to solve labor shortages" – Already tried, and still couldn't find enough without H-2A

Dan Wheat. 2016. (Member of the Department of Civil, Architectural and Environmental Engineering of the University of Texas at Austin.) “Another tight year for farm labor” 03 NOVEMBER 2016. <http://www.capitalpress.com/Nation_World/Nation/20161103/another-tight-year-for-farm-labor>

The picker shortage was felt most during the Honeycrisp, Gala and Golden harvests in August and September, he said. Cass Gebbers, president of Gebbers Farms, Brewster, said the company hired about 1,800 H-2A workers this year and had World Relief refugees counted as domestics. World Relief is an international evangelical relief program that works with the federal government to settle refugees. The shortage was about the same as last year, Gebbers said. “You felt it but orchards were getting picked,” he said. Dave Taber, a grower near the Washington-Canada border town of Oroville, said everything was picked in a timely manner there but only because H-2A workers constituted one-third of the labor force. “If it were not for H-2A, we would have extreme problems,” Taber said. “Growers are happy to have it but shocked with the expenses. Orchard wages are so high that it’s pulling from warehouses and warehouses are short.”

A/T "Just pay higher wages" – Already tried it, it's still not enough.

Vincent "Zippy" Duvall 2017 (*poultry, cattle and hay producer from Greene County, Georgia, is the 12th president of the American Farm Bureau Federation*) 16 Oct 2017 " Worker Shortage Threatens U.S. Ag Sustainability" <https://www.fb.org/viewpoints/worker-shortage-threatens-u.s.-ag-sustainability>

Every time this topic comes up, there’s an outcry for farmers to pay more. But those complaints tend to come from those who don’t know the going rate for skilled farm work. For example, skilled workers harvesting specialty crops like apples and strawberries can earn well over $20 per hour when paid piece-rate wages. Under the current federal agricultural guest worker program, H-2A, farmers pay the Adverse Effect Wage Rate as a baseline which, depending on the state, can be anywhere from 9 percent to 90 percent higher than the state minimum wage. That’s on top of providing free housing to workers and paying for their travel from their home country. H-2A also requires employers to post job openings to make sure Americans get first crack at farm jobs. But as any farmer can tell you, the average American has little interest in farm work. Even with the higher wage rates and strict requirements, H-2A applications are on the rise. Certified positions in 2017 are up 20 percent compared to this time last year, which shows just how hard-pressed farmers are to find workers.

**A/T "Just pay higher wages" – Farm worker pay is already rising**

Octavio Blanco. 2016. (journalist; B.A. in International Affairs.) “The worker shortage facing America's farmers” 29 SEPTEMBER 2016. [parenthesis in original] <http://money.cnn.com/2016/09/29/news/economy/american-farm-workers/>

The competition for workers has sent average farm worker wages up 5% in the past year, to $12 an hour, according to the U.S. Department of Agriculture figures. That's $2 higher than California's $10 minimum wage, with some farmers saying they pay as much as $15 an hour, according to Nassif. And costs keep rising. Two weeks ago, California said it will expand its overtime rules to include migrant farm workers starting in 2019. That means farm owners will have to pay one and half times the employee's regular rate after they have worked a certain number of consecutive hours.

A/T "Technology will get American workers into the fields" – Not yet, it won't. Needs billions more invested

Octavio Blanco. 2016. (journalist; B.A. in International Affairs.) “The worker shortage facing America's farmers” 29 SEPTEMBER 2016. [brackets added] <http://money.cnn.com/2016/09/29/news/economy/american-farm-workers/>

The only way [Tom] Nassif [CEO of Western Growers, a trade organization that represents farm owners both in the U.S. and abroad]  believes American workers could be enticed back onto the fields is through the use of technology, like crop-picking robots, he said, where they would be able to put their higher educations as engineers and technicians to use. But he noted that advances have been too slow and not enough money is being invested into research and development. "Millions of dollars are being invested into this technology, but it should be in the multi-billions," Nassif said.

A/T "Technology will replace workers" – Not yet, it won't. We still need a policy solution for farm labor

Emma Cosgrove 2017. (journalist) AGFUNDER NEWS 7 Dec 2017 " What Happened With Farm Labor Visas This Year (And What Didn’t)" <https://agfundernews.com/farm-labor-policy-2017.html>

Though for several years robotics has been touted as the answer to the US’s farm labor woes, most startups in this field are still developing their technology and products aiding harvest and packing of the specialty crops grown in the American West and Southeast are still nascent. Plus even with capable tech, adoption takes time. Farmers need a policy solution but know too well that they are unlikely to get one.

HARMS / SIGNIFICANCE

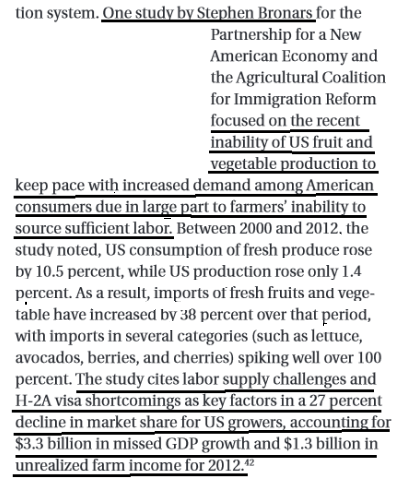
Farm labor shortages hurt the economy. Example: Georgia Study

Executive Office of the President. 2013. (The Executive Office of the President of the United States (EOPOTUS or EOP) consists of the immediate staff of the current President of the United States and multiple levels of support staff reporting to the President. The EOP is headed by the White House Chief of Staff, currently Denis McDonough.) “THE ECONOMIC BENEFITS OF FIXING OUR BROKEN IMMIGRATION SYSTEM” JULY 2013. <https://www.whitehouse.gov/sites/default/files/docs/report.pdf>

Moreover, there continue to be insufficient U.S. workers to fill labor needs: of those crop workers surveyed between 2007 and 2009, 71 percent were foreign born. Often, farmers and ranchers have difficulty securing laborers for critical tasks. For example, due to our broken immigration system, the state of Georgia experienced a shortage of more than 11,000 agricultural workers in the spring 2011. A recent survey of fruit and vegetable producers in that state identified an economic loss of $181 million and 1,500 fewer jobs in agriculture and related industries due to labor-related production losses. That survey represented a little less than half of total Georgia production acreage; the study noted that if its results were representative of all acreage, the total yearly impact would be about $390 million and the job loss would be about 3,250 on a statewide basis.

Farm labor shortages cost billions in lost economic growth

Dr. Stephanie Mercier, December 2014 (PhD in agricultural economics from Iowa State University; retired in 2011 from the position of chief economist for the Democratic staff of the Senate Agriculture Committee) “Employing Agriculture: How the Midwest Farm and Food Sector Relies on Immigrant Labor” <https://www.thechicagocouncil.org/sites/default/files/Midwest_Ag_final.pdf>



Current H-2A policies lose $320 million from delayed workers alone

American Farm Bureau Federation 2016 (non-profit farm advocacy organization, largest general farm organization in the US) AGRICULTURAL LABOR – IMMIGRATION REFORM June 2016  <http://www.fb.org/issues/docs/aglabor16.pdf>

Multiple H-2A regulatory changes and rigid program administration have made use of an already difficult program nearly impossible. A national survey conducted by the National Council of Agricultural Employers of H- 2A employers under the current rules showed that administrative delays result in workers arriving on average 22 days after the date of need causing an economic loss of nearly $320 million for farms that hire H-2A workers. Costly recruitment requirements result in less than 5 percent of those referred by the government working the entire contract period.

‘Start and End’ times on H-2A visas cause economic harm

Alex Nowrasteh. 2013. (immigration policy analyst with the Center for Global Liberty and Prosperity at the Cato Institute.) “How to Make Guest Worker Visas Work” 31 January 2013. <https://object.cato.org/sites/cato.org/files/pubs/pdf/pa719_1.pdf>

Rigid start and end times can cause serious economic harm and headaches for businesses. The H-2A visa has rigid start and end times, but Mother Nature does not obey the dictates of bureaucrats and lawmakers. Harvests that run late or planting seasons that must begin early end up producing bureaucratic headaches and economic losses. The drought of 2012 prompted an early harvest for Midwest grain and corn, but luckily those crops are machine harvested so bureaucratic delays did not cause much damage. Flexibility in start and end times could prevent a similar early harvest from affecting crops harvested by hand.

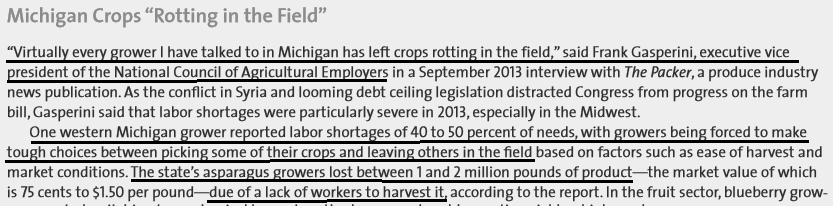
Economic growth blocked until Congress reforms agriculture immigration law

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Congressional action is still required to enact the full range of changes to immigration law that would meet the needs of a globally competitive 21st-century US economy, including its agriculture sector. Until then, the economy will continue to miss out on productivity gains by not including more farmworkers in legal immigration flows.

Labor shortages leave crops rotting in the field

Dr. Stephanie Mercier, December 2014 (PhD in agricultural economics from Iowa State University; retired in 2011 from the position of chief economist for the Democratic staff of the Senate Agriculture Committee) “Employing Agriculture: How the Midwest Farm and Food Sector Relies on Immigrant Labor” <https://www.thechicagocouncil.org/sites/default/files/Midwest_Ag_final.pdf>



H-2A workers have between $5 billion to $9 billion impact on the economy

Executive Office of the President. 2013. (The Executive Office of the President of the United States (EOPOTUS or EOP) consists of the immediate staff of the current President of the United States and multiple levels of support staff reporting to the President. The EOP is headed by the White House Chief of Staff, currently Denis McDonough.) “THE ECONOMIC BENEFITS OF FIXING OUR BROKEN IMMIGRATION SYSTEM” JULY 2013. <https://www.whitehouse.gov/sites/default/files/docs/report.pdf>

In New York, analysis by the Farm Credit Associations found that over 800 farms would be at risk of closure if immigrant labor severely contracted. Without immigrant labor, agricultural operations across the country – including apple farmers in Washington, citrus processors in Florida, and strawberry, raisin, asparagus, and lettuce growers in California – would be forced to cut jobs, raise prices, or succumb to foreign competition. If agriculture’s access to migrant labor were cut off, short-term production losses would measure between $5 billion and $9 billion per year.

SOLVENCY / ADVOCACY

How enforcement of the plan works.

US Department of Labor. 2016. “Work Authorization for Non-U.S. Citizens: Temporary Agricultural Workers (H-2A Visas)” <https://webapps.dol.gov/elaws/elg/taw.htm>

Penalties/Sanctions  
The Wage and Hour Division has a primary role in investigating and enforcing the terms and conditions of employment. The Wage and Hour Division is responsible for enforcing the contractual obligations employers have toward employees, and may assess civil money penalties and recover unpaid wages. Administrative proceedings and/or injunctive actions through Federal courts may be instituted to compel compliance with an employer's contractual obligations to employees.ETA has the authority to audit applications for which certifications have been granted and may refer its audit findings to DHS or another appropriate enforcement agency. ETA may revoke a temporary agricultural labor certification if the employer substantially violated a material term or condition of the certification, if fraud or misrepresentation was found in the application, or if the employer failed to cooperate with a DOL investigation or audit. Both WHD and ETA may debar an employer or any successor in interest to that employer from receiving future labor certifications for up to three years if the employer substantially violated a material term or condition of its temporary labor certification.

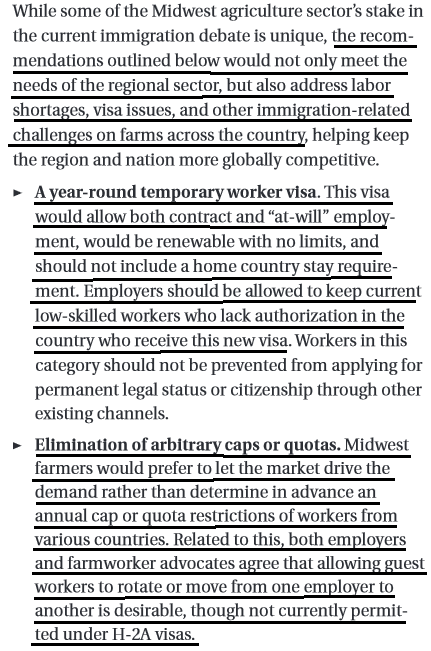
H-2A workers more reliable than American workers, and they're the solution to farm labor shortages

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The availability of domestic workers is shrinking every year and pear, hop and asparagus growers are turning more to H-2A than they have in the past, he said. WAFLA provided about 9,000 H-2A workers this year, mostly in Washington but also brought 500 to Oregon and 100 to Idaho. WAFLA did consulting work in California, Nevada and Michigan. Mike Gempler, executive director of Washington Growers League in Yakima, said growers using H-2A did fairly well this season but some who didn’t had difficulty getting reliable workers and had to leave fruit unpicked. Growers were “extremely frustrated” by pickers who would pick for a few days, earn what they needed and leave, Gempler said. Reliability was a widespread issue, he said. “I spoke with people who were really scared for this season who were going to try H-2A but didn’t and at the last minute found enough people. So it was a mixed bag,” he said. Those who did OK with domestic help paid well and offered fairly long employment, he said. Cherry and apple growers had the most shortages, and H-2A saved the season, he said.

Dr Stephanie Mercier advocates:  Year-round work visa, keeping and legalizing existing illegal workers, allowing work mobility among employers

Dr. Stephanie Mercier, December 2014 (PhD in agricultural economics from Iowa State University; retired in 2011 from the position of chief economist for the Democratic staff of the Senate Agriculture Committee) “Employing Agriculture: How the Midwest Farm and Food Sector Relies on Immigrant Labor” <https://www.thechicagocouncil.org/sites/default/files/Midwest_Ag_final.pdf>



Agriculture Workforce Coalition advocates the AFF plan as the solution to agriculture labor shortages

Dave Natzke. 2016.  (Natzke previously served as editor/editorial director for two other national dairy publications (DairyBusiness Communications and Dairy Herd Management). Prior to that, he served as managing editor of two weekly agricultural newspapers in Wisconsin (Wisconsin State Farmer and Agri-View), adding up to more than 36 years of experience covering agriculture and the dairy industry.) <http://dairybusiness.com/seo/printable.php?table=headlines&id=1163>

**AWC [Agriculture Workforce Coalition] Proposal for Reform  
Issue**• U.S. agriculture faces a critical shortage of workers every year, as citizens are largely unwilling to engage in these rigorous activities and guestworker programs are unable to respond to the marketplace.  This situation makes our farms and ranches less competitive with foreign farmers and less reliable for the American consumer. Securing a reliable and competent workforce for our nation’s farms and ranches is essential to agriculture and to the U.S. economy.  
**Solution**• This crisis must be addressed through legislative reform that includes both a program (the Agricultural Worker Program component) to provide access to a legal workforce into the future and an adjustment for current experienced unauthorized agricultural workers (the Current Workforce component).  
***Agricultural Worker Program***The uncapped Agricultural Worker Visa Program (“AWP”) will ensure agriculture’s future legal workforce. The AWP allows both employer and employee choice and flexibility by including two options:  
1. “At-Will” employees have the freedom to move from employer to employer without any contractual commitment.  They would have a visa term of up to 11 months with USDA registered employers and then return home for 30 days.  There would be no limit on the number of times a person could obtain the 11-month visa.  
2. Contract employees commit to work for an employer for a fixed period of time and would have a visa term of up to 12 months (renewable indefinitely) and conditioned upon a commitment to return to their home country for at least 30 days over a 3-year period.  
***Current Workforce***In order to minimize the impact on current economic activity, the AWC supports an adjustment of status for experienced but unauthorized agricultural workers who currently reside in the U.S.  This adjustment should include the following components:  
• These workers have a future obligation to work for a number of days annually in agriculture for several years.  
• Upon completion of this future work obligation, the workers could obtain permanent legal status and the right to work in whatever industries they choose, including agriculture.

ADVANTAGES

Expanding agriculture temporary-work program would increase agricultural output and exports

CECILIA MUÑOZ. GENE SPERLING. ALAN KRUEGER. SYLVIA MATHEWS BURWELL. 2013. (Muñoz is director of the White House Domestic Policy Council.) (Sperling is an American economist, who was Director of the National Economic Council and Assistant to the President for Economic Policy under Presidents Bill Clinton and Barack Obama.) (Krueger is an American economist, Bendheim Professor of Economics and Public Affairs at Princeton University and Research Associate at the National Bureau of Economic Research.) (Sylvia Mary Mathews Burwell is an American executive who has been the 22nd United States Secretary of Health and Human Services since 2014.) “The Economic Benefits of Fixing Our Broken Immigration System” 10 JULY 2013. <https://www.whitehouse.gov/blog/2013/07/10/economic-benefits-fixing-our-broken-immigration-system>

A recent study from the Americas Society/Council for the Americas and Partnership for a New American Economy found that the 40 million immigrants currently in the U.S. have created $3.7 trillion in housing wealth. According to a USDA simulation of a similar policy, an expanded agriculture temporary-worker program, would increase long-run agricultural output by between 0.2 percent and 2.0 percent, depending on the crop, and would increase agricultural exports by between 0.2 percent and 3.2 percent.

Farm workers from Mexico make 8 times more in the US than they could at home

Madilynne Clark 2017 (Washington Policy Center's Agriculture Policy Research Director) June 2017 " Washington state’s agricultural labor shortage " <https://www.washingtonpolicy.org/library/doclib/Clark-Washington-state-s-agricultural-labor-shortage-PB-6-23-17.pdf> (brackets added)

The high labor shortage is a shocking statistic, when the [Washington] statewide unemployment rate is seven percent. However, American-born workers are less likely to participate in agricultural labor. The wage rate is unappealing to domestic workers and the difficulty of work is a deterrent to native-born workers. For Mexican-born workers, the wage rate is eight times higher than wages they would receive in Mexico, creating an incentive to migrate to the U.S. for work.

DISADVANTAGE RESPONSES

A/T "Displaces US workers" - H-2A requires search for US workers before hiring foreign workers

Dr. Pia M. Orrenius. Prof. Giovanni Peri and Prof. Madeline Zavodny. 2013. (Orrenius manages the regional group in the Dallas Fed Research Department, is a  research fellow at the Tower Center for Political Studies at Southern Methodist University and at the IZA Institute of Labor, as well as the American Enterprise Institute; former senior economist on the Council of Economic Advisers in the Executive Office of the President; PhD in economics from the University of Calif.) (Peri is Professor and Chair of the Department of [Economics](http://economics.ucdavis.edu/) at the [University of California, Davis](http://ucdavis.edu/) and Research Associate of the [National Bureau of Economic Research](http://www.nber.org/). ) (Zavodny - professor of economics at Agnes Scott College and a research fellow at the Institute for the Study of Labor in Bonn..) “Proposal 12: Overhauling the Temporary Work Visa System” 26 FEBRUARY 2013. <https://www.brookings.edu/wp-content/uploads/2016/07/THP_15WaysFedBudget_Prop12.pdf>

The H-2A program for seasonal agricultural workers, for example, requires that employers try to find U.S. workers before petitioning for foreign workers. Even after H-2A workers are hired, employers must continue to recruit U.S. workers and hire any qualified and eligible U.S. worker who applies for a job until half of the period of the H-2A work contract has elapsed. Employers must also provide housing and transportation to H-2A workers.

A/T "Workers exploited" - H-2A workers paid minimum wage or higher

Wage and Hour Division of the U.S. Department of Labor. 2010. (The Wage and Hour Division (WHD) of the United States Department of Labor is the federal office responsible for enforcing federal labor laws.) “Fact Sheet #26:   Section H-2A of the Immigration and Nationality Act (INA): This fact sheet provides general information concerning the application of the H-2A requirements to the agricultural industry for H-2A applications submitted on or after March 15, 2010.” <https://www.dol.gov/whd/regs/compliance/whdfs26.htm>

The employer must pay all covered workers at least the highest of the following applicable wage rates in effect at the time work is performed: the adverse effect wage rate (AEWR), the applicable prevailing wage, the agreed-upon collective bargaining rate, or the Federal or State statutory minimum wage. Wages may be calculated on the basis of hourly or “piece” rates of pay.  The piece rate must be no less than the piece rate prevailing for the activity in the area of intended employment and on a pay period basis must average no less than the highest required hourly wage rate.

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