



House of Representatives
Judiciary Committee
Ranking Member Jim Jordan

H.R. 1603, the “Farm Workforce Modernization Act of 2021”
Sponsor: Rep. Zoe Lofgren (D-CA)
House Judiciary Republicans Urge Opposition

Congress should reform the H-2A agricultural guest worker program so that growers have access to the labor they need. However, instead of focusing on the H-2A program, H.R. 1603 grants mass amnesty and a path to citizenship to over one million currently illegal alien farmworkers and their spouses and children, and floods the labor market with job competition for Americans.

- **H.R. 1603 provides a special path to citizenship for illegal alien farm workers and their families.** The bill allows illegal aliens who worked in agriculture for a period of time, as well as their spouses and children, to apply for “Certified Agricultural Worker” (CAW) status. After an additional period of agricultural work, CAW workers may apply for a green card.
- **H.R. 1603 shields criminal aliens from deportation and allows them to get amnesty and a path to citizenship.** The bill allows illegal aliens to be eligible for CAW status even if they illegally reentered the U.S., committed immigration fraud, voted illegally in a federal or state election, or committed certain other crimes. The bill also prevents illegal aliens who may be eligible for CAW status from being detained or removed.
- **H.R. 1603 does not guarantee long-term wage rate relief for H-2A employers who compete with non-U.S. farms or with growers who hire illegal labor.** Even though the bill caps the Adverse Effect Wage Rate growth, H-2A employers are required to pay the highest of all the wage rates listed in the bill. There is no requirement that the rulemaking required by the bill to implement an H-2A wage system results in anything different from than the current system.
- **H.R. 1603 is a gift to the trial lawyers and makes the H-2A program more problematic for employers.** The bill subjects, for the first time ever, H-2A employers to a federal private right of action by H-2A employees, providing an economic boon to the trial lawyers at a significant cost to H-2A employers.
- **H.R. 1603 will displace American workers.** When aliens receive CAW status, they only have to work part of the year in agriculture to renew their CAW status or obtain their green cards. Spouses and children have no requirements to work in agriculture at all.
- **H.R. 1603 will increase the number of green cards issued annually.** Any green cards issued to CAW aliens are not counted in the annual green card limit, and there is no offset. The bill also creates a new allocation of 40,000 green cards per year for unskilled laborers and H-2A visa holders.