

Editorials are written by or approved by members of the Capital Press Editorial Board.

All other commentary pieces are the opinions of the authors but not necessarily this newspaper.

# Opinion

Editor & Publisher  
Joe Beach

Managing Editor  
Carl Sampson

opinions@capitalpress.com | CapitalPress.com/opinion

## Our View

# Labor bill seems to check the right boxes

For years we’ve advocated for legislation that would give agricultural producers and processors easier access to affordable, legal foreign workers they need to make up for the lack of domestic laborers who want to pick, pack and process foodstuffs.

A bipartisan measure introduced last week in the U.S. House of Representatives seems to fit the bill. The Farm Workforce Modernization Act, H.R. 4916, has the backing of 24 Democrats and 20 Republicans, including House Agricultural Committee Chairman Collin Peterson, D-Minn.

The bill has tentative support from nearly 250 agricultural groups and labor organizations.

Despite its importance to the country’s food supply, many U.S. citizens consider farm work to be menial. It’s certainly hard, often back-breaking work. In many cases it’s also seasonal, making the jobs less attractive.

As a result, much of the manual farm labor in the orchards, vineyards, vegetable fields, nurseries and dairies in the U.S. is performed by immigrants, mostly who are in the country illegally and who have proffered fraudulent documents to their employers.

These workers are remarkably efficient, but the reliance on what is largely an illegal workforce has been problematic for a number of reasons. And while Congress has provided a program that grants temporary visas for foreign workers, it has been made complex and inadequate due largely to the politics surrounding the immigration question.

The Farm Workforce Modernization Act appears to address some of those vexing issues.

The bill establishes merit-based, five-year, renewable work visas for people in the country illegally who can show they have worked in agriculture at least 180 days over the last two years. They must work in agriculture 100 days a year to be eligible for indefinite renewals and will be able to cross the border whenever they want.

The bill allows those workers a path to permanent legal status.

The bill also dedicates an additional 40,000 green cards per year for agricultural workers and allows H-2A workers to apply directly for green cards after working in the U.S. 10 years.

Temporary three-year visas would be allowed for year-round dairy and non-dairy jobs.

It phases in mandatory use of the E-Verify system, a big step in ensuring a legal workforce.

The bill prevents increases in the Adverse Effect Wage Rate (AEWR) minimum wage for H-2A workers through 2020. It prevents the AEWR from increasing more than 3.25% or decrease by more than 1.5% in 2021 through 2029. Still too much for some, but a start.

It makes the H-2A visa process less complicated and more employer friendly. Farm interests say these provisions don’t go far enough, but we think it’s a good start on which more can be built if the bill progresses to the Republican Senate.

The big question now is whether a sensible piece of bipartisan legislation has a chance of passing with an election but a year away, particularly with Washington’s highly charged political climate.

We hope so.

# Our path forward for America’s farms

## GUEST VIEW

America is fortunate to have a large and diverse agricultural economy. Our citizens — and millions of others across the world — have grown to depend on the high-quality food and goods we produce.

Our farmers and ranchers face many obstacles in today’s global economy, from international trade and market access to ever-changing technologies and regulations. None of these are as pressing for American agriculture as the lack of a legal, high-quality and reliable workforce.

For decades, American producers have been increasingly reliant on a foreign workforce, or workers who lack lawful immigration status, to grow and harvest their crops for market. The only program for accessing a legal and authorized foreign workforce is the H-2A guest-worker program. Farmers and ranchers from each of our home states have pointed to flaws in the program that have been detrimental to the productivity of agriculture.

From the outdated application process, unsustainable costs and convoluted federal jurisdiction to a lack of access for dairy farmers and year-round operations, it is clear the H-2A program needs to work better.

The program — and our nation’s farmers — are in need of meaningful, bipartisan reform.

That is why we joined forces in March to lead a coalition of House colleagues in negotiations with agricultural stakeholders and labor organizations. Out of those efforts, we are proud to announce the Farm Workforce Modernization Act, a bill that would finally provide stability, predictability and fairness to one of the most critical sectors of our nation’s economy.

This legislation will finally provide certainty for farmers by overhauling and modernizing the H-2A program to ensure real access to a strong workforce. Gone is the need to file distinct applications and petitions with various agencies at different points along the growing season.

Instead, employers will file a single, streamlined electronic application to cover an entire season’s labor needs. Employers will no longer face wildly fluctuating wage rates or outdated newspaper advertising requirements. Stabilized wage requirements provide predictability and protection from mid-season wage changes, making it simpler for farmers to seek and retain needed workers.

For the first time, this bill provides a legal source of immigrant labor to the dairy industry and other agricultural sectors with year-round labor needs. By increasing flexibility for farmworkers to match with new employers while improving rural housing options, we can offer much-needed stability and fairness for farms and farmworkers across America.

The bill also guarantees certainty for the hard-working farmworkers who have been helping feed the world for decades. This legislation recognizes the essential contributions of our current, experienced workforce by creating a first-of-its-kind, merit-based visa program specifically designed for the nation’s agricultural sector. Those current workers with significant farm experience are provided access to five-year visas, which provide immediate security to both American farmers and the workers they have come to depend on. With a modernized, employment-based immigration system, farmworkers who have become experts in our fields — thanks to decades of service to America’s farms —



Rep. Zoe Lofgren Rep. Mario Diaz-Balart



Rep. Doug LaMalfa Rep. Jimmy Panetta



Rep. Mike Simpson Rep. Dan Newhouse

will have the option to earn legal status and permanent residence in the United States to ensure the stability of American agriculture.

Finally, with the above reforms in place, the bill would mandate the use of the E-Verify employment eligibility verification system in the agricultural industry. By adapting our immigration system to meet the needs of the agricultural sector, we can ensure access to a safe and legal workforce, encouraging farmworkers to come out of the shadows and continue contributing to our society, legally and without fear.

Farmworkers and a workable H-2A program are vital for the sustainability of farms across the country, but the outdated regulations and mandates that accompany the program put both our producers and our workforce at a disadvantage. With the Farm Workforce Modernization Act, America’s farmers and ranchers will finally have access to the dependable and experienced workforce they need and deserve.

We must improve our agricultural labor programs and laws, and by embracing modernization, this bill will make huge strides for America’s farms.

*Rep. Zoe Lofgren, a Democrat, represents California’s 19th Congressional District. She currently serves as the chair of the House Judiciary Subcommittee on Immigration and Citizenship.*

*Rep. Dan Newhouse, a Republican, represents Washington’s 4th Congressional District. He is a third-generation Yakima Valley farmer and served as the director of Washington state’s Department of Agriculture from 2009 to 2013.*

*Rep. Mike Simpson, a Republican, represents Idaho’s 2nd Congressional District. He serves on the House Appropriations Committee as the ranking member for the Subcommittee on Energy and Water Development. He also serves on the Appropriations Subcommittee on Interior and Environment.*

*Rep. Jimmy Panetta, a Democrat, represents California’s 20th Congressional District. He serves on the House Committee on Agriculture, the House Committee on Ways and Means, and the House Committee on Budget.*

*Rep. Doug LaMalfa, a Republican, represents California’s 1st Congressional District. He is a fourth-generation farmer and serves on the House Agriculture Committee as the Ranking Member on the Conservation and Forestry Subcommittee.*

*Rep. Mario Diaz-Balart, a Republican, represents Florida’s 25th Congressional District. Prior to his time in Congress, Diaz-Balart served 14 years in the Florida State Legislature in both chambers, House and Senate.*

## Our View



Whooshh Innovations

**A tube carries fish over the Cle Elum Dam in July 2017. The 1,700-foot-long tube is the longest Whooshh Innovations has used to transport salmon. Fish travel at 32 feet per second.**

# Look for new solutions to fish problems

Much of the Pacific Northwest and California have been embroiled in a legal fur ball for the past several decades. At its center: fish.

To be exact, several populations of salmon and steelhead that migrate up the region’s rivers to spawn are blocked by dams.

That is the simple version of the issue. Throw in a generous helping of politics, Native American culture, environmentalism, bureaucracy and the Endangered Species Act and you can see why billions of taxpayer dollars are being spent on lawyers, helicopters, trucks, fish ladders and other accoutrements required by judges and bureaucrats.

Into this scenario walks Vincent Bryan III, a lawyer and inventor who has come up with a relatively simple and inexpensive way of getting fish past dams. His system uses air pressure to push salmon through a tube. He calls it a “salmon cannon” but it’s far more gentle than the name suggests. In a few seconds, the fish can make the previously impossible trip over the dam, no worse for wear.

One would think Bryan’s system, developed by his company, Whooshh Innovations, would get lots of attention from fisheries biologists, environmentalists, Native Americans — even politicians, who all say they want to help fish get to their spawning grounds.

Some have shown interest, but it apparently isn’t as much fun as traipsing into court to fight over fish.

In fact, everyone should be interested in Bryan’s Whooshh system, especially in situations where dams have been targeted for removal.

On the Klamath River, for example, hundreds

of millions of dollars from utility ratepayers and taxpayers are being set aside to take out four dams so the salmon can get upstream. For a fraction of that cost, the Whooshh system could help the fish over the dams during spawning season. A portion of the electricity generated by the dams would more than pay for the system.

Similarly, folks have proposed taking out four dams on the Snake River. Again, using the “cannon” the fish could be transported past those dams — no helicopters, trucks or other paraphernalia needed.

Fish could get help over other dams up and down the Snake, Columbia, Klamath and on other rivers.

The federal and state governments appear reticent to try the Whooshh or other devices for getting fish around dams. They seem to think old-fashioned fish ladders, which cost millions of dollars, are adequate. The problem is ladders can’t work in many situations, especially if the dam is too tall.

Unfortunately, many environmentalists don’t appear to be interested, either. If they were, they’d be insisting on testing such devices.

Here’s the catch: Many of these disputes don’t appear to be about solving problems. They are about arguing about them in court and in the state legislatures and in Congress.

It is a case of politics over solutions.

Or maybe some folks only want to get rid of the dams. That’s ignoring the fact that the Columbia and Snake river dams generate nearly half the region’s electricity and prevent places such as Portland from being flooded.

We urge people who have a genuine interest in the survival of native fish populations to consider new alternatives for solving these old problems.