

# **Affordable and Secure Food Act**

## **MYTHS VS FACTS**

**Myth:** The Affordable and Secure Food Act provides amnesty for millions of undocumented immigrants.

**FACT:** The Affordable and Secure Food Act (ASFA) establishes a program for agriculture workers, along with their spouses and minor children, to earn legal status by working in agricultural labor and services. Farm workers in the program may earn a path to a green card after 10 years of agricultural work and at least 4 years under the newly established program.

**Myth:** The vetting in the Affordable and Secure Food Act is inadequate and could allow thousands of criminals to obtain legal status.

**FACT:** ASFA establishes strict and robust national security and criminal restrictions for undocumented farm workers who apply for legal status. A person convicted of any felony offence is ineligible for legal status.

**Myth:** The Affordable and Secure Food Act creates an open border.

**FACT:** The bill establishes a mandatory, nationwide electronic verification (E-Verify) system for all agricultural employment with high standards for privacy and accuracy. It mandates all workers and employers to use this system and creates liability for civil and criminal penalties if they do not. A potential H-2A worker will not be able to travel to the United States until they have received a job offer from an employer who has verified their eligibility with E-Verify.

**Myth:** American workers will lose their jobs if the Affordable and Secure Food Act passes.

**FACT:** The AFSA prohibits the Department of Homeland Security (DHS) from approving an H-2A visa unless the employer can prove to the Department of Labor (DOL), and the DOL certifies, that there are no domestic workers to fill the job, and that the migrant worker will not adversely affect the wages of U.S. workers.

**Myth:** The Affordable and Secure Food Act gives free housing to H-2A workers.

**FACT:** The bill does require employers to provide housing for their H-2A workers. However, the bill includes a nearly \$2 billion in investments for farm worker and rural housing loans and assistance, multifamily rental housing projects, and housing support processing at the USDA.

**Myth:** The Affordable and Secure Food Act does not make any meaningful changes to the H-2A Temporary Agricultural Worker program.

**FACT:** The ASFA reforms the H-2A Temporary Agricultural Worker program by including year-round jobs, modernizing the application process, creating more wage certainty, and ensuring critical protections for H-2A farm workers.

**Myth:** The Affordable and Secure Food Act excludes year-round agricultural employers, like dairy and mushroom producers.

**FACT:** For the first time ever, the AFSA allows year-round agricultural employers to access to the H-2A program, helping this major part of the agricultural economy to access labor. Without this bill, year-round agricultural employers do not have access to a legal foreign workforce.

**Myth:** By allowing any farm worker to file a complaint, the Affordable and Secure Food Act adds more red tape to our already bureaucratic system.

**FACT:** The ASFA codifies existing regulations, which included strict requirements on how and when a person may file a complaint on employer violations of the H-2A program.

**Myth:** Employers will face frivolous and harmful lawsuits because of this legislation.

**FACT:** The ASFA ensures that all H-2A workers have legal protections under the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) and allows H-2A workers to file lawsuits against their employers for MSPA violations. Before any a lawsuit can proceed, there is a mandatory mediation process to reduce legal costs and risks to the employer and worker. The ASFA expressly prohibits frivolous lawsuits, clarifies separate enforcement remedies for H-2A violations versus MSPA violations, and ensures that third parties cannot sue an employer without a farm worker.

**Myth:** The Affordable and Secure Food Act allows employers to mistreat their workers, because it prohibits a worker from filing a complaint against their employer.

**FACT:** The ASFA establishes a process for workers to file complaints against their employer and prohibits retaliation against the worker for filing it. The ASFA also allows a worker to file a lawsuit against their employer for MSPA violations after a mandated mediation process.

**Myth:** The Affordable and Secure Food Act shreds the privacy rights of employers and workers.

**FACT:** The ASFA forbids DHS from using H-2A application information for anything other than the express purposes in the bill. For example, DHS cannot use application information for referrals to U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection. However, there are certain exceptions such as concerns for national security.