



House of Representatives
Judiciary Committee
Chairman Bob Goodlatte

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Goodlatte Statement at Hearing on Agricultural Guestworker Program

Washington, D.C. – House Judiciary Committee Chairman Bob Goodlatte (R-Va.) today delivered the following remarks during the Immigration and Border Security Subcommittee’s hearing (<https://judiciary.house.gov/hearing/agricultural-guestworkers-meeting-growing-needs-american-agriculture/>) on “Agricultural Guestworkers: Meeting the Growing Needs of American Agriculture.”

Chairman Goodlatte: As former Chairman of the House Agriculture Committee, I have had the opportunity to learn first-hand what farmers face in dealing with the H-2A program.

It is a costly, time-consuming, and flawed program. Each year, employers have to comply with a lengthy labor certification process that is slow, bureaucratic, and frustrating. They must expend a great deal of time and money each season in order to prove to the federal government what nearly everybody already knows to be the case: legal, dependable domestic farm labor is very hard to find.

In addition, the program forces them to pay an artificially inflated wage rate. These growers must pay an average of over \$13 an hour in some states and still cannot find enough Americans willing to take the jobs. Further, they must provide free housing and daily transportation. H-2A farms almost always find themselves at a competitive disadvantage in the marketplace.

Agricultural employers who participate in the H-2A program do so as a matter of last resort, and because they want to uphold the rule of law. A guestworker program should help farmers who are willing to pay a fair wage for law-abiding, dependable workers, not punish them. For this reason I have long supported replacing the H-2A program with a workable guestworker program. Instead of encouraging more illegal immigration, successful guestworker reform can deter illegal immigration and help secure our borders.

We should enable the large population of illegal farm workers to participate legally in American agriculture. Those eligible will provide a stable, legal agricultural workforce that employers can call upon when sufficient American labor cannot be found. In addition, a successful guest worker program will provide a legal, workable avenue for guestworkers who are trying to provide a better life for their families.

It is well past the time to replace the outdated and onerous H-2A program – to support those farmers who have demonstrated that they will endure substantial burdens and bureaucratic red-tape just to employ a fully legal workforce, and to offer a program that is amenable to even more participants in today's agricultural economy.

In the 113th Congress, I introduced and the Committee reported the *Ag Act*. This bill would replace the H-2A program with a new program that provides growers with streamlined access to guestworkers and enables dairies and food processors to participate.

The bill would assure a reliable workforce by creating a program that is market-driven and adaptable. It would reduce red tape by adopting an attestation-based petition process. It would, subject to certain conditions, allow guestworkers to be employed at will, making it easier for workers to move freely throughout the agricultural

marketplace to meet demand. It would protect program users from abusive lawsuits. The bill will not recreate the pitfalls of the H-2A program. It will not require growers to:

- hire and train unneeded workers after they have engaged in domestic recruitment and their guestworkers have arrived;
- provide free housing and transportation; or
- pay an unrealistic and uncompetitive wage rate dreamt up by Labor Department bureaucrats.

The new program would be at its core a true guestworker program. It does not create any special pathway to permanent legal status. The bill simply allows agricultural employers to hire – under the guestworker program – aliens who had been unlawfully present just as they can hire any other foreign nationals. They would be required to abide by the same conditions as other guestworkers, including leaving the U.S. periodically to ensure that they retain ties with their home countries.

I have been in discussions with the agricultural community ever since the Committee reported the *Ag Act* over four years ago. The bill that I will shortly reintroduce makes a good faith attempt to take into account their comments and concerns. We cannot squander the golden opportunity we have this Congress to enact meaningful agricultural guestworker reform.

I am pleased to welcome all of our witnesses here today. I thank the Chair for holding this important hearing, and I want to thank in advance all our witnesses for sharing their insights with us today.

For more on today's hearing, click here

(<https://judiciary.house.gov/hearing/agricultural-guestworkers-meeting-growing-needs-american-agriculture/>).

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