

The Securing America's Future Act may ease Washington's agricultural labor shortage

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LEGISLATIVE MEMO

Building a wall or letting immigrants freely flow into the U.S. seem to be the only two options for immigration reform, at least that is how the issue is covered by the media. What if there is a middle ground? Currently, Congress is considering H.R. 4760, the Securing America's Future Act, (also known as the Goodlatte Immigration Bill). For farmers, Rep. Goodlatte's approach just might work, with some tweaks.¹

With the growing desperation for a dependable workforce, farmers are hoping for help with their labor problems. Last year, Washington Policy Center assessed Washington's chronic agricultural labor shortage, finding that just over half of farmers suffer some type of economic damage due to labor problems.²

On March 1st farmers and agricultural representatives met with Representative Dan Newhouse of Washington's 4th District, to discuss a possible solution, the Goodlatte Immigration Bill. Though concerns still exist about the current form of this proposal there are many potential positives.³ Here is a summary of the bill's pros and cons.

Pros	Cons
<ul style="list-style-type: none"> • Dairy industry is pleased to be considered under the new H-2C temporary worker visa.⁴ • H-2C program expands length of stay to 18 months for temporary employment. H-2A program permitted less than one year. Workers must return to home countries for 45 days. • Housing and transportation are no longer a requirement for farms to participate in H-2C, lowering the cost for growers. • Removes a large part of the Washington state bureaucracy from the equation because the Department of Health would no longer need to approve the housing requirements. • Eliminates the mandated Adverse Effect Wage, allowing small growers and row crops to compete more fairly for workers at the market-wage rate. • Allows agricultural employers an 18-month period before requiring electronic verification (E-Verify) of resident status, giving employers an opportunity to become compliant through the H-2C program. 	<ul style="list-style-type: none"> • Bill requires health insurance for temporary H-2C employees which would be costly for the workers. • Concern exists over how effective the bill will be in attracting illegal immigrants to participate. • Leaving the U.S. is required of workers who were present in the U.S. with illegal status as of October 23, 2017. The bill would require workers to fill out paperwork locally and travel to the nearest foreign border within six months of the passing of the act and remain there until H-2C status is granted. • Many migrant workers prefer to travel as families and the current language may not reflect that need. • A cap on visas is included within the H-2C program which is of slight concern, but because of the exemptions and the potential for a 10% increase, it is unlikely to cause any major problems for agriculture. The cap does not include any currently illegal worker who enrolls in the program.

1 "H.R. 4760 – Securing America's Future Act of 2018," Sponsored by Representative Bob Goodlatte, 115th Congress, at <https://www.congress.gov/bill/115th-congress/house-bill/4760/text#toc-HF2DB7124164A4A0490290BFC1D8CE030>.

2 "Washington state's agricultural labor shortage," by Madilynne Clark, Policy Brief, Washington Policy Center, June 28, 2017, at <https://www.washingtonpolicy.org/publications/detail/washington-states-agricultural-labor-shortage>.

3 "Securing America's Future Act," House Judiciary Committee, at <https://judiciary.house.gov/wp-content/uploads/2018/01/011018-Securing-Americas-Future-Act-Final.pdf>.

4 "Dairy Producers Back H2C Immigration Legislation, Sotry, WNAX Radio 570, April 3, 2018, at <http://wnax.com/news/180081-dairy-producers-back-h2c-immigration-legislation/>.

Other provisions within the bill would address Deferred Action for Childhood Arrivals (DACA), E-Verify, and funding for border security. The hope is that this proposal can strengthen our immigration system and provide a solution for the growing labor shortage in agriculture. These are some of the specific problems agriculture is facing:

- The current, temporary visa program under H-2A is expensive – costing growers \$21.50 per hour for wages, housing, and transportation. This high cost is unaffordable for small growers and non-orchard crops.
- If E-Verify is required without an accompanying solution for agriculture, employers would be placed in a position in which the existing labor pool could become even smaller. It is estimated that 55 to 60 percent of the current agricultural labor force in Washington state lacks proper legal status. With the use of E-Verify, farmers would face significant hiring challenges with the current seasonal workforce and significant compliance obstacles due to the flaws in the E-Verify system.

Changes still need to be made to this proposal. As one Newhouse meeting attendee said, “It is easy to have discussions but it is difficult to get the changes on paper.” Even some farm groups across the country are opposing the bill because of the current requirement that illegal workers leave the country first. The California Farm Bureau believes that many of its workers would not participate because they are already here and do not want to risk being deported permanently if they leave the U.S.⁵

Hopefully, changes will be made, and concerns addressed within the bill so members of Congress can support legislation that helps farms and workers.

Another attendee said, “If the Goodlatte Bill is unable to move forward, I predict that it will be another six years until another viable solution is reached within the House.”

That is a long time for agriculture to wait, hurting farmers and farmworkers in the process. Let’s hope it doesn’t come to that.

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Nothing here should be construed as an attempt to aid or hinder the passage of any legislation before any legislative body.

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5 “California Farm Groups Standing in the Way of Immigration Reform,” by Heather Ham-Warren, ImmigrationReform.Com, March 12, 2018 at <https://immigrationreform.com/2018/03/12/california-farm-groups-standing-way-im>.