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Nat DiBuduo

March 26, 2018

The Honorable Bob Goodlatte
Chairman, Committee on Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Goodlatte:

On behalf of the California Association of Winegrape Growers (CAWG), I commend your efforts to develop and pass legislation addressing longstanding problems with our nation's immigration laws.

The policy gridlock that has stymied previous efforts to enact much needed immigration reforms has brought California agriculture perilously close to failure. The absence of a willing, economical supply of labor now requires winegrape growers to defer vitally needed tasks in California's vineyards – the nation's largest producer of winegrapes and wine. This situation cannot continue.

Recently, the grower leadership of CAWG convened to consider the agricultural guest worker component of H.R. 4760 and recent proposed changes circulated by committee staff: we heartily applaud the current direction of these proposed changes. If adopted, the proposed changes would make significant improvements to the bill that passed out of committee and provide for a new H-2C agricultural guest worker program that is much improved over the current H-2A program.

Many improvements have been offered to your bill and we support your continued work to improve H.R. 4760. Specifically, CAWG would ask that you consider the bill's potential to disrupt the current workforce, which has proven vital to the success of California agriculture. CAWG has long supported the concept that those unauthorized immigrant farm workers with a history of working in agriculture should have an opportunity to obtain Green Card status, provided they meet specific rigorous conditions to obtain lawful status. Also, we remain concerned with the potentially disruptive constraints of a 450,000 cap on H-2C visas and we think a more liberal cap would make the program more workable.

H.R. 4760 offers a more streamlined guest worker program than the current H-2A and that is welcome news for the industry, as we have only used H-2A as a last resort. It is appropriate that employers are not required to provide housing or transportation from a

CAWG PROTECTS AND PROMOTES THE INTERESTS OF CALIFORNIA WINEGRAPE GROWERS BY PROVIDING MEMBERS A UNIFIED VOICE, EFFECTIVE ADVOCACY AND STRONG LEADERSHIP.

1121 L Street
Suite 304
Sacramento, CA 95814

PHONE: 916 379 8995
FAX: 916 379 8999

EMAIL: info@cawg.org
WEBSITE: www.cawg.org

worker's home country to and from the United States. However, to attract participants in the H-2C program marketplace realities may dictate that employers need to compensate guest workers for housing and transportation costs through higher hourly wages. Moreover, the attractiveness of H-2C work could diminish over time, as the economies in Mexico and other nearby countries evolve and become more developed.

In the future, workers interested in participating in the H-2C program may come from countries more distant from the United States. Consequently, we believe it would be appropriate to allow H-2C employers the option of providing a housing allowance or a transportation stipend to induce workers to participate in the program, without incurring a corresponding burden to provide a comparable benefit or payment to domestic workers. We urge you to consider this issue.

We understand key features of the agricultural guest worker provisions of H.R. 4760, with amendments, would accomplish the following:

- Allow current immigrant farm workers in the United States and current H-2A and H-2B workers to obtain legal status by acquiring an H-2C visa (these workers do not count against the visa cap).
- Current immigrant farm workers could obtain pre-certification, while in the United States, to participate in the H-2C program.
- Workers who successfully pre-certify for the H-2C program need only leave the United States for a brief time, within 12 months of the program's start.
- Workers employed in a job that is not temporary or seasonal in nature may obtain an initial H-2C visa of up to 36 months; the term for all subsequent visas and for all other H-2C participants would be for 24 months.
- H-2C workers need not accrue more than 45 days outside the United States, during any visa period, to qualify for a subsequent H-2C visa.
- Provide 410,000 H-2C visas for future agricultural guest workers, in the first year of the program and 40,000 visas for meat and poultry processing. The 410,000 H-2C visas for agricultural workers may increase by as much as 10%, within the first year. If the number of visas granted exceed the initial 410,000 cap, then this would be reflected in the next year's visa baseline.
- H-2C workers who complete the job for which they were petitioned may work in an at-will status for the duration of their work authorization period.
- Agricultural businesses would not be required to use E-Verify until two years after enactment of the Act and 18 months after the start of the H-2C program.

Again, the proposed H-2C program in H.R. 4760 represents a substantial improvement over the current H-2A program in many respects. We appreciate the considerable time and effort you and your staff have dedicated to developing a workable agricultural guest worker program. While we believe additional improvements are needed to lessen H.R. 4760's potential to disrupt the current agricultural workforce

and ensure an adequate supply of future workers, we also believe strongly the House of Representatives should move forward to pass the bill.

Sincerely,

A handwritten signature in black ink, appearing to read "John Aguirre". The signature is fluid and cursive, with a large, stylized 'J' at the beginning.

John Aguirre
President