

Written Statement
of
Chalmers R. Carr III

President

Titan Farms LLC

Ridge Spring, South Carolina

February 26, 2013

United States House of Representatives

Judiciary Subcommittee Hearing

on

Immigration Policy and Enforcement

***Hearing on Agricultural Labor:
From H-2A to a Workable Agricultural
Guestworker Program***

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Thank you for allowing me the opportunity to not only share my experience and views on the current deficiencies of the H-2A program, but to also share with you the needs of today's agribusiness industry in a workable guest worker program. I would like to thank the members of this committee for recognizing the tremendous need for creating a guestworker program that addresses the needs of all aspects of agriculture.

My name is Chalmers Carr. I am the owner and operator of Titan Farms in Ridge Spring, South Carolina. Currently we are producing 5000 acres of peaches and 700 acres of vegetables crossing 25 square miles. For the past 14 years my company has been legally employing foreign workers via the H-2A guest worker program and this summer we provided jobs, housing, and transportation for over 500 workers.

I am currently president of USA FARMERS, a national organization of agricultural employers with over 1000 members representing 44 states and all facets of agriculture. Central to the mission of USA FARMERS is to represent agricultural employers in our efforts to obtain a modern guest worker program. USA FARMERS recently joined with other labor-intensive agricultural trade associations to form the Agricultural Workforce Coalition and push for immigration and guest worker reform with a unified voice.

In addition, I am also active in Farm Bureau and serve as Chairman of the South Carolina Farm Bureau Labor Committee and have previously served as Chairman of the American Farm Bureau Labor Committee.

Before I explain how the current H-2A system is broken and share with you my views of a future guestworker program, it is important to understand the *need* for a modern guestworker program for agriculture. There are three areas of grave concern affecting today's workforce that have resulted in a labor-starved agricultural industry and a threat to the food supply of this great nation. First, our current limited domestic agriculture labor force is aging - the baby boomers are getting older - and not being replaced by younger workers. Second, my personal experience, which mirrors so many other employers, demonstrates there are insufficient numbers of agricultural workers and a general unwillingness of available American workers to take on these jobs. The third issue negatively impacting the agriculture industry is the lack of action on immigration at a national level that has forced states to act independently. All of these issues put at risk our domestically produced safe food supply and our national security.

The overall labor force participation rate has declined and this trend is expected to continue and even accelerate from now until 2020. The US labor market is currently experiencing a negative demographic effect in which a large segment of the population is aging with less participation in the labor force and it is not being replaced at an equivalent rate by the younger generation. The Bureau of Labor Statistics reports workers who were 55 years and older accounted for approximately 13% of our labor force in the year 2000. By 2010 that number had grown to 19% and is projected to be 25% by the year 2020. Above and beyond having an aging workforce, we must recognize that we are training our future generations to use their brains and not their backs. Parents from all countries dream of better lives for their children and future generations. We simply want more for those who come after us. Coupled with these demographic changes, a segment of our labor force is not willing to perform the exigent labor required in agriculture. On a daily basis, our workers are required to work out the elements in jobs that can be physically challenging. Imagine harvesting peaches in July when the temperatures climb to over 100° F with 80% humidity while you are picking hundreds of thirty pound bags of fruit; or pruning a peach tree with lopping shears held over your head for an entire day in January in nearly freezing temperatures.

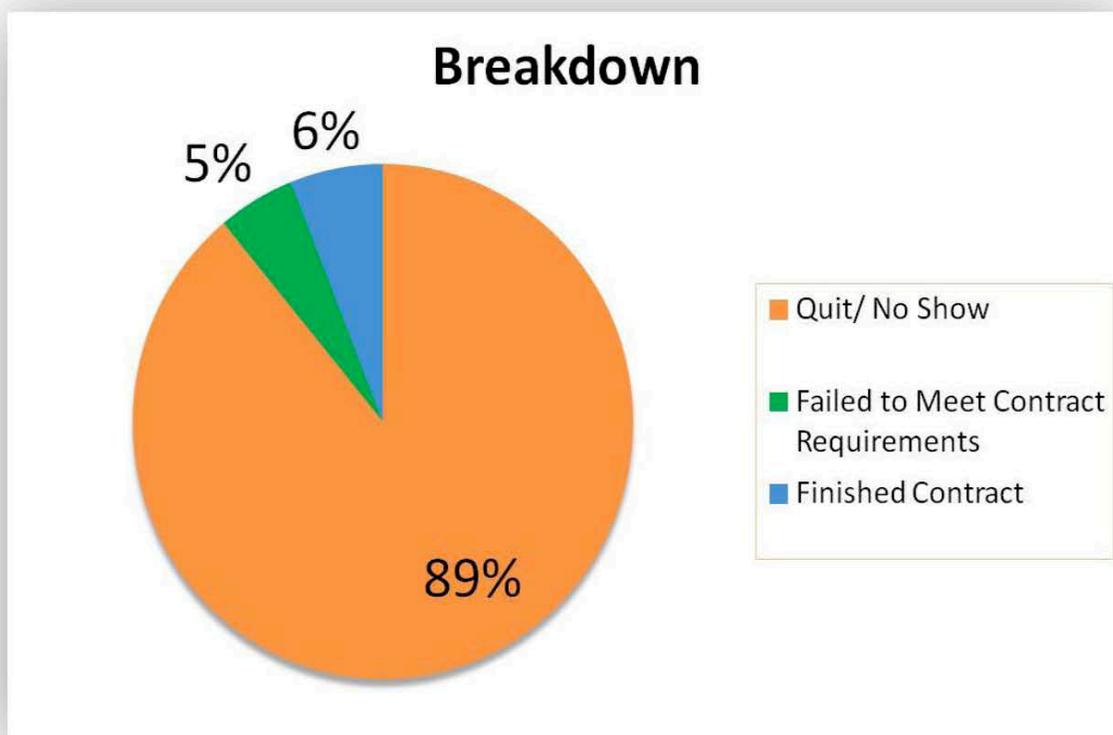
There is an enormous misconception that our country has an abundant supply of Americans willing to work in the agricultural industry. Even with the recent recession, employment of

domestic workers did not increase at the farm level. From 2010 thru the end of 2012 my farm advertised for 2000 job opportunities (see Figure 1.1). Four hundred eighty-three US referrals applied for these jobs and were hired accounting for less than 25% of my workforce need. One hundred nine of the referrals that were hired never showed up to work and 321 of them quit - the vast majority in the first two days! Those who quit and those who never reported to work account for 89% of the workers who accepted the job! Of the 321 who reported to work, only 31 worked the entire season. There is no way I could have produced my peach and vegetable crops with a domestic workforce!

Titan Farms US Referrals and Visa's

Figure 1.1

	2010		2011		2012		US Referrals Total	Percentage of US Referrals
	Visas Applied For	US Referrals	Visas Applied For	US Referrals	Visas Applied For	US Referrals		
Total Hired	615	106	681	279	700	98	483	24%
Quit		76		190		55	321	66%
No Show		12		67		30	109	23%
Failed to Meet Contract Requirements		5		12		5	22	5%
Finished Contract		13		10		8	31	6%
Applied/No Show		7		6		6		
No Rehire Policy				5		3		
Not Qualified						6		



The current American workforce is comprised of a percentage of undocumented workers. Surveys conclude there are 11,000,000+ undocumented foreign nationals living in our country today. Eight million of them are actively working making up 5% of the total US workforce. However, it is commonly accepted that 50% of the 1.2 million workers in agriculture are undocumented. The National Milk Producers Federation reports over 50% of their workers are immigrant laborers producing 62% of the nation's milk supply. The agricultural industry has been left in a vulnerable position because of its reliance on workers possessing documents showing legal presence in the US, but who, in reality may be unauthorized to work. Because of this large percentage of undocumented immigrants, states have felt abandoned by the federal government and have begun to pass their own immigration and employment verification laws. As a result of such legislation, many farms all over the US are having more and more trouble finding needed labor. Ensuing shortages of workers have pushed domestic production of fresh fruits and vegetables abroad costing American producers millions of dollars. In 2010, Georgia's legislature passed a state immigration law that had a substantial negative effect on the state's agricultural industry that accounts for 12% of the state's GDP. A year later Georgia's farm gate losses were estimated to exceed \$300 million and the total financial impact to the state was close to \$1 billion. Another report prepared by the American Farm Bureau Federation estimates the national effect of state immigration legislation could exceed **\$9 billion** in farm gate losses for agricultural producers.

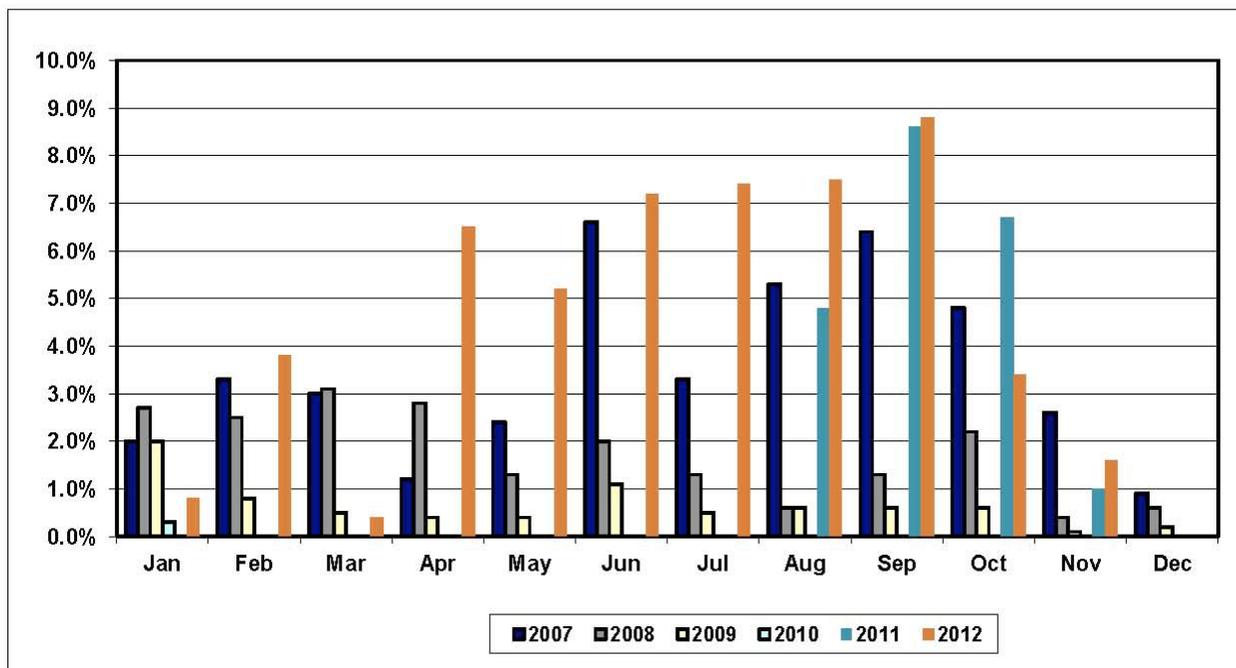
However, even in states where new immigration laws are not on the books, widespread agricultural labor shortages have been reported from coast to coast. Results from a 2012 agriculture employment survey conducted by the California Farm Bureau Federation reported 61% of respondents claimed labor shortages. In labor-intensive fruit and vegetable crops, the shortage reported was even greater at 71%. Washington state has the highest state minimum wage, nearly \$2.00 above the federal minimum wage, yet their labor shortages have increased over the past several years as well. (see Figure 1.2)

Figure 1.2

Seasonal Agricultural Employment Shortage (in Percent)
 Weighted by Labor Force, Size of Employer Reporting
 Washington State: 2007, 2008, 2009, 2010, 2011, 2012

Source: ESD/LMEA, Monthly Agricultural Labor Employment and Wage Survey

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg
2007	2.0%	3.3%	3.0%	1.2%	2.4%	6.6%	3.3%	5.3%	6.4%	4.8%	2.6%	0.9%	3.5%
2008	2.7%	2.5%	3.1%	2.8%	1.3%	2.0%	1.3%	0.6%	1.3%	2.2%	0.4%	0.6%	1.7%
2009	2.0%	0.8%	0.5%	0.4%	0.4%	1.1%	0.5%	0.6%	0.6%	0.6%	0.1%	0.2%	0.7%
2010	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
2011	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.8%	8.6%	6.7%	1.0%	0.0%	1.8%
2012	0.8%	3.8%	0.4%	6.5%	5.2%	7.2%	7.4%	7.5%	8.8%	3.4%	1.6%		



Food safety is another area that must be considered in our country's need for a guestworker program. As domestic production has slowed or moved abroad due to labor shortages, imports of fruits and vegetables have increased annually over the last ten years. It is a staggering statistic that 50% of the fruits and 20% of the vegetables consumed in the United States are now grown outside of our borders. The FDA estimates that 15% of our average daily diet consists of products grown or processed outside the country. Furthermore another FDA report shows that of all the vegetables imported into the US, less than 1% is actually inspected. The results of those inspections are quite alarming. Imported vegetables are three times more likely to be contaminated with food borne pathogens and four times more likely to have been treated with pesticides exceeding the standards of domestically grown produce. **It is evident that our food supply is going to be harvested by foreign workers, whether in this country or abroad. I would rather see this country admit foreign workers and be able to grow, harvest, and pack our food supply on our fertile American soils under our regulations than to import our food supply from abroad.**

An even more significant component to food safety is food security and its direct link to national security. History illustrates that development of a secure food source has led developed nations to political independence, stability and international influence. In a recent speech by Vice-President Joe Biden noted an intrinsic link between access to an adequate food supply and prosperity and stability. Former Secretary of Agriculture Dan Glickman alluded to soaring food prices and supply shortages as major contributors to the 2011 political uprising and governmental upheaval in Egypt. Wealthy Arab countries that watched what happened in Egypt and surrounding regions have begun actively purchasing agricultural land all over the world to ensure their citizens have a dedicated food supply. This is known as the "great land grab". One look at China and you recognize the fine line between political stability and an adequate food source. Currently China houses the largest population on the planet and they have also become the largest purchaser of land. China is dedicating their resources to ensure an adequate food supply in the years to come. **A country having an abundant supply of food has many problems, however a country that cannot feed itself only has ONE problem!** I trust you can conclude the availability of an abundant legal labor supply for agriculture is paramount to our country's prosperity, food safety and national security.

It is clear that we have a need for a guest worker program, however, the H-2A guestworker program in its current state only supplies 4% of the labor force used in agriculture. That statistic alone verifies the current H-2A program is riddled with so many problems and is so cumbersome to use that the vast majority of employers in the agriculture industry have steered clear of it even though the documentation of their workforce may be questionable. The present H-2A agricultural guest worker program was created in 1986 as a part of an overall immigration reform package that included unearned amnesty for about 1.1 million agricultural workers. Amnesty was erroneously assumed to be a long-term fix for future agricultural labor needs, so the law creating the H-2A program was a brief, general description of how such a program would work. Over the years, as administered by the US Department of Labor, the H-2A program became a nightmare of regulations and costs, while the amnestied workers immediately left the farm for other job opportunities in the wider economy. Following I will highlight some of the major problematic areas of the H-2A program preventing widespread adoption and use of the program:

- ♦ **Limited Participation** – The program mandates that the job is seasonal in nature and that it must last no longer than ten months. This precludes participation in the program for any year round producer, such as the dairy, livestock and nursery industries, penalizes operations for diversifying and prevents growth within our industry.
- ♦ **Wage Rate** – the Adverse Effect Wage Rate (AEWR) created by DOL is the #1 reason reported by producers across the country for not using the H-2A program. DOL uses a USDA wage survey of agriculture wages (not designed for this application) and manipulates the data to establish an artificial geographic wage rate that has no realistic comparison to market wages for actual jobs in the same area. On average, the present AEWR is 49% higher than market wages. Furthermore DOL adjusts the AEWR each year often after employers have entered into employment contracts. Employers must increase wages when the new wage is published thus putting them at further competitive disadvantages with non-H-2A producers both domestically and abroad. Lastly, the wage rate methodology appears to be subject to political agendas. This was never more evident than in 2010 when my company incurred a 28% wage increase costing us nearly \$2 million in the ensuing twelve month period.

- ♦ **The 50% Rule** – This provision of the H-2A program requires that employers recruit and hire all US workers regardless of their skills and background through the 50% point of the employer’s contract. The requirement continues even though guest workers are present and working on the farm. Farmers are willing to hire US workers who want to work these jobs, but we need more certainty in the hiring process. At my farm, less than 6% of US workers who are hired actually finish the contract. Of 431 US hires in the past two years, only 31 actually completed the contract. The costs we incurred for additional staff, processing and training to fill those 31 positions was over \$100,000!

Advertising and recruitment as required by H-2A is a huge cost in time, money and productivity. First, growers must advertise in newspapers EVERY time they apply for workers, regardless of whether that advertising has produced any results in the past. Newspaper ads are expensive, especially Sunday papers in larger towns and metropolitan areas. Often several growers in the same small geographical area are advertising simultaneously, several times year. In addition, in today’s modern world very few people think of a newspaper as a place to look for a job.

A forthcoming study from the Center for Global Development and the Partnership for a New American Economy that analyzes H-2A employer records finds that in the two year period of 2011-2012, the nation’s largest H-2A employer spent \$90,000 on newspaper advertisements to recruit U. S. farm workers. During that two-year period, only five U. S. farm workers who applied stated they first learned about the job through a newspaper advertisement. Of those five, only one stayed on the job to complete the crop, earning roughly \$8,000 in wages.

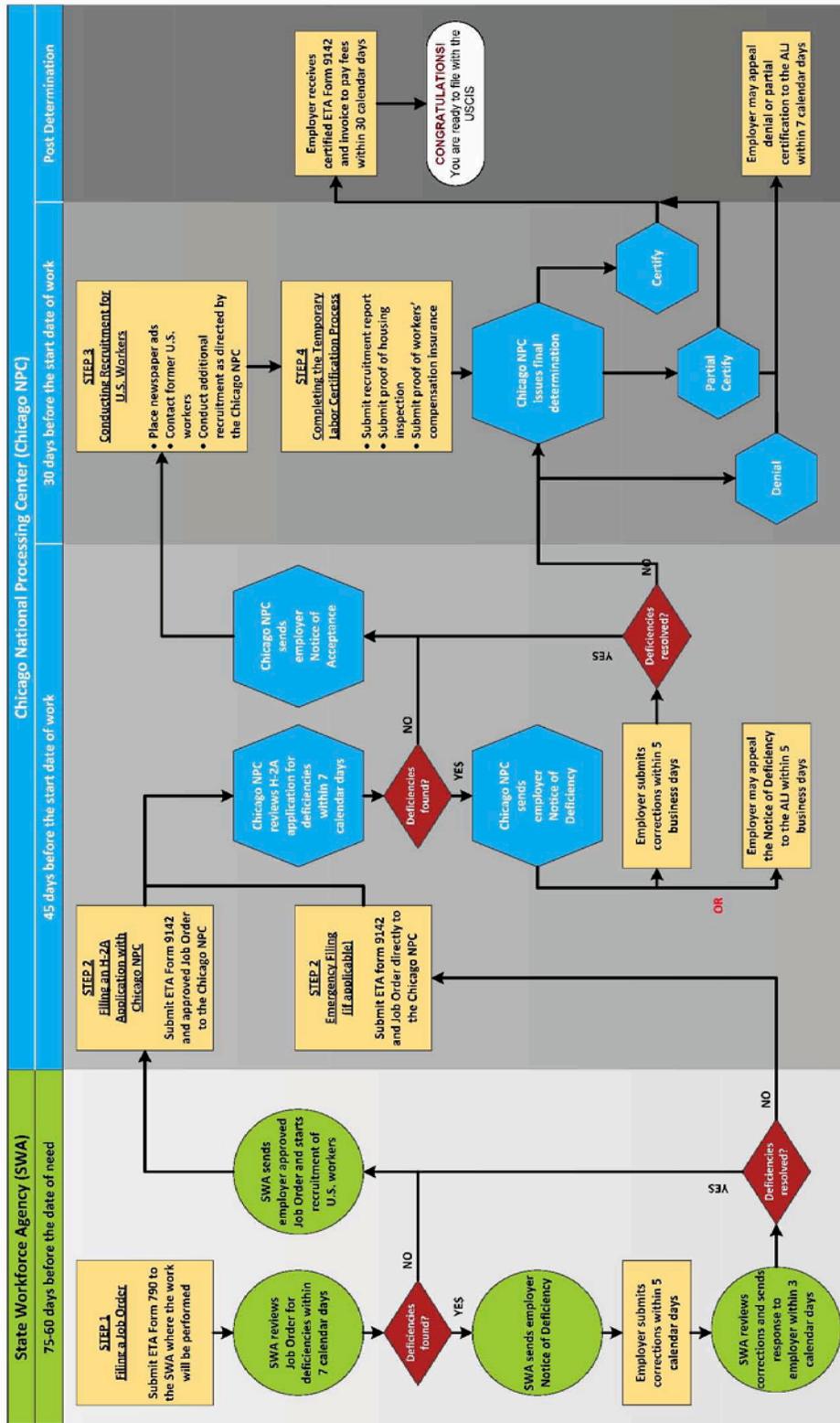
Additionally, a recent DOL change under the current administration that reduces the number of visas requested by an employer based on the recruitment report makes the recruitment provision even more ineffectual for employers. For every US worker who says he will work the contract, a visa is lost by the employer. This happens even though there is no binding requirement for the US worker to actually show up to work or to finish the contract. This reduction of visas leaves employers shorthanded and forces them to incur additional costs and time delays requesting more workers. **Thus the 50% Rule is the #2 reason employers do not use the H-2A program.**

- ♦ **Application Process** – The current H-2A program application process is riddled with excessive bureaucracy, dozens of confusing requirements and other “gotchas” (see Figure 1.3) that force many employers to hire attorneys or other third party agents to help navigate through the process. Presently an employer or his agent must contend with the State Workforce Agency (SWA), the Department of Labor (DOL) and the US Citizenship and Immigration Services Agency (USCIS). The application has several steps with defined timelines for each one. The first step is making a request for need of workers. This request must be made no more than 75 days, but no less than 60 days from the date of need (there are crops that can be planted and harvested within 60 days!). How can producers of time sensitive crops that are greatly influenced by Mother Nature make employment commitments so far out? Furthermore the next steps must occur at 45 and 30 days from the date of need. Any misstep along the way, regardless of how minor, requires the process to restart and delays approval of the request. Yet the crops in the field cannot be put on hold, nor will they wait! The Department compounds these difficulties with its frequent disregard for the statutory requirement that it approve applications 30 days before the employer’s date of need. A US Government Accountability Office (GAO) report released in September of 2012 highlights DOL’s inadequacies in processing applications in a timely manner.

“For example, the Department of Labor (Labor) processed 63 percent of applications in a timely manner in FY 2011, but 37 percent were processed after the deadline, including 7 percent that were approved less than 15 days before workers were needed. This left some employers little time for the second phase of the application process, which is managed by the Department of Homeland Security (DHS), and for workers to obtain visas from the Department of State (State). Although workers can apply for visas online, most of the H-2A process involves paper handling, which contributes to processing delays. In addition, employers who need workers at different times of the season must repeat the entire process for each group of workers.”

Figure 1.3

Appendix C. H-2A Application Process Flow Chart



Legend: ● = Employer Actions ● = Chicago NPC Actions

- ♦ **Housing** – the requirement to provide housing is the **second** largest barrier preventing employers from using the program. Farm labor housing is expensive to build and maintain with construction costs often ranging between \$5,000 and \$10,000 per bed or worker. In the last five years, I have built four labor camps to meet standards set by OSHA, DOL, and my county government. Construction cost of each was over \$7500 per bed or \$250,000 per 32-man housing unit. (See Figure 1.4) In the past, some farmers built housing as an incentive to attract traditional migrant workers to their area, however, this was not the standard in all areas of the country. In many areas of the country today urban sprawl has reached the door steps of American farms bringing zoning and other codes preventing farmers from building worker housing. It should also be noted owner provided housing adds a laundry list of regulations and requirements often leading producers to steer away from providing housing.



Figure 1.4



- ♦ **Transportation and Visa Fees** – These are another set of issues that have become heavily regulated by the current DOL. At an average cost of over \$600 per worker, the present regulations require an employer to reimburse the cost of each worker’s incoming transportation, visa fee, recruiter fee, border crossing and daily subsistence while traveling to the US when the worker completes 50% of the work contract. However the US DOL website notes the Fair Labor Standards Act applies independently from the work contract and, as a result of a court ruling in the Arriaga case, employers are reimbursing these costs within the first week of employment.
- ♦ **The Unknown costs of participating in the H-2A program** – By design and implementation the litigious nature of this program as regulated by DOL over the last 27 years has unequivocally weighed heavily on a farmer’s decision of whether or not to enter the H-2A Program. The publically funded Legal Services Corporation agents across the country have a long history of filing what most people would call frivolous lawsuits against agricultural employers over relatively minor issues. Because an employer has no ability to cure minor mistakes or to have binding mediation or arbitration, they often fall prey to these lawsuits and typically settle out of court because the expense to battle in court is higher than the cost to settle.

These key issues along with numerous others explain why the American agriculture industry DOES NOT use the current H2A program. Congress must address these issues if they truly desire to create a viable guest worker program for agriculture.

Thus far I have explained why we need a guest worker program for agriculture and the disaster of the current H-2A program that only provides 4% of the agriculture labor force. Without argument the H-2A program is broken and in the midst of comprehensive immigration reform I propose that as an alternative, we create a new flexible market-based guest worker system, not only for today’s agriculture industry, but for tomorrow’s as well. The new uncapped agricultural guest worker visa program should be flexible to address the unique needs of a very diverse and time sensitive industry. The first step should be to broaden the definition of Agribusiness to include all sectors of agriculture including processors. The new program should remove the artificial restriction to seasonal employment and permit farmers with year

round operations to participate. For example, dairy farmers have no access to the H-2A program because cows are milked all year long.

Once employers have made the job available to US workers through some modern process and have not had sufficient hires to fill all the positions, they should be free to participate in the new guestworker program. Agriculture production and process varies from crop to crop, animal to animal from state to state. Operations labor needs can be as short as 15 days, to year round and a new program must be flexible to ensure it is available to all of agriculture. A **key** component of a new program is the creation of a visa that would allow a worker to enter the country under a contract with a U.S. employer, or with a certified job offer with an “at will” work authorization. The visa should be valid for up to 12 months and be renewable, provided the guest worker complies with the law and periodically returns to his or her home country for a period of time each year. The program should also include foreign workers who live near the border and want to cross into the U.S. each day to work and then return home. Furthermore, the bar on entry into the U.S. for workers who have been here in undocumented status should be waived so that a worker who has worked in U.S. agriculture and broken no other laws can obtain a visa.

The program should be administered by the U.S. Department of Agriculture (USDA), the agency that has the working relationship with the industry and is accustomed to administering agricultural programs. Employers should register with the USDA for participation. Following is a description of major features of a viable guest worker program that would create a future flow of legal workers into the agriculture industry:

1. **Agricultural employers, associations of agricultural employers, and farm labor contractors should be eligible to participate in the new program by registering with USDA:** Registered employers will file an attestation application stating the total number of workers needed, anticipated date of need, general overview of the agricultural work provided, and designation of employment under contract or at-will, or combination thereof.
2. **Recruitment of U.S. Workers:** An employer must recruit and hire any qualified U.S. workers. The recruitment period ends 30 days before the date of need or when the visa worker departs his/her home country, whichever is later. Due to the time sensitivity of many agricultural crops

and the influence of weather on these crops, the program should have procedures to quickly address emergency labor needs and account for sudden weather or market changes.

3. **Petition Process with DHS:** Upon registration, an employer can file a visa petition with DHS stating the number of workers needed, whether it is under contract or at will and if known, may name any beneficiaries of its petition. Unless there are independent grounds for exclusion under the INA, the employer's petition must be granted by DHS.
4. **A flexible visa program:** We need a program that will accommodate the different sectors of the industry and their locality. It is imperative that in a new program ALL operations have access to workers. Regardless of an employer's duration of need (very short seasons to very long), the geographic location of the job (distance from the border), or lack of other agriculture jobs in the area, all employers must have access to an adequate supply of workers. Employers would have the option to offer contract or at-will employment and workers would have the option of choosing whether they wanted to accept contract or at-will employment.
 - ♦ Workers would have portability to select additional work opportunities. Upon completion of a contract, the worker may elect to continue working in the U.S. by moving to another position with a registered employer.
 - ♦ At-will visa workers would have portability to move from employer to employer throughout the duration of their work authorization.
5. **Labor Standards and Conditions.** There needs to be a realistic approach to these issues that recognizes the competitive domestic and international marketplace we live and work in. The wage rate should be transparent and predictable - and not be based on questionable surveys and suspect methodologies. Wages should reflect the marketplace in agriculture, as they do in other parts of the economy. At that same time, we must also recognize that farmers already have thin profit margins and international competition from regions where labor is plentiful results in constant pressure on farms to remain competitive.

A new, modern visa program should remedy the shortcomings of the H-2A program that is burdened with excessive costs found in no other visa program. For example, no other visa program requires employers to be responsible for transportation costs and no other visa program requires employers to provide housing. In addition, a new program must avoid the "gotchas" and resulting abusive litigation in the H-2A program. The vast majority of employers want to play by the rules and do the right thing, but the endless bureaucracy, conflicting requirements and fine print in the H-2A program leave too many opportunities for innocent and relatively minor mistakes to balloon into tens of thousands of dollars of added costs. For

violations that don't pose an imminent threat to safety, employers should have the right to cure alleged violations before being hit with massive fines and lawsuits.

Employment disputes between employers and workers should be subject to arbitration to ensure disputes are resolved quickly and efficiently without enriching lawyers. If a worker's pay was miscalculated, that should be corrected and the worker should be paid quickly. If a farmer has complied with the rules, he should not have to face years of litigation and tens of thousands of dollars of legal fees to prove it. A private right of action to file more lawsuits is not the answer to resolving disputes - unless, I suppose, you are a lawyer who makes a living off of litigation. Fines and even debarment from participation for serious repeat offenders in the program should be sufficient to deter bad behavior. Employers want to comply with the law and we should avoid creating a complex program that becomes nothing more than a trap for the unwary, which is too often what the H-2A program is.

I would be remiss if I failed to address the argument of worker advocates that farmers only want cheap labor and exploitation of workers is rampant in agriculture. These arguments are old and I am tired of hearing them. I welcome each of you to visit my farm. You will see the vast majority of our foreign workers using personal cell phones, most of which are known as "smart phones" with cameras, e-mail and data plans. Today's technology is the best friend of anyone working in America. They do not need an advocacy organization who does not even know them to speak for them. I have provided a wi-fi hotspot on my farm that any of our employees may use. In the evenings and on the weekends, many workers use this internet connection to contact family and friends all over the world via e-mail, skype and other real-time communication options. The retail market has long required producers like me to address Food Safety practices long before the federal government became involved. Likewise, the pressures of social responsibility and social media will have a greater impact on the treatment of workers and work conditions than any advocacy group or government regulations.

The call for comprehensive immigration is louder than I have ever heard in the past 15 years and, quite frankly, it's about time! However I caution you that comprehensive immigration without prioritizing guest worker reforms will be as incomplete as the Immigration Reform Act of 1986 where Congress gave unearned amnesty to 1.3 million foreign nationals. The failure

was three-fold – belief the amnestied workers would solve agriculture's long term labor needs, failure to create a fraudulent proof employment authorization program, and the failure to properly address the need for a future flow of workers. When IRCA passed I was working for my uncle and personally escorted over 100 migrant workers from his tobacco and peach operation thru the amnesty process. Many workers left the farm immediately, the vast majority had moved on within a couple of years and within five years, all had left the farm or no longer returned seasonally as they had for the previous decade. Twenty-seven years later because of this short sightedness, eleven million plus undocumented foreign nationals are present in the United States. In my opinion Congress has been short-sighted and irresponsible regarding this ever growing problem. Polarized by extremists on each end of the spectrum and fearful of repercussions in polling booths on election day, Congress has avoided this issue for far too long. Individual states are taking a national issue and making it their own and have made the entire issue WORSE!

I implore you to be the statesmen you were elected to be and meet immigration reform head-on. Creating viable market based guest worker programs for the future should be your priority in comprehensive immigration reform. Programs allowing for a legal future flow of workers to all industries, from low-skilled domestic food production to ensure a safe and abundant food supply, to highly-skilled workers allowing for information exchange and entrepreneurial growth that will lead this country into the next century. Address the 11 million undocumented foreign nationals presently residing inside our borders in such a way that they will feel safe to come out of the shadows so we can account for all who reside in this country. Do not displace families from one another; instead provide them with legal work status allowing them to continue to be a productive part of our society, yet not rewarding them for breaking the law by placing them in front of or equal to an immigrant who has followed the rules. Adjusted workers should not be able to take jobs from any presently employed US worker or any guest worker who has been lawfully working within our system. In order to prohibit the mistakes of the past from recurring I encourage you, as part of this effort, to utilize the latest technology available to create an affordable, fraudulent-proof workforce authorization program. If this is done our border problems will be dramatically reduced and rather than focusing on workers who want to come to this country to work on our farms, the government can focus its attention on those

individuals who want to come to the US to do harm.

Understanding the enormous debate this topic will generate and the numerous other challenges Congress is facing, I foresee little time to properly address comprehensive immigration reform. However, I believe the failure by Congress to act on immigration at the federal level will have a disproportionate impact on American agriculture. An increase in action at the state level does nothing to repair this broken system. States have the ability to enforce immigration laws but they are unable to create guestworker programs. The agriculture industry MUST have guest worker reform this year whether it is a part of a large comprehensive bill or as industry specific legislation.

The agriculture community has been divided over the last decade in regard to immigration reform. However recently we have come together in a unified voice as a group of organizations representing the diverse needs of agricultural employers from across the country. I join the members of USA FARMERS and a host of agricultural organizations from across the country in support of the Agricultural Workforce Coalition (AWC) and its principles of agriculture immigration and guestworker program reform. I humbly request that you consider the framework for program reform outlined by AWC as you delve into guestworker reform. These principles are highlighted above. This unity in agriculture surrounding guestworker reform is unprecedented and I would hate to lose that momentum by Congress's failure to move forward.

The realization that currently the US labor force is changing demographically, the lack of interest in available agricultural jobs, the adoption of immigration and employment verification legislation at the state level and the current complex and costly H2-A program that is insensitive to the unique needs of today's agriculture leaves my industry and the security and prosperity of our country at risk. I hope you will consider the principles outlined herein as the framework for a future guest worker program that will address the needs of agriculture and provide a future flow of legal workers to the agriculture industry providing food, fiber, and shelter to America and across the globe.

And so I leave you with this question – would you rather have the food you feed your family grown on our fertile soils under the governance of the USDA and harvested by lawfully admitted foreign nationals? Or will you accept putting food on your dinner table tonight that was grown in a foreign country with unknown production practices and food safety protocols? Either way, the food will still be harvested by a foreign worker. It is my hope that Congress desires to ensure American farmers can continue to feed Americans at home, with plenty left over to feed much of the rest of the world.

Thank you for your time and consideration.