



**Agriculture Workforce Coalition**  
**Statement for the Record**  
**Subcommittee on Immigration and Border Security**  
**Committee on Judiciary**  
**Agricultural Guestworkers: Meeting the Growing Needs of American**  
**Agriculture**  
**U.S. House of Representatives**  
**July 19, 2017**

Chairman Labrador, Ranking Member Lofgren, and members of the Subcommittee, thank you for the opportunity to submit a statement for the record. The workforce challenges agricultural employers around the country are facing have reached critical levels, so we applaud your effort in holding this hearing.

The Agriculture Workforce Coalition (AWC) brings together over 100 organizations representing the diverse needs of agricultural employers across the country. AWC serves as the unified voice of agriculture in the effort to ensure that America's farmers, ranchers and growers have access to a stable and secure workforce. The AWC came together out of the realization that, while America's farms and ranches are among the most productive in the world, they have struggled for many years to find enough workers to pick crops or care for animals.

As you know, instability in the agricultural labor force has surpassed critical levels. Farmers have few options in these times of labor shortages. Sometimes, they must let crops rot in the fields. Other times farmers have attempted to access the only program that admits foreign workers in agriculture: the H-2A visa program. As the traditional agricultural workforce contracts, participation in H-2A has grown as a last resort. While workable for some in the industry, its inflexibility and the multiple federal agencies involved in the process make it very difficult to access and utilize.

We need a more flexible and nimble agricultural guestworker program, but a statutory cap on the number of available visas would be an unnecessary step back from current law and would limit the future growth of the U.S. agriculture sector. At the same time, we remain concerned that a program involving three separate federal agency approval procedures, already strained by a doubling of the H-2A visas in recent years to more than 134,000, is not capable of handling substantially more visa applicants without significant delays or a complete breakdown.

In addition, current program interpretation on seasonal work prohibits its use for many segments of agriculture, including dairy and livestock, mushroom, and other year-round production, leaving these industries without a legal mechanism to hire foreign workers. As a result, the H-2A program only provides about ten percent of agriculture's total workforce.

While many suggest Americans should fill these jobs, we know from long experience that these are jobs that Americans simply will not do. These jobs are not for the unskilled; farm work requires experience, stamina and dedication. As our society has grown older, better educated, and more urban, our native-born seek other jobs outside the agricultural sector. A farmer cannot survive and compete without a skilled and dedicated workforce.

Agricultural employers continually place advertisements regarding employment opportunities on their farms. Offered wages are often well above federal and state minimum wages, and higher than starting wages in some other entry level economic sectors. Typically, these help wanted ads go unanswered. And if people do respond, they generally are disenchanted with the job after only a few days. Although many of these jobs offer wages competitive with non-agricultural occupations, they are physically demanding, conducted in all seasons and are often seasonal or transitory. It is for these reasons that farmers have grown to rely on foreign workers, of which approximately 70 percent are in questionable legal status.

The agriculture labor shortage hurts our competitiveness, local economies and jobs. In fact, every farm worker engaged in high-value labor intensive crop and livestock production sustains two to three off-farm jobs. The activities that occur on domestic farms support not only farmworkers, but also an entire supply chain of transportation providers, input suppliers, processors and consumer retail functions. Many of those jobs would be permanently lost if access to agriculture's current workforce was jeopardized.

The great success story that is American agriculture is threatened by this situation. All AWC members agree that those factors, along with an increasingly rigid and burdensome H-2A program, demonstrate the need for a new approach. AWC continues to seek an equitable, market-based solution to the problem. Reforms to the immigration system can ensure that American agriculture has a legal, stable supply of workers, both in the short- and long-term for all types of agriculture. This requires a legislative solution that provides stability to our current labor force through an adjustment of status to ensure our producers have the experienced workers today and tomorrow, and ensures future needs are met through a new program that will admit a sufficient number of willing and able workers in a timely manner.

We cannot continue to limit farmers' and rural America's economic potential due to labor instability. Therefore, AWC members seek the approach outlined above to ensure a legal, reliable, long-term workforce for all sectors of the industry.

While we look forward to the House moving forward with legislation to mend our broken immigration system, the AWC is particularly concerned with the impact any enforcement-only legislation might have on the current agriculture workforce. We recognize the need for interior enforcement; however, a mechanism such as mandatory E-verify would have a devastating impact on our industry in the absence of a legislative solution for agriculture's labor needs. Immigration enforcement without a program flexible enough to address the labor needs of fruit, vegetable, dairy and nursery farms, and ranches, will result in many U.S. farmers and their farm employees losing their livelihoods and an overall decrease in U.S. agricultural production.

Let us be very clear: the vast majority of America's farmers fully comply with the law at the time of hire. But the paper-based system created by Congress in 1986 for verifying identity and work authorization is vulnerable to the use of false documents. Employers, including farmers, are not experts in spotting false documents. As previously noted, despite the employers' best efforts, many if not most, of the agricultural workforce is in the United States without proper work authority. Farmers would welcome a system that is simple, efficient, effective, and certain, so long as it is paired with a solution to ensure access to a legal and stable workforce.

The ramifications of a national E-Verify mandate without solutions to ensure reliable access to labor are very clear. We have ample experience from states such as Alabama and Georgia where there is not an available domestic labor force for our industry. One Florida citrus harvester found his workforce dried up after mere discussion of an E-Verify mandate in Florida. After the State's employment service was unable to help him, he turned to his local sheriff, who offered him inmates on work-release. Sixteen inmates made themselves available, but only 8 actually showed up at the farm; 2 finished the first week; none returned for the second week.

An enforcement-only or enforcement without reforming our broader immigration system approach will have a devastating impact on rural economies across America and even more concerning, such an approach would create a national food security problem. Based on a farm labor study conducted by the American Farm Bureau Federation (AFBF) in 2014, the impact of an enforcement-only approach to immigration that causes agriculture to lose access to its workforce would result in agricultural output falling by \$30 to \$60 billion.

Additionally, the AFBF study found an enforcement-only approach would result in a 30-61 percent decrease in domestic fruit production and a 15-31 percent decrease in domestic vegetable production. The livestock sector would also suffer lost production by as much as 27 percent. The dairy industry in particular would be impacted by an enforcement-only approach. The dairy industry is very labor intensive—cows must be milked twice a day, 365 days a year, including Thanksgiving, Christmas, Easter and the Fourth of July. For dairy farmers, their harvest comes twice a day, every day. Left without any legal channel to find workers if US workers are simply not available or not interested, these producers need to maintain access to their workforce is to help ensure the well-being, health and productivity of the cows.

The AFBF study also found the ideal approach to resolving the labor problem in agriculture would be to pair enforcement with an adjustment of status for the experienced workforce and a redesigned guest worker program. This is why the AWC has called for legislative reform which includes both an adjustment for current experienced, unauthorized agricultural workers and a new market-based visa program that provides both portability and contractual opportunities to provide access to a legal workforce into the future.

For nearly 20 years our industry has sought reforms to ensure a legal and stable labor solution. There is no other industry with greater workforce demographic challenges and foreign labor reliance than agriculture. This is a bold thing to suggest, but if this Congress were to pass reform legislation that truly addresses agriculture's workforce challenges, the industry could pursue a phase-in of E-Verify sooner rather than later. Like the old adage goes, "you don't want to put the

cart before the horse.” In this instance, agricultural labor reform is the horse, E-Verify is the cart, in order for success to follow, the horse and the cart must be in the proper sequence.

Furthermore, the AWC recommends a phase-in approach to E-verify for agriculture due to agriculture’s unique hiring circumstances. A rushed approach could hurt agriculture even with a fix for our current and future workforce. Agriculture’s unique hiring situations require a thoughtful evaluation of the application of technology. Hiring often occurs in remote rural areas with limited internet access. Job offers are often made field side in crews, not with an individual application process and access to web based programs. Our workforce needs have very pronounced seasonal peaks and there is often high turnover. Few farms have the luxury of dedicated human resources staff. Such factors justify allowing additional time for the necessary technological adjustments to be made before the industry is required to comply with E-verify. Agriculture needs access to a stable and legal workforce to continue to produce the most abundant and affordable food in the world. Without a workforce, our nation’s domestic food supply and up to several million on-farm and farm-dependent jobs in communities across America are in jeopardy.

It is imperative that the Committee not pass any E-Verify legislation unless it is coupled with a program that will provide agriculture with a reliable, legal workforce. The continued production of labor-intensive agricultural crops and products in the U.S., ranging from dairy and livestock to fruit and vegetables and tree nuts, cannot be accomplished without vitally important labor provided by skilled and experienced farm workers. E-Verify legislation without provisions to address the unique labor needs of agriculture will drive more of our farmers out of business and move more of our food production abroad where there is abundant labor.

In closing, we strongly commend Chairman Goodlatte on his steadfast, forceful advocacy over the years for action that would ensure a secure, legal workforce in agriculture today and in the future. As the process unfolds in the House, the AWC will continue to work with Chairman Goodlatte and other members to ensure that any legislation achieves a workable, flexible and market-based solution that addresses the labor needs of agricultural employers both in the short and long terms. We call on all members of the Committee and your colleagues in the House to join us in this common effort to move bipartisan legislation forward that will lead to enactment of a solution that ensures agriculture producers have access to a legal and stable workforce.

Thank you again for holding this hearing and we look forward to working with you on this vital issue for American agriculture.