



**AGRICULTURE WORKFORCE COALITION
STATEMENT SUBMITTED TO THE
JUDICIARY SUBCOMMITTEE ON IMMIGRATION & BORDER SECURITY
U.S. HOUSE OF REPRESENTATIVES
FEBRUARY 26, 2013**

Chairman Gowdy and members of the Subcommittee, thank you for the opportunity to submit a statement for the record. We applaud your effort in holding this hearing to look at the labor needs faced by agricultural employers across the country. The Agriculture Workforce Coalition (AWC) brings together 39 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 in recent years to find enough workers to pick crops or care for animals. The great success story that is American agriculture is threatened by this situation, and AWC has been working to develop an equitable, market-based solution to the problem.

The labor situation in agriculture has been a concern for many years, but is moving towards a breaking point. Today, large segments of American agriculture face a critical lack of workers, a shortage that makes our farms and ranches less competitive and that threatens the abundant, safe and affordable food supply American consumers enjoy today.

Repeated evidence over the past decades has shown that there are some jobs in agriculture that Americans simply do not want to do. Although many of these jobs offer wages competitive with similar, non-agricultural occupations, they are physically demanding, conducted in all seasons and are often seasonal or transitory. It is for this reason that farmers have grown to rely on foreign workers.

However, the only option for farmers and ranchers to legally find the workers they need is the H-2A program, a program that has not worked for many agricultural employers.

The H-2A program's basic framework is overly restrictive and difficult for an employer to maneuver. Furthermore, the H-2A program is only accessible for producers with seasonal needs; excluding the year-round needs of many producers such as dairy, livestock, mushrooms, and other crops. In recent years it has become even more unworkable and costly to use. The program has become so burdensome, in fact, that producers use it only when they absolutely need to, and the H-2A program provides only about five percent of agriculture's total workforce.

A national survey conducted by the National Council of Agricultural Employers of H-2A employers under the current rules illustrates some of the program's significant shortcomings. It showed that

administrative delays have caused an economic loss of nearly \$320 million for farms in 2010 alone. 72 % of growers using the program reported that workers arrived after the “date of need,” on average 22 days late. Also, denials of H-2A applications have increased dramatically in recent years, according to the U.S. Department of Labor’s Foreign Labor Certification Data Center, further complicating the process and increasing costs.

To address this issue, the AWC has developed a new approach that meets both the short- and long-term workforce requirements of all of agriculture—both those producers with seasonal labor needs, and those with year-round needs.

The AWC proposal has two components. It admits the reality that a majority of agriculture’s current workforce is undocumented, in spite of producers’ good faith efforts to verify work authorization. In the short-term, granting work authorization for current experienced agricultural workers will preserve agriculture’s workforce and maintain stability in the sector. These workers would have a future obligation to work for a number of days annual in agriculture for several years. After this obligation is fulfilled, the employees could obtain permanent legal status and the right to work in whatever industries they choose, including agriculture.

For long-term stability, a new market-based agricultural worker visa program is needed that will provide access to a legal and reliable workforce into the future and the flexibility to meet the needs of all producers. This new Agricultural Worker Visa Program (AWP) allows both employer and employee choice and flexibility by including two options:

- An “At-Will” option, in which employees can choose to move from employer to employer without a contractual work arrangement. Workers would have a visa term of up to 11 months with USDA registered employers and then return home for 30 days. There would be no limit on the number of times a person could obtain the 11-month visa.
- A contract option, in which employees can choose to work for an employer for a fixed period of time and upon completion of the job, move on to work for other employers if they choose. This option would permit work for up to 12 months (renewable indefinitely) with USDA registered employers and a return to their home country for at least 30 days over a 3-year period.

American agriculture cannot continue as a bright spot in our economy without a legal, stable workforce. Reforms to the immigration system can ensure that our farmers and ranchers have access to the workers they need, both in the short- and long-term. These reforms require a legislative solution, such as the AWC proposal, that moves beyond past initiatives which are no longer viable to meet agriculture's needs.

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