

BRUCE L. BRALEY

1ST DISTRICT, IOWA

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Congress of the United States
House of Representatives
Washington, DC 20515

Statement of Congressman Bruce Braley
House Judiciary Committee
Subcommittee on Immigration, Citizenship, Refugees,
Border Security, and International Law
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WASHINGTON, DC OFFICE

1408 Longworth Building
Washington, DC 20515
(202) 225-2911
Fax (202) 225-6666

<http://www.house.gov/braley>

WATERLOO DISTRICT OFFICE

501 Sycamore St., Suite 623
Waterloo, IA 50703
Phone: (319) 287-3233
Fax: (319) 287-5104

DAVENPORT DISTRICT OFFICE

209 W. 4TH ST., SUITE 104
DAVENPORT, IA 52801
PHONE: (563) 323-5988
FAX: (563) 323-5231

DUBUQUE DISTRICT OFFICE

350 W. 6TH ST., SUITE 222
Dubuque, IA 52001
Phone: (563) 557-7789
Fax: (563) 557-1324

Thank you, Chairwoman Lofgren, Ranking Member King, and members of the Subcommittee, for holding this important hearing today and for inviting me to testify. I'm very pleased that the Subcommittee is holding this hearing to examine what happened in the investigation, arrest, detention, conviction, incarceration, and deportation of hundreds of undocumented workers at the Agriprocessors, Inc. meatpacking plant in Postville, Iowa.

I've been pressing for accountability and looking for answers about what happened before and during the raid at Agriprocessors – the world's largest kosher meat processor – since the May 12th, 2008 raid of the plant. Even before the raid, in fact since November 2007, I've been questioning conditions at the Agriprocessors plant. Unfortunately, I've received few good answers to my inquiries, and just last week received conflicting information from the Department of Labor (DOL) and Immigration and Customs Enforcement (ICE) on their coordination before the raid.

The raid at Agriprocessors, in which ICE officials detained nearly 400 workers on immigration and criminal charges, is the largest enforcement action of its kind in U.S. history. There is no doubt that workers who violate the law need

to be held accountable. Identity theft and fraudulent use of Social Security information are crimes, and crimes should be prosecuted.

However, while ICE has been effective in finding and detaining undocumented employees who may have broken the law, I'm equally concerned that the employer, Agriprocessors, be fully investigated and prosecuted for any violations of the law. The sheer number of arrests made by ICE during the May 12th raid raises serious questions about the company's knowledge of what was going on in its facility. Almost half of Agriprocessors' entire workforce was detained by ICE officials – including a dozen minors, who are prohibited by Iowa labor law from working in a slaughterhouse in the first place. The affidavit filed by federal officials cited numerous allegations of questionable behavior by company officials, including under-the-table cash payments to undocumented employees and physical abuse. The *Des Moines Register* has reported that Agriprocessors has a "history of noncompliance with state and federal regulations related to food safety, pollution and workplace safety at its Postville facility...."

These allegations are serious and disturbing. I'm pleased that the Department of Labor has indicated that the Wage and Hour Division District Office in Des Moines began an investigation of Agriprocessors earlier this year for possible violations of the Fair Labor Standards Act, and that the Department is working in cooperation with the U.S. Attorney and the State of Iowa to protect the rights of workers and properly enforce the law. However, I'm also concerned

that the ICE raid may have had an impact on the ability of the Department to conduct a thorough and comprehensive investigation.

A letter I received from ICE last week said that “prior to the May 12, 2008, operation at the Agriprocessors facility, ICE fully coordinated its activities with other Federal agencies, including the Department of Labor (DOL).” This statement directly contradicts a letter I received from the DOL on July 3rd, which said that the “raid occurred without the prior knowledge or participation” of the Wage and Hour Division (WHD), and that, “no advance notice was given to WHD or any other DOL agency prior to the raid.” In addition, the DOL letter states that the May 12th enforcement action “changes the complexion of WHD’s investigation.”

I’m very concerned that there is conflicting information from the agencies on whether ICE communicated with DOL prior to the Agriprocessors raid, and I intend to continue pushing for answers about any communications between the agencies prior to the raid. While upholding immigration law is important, so is ensuring workplace safety, and one should not have to come at the expense of the other. I sincerely hope that the lack of communication between ICE and DOL did not and does not lead to decreased safety for workers at the plant.

The situation at Agriprocessors is further evidence that our immigration system is broken. I believe that Congress needs to think boldly and act confidently for a change in order to fix it. As I learned this year on my trip to our border with Mexico, we need to invest in the technology and personnel to secure our border. We need to debate the feasibility of an effective and affordable

employment verification system, and we need to agree on what to do with the undocumented immigrants who are already here. We also need to ensure that the appropriate agencies are fully coordinating with each other, and that employers like Agriprocessors who break our immigration laws are thoroughly investigated and prosecuted to the full extent of the law.

Unfortunately, under the current Administration, the prosecution of employers who've violated immigration laws has plummeted. In 2004, only four employers faced sanctions for hiring undocumented workers – out of more than 9 million employers in the United States. The record has improved only slightly in recent years.

The federal government must demonstrate a commitment to enforcing the law against corporations who profit by looking the other way when immigration, workplace safety, child labor, environmental, and food safety laws have been broken. Unless we enforce our laws equally against both employees and employers who break the law, we will continue to have a serious problem with illegal immigration in this country.

You can be assured that I'll continue to press for answers on the Agriprocessors raid, and continue to press for the employers to be held accountable for any violations of the law. Thank you again for allowing me to testify before the Subcommittee today, and thank you for your efforts to ensure oversight and accountability through this hearing.