



STATEMENT OF
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ON BEHALF OF THE
NATIONAL COUNCIL OF FARMER COOPERATIVES
AND THE
AGRICULTURE WORKFORCE COALITION
TO THE
SUBCOMMITTEE ON IMMIGRATION & BORDER SECURITY
COMMITTEE ON JUDICIARY
U.S. HOUSE OF REPRESENTATIVES

Chairman Gowdy, Ranking Member Lofgren, and members of the Subcommittee, thank you for the invitation to testify on H.R. 1772, *the Legal Workforce Act*.

I am Chuck Conner, President and Chief Executive Officer of the National Council of Farmer Cooperatives (NCFC). NCFC represents the interests of America's farmer cooperatives. There are nearly 3,000 farmer cooperatives across the United States whose members include a majority of our nation's more than 2 million farmers.

I am also here on behalf of the Agriculture Workforce Coalition (AWC). The AWC brings together nearly 70 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 are struggling 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 the AWC has been working to develop an equitable, market-based solution to the problem.

While the labor situation in agriculture has been a concern for many years, it has now reached 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.

As the House begins considering legislation to mend our broken immigration system, the AWC is particularly concerned with the impact any enforcement legislation might have on the current agriculture workforce. While the AWC recognizes the need for interior enforcement, 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.

The effect would go far beyond the farm gate. If there is no one available to pick the crops or milk the cows, industry sectors that operate upstream and downstream of farm production and harvest will be adversely impacted as well. Studies have shown that each of the nearly two million hired farm employees, who work in labor intensive agriculture, supports 2 to 3 fulltime American jobs in the food processing, transportation, farm equipment, marketing, retail and other sectors. Mandatory E-Verify without workable labor solutions for agriculture puts these American jobs, and the economies of communities across the country, in jeopardy.

Despite the employers' best efforts, many if not most, of the agricultural workforce is in the United States without proper work authority. 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. An adequate and skilled workforce is a must to help ensure the well-being, health and productivity of the cows. And while many others in agriculture can attempt to utilize the current but dysfunctional H-2A temporary and seasonal guest worker program, those with dairy and livestock operations cannot utilize this or any other program because of their year-round, rather than seasonal, need. Thus they are left without any legal channel to find workers if US workers are simply not available or not interested.

The AFBF study 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.

While many suggest Americans should fill these jobs, we know from long experience that these are jobs that Americans, even during and after the worst of the recent economic downturn, simply will not do. 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. Because of the lack of US workers, many farms have come to rely on a foreign workforce.

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. 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.

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.

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.

For nearly 20 years our industry has sought reforms to ensure a legal and stable labor solution. Broad bills in recent years would have phased in E-Verify, with agriculture generally being the last industry required to comply. 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.

For these reasons, the agricultural industry would be forced to oppose any E-Verify legislation that does not also address the agricultural workforce crisis. 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.

In closing, 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.

Thank you again for holding this hearing, and we look forward to working with the Subcommittee and other members to ensure that the labor needs of agriculture both now and in the future are addressed. I look forward to responding to your questions.