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Feb. 12, 2013

TO: Rep. Arlen Siegfroid, Chairman  
Members of the Committee  
House Committee on Federal & State Affairs

FROM: Leslie Kaufman, Kansas Cooperative Council  
Brad Harrelson, Kansas Farm Bureau

RE: **National immigration reform efforts of the Agriculture Workforce Coalition (AWC).**

Chairman Siegfroid and members of the Committee, both of our above named associations are members of the Kansas Business Coalition for Immigration Reform and support the comments of our coalition partners which were presented by Eric Stafford (Kansas Chamber) and Natalie Bright (Kansas Society of Human Resources Management -SHRM). Additionally, both of our national affiliates, the National Council of Farmer Cooperatives (NCFC) and the American Farm Bureau Federation (AFBF) are members of a national coalition -- the Agricultural Workforce Coalition (AWC) -- focused on immigration reform for the agricultural industry, as a part of comprehensive immigration. We wanted to share information regarding AWC's efforts for your background and, more importantly, as a demonstration that serious immigration reform discussions are occurring in Washington, DC.

The Kansas Business Coalition for Immigration Reform has always held that, first and foremost, immigration is a federal issue and Congress and the President need to address the issue now. Federal policymakers are embarking on that effort with proposals coming from the Obama administration and a bi-partisan group of Senators.

We are providing this additional information on AWC's work on reforming agricultural immigration programs to ensure the existence of a reliable, documented ag workforce. They have additional information on their website at [www.agworkforcecoalition.org](http://www.agworkforcecoalition.org). We do hope you will take some time and review these materials.

Washington is stepping-up to address this issue of national importance. Comprehensive, federal legislation is the best way to deal with the short-comings in our immigration system. State-by-state enforcement programs are not the answer, and Kansas does not need to jump into the enforcement arena.

If you have any questions for about the work of AWC or our positions on immigration reform issues, please feel free to contact us:

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Thank you for the opportunity to share our comments on this issue of great importance to farmers, ranchers, and cooperatives.

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**Issue:**

- ✓ U.S. agriculture faces a critical shortage of workers every year, as citizens are largely unwilling to engage in these rigorous activities and guestworker programs are unable to respond to the marketplace. This situation makes our farms and ranches less competitive with foreign farmers and less reliable for the American consumer. Securing a reliable and competent workforce for our nation's farms and ranches is essential to agriculture and to the U.S. economy.

**Solution:**

- ✓ This crisis must be addressed through legislative reform that includes both a program (the Agricultural Worker Program component) to provide access to a legal workforce into the future and an adjustment for current experienced unauthorized agricultural workers (the Current Workforce component).

***Agricultural Worker Program***

The uncapped Agricultural Worker Visa Program ("AWP") will ensure agriculture's future legal workforce. The AWP allows both employer and employee choice and flexibility by including two options:

1. "At-Will" employees have the freedom to move from employer to employer without any contractual commitment. They 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.
2. Contract employees commit to work for an employer for a fixed period of time and would have a visa term of up to 12 months (renewable indefinitely), and conditioned upon a commitment to return to their home country for at least 30 days over a 3-year period.

***Current Workforce***

In order to minimize the impact on current economic activity, the AWC supports an adjustment of status for experienced but unauthorized agricultural workers who currently reside in the U.S. This adjustment should include the following components:

- ✓ These workers have a future obligation to work for a number of days annually in agriculture for several years.
- ✓ Upon completion of this future work obligation, the workers could obtain permanent legal status and the right to work in whatever industries they choose, including agriculture.

## **Background:**

Farmers and ranchers have long experienced difficulty in obtaining workers who are willing and able to work on farms and in fields. Jobs in agriculture are physically demanding, conducted in all seasons and are often transitory. To most U.S. residents seeking employment, these conditions are not attractive. A number of studies document this fact, and farm worker representatives also acknowledged this in recent congressional testimony. Yet, for many prospective workers from other countries, these jobs present real economic opportunities.

In times of shortages farmers have relied on these foreign workers who are admitted under a government sponsored temporary worker program known as H-2A and on workers who appear to have legal status to be working in the United States. The demand for foreign workers is heightened due to not only a lack of a domestic workforce, but also the reverse migration of workers from the U.S. to Mexico, historic levels of immigration enforcement and bipartisan congressional commitment to a credible work authorization system through mandatory E-Verify. All AWC members agree that those factors, along with an increasingly rigid and burdensome H-2A program demonstrate the need for a new approach.

Reforms to the immigration system can assure 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 deals with the current unauthorized and experienced agricultural workforce and ensures that future needs are met through a program that will admit a sufficient number of willing and able workers in a timely manner. Past legislative proposals (e.g. AgJOBS, HARVEST Act, BARN Act and other bills) have attempted to reform the H-2A program to ensure a future workforce in agriculture. However, it is apparent that those proposals are no longer viable to meet agriculture's needs.

Multiple H-2A regulatory changes and rigid program administration have made use of an already difficult program nearly impossible. A national survey conducted by the National Council of Agricultural Employers of H-2A employers under the current rules showed that administrative delays result in workers arriving on average 22 days after the date of need causing an economic loss of nearly \$320 million for farms that hire H-2A workers. Costly recruitment requirements result in less than 5 percent of those referred by the government working the entire contract period.

Agriculture needs a program that functions as efficiently as the current free market movement of migrant farm workers while providing the security of a contractual relationship in areas where there is little migration. Having lost confidence in the H-2A structure as a framework for future success, AWC members are seeking the new approach outlined above to ensure a legal, reliable, long-term workforce for all sectors of the industry.

## **About the Agriculture Workforce Coalition:**

The Agriculture Workforce Coalition (AWC) brings together 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. For more information, go to <http://www.agworkforcecoalition.org>.

*January 2013*