

Senator Charles E. Grassley

Questions for the Record

Connie Horner

1. There has been much discussion about moving the H-2A program from a certification process to an attestation process.
 - a. What are the problems you face or see with the certification process? Let me be very clear, a certification or attestation process is irrelevant. Neither will fix the program. I would consider it Humpty Dumpty - You cannot fix it.
 - b. Do you support or oppose an attestation process whereby employers who bring in foreign workers would have to “attest” that they’ve tried to find or hire an American first? Please explain. Please re-read my testimony; it will answer most of your questions. Americans don’t want seasonal farm labor jobs at virtually any wage. Why? They have choices. Air-conditioned jobs that pay comparable wages are available. I tried to hire Americans and the U.S. Department of Labor could not supply just five workers—despite near-record unemployment rates. Of those few Americans whom I was able to hire locally, only 1 finished the harvesting season in 2009. Most lasted a few days. The result: 80% of my crop rotted in the fields. In 2010, I sent out 58 hire letters. Thirteen individuals accepted the jobs and came to work. None - ZERO finished the harvest season.
2. There has been a great deal of support to make E-Verify a staple in every workplace. I have been a champion of the system since it was created in 1996. There are many employers in the agricultural sector that use it. It is my hope E-Verify will be made mandatory for all employers, virtually replacing the paper I-9 process. My question is about functionality. The system is web-based. It’s free. It’s easy to use. What recommendations do you have for Congress to make sure E-Verify works even better for all sectors of the economy and for all businesses, regardless of size? The mechanics of E-Verify may be fine, but requiring farmers to use E-Verify without a new mechanism to provide **authorized**, seasonal farm labor will create OPEC II. The second generation

OPEC will be the *Organization of Produce Exporting Countries*. We'll depend on foreign countries for our food because E-Verify will cripple American agriculture. E-Verify should be the final check that a seasonal farm worker is here legally once a new foreign worker authorization system is created and field-tested by American farmers. The current E-Verify program is a checking system—not a farm labor solution.

3. Senator Feinstein mentioned a proposal that would allow undocumented workers in the agricultural sector to obtain a “blue card” and stay lawfully in the United States as long as he or she continued to work in agriculture. Senator Feinstein also proposed putting biometric markers on the “blue card”.
 - a. Do you support the biometric “blue card” idea proposed by Senator Feinstein?
Blue, red, green-it doesn't matter. The issue is simple: How does the U.S. Government turn an unauthorized seasonal farm worker into an **authorized** worker? The process must be simple, attractive to foreign workers and cost effective for American farmers. Forget tying it to H2A. If the Senator's Blue Card system provides the authorization that would be great.
 - b. If biometric “blue cards” were required of undocumented ag workers in the United States, who should be forced to incur the costs for a biometric reader that presumably be required of employers? I do not know enough about the technology and costs to say much on this issue. For example, will every employer need equipment, or is it more about government tracking people as they enter and leave the U.S? I believe there are ways to generate funds that would help with the cost of such a program. For example, employers can withhold payroll funds from "blue card" holders to help underwrite the cost of administering the program.
4. Many proponents argue that amnesty for those illegally here is the only viable solution to our immigration and workforce shortage problems. They claim that foreign workers are doing jobs that Americans just won't do. On the other hand, some would argue that if you legalize the undocumented workers here now, human nature will encourage those workers to get out of agriculture and do a job that is safer, cleaner, and easier. If

Congress were to legalize those working currently in agriculture, how would we deal with the future labor problems if such workers moved up the economic chain and away from agricultural work? I did not ask for amnesty or citizenship anywhere in my testimony. You are making the solution far more complicated than it has to be. Farmers need our legislators to figure out a way to change an individual's work status from unauthorized to authorize. That's all. A biometric Blue card will probably work. Since employers are currently withholding all the necessary payroll taxes from these individuals, and they are not entitled to the benefits of those deductions in the future, just replace those withholdings with school taxes, and a UTA (Unauthorized to Authorized) tax. These taxes should be set high enough to off set the financial burden on the local communities. These workers would **only** be eligible for the Blue Card as long as they remain employed in Agriculture. And for the record again, these foreign workers ARE doing jobs that Americans won't do!