

Senator Jeff Sessions
Questions for the Record
All Witnesses

1. Do you believe that any immigration system we devise should be one that is clear and can be and is enforced? Yes, but that means that our borders must first be secured. I'd guess that thousands of individuals illegally cross our borders every day. Stop that, and then start enforcement. A permanent solution must start with border Security!
2. Do you believe there is any way to ensure that guest workers will actually be temporary and able to be reduced when their labor is no longer needed by the market? Please explain your answer. If the proper steps are taken and if they are taken in the proper order, then yes. However, if you start with e-verify, you will end up with OPEC II - the second generation OPEC will be the *Organization of Produce Exporting Countries*.
3. Do you agree that one of the largest unforeseen side effects of guest worker programs is the cost of the foreign worker to the taxpayer in the form of education, healthcare, and increased government-wide infrastructure? How would a proposed guest worker program address those issues? Would employers be required to provide health insurance, for example? Please explain your answers. I believe foreign workers have contributed to the increase in Healthcare and education cost; however, I believe the increased Government-wide infrastructure is solely due to irresponsible government spending and lack of oversight. Senator Feinstein's Blue Card may temporarily solve this labor crisis. Since employers withhold all the required Federal and State payroll taxes from these guest workers that will never receive the benefits of these deductions, I would suggest converting those deductions to a UTA (Unauthorized to Authorized) tax and School tax from the newly authorized individuals. These two taxes should be sufficient to off set the burden to the local communities. As far as the out-of-control government spending, voters will hopefully address that in 2012.
4. If only a fraction of agricultural employers use the H-2A program, how can we determine whether it is really meeting the needs of agricultural employers? Talk to the farmers who have used the program in the past, and ask them why they stopped. We know that good news travels fast; we also know that bad news travels even faster! H2A is Bad News. As I stated in my testimony-H2A would make Rube Goldberg proud. It is a well-meaning mess.
5. Do you agree that depressed wages are the main reason that Americans are reluctant to take farm jobs? Do you agree that these depressed wages increase the instability of the agricultural workforce? Do you agree that current wage levels will result in the current immigrant, legal and illegal, agricultural workforce moving into other sectors of the economy, such as construction, for example? Please explain your answers. No. No. and No. It's not about wages. It's about choices. Americans have other choices and they choose not to pursue seasonal farm work. Skilled, experienced blueberry pickers earn between \$10 and \$20 an hour. Average earnings of Americans that I have employed on my farm are less than \$3.75 per hour, yet these workers must be paid at the very least minimum wage, but in most of my cases, they are bumped up to the H2A AEWR (Adverse Effect Wage Rate), which was at one time 60% higher than minimum wage! No company can survive by employing unskilled, inexperienced workers. Every business' success is determined by the skill and/or experience of its employees. Farming is no different. American Farmers need skilled, experienced workers to survive; and Americans need American Farmers to survive - again OPEC II.
6. Do you agree that the availability and extension of unemployment benefits to citizens who are not working contributes to the lack of American workers who will take agricultural jobs? Please explain your answer. I believe unemployment benefits should have a lifetime limit on them. I believe continuing to extend these benefits may be contributing to our recession; however, I don't believe these individuals will end up working on a local farm. I am glad that America offers safety net programs to help individuals who need temporary assistance; however, the abuse of these generous programs is widespread. Individuals, who are identified as abusers of unemployment and other entitlement programs, should be removed from such programs and no longer eligible for

benefits in the future. If the government stops paying entitlement program abusers, we should never have to raise the debt ceiling again.

7. In 1986, Congress granted amnesty to Seasonal Agricultural Workers (SAW) under the Immigration Reform and Control Act. This program was wrought with fraud, and many illegal immigrants who did not qualify for amnesty were able to become citizens under the program. Do you believe that a new temporary worker program that provides amnesty for the current illegal workforce would also be susceptible to such fraud? How could it be avoided? Do not offer amnesty and fraud will be avoided. Don't make the solution to this crisis harder than it is. We need an individuals' work status changed from Unauthorized to Authorized - That's all. If the Blue card enables the current, experienced work force to legally work in agriculture that would be wonderful.

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Questions for the Record
Connie Horner, President, Horner Farms, Inc.

1. How much would it cost Horner Farms per year to hire a purely legal workforce? Horner Farms, Inc. would go bankrupt before a purely legal workforce was obtained. Please refer to my testimony. Americans will NOT do these jobs. If you eliminate our current, experienced work force, you will create OPEC II. (Organization of Produce Exporting Countries!) I prepared a spreadsheet using my 2010 harvest season payroll information from both my H2A workers and my DOL referrals. The migrant workers information was gathered from several local farmers. This spreadsheet should answer some of your questions.
2. How much would Horner Farms have to offer in compensation (per hour or annually) to get American workers to accept entry-level and other positions? How much higher is that wage than current wages? Horner Farms, Inc. will go out of business offering the compensation it would require to attract and keep American workers. Again, please refer to my spreadsheet. It should answer this question.
3. What efforts has Horner Farms undertaken, aside from government implemented recruitment programs, to recruit American workers? H2A, 3 branches of the DOL, word of mouth, and advertised in several bordering states.
4. Many small farms across the country participate in internship programs where students work for school credit. Does Horner Farms participate in any internship or fellowship programs to recruit workers? No, I am not aware of any such programs in my community or surrounding areas.
5. You testified that you did not experience delays in obtaining H-2A workers because you anticipated the time it would take to process the applications. Your primary issue with the current H-2A program seems to be the amount of paperwork.
 - a. Would you agree that it is within the capability of agricultural employers to anticipate the time it will take to get H-2A workers, and thus have them on hand when it is time to harvest? No. I paid dearly in 2010. My H2A workers showed up the first day of my 2-week cushion. I had to create busy work for my DOL referrals as well as my H2A workers until my fruit was ready to be harvested - two weeks later! Even the

best farmers cannot predict the exact day that their crops will be ready, nor can they predict the backlog of applicants at any particular embassy. I was just lucky until 2010, when it cost me thousands.

- b. Would a program that allowed workers to come to America for less than a year and prohibit them from bringing their families meet the needs of your farm? Honestly, my concern is only that my workers are skilled and experienced. A program that simply provides legal bodies with no blueberry picking experience will not help me at all. And I'm certain that other farms across the country need skilled, experienced workers specific to their farming operations. So to be clear, legal bodies without experience will NOT solve this crisis. Remember OPEC II - For American Agriculture to survive, we need an experienced, skilled workforce. Refer to my spreadsheet!