

Senator Charles E. Grassley

Questions for the Record

Robert A. Smith

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?
 - 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.

Response for 1a and 1b: Our focus has been on determining the potential impact of successful immigration enforcement actions on agriculture in the six-state Northeast region that we serve. We do not have special expertise on the problems with the H-2A program or the best approach for a new agricultural guest worker program. Our view is that most farm businesses simply do not have large Human Resource departments to work through the challenges of the current H-2A program – this is especially burdensome for small and mid-size operations, but the uncertainty of the current H-2A program is a problem for all size farm businesses. An attestation program would seem to help address the uncertainty concern, but other changes may also be required.

Organizations such as the American Farm Bureau Federation, National Council of Agricultural Employers and Agricultural Coalition on Immigration Reform are more knowledgeable about how a workable agricultural guest worker program should be structured.

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?

Response: We have no recommendations on how to improve the E-Verify program. The concern that we have expressed is that to allow for continuation of many labor-intensive agricultural operations, we need a workable agricultural guest worker program in place prior to mandatory E-Verify. This view is not intended as a criticism of E-Verify; it is reflection of the reality of the agricultural workforce in which a significant portion of the workforce may not be authorized and our desire to maintain a diverse agriculture industry in the United States.

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?
 - 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?

Response: While Senator Feinstein's approach should be considered, Farm Credit East has not taken a formal position on this and we would look to other organizations such as American Farm Bureau and the Agricultural Coalition for Immigration Reform to review this proposal and express their position on this approach.

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?

Response: This is an interesting question and one that we may not have the necessary expertise to address in detail. It would seem that a relatively simple agricultural guest worker system that enables employees to become legal and restricts the legal authorization to agricultural employment opportunities would address this concern. Again, we may not fully understand this issue to address it in an effective manner.