

Senator Jeff Sessions
Questions for the Record
Robert A. Smith

1. Do you believe that any immigration system we devise should be one that is clear and can be and is enforced?

Response: We should have an immigration system that is clear and can be enforced, but that also provides for an effective agricultural guest worker program.

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.

Response: Our research has been focused on understanding the impact of successful immigration enforcement on the six-state Northeast region that we serve. We are not experts on the current H-2A program or on how a guest worker program needs to be structured to allow an efficient approach to allow workers to come into the US and leave the US in an efficient manner.

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.

Response: I am unaware of data on the cost of agricultural guest workers on the taxpayer. One would hope that these issues could be fully addressed in creation of a workable agricultural guest worker program that has no net cost to the US government.

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?

Response: As noted above, we do not have special expertise on the H-2A program. Organizations such as the National Council of Agricultural Employers and American Farm Bureau Federation may have better insights on the problems and limitations of H-2A. We do note, that the H-2A program is not available for most dairy farm workers.

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.

Response: No. We are unaware of research that has shown that wage levels for farm workers have created uncertainty in the agricultural workforce. A workable guest worker

program that ensures a legal and stable workforce for agriculture would presumably be focused on agricultural employment opportunities and not employment opportunities in other industries. We do note that global competition plays some role in wage levels – for labor intensive farms it can be difficult to dramatically increase wage levels and remain competitive.

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.

Response: We have not reviewed or discussed this issue.

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?

Response: While we believe that a workable agricultural guest worker program should be established and that there should be a process to allow experienced workers to continue to work on US farms, we do not have a recommendation/suggestion on issues associated with amnesty and citizenship.