

Statement of
The Honorable Patrick Leahy

United States Senator
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I thank Senator Schumer for holding this important hearing. I am pleased that the subcommittee on Immigration, Refugees, and Border Security will focus on the needs of America's farmers and the important role that foreign workers play on our Nation's farms. For many years, American farmers have been urging Congress to act to reform our immigration laws. Unfortunately, the difficult politics of this issue have stood in the way. I hope today's hearing will help to refocus the Senate's attention on the reforms that will support and strengthen our national agricultural community.

Our current system fails to provide farmers with an adequate, legal workforce—due to regulatory hurdles and, for some, lack of access to the program. From Vermont to Georgia to California, farmers have long relied on the assistance of hardworking men and women who travel to the United States to work.

As a Senator from a state that prides itself on its dairy products and a long tradition of family farming, it is unacceptable to me that dairy farmers are still being denied access to the H-2A agricultural visa program, which was designed to authorize immigrants to work in agricultural jobs. Other year-round agricultural activities, such as sheepherding, logging, and pine straw gathering are explicitly authorized by regulation to use the H-2A program. I have repeatedly argued to Republican and Democratic administrations alike that this policy is unfair and inconsistent, but my arguments have fallen on deaf ears. There is no rational defense to denying dairy access to H-2A.

Like many other sectors of agriculture, dairy farmers have consistently had difficulty attracting domestic employees. Current regulations put dairy farmers in a position of choosing between their livelihoods and taking risks with a potential employee's immigration status. This must change.

I have introduced targeted, bipartisan legislation to provide dairy farmers with access to the H-2A program, which also includes additional provisions tailored to the needs of dairy. My legislation would not only provide dairy farmers with a lawful avenue to obtain foreign employees for realistic periods of employment, but would also codify existing regulatory practice that allows other sectors, like sheepherding, to use the H-2A visa program.

Some oppose any expansion of the H-2A program, arguing that the H-2A system is imperfect, and permitting additional agricultural sectors to access it would only compound a bad situation. We all recognize that the H-2A program is imperfect. I hear concerns regularly from Vermont nurseries, apple growers, and others about the terrible inefficiencies and obstacles they face while trying to navigate a bureaucracy that is supposed to be helping them. But I believe that basic access to the H-2A program is a better option than what dairy farmers now have, which is no access at all and a status quo that drives workers into the shadows.

We need real solutions for farmers and farm workers. I continue to be a strong advocate of the long pending AgJOBS bill, which would solve not only the challenges that dairy farmers face,

but would provide broad relief to farmers and farm workers across the country. Unfortunately, despite the fact that the AgJOBS bill is a carefully negotiated, fair approach that takes the needs of all stakeholders into consideration, some have chosen to put ideology over the legitimate needs of the men and women who work so hard to put food on our tables.

Regrettably, in the House of Representatives, the most prominent proposal is one to make the Federal E-Verify work authorization program mandatory for every single employer in the United States. Proponents of this approach are well aware that imposing this government mandate on all Americans, without additional broad reforms to the immigration system, will cause severe harm, especially to small businesses and farmers. This year in Georgia, for example, the state legislature passed a mandatory E-Verify requirement. As a result, farmers were unable to find workers; in some cases as much as 50 percent of their normal workforce did not return. Despite active efforts to find local workers, these farmers were unable to do so.

American farmers need policies that will help them flourish, not more bureaucratic hurdles.

While I have no objection to E-Verify as a voluntary program, I cannot support any proposal to turn the current program into a broad Federal mandate. I look forward to hearing the perspective of today's witnesses who are in a position to know first-hand the consequences of such a policy.

We need to act now to support our Nation's agriculture system with a fair and workable immigration system-one which supports employers, protects workers, and preserves opportunities for any American wishing to work in agriculture. American farmers deserve a Federal policy that will support and help grow their businesses. I am confident that Congress can act to create such a system, and I look forward to today's testimony.

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