

Statement of

# **The Honorable Charles Schumer**

United States Senator  
United States Senate  
October 4, 2011

Senator Charles E. Schumer  
Senate Subcommittee on Immigration, Refugees and Border  
Security October 4, 2011

Good morning everyone. Today's hearing is on the current American agricultural labor crisis, and the existential threat American agriculture faces by efforts in the House to pass mandatory e-verify laws without addressing the immigration status of the current agricultural labor force. Agriculture is an important industry not just for America, but for New York State--where over 35,000 farms account for total sales of nearly \$5 billion, and use nearly one-quarter of New York's total land area. Given the amount of jobs and economic activity that are at stake, we must do everything we can to give our producers the tools they need to succeed.

But whether it is apple farmers in Western New York, strawberry growers in the Mohawk Valley, tomato farmers in the Hudson Valley, dairy producers in Northern New York, or nurseries in Long Island--everywhere I go, folks tell me that the long-term viability of their farms is threatened because they can't find the workers they need to remain competitive in the global market.

Some might ask, in these times of double-digit unemployment, why can't farms hire American workers?

Well, virtually every family farmer I have met in my travels across New York has aggressively tried to hire Americans to work in their nurseries, farms, and vineyards.

My friends in the Long Island Farm Bureau can tell you that more than half of their members pay more than \$12-\$15 per hour per worker, and actively seek to hire American workers. Many arrange for buses to pick-up and drop-off their employees.

But what these family farmers are finding is that--even in this difficult economy, even if they offer Americans twice or sometime three times the minimum wage and provide benefits--American workers simply won't stay in these jobs for more than a few days.

This is not an indictment of the agricultural industry or the American worker. It is simply a statement of fact that the average American will not engage in seasonal agricultural work that requires them to move several times a year throughout the country and work seven-days per week in extreme heat and cold.

So who is stepping in to take many of these difficult seasonal agricultural jobs? Immigrants who need these jobs to support the families they left behind in their native country.

Unfortunately, many of these immigrants working in agriculture are in illegal status. That means family farmers are often confronted with the Hobson's choice between hiring workers in illegal status or going out of business.

This conundrum is about to reach a dangerous boiling point, as mandatory E-Verify laws like those already passed in Alabama, Arizona and Georgia--as well as those proposed in the House and the Senate--now pose an existential threat to American agriculture.

At this point I would like to introduce two articles into the record:

- A September 30, 2011 article from the Dothan Eagle in Alabama where John McMillan--the Republican elected Commissioner of Agriculture--indicated that the Alabama immigration law (which includes mandatory e-verify among other enforcement measures) would "have an adverse impact on the farm economy in the state of Alabama."

- A September 29, 2011 article from Reuters where Commissioner McMillan reported "crops rotting in fields as a result of day laborers leaving the state ahead of the law taking effect" in Alabama.

As the witnesses will tell us today, if Congress passes mandatory e-verify laws without providing growers a way to keep their current workforce, it will be issuing a death sentence to farmers across America, and to the Americans in agricultural-related jobs who depend on a strong agricultural sector.

Let me just give you a few statistics one of our witnesses, Bob Smith, will tell us about today, that are particularly staggering.

- In the Northeast, mandatory e-verify threatens the existence of over 1,700 family farms.

- Nearly 50,000 agricultural jobs in the northeast alone would be eliminated if mandatory e-verify is passed.

- If those northeast agricultural jobs are lost, over 55,311 off-farm jobs in agriculturally related businesses could also be lost. These are positions held by Americans in agricultural marketing and processing businesses, farm suppliers and farm service businesses.

It is time for Congress to pass a practical solution to this problem, and to stop the ideological rhetoric that does not match the reality on the ground. We need a solution that severely penalizes farmers who hire illegal immigrants and exploit their workers. But we also need to provide farmers with the ability to transform their current workforce into a tax-paying, English-speaking, legal workforce.

The current situation is simply untenable. Every day, American farms are closing and America has to import more and more food from abroad because it is far cheaper to buy foreign food than it is to produce food here. Failing to act is both a food security threat and an economic security hazard.

I am confident that our distinguished panelists today will help us better understand the problems and guide us toward the best solution for reforming our agricultural immigration system.

I now recognize the distinguished ranking member, Senator Cornyn, for an opening statement.