



March 15, 2011

National Council of Agricultural Employers (NCAE) proposes a major project to document the need for a realistic and effective agricultural worker program to supply the workforce required to keep our food production from moving to other countries.

American agricultural employers are caught between a “rock” of increasing worksite-focused immigration enforcement and a “hard place” of a broken legal worker program. Unless Congress recognizes that the existing H-2A (temporary farm worker) program does NOT provide the intended safety net to assure a legal and stable farm workforce, farm employers face the disastrous threat of enforcement-only legislation robbing them of their livelihood. This is bad for growers and, bad for U.S. workers and the economy, and bad for the American people.

With Congress and many states moving toward mandatory E-verify, we all face a crisis that could bring labor intensive agriculture in the U.S. to its knees. Unless we can provide documented background and facts to support unique legislative treatment, Congress will assume that “there is a guest worker program with unlimited visas for you (agriculture) to fall back on.” Our congressional supporters have made clear that it will take clear facts and statistics to convince Congress that agriculture does NOT have a workable program. We cannot rely on anecdotal reports from H-2A users alone. If we can document that the H-2A program is broken, it becomes clear that enforcement-only legislation will drive much of our domestic food and other agricultural production out of the country, or out of business.

This issue is too important to be considered an NCAE issue or an H-2A employer problem, it is a DOMESTIC AGRICULTURE ISSUE. All segments – growers & producers, shippers, packers, suppliers, and food companies must participate financially, and assist with grassroots lobbying, to supply the facts to Congress that justify a solution that includes a workable and stable agricultural labor solution.

NCAE proposes to raise \$300,000 to fund an emergency project to provide the credible and documented facts and background we must have to successfully convince Congress that there is a NEED to replace the H-2A program with a program that is simple, affordable and provides agricultural workers on time. The project will encompass three major steps:

Phase I. Find, gather and analyze information currently available from the Departments of Labor, Agriculture, Homeland Security, and congressional sources by a qualified research team. This research effort is expected to show that the current administration of the H-2A program by DOL and USCIS is resulting in increased and often arbitrary denials of certifications and visa petitions or significant delays in such approvals and compare current data with prior years. It also will document and compare current versus past enforcement efforts. It is expected that such research will show that

current program administration and enforcement is killing the program. This phase may also identify needs for targeted Freedom of Information Act (FOIA) requests, congressional inquiries, and other targeted information collection. This phase is predicted to take 30 to 60 days and is already in process.

Phase II. A statistically significant and objective survey of H-2A employers prepared and conducted by credible experts. This survey is expected to yield clear evidence needed to convince Congress that there is NOT a workable legal process to supply American agriculture’s labor needs. Without this information, legislators will continue to work under the false assumption that American growers have ready access to unlimited numbers of legal workers. We KNOW this is a false assumption, but it will take clear factual arguments to convince Congress. We are confident that careful research will prove the H-2A program is so broken it cannot possibly supply enough workers to fill agriculture’s labor needs in the face of expanded enforcement, including mandatory E-Verify.

Phase III. Packaging the information to make a compelling case to Congress and other policy makers that they cannot continue to ignore. The fact-based findings and persuasive arguments developed by this project will support and strengthen the legislative campaign in partnership with the Agriculture Coalition for Immigration Reform. Time is of the essence, as enforcement-only legislation is already moving in some states, and could be debated in Congress this summer.

The importance of this project goes far beyond NCAE Membership. Farmers are already making decisions to scale back, switch to lower-value crops that can be machine-harvested, take land out of production, or even move production to other countries. Statistics already show we are importing more and more food and agricultural products. This results in lost economic activity, loss of farm-dependent but off-farm jobs, and lost business opportunities for our suppliers, shippers, packers, wholesalers, and everyone else in the domestic supply-chain.

We face an unprecedented threat that requires unprecedented cost sharing. Farmers are at risk as are all of those businesses that are part of the supply chain, from selling goods and services to producers, all the way to the last step of delivering products to consumers. During the last major threat to agriculture’s workforce with the prospect of employer sanctions in IRCA in 1986, agriculture and allied businesses rallied to the cause and succeeded in getting the only industry-specific program. We did it then and we can do it now!

Below are suggested giving guidelines. Please give as much as you can to this important work.

	National Associations, Suppliers, and Agents	Regional and State Associations, Suppliers	Individual Employers
Executive Group	\$25,000	\$10,000	\$10,000
Leadership Group	\$10,000	\$ 5,000	\$ 2,000
Supporter Group	\$ 5,000	\$ 2,500	\$ 500

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