

# HORT FLASH!!

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April 4, 2006

## **Senate Judiciary Committee Passes Immigration Reform Bill**

On March 27<sup>th</sup> the Senate Judiciary Committee passed an amendment offered by Senator Dianne Feinstein (D-CA) that incorporates many of the aspects of the AgJobs legislation we have been working towards for several years. Specifically the amendment reforms the H-2A guest worker program and would allow for an adjustment of status for workers who could prove they have worked in agriculture for a specific number of days over the past three to five years. This is not the exact formula set out in the original AgJobs proposal but it is certainly a very acceptable proposal. The industry should recognize the tremendous effort put forward by Senator Craig (R-ID) for his efforts to push this legislation to this point.

The result of this action now allows the debate as to how agriculture will be represented in the remaining immigration Senate reforms to continue to the full Senate floor. Without this amendment it is very likely that the amendments offered by majority Leader Senator Frist (R-TN) that mirrors the House version would have automatically come to the floor for vote.

The final outcome for agriculture is alive but far from settled as of the drafting of this newsletter. We need to continue to pressure our entire congressional delegation to support the principles included in the Feinstein amendment. Senator Schumer (D-NY) who also sits on the Senate Judiciary Committee voted in favor of this amendment. He and all other New York delegates need to continue to hear from you that you support his course of action.

If the Senate passes a comprehensive immigration reform bill it still will need to be reconciled with the key enforcement only bill passed by the House in December. A Conference Committee will be named to work out the differences between the Senate bill and the H.R. 4437 Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005 passed by the House in December. It is critical therefore we continue to discuss this issue with both sides of the congress so that they both understand the unique needs of agriculture.

If any of you have any questions please contact me at 716-754-4414 or email me at [pbaker.hort@adelphia.net](mailto:pbaker.hort@adelphia.net).

## Senate Judiciary Committee Bill

- Allows illegal immigrants who were in the United States before 2004 to work legally for six years if they pay a \$1,000 fine and clear a criminal background check. They would become eligible for permanent residence upon paying another \$1000 paying any back taxes and learning English.
- New immigrants would have to have temporary visa. They also could earn legal permanent residence after six years.
- Adds up to 14,000 Border Patrol agents by 2011 to the current force of 11,300.
- Authorizes a “virtual wall” of unmanned vehicles, cameras and sensors to monitor the US-Mexico border.
- Creates a guest worker program for an estimated 1.5 million workers who can earn legal permanent residency.

## Senate Majority Leader Frist Proposal

- Requires employers to verify the identity and immigration status of their employees electronically.
- Assesses civil penalties between \$500 to \$20,000 against employers for each illegal immigrant they hire and criminal penalties up to \$20,000 per illegal immigrant hired and up to six months in jail for engaging in a pattern of employing illegal workers.
- Raises the number of employment-based green cards from 140,000 to 290,000. Makes more visas available to high-tech and unskilled workers. It would free up other visas by exempting immediate relatives of US citizens from being counted in the annual pool.
- Cancels visas of immigrants who have overstayed and requires them to return to their home country to undergo additional screening at US consulates.
- Makes it a misdemeanor crime for an immigrant to be in the country illegally.
- Does not address President Bush’s proposal for a guest worker program.

## Tunnel Vision

I want you to try to think out side of the box for a moment with me. Try to imagine some 20 to 25 years ago and you are an ambitious account executive anxious to impress your boss. You weigh all the facts and are convinced that you have found a way to save the company. The moment of truth comes and you stand before this seasoned group of industry icons and announce your plan. It is your vision that we stop giving water away and begin to bottle and sell it for a profit. In fact you go so far as to announce that in 25 years we will sell more bottles of water than beer!

We take for granted today the wide distribution of bottled water. Yet it took some “foolish” dreamer to have the fortitude to move this concept from theory to reality. I wonder today if we in the fruit business do not need some “foolish” dreamer to show us the next way to market nature’s most perfect fruit. We seem to be locked in a death spiral that suggests that the only economic way to save the fruit industry is to sell more “fresh” fruit to our friends in the super markets. If Henry Ford had taken our approach to sales and marketing we would all be driving identical looking automobiles. Clearly if he had no one would even know who Henry Ford was.

Our apple industry in New York has to very soon make some hard choices or face an ever-declining farm base. We must reintroduce the apple in some way to our customers. I would argue that if we are to be successful we must invest in “out of the box” research that will potentially deliver to us the next “bottled

water". Yes we need to continue to build on the traditional fresh market but we cannot afford to be limited by this alone. Our industry and product demands we expand our horizons of marketing in yet un-imagined fashion. Some will argue that this type of thinking is expensive and fool hearty in a time when growers are struggling to make payrolls. I contend we need to invest even more time and energy into this search if we are to recapture our once vibrant business. The apple has not failed us we have failed the apple in marketing restrictions that limit its potential.

If you step back and analyze the last 30 years of AMO collections you will see a very strong non-fresh fruit contribution to the fund base. There has never been nor will there ever be a grower who produces 100% fresh fruit. This being a reality we must direct research towards improving the return on investment of the non-fresh fruit portion of every grower's returns. What good is it to say you sold all of your fresh for \$12 per box yet you lost money-growing fruit? Fresh should for now remain the prime motivation for apple grower decisions. To remain profitable however we must extend more creative energies to selling the remaining portion of the crop. The attitude that we can simply dispose of the remainder is no longer economically acceptable.

The New York apple industry is at a critical point. Currently we are on a single road to economic survival. In short we have accepted a horticultural and marketing policy that directs nearly 100% of the effort towards the production of "fresh" apples. We have by our actions selected to cast aside all other sales as only break-even at best. In short we have put all of our eggs in one basket. I do not believe there is one economist that has ever suggested this is a wise portfolio for any investor. If this industry is to survive it has to expand the portfolio into other profitable sales venues. This is not to detract from the fresh sales. In point of fact such an action could be presented it would strengthen fresh by offering a realistic base price and removing fruit less suited for the fresh market. This action would strengthen overall prices and create other options for fruit not suited for the fresh venues.

We enjoy many natural and geographic advantages here in New York for growing apples. Our climate, natural average rains and closeness to the most desired market on the planet offer us great competitive advantages. It is time now for the industry to demand a new effort to create new apple marketing and products so we can remain a strong apple community. To deny this is to have tunnel vision on your future.

## **Principal Verses Principle**

Moment of truth is upon us. Ironic as we approach the warmer days of spring we still often feel a stark reminder that there still are a few cold days of cold reality lingering before we pass into the new season. The final debates will be offered up for all to observe. The people that we selected many months before will have the final say as to how we will shape our personal and business practices. I have to wonder as these elected leaders proceed which definition of principle is most important to them?

The debate over the reform of the immigration policies in this nation is long overdue. It is a tragedy that it took something as horrific as the 9/11 incidents to draw this to a vote. I certainly do not pretend to suggest that the issue has an obvious conclusion. What I do suggest is that I hope that those elected leaders will select to stand behind the principles we sent them to Washington to represent us and not on the platform that they wish to be seen as a person of principal. Now is the time to draw the line in the sand and show true leadership and defend what they believe is correct not necessarily what the LEADERSHIP directs them to. If we can not expect our elected representatives to cast an individual vote than I say we should not have individual elections but have one of vote for party only. Truly this is not where we are. Or are we? What definition of principle will we see from our elected? I still am a believer that with the warm days of spring comes new hope.

## Crop Insurance Reform

The Horticultural Society met on March 20, 2006 to review the activities to embark upon in the next few months. One topic that was reviewed was that of the crop insurance policies in New York.

The Board of Directors felt that there is a need to explore new ways to accurately reflect crop damage from hail than currently exists today in apples. They felt that the current federal standards were not reflective of the grading standards that this same fruit would be subjected to once it was inspected on the packing lines here in New York,

The second area that seemed to have some concern was with the lack of a standard for process peaches. They felt that there was a very definite need to have a separate category for process peaches. This is based on the dramatic tonnage difference and ultimate consumer usage.

I would invite all of you to contact any member of the Board of Directors or myself and share your opinions on this topic of crop insurance reform.

# NYSHS

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