

The header graphic consists of a vertical blue bar on the left side, followed by several horizontal stripes. The top stripe is light red, followed by a white stripe, another light red stripe, a white stripe, and a final light red stripe at the bottom. The text "American Horse Council" is centered in the first light red stripe, and "Washington Update" is centered in the second white stripe.

## American Horse Council Washington Update

### **SENATE STILL PLANS TO CONSIDER IMMIGRATION REFORM**

Congress returned from its Spring recess on April 25 and the Senate still hopes to pass an immigration bill before the Memorial Day break. But this remains a contentious issue. Not only do the Republicans differ with Democrats on how to handle the immigration situation, including border security and the estimated 12 million undocumented aliens in the country, but there are also splits within the parties over what to do.

The issue of comprehensive immigration and guest worker reform is important to the horse industry. Horse breeders, ranchers, training facilities, horse shows, trainers and others depend on seasonal and long-term foreign workers to fill labor demands not met by American workers. Many employers in the horse industry also support a means to legitimize their current workforce and meet their labor demands.

#### **House-Passed Bill**

Last December, the House of Representatives passed “The Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005.” That bill takes an “enforcement first” approach to the immigration issue, providing for tighter border control, stricter enforcement to deal with illegal and undocumented alien workers, and harsher penalties on American employers that hire them. The bill does not include provisions dealing with the status of an estimated 12 million undocumented aliens in the U.S. or changes to the programs available to employers to hire alien workers.

#### **Senate Almost Acts**

The Senate is considering broader legislation that attempts to deal with the illegal and undocumented aliens in the U.S. In mid-March, the Senate considered several bills for nearly two weeks, but left Washington for Spring recess unable to vote on any. Although Senate leadership thought it had support for a bi-partisan reform bill, the Democrats raised procedural issues and blocked final consideration.

Prior to the recess, the Senate debated several immigration reform bills, including the Judiciary Committee-approved bill put together by Committee Chairman Arlen Specter (R-PA), the “enforcement only” bill offered by Majority Leader Bill Frist (R-TN) and

the Hagel-Martinez-McCain compromise, cobbled together by Senators Chuck Hagel (R-NE), Mel Martinez (R-FL) and John McCain (R-AZ).

The two bills with the most support – the Judiciary Committee bill and the “compromise” bill – include provisions to strengthen enforcement, such as hiring more border patrol agents, using new technologies, like tamper-proof identification cards to replace social security cards, and increasing penalties on employers who hire illegal aliens. But they also included measures to allow undocumented workers to “legalize” their status and work their way toward permanent residence and citizenship, along with changes to the current programs for new alien workers.

### **Agricultural Provisions Included in Both Bills**

Importantly, both bills also include the AgJOBS bill, introduced by Senator Larry Craig (R-ID) and included in the Judiciary Committee bill by Senator Dianne Feinstein (D-CA). That bill has been supported by the agriculture industry for some time and includes some favorable changes. These new provisions would eliminate the current labor certification process and replace it with an expedited process to hire foreign workers in the H-2A category, the workers used in the agricultural segment of the horse industry.

The bills being considered would also allow aliens who have been doing agricultural work in the United States, but do not have valid documentation, to earn adjustment to legal status by meeting specific agricultural work requirements. The adjustment provisions would provide an opportunity for agricultural employers, including horse farm workers, to retain an experienced workforce while they anticipate future participation in a reformed H-2A program. Entitlement to use the program would require an alien worker to show he or she had been employed and was committed to continue to work in agriculture for a continued period of years before they could earn permanent residency or citizenship.

### **Crystal Ball**

The Senate is expected to take up this issue again in mid-May. What is going to happen? “Reform” is still a long way off. An immigration bill, whether it is only enforcement, reform or a combination, will continue to be hotly-debated. And even if the Senate can pass a broad immigration reform bill, a final bill would have to be put together by a conference committee made up of members of both the House and Senate and presented for another vote. And all of this is in the face of strong opposition to a broader approach by the House of Representatives.