



American Horse Council Washington Update

Mikulski Introduces “Save Our Small and Seasonal Businesses Act of 2007”

Introduction

Senator Barbara Mikulski (D-MD) has introduced S. 988, the “Save Our Small and Seasonal Businesses Act of 2007” to provide some cap relief for those using the H-2B Visa program. Senator Mikulski has introduced similar legislation in the past and has been joined by 13 cosponsors this year. The bill was referred to the Senate Judiciary Committee. Representative Bart Stupak (D-MI) introduced companion legislation in the House of Representatives, H.R. 1843. H.R. 1843 was referred to the House Judiciary Committee.

Background

The H-2B worker program is used for lesser-skilled, non-agricultural workers employed in many industries, including the horse industry, who work at racetracks, horse shows, fairs and similar non-agricultural activities.

Unfortunately, there is a cap of 66,000 on the number of H-2B visas that can be issued annually. Each year, once it has received enough petitions to meet the year’s Congressionally-mandated cap of 66,000, the U.S. Citizenship and Immigration Services (USCIS) announces that it will not accept any more petitions for H-2B foreign workers for the Fiscal Year. This has seemed to occur earlier each year.

These programs can be affected each year by the cap, depending on when the admission period for the workers ends, whether it involves new workers or the extension of existing H-2B visas and other factors for particular workers

In 2005, Congress passed the Save Our Small and Seasonal Businesses Act, which exempted from the cap workers who had received a visa under the H-2B program for the 3 previous years. This provision was set to expire in 2006.

In October 2006, President Bush signed the 2007 Department of Defense authorization bill into law. The bill included a provision, authored by Senator Mikulski that amended the 2005 law and extended the exemption for H-2B workers for one-year through 2007.

Save Our Small and Seasonal Businesses Act of 2007

Consistent with her previous efforts, Senator Mikulski has introduced S. 988, the “Save Our Small and Seasonal Businesses Act of 2007.” S. 988 amends the Immigration and Nationality Act by providing that any alien who was counted toward the numerical limits during fiscal years 2004, 2005, and 2006, shall not count against the cap during fiscal year 2007. This exemption would extend through fiscal year 2012.

AHC Position

The AHC supports this bill that will allow the horse industry to continue to employ necessary foreign workers in non-agricultural positions. But this is just part of a broader need for immigration reform, both agricultural and non-agricultural. The AHC is working with a coalition of non-agricultural employers to change the broader alien worker provisions. Some of the reforms that are important to the horse industry include:

Year-round visas

A permanent fix to the cap within comprehensive immigration reform by including a market-based regulator on the base-cap number

A permanent 3-year return worker exemption

Addressing the capacity issues in the consulates and regional Department of Labor of