

The header graphic consists of a vertical blue bar on the left side, followed by several horizontal red bars. The text "American Horse Council" and "Washington Update" is centered over these bars in a bold, black, serif font.

American Horse Council Washington Update

SENATE PASSES IMMIGRATION REFORM

Yesterday the Senate passed a sweeping immigration reform bill setting up a potential summer confrontation with the House over what to do with the broken U.S. immigration system.

Immigration reform, and particularly what to do with the estimated 12 to 15 million illegal and undocumented workers in the U.S., may be the most contentious issue that Congress has tried to deal with in many years. Not only do the Republicans differ with the Democrats on whether border security must be strengthened first and on how to handle illegal aliens, but there are also splits within the parties over what to do. Indeed, the Senate debated its bill for two weeks, a long time legislatively, before passing the controversial measure 62 to 36..

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. The industry needs workable programs, not only for our H-2A agricultural workers, but also for our H-2B non-agricultural workers.

Senate Passes Broader Reform

The Senate bill is broader than the “enforcement first” bill past last December by the House of Representatives. The final bill includes 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 it also includes 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 the admission of new temporary alien workers.

The legislation includes a new guest-worker approach with a new H-2C category for year-round workers who could be admitted for up to three years. Although this program is primarily for non-agricultural workers, it is possible it could be used for jobs in agriculture that are not seasonal or temporary. Many jobs in the horse industry might fit into that category.

The bill also includes a three-year extension of the current H-2B program, which is used by many horse trainers and facilities to employ alien workers. That program was amended last year to provide that returning foreign workers, who had been admitted previously under the H-2B program, would not be counted against the mandated cap of 65,000 annually.

Agricultural Provisions in Senate Bill

Importantly, the bill includes the so-called AgJOBS bill, introduced by Senator Larry Craig (R-ID) and included in the base 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 amend 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 Senate-passed bill 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 employers, to retain an experienced workforce while also using a revamped 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 period of years before they could earn permanent residency or citizenship.

An Ongoing Debate

Now that the both the House and Senate have passed bills, it will be work of a conference committee representing both chambers to negotiate a compromise bill that will have to go back to Congress for a final vote. The House and Senate bills are very different. There is strong opposition to a broad approach by the House. Many in the House want to tighten border security and enact stronger enforcement provisions before broader reform is considered.

What is going to happen? It is impossible to predict what Congress will ultimately do in this an election year. But at least this important issue is getting the needed national focus now.”