

How **NOT** to Help Agriculture-May 31, 2008

A case study in how **not** to help agriculture was exhibited by our US legislators this last week.

No less than four immigration amendments were introduced into the Iraq War Funding bill and failed last week, at the hands of the very same Democrat party that introduced them.

Here's the rundown, courtesy FAIR website at FairUS.org:

“The drama began over a week ago when Senators Dianne Feinstein (D-CA) and Larry Craig (R-ID) successfully amended the funding bill in the Senate Appropriations Committee to include a version of the AgJOBS legislation, which provided 5-year amnesty visas for 1.35 million agricultural workers and their families. Minutes later, Senator Barbara Mikulski (D-MD) offered another immigration amendment that would have reinstated the returning worker exemption to the H-2B (non-agricultural) guest worker program, which expired last year. After both amendments were adopted, two more Senators offered immigration amendments to the War Funding Bill. Senator Patty Murray (D-WA) offered an amendment to increase the number of employment-based green cards available for multinational executives and "high-tech" workers by "recapturing" approximately 218,000 unused visas from as far back as 1994. Finally, Senator Patrick Leahy (D-VT) offered an amendment to continue a program that makes it easier for wealthy investors to obtain green cards by extending the Regional Center Pilot (EB-5) program for 5 more years.”¹

However, with the controversy rising over tagging amendments to an appropriations bill for war, the Democrats knew enough to back out of the bill, or else incur the ire of the American public over charges of lack of support for the troops in an important election year. And so, they withdrew thus:

“Tuesday night, Democratic leadership agreed to remove three of the four immigration amendments from the Iraq War Funding Bill. The move came when Senator Robert Menendez (D-NJ) made a point of order under Senate rules, which prohibit legislating on an appropriations bill. This parliamentary move effectively removed the Feinstein AgJOBS Amendment, the Murray Amendment, and the Leahy Amendment. Menendez indicated that he opposed these provisions because they did not go far enough. He said, "The provisions did everything for business and nothing for hardworking families.”²

Did you catch that? Menendez—born to Cuban parents—said that the amendments, quote: *“Did nothing for hardworking families.”* Now, wait a minute! Aren't they providing **jobs** for hardworking families? What is it exactly that Menendez wants them to do? It is the responsibility of employers to provide legal citizenship for illegal aliens in this country? Perhaps **that** is what Senator Menendez would like. Sure sounds like it. And isn't this exactly the type of one-sided partisanship in our Congress that is hampering the entire notion of a responsible and timely answer to our labor shortage in the agricultural picture?

In fact, it is precisely what the mission of the Hispanic Caucus—hand in hand with extremists like Senator Menendez—are engaging in right now; a

dangerous ploy that is destroying the visa program in the whole H-2A and H-2B federal programs that are designed to alleviate that very problem.

But, finally, there was the last measure to deal with in Congress; that of the bill of Senator Barbara Mikulski (D-MD) (which, by the way, is a very good notion—but was poisoned by the act of “tacking onto” a war appropriations bill):

“By Thursday, the only immigration measure left in the bill was the Mikulski H-2B amendment. Senator Mikulski's amendment attempted to reinstate the returning worker exemption to the H-2B (non-agricultural) guest worker program, which expired last year. Under the exemption, an alien who worked in the U.S. during the past three years under the H-2B program, may return to the U.S. to work without counting towards the 66,000 cap.

“However, as the bill was debated on the floor, Democratic Leadership decided to remove this too. On Thursday afternoon Senator Bernard Sanders (I-VT) took to the Senate floor to object to this measure under the same rule prohibiting legislating on appropriations bills, and removed the Mikulski amendment from the bill. The Senate subsequently passed the funding bill, minus the immigration provisions, by a wide margin.”³

And so, once more the interests of American agriculture and hard-working farmers everywhere took a backseat to the political in-fighting in Washington, D.C.

Then, in a sidebar from the same website, the Bush Administration is heard from once again:

Bush Administration Proposes an Increase in "Temporary" Workers

“On May 22nd, the Department of Labor (DOL) proposed new rules for the H-2B unskilled guest worker program. In a press release, the DOL claims these rules would streamline the process for employers to certify and acquire “temporary” and seasonal H-2B guest workers by implementing technical changes for employer filing and worker protection. The DOL argues the change will give the department, “additional tools to protect workers and remove duplicative bureaucracy.” (*Press Release, U.S. Department of Labor*, May 26, 2008)

“The DOL, however, while insisting that the H-2B program is meant to provide U.S. employers with “temporary work,” failed to mention one of the most important changes in the rule: redefining the term “temporary” work from its current definition (10 months or less) to “less than three years.” (*Federal Register / Volume 73 No. 100, P. 29952*) This measure drastically expands the H-2B program and will significantly expand the number of H-2B workers who may enter the U.S.

“The move by the Bush Administration to revise the H-2B regulations coincidentally occurred on the very same day that the Mikulski H-2B amendment was pulled from the Iraq War Funding Bill. The Mikulski amendment would have dramatically expanded the H-2B guest worker program by allowing aliens who had worked under the program within the previous three years to reenter as guest workers without counting toward the 66,000 cap. Other legislation similar

to the Mikulski amendment has gone nowhere in this Congress, and apparently the Bush Administration appears to be looking for ways to circumvent the legislative process."⁴

¹ *"Stealth Attempt at Amnesty Fails in Senate."* From FAIR website at: http://www.fairus.org/site/PageServer?pagename=leg_update052708. (accessed 5-31-08)

² Ibid.

³ Ibid.

³ *"Bush Administration Proposes an Increase in "Temporary" Workers,"* From FAIR website at: http://www.fairus.org/site/PageServer?pagename=leg_update052708. (accessed 5-31-08)