

LABOR MANAGEMENT

By Tom Maloney

A review of the Senate, the President and the House of Representatives proposals

Is a New Immigration Policy in Dairy's Future?

There is no mistaking that immigration reform is important to the US dairy industry. A 2009 study conducted on behalf of the National Milk Producers Federation indicates that 62% of the nation's milk supply comes from farms where immigrant, mostly Mexican, workers are employed. Many of these workers are unauthorized. For years, many in the dairy industry have called for immigration reform that would allow undocumented workers already here to achieve a legalized status and allow them to work without fear of deportation. Numerous signs indicate that this year we may see movement in that direction and dairy farm employers have reason to be cautiously optimistic.

The 2012 presidential and congressional elections were a game-changer. President Obama won the election with 71% of the Latino vote, while Gov. Romney received only 27%. Immediately after the election, some Republican leaders began to raise concerns that the party had abandoned Latino voters, especially on the issue of immigration. Many Republicans began to sound a conciliatory tone and promised to take up immigration reform in the new Congress.

Senate Proposal

In January, as the 113th Congress began its work, a bipartisan group of senators, including four Democrats and four Republicans, began to work on a comprehensive immigration reform bill and released an outline of their proposal. The so-called "Gang of Eight" was informally led by Democratic Sen. Chuck Schumer of New York and Florida Sen. Marco Rubio emerged as the primary Republican spokesperson. The outline they developed described four key components of a potential bill.

1. Path to Citizenship

The first component is a path to citizenship for unauthorized immigrants already in the United States, contingent upon securing the US/Mexican border and creation of a monitoring system that would prevent those temporarily in the United States

from overstaying their visas. The path to citizenship would have numerous requirements, such as passing a background check, paying back taxes, learning English and maintaining employment. Perhaps the most challenging aspect of this provision is the process for determining when the border is "secure" so that other aspects of the proposal can be implemented. This issue will likely be a major topic of debate.

2. Green Card for Scholars

The second provision proposed by the Senate focuses on attracting to US jobs the "world's best and brightest" and includes a proposal to award a green card to immigrants who have received a PhD or Master's degree in science, technology, engineering or math from a university in the United States.

3. Employment Verification

The third Senate provision focuses on a strong system of employment verification. This would make it mandatory for employers to verify the legal status of their workers through an online electronic employment verification system. The current system, called E-Verify, started as a pilot program in 1997 and is currently used by employers on a voluntary basis. It is likely that any immigration bill will include a mandatory E-Verify or a similar system.

4. Admit New Workers and Protect Worker Rights

The fourth provision would create a system to admit new workers, including agricultural workers, and to protect worker rights. The purpose is to provide employers with the option to hire lower-skilled

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■ **Thomas R. Maloney** is a Senior Extension Associate in the Dyson School of Applied Economics and Management at Cornell University. He can be contacted by email at trm5@cornell.edu or phone at 607.255.1628.

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workers in a timely manner when Americans are not available to fill those jobs. Special attention is given to address the needs of agriculture, including dairy. Currently the H-2A program provides an opportunity for agricultural employers with seasonal jobs to hire temporary workers, however, the dairy industry does not have an option to hire temporary workers. No doubt discussion of this aspect of the proposal will be watched carefully by dairy leaders. The fourth provision will also address worker's rights by ensuring strong labor protections.

The President's Proposal

In late January, after the Senate "Gang of Eight" outlined their immigration proposal, the president made a speech in Las Vegas to discuss his own proposal. The proposal was outlined on January 29, 2013 on the White House Web site and is in many ways similar to the Senate proposal. Like the Senate, the president's proposal has four principals. The first is to continue to strengthen border security by adding technology and infrastructure to the border. The second principle calls for streamlining legal immigration by providing visas for foreign entrepreneurs and allowing foreign graduate students who study science and math to stay in the country after graduation. Third, the president proposes earned citizenship for undocumented workers by requiring them to pass background checks, pay taxes and a penalty, learn English and go to the back line. Fourth, the president proposes holding businesses accountable by requiring that they verify that their employees are here legally. President Obama has indicated that he is willing to have the Senate go first, but if the Senate proposal gets bogged down, he will propose his own bill.

House of Representatives Proposal

The House of Representatives has also assembled a bipartisan group to look at their own bill, yet unlike the Senate, they have been slow to provide specific information on their proposal. Indeed, with House Republicans in the majority, and long-standing concerns by many over "amnesty," a comprehensive bill that would favor legalized status for undocumented workers and a guestworker program for agriculture is far from guaranteed. Any proposal of a path to citizenship is likely to be debated fiercely in the House. With the Republican majority there are no assurances that a compromise can be achieved. Nonetheless, some House Republican leaders are far more in favor of moving an immigration bill today than they were just a few years ago.

What does this mean for the dairy industry?

Legalized status for undocumented dairy workers is a high priority for the dairy industry and an issue that will be closely watched. Also important are the details of any proposed guestworker program. Such a program will be important to meet the future labor needs for dairy and other sectors of agriculture as current immigrant workers move to other jobs.

A number of guest worker programs that include dairy have been proposed in recent years, and industry leaders will likely work hard to ensure that a guestworker program that includes dairy is part of any proposed immigration legislation. As immigration bills are introduced in the Senate and the House of Representatives, it will be important for dairy producers to let their elected officials know how it will impact their business. □

