

GROWERTALKS

Features

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Pushing for Reform

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GrowerTalks: *It seems that recently there's more of a push for immigration reform, especially at the constituent level. What's the latest at the legislative level?*

Craig Regelbrugge: There are a couple of significant things to report. One of them on the legislative front—for a refresher, in June 2013, the Senate passed an immigration reform bill. From our perspective, the things that are nearest and dearest to us, it's a very good bill. It includes a carefully negotiated solution for the agricultural sector, including nursery and greenhouse production. What the Senate did was good, but the House is not interested in following the path the Senate placed, so the game has been trying to get the House to act.

In the House in January, Speaker [John] Boehner unveiled a set of Republican principles to guide reform. While we would probably write a few aspects differently, they're good and we can work within the framework. So we've been encouraging the Speaker along in that respect. It's very clear to us that the Speaker wants to move a series of bills. It's an open question, which pieces fit together and how they move. There are already five different pieces of reform that have been considered at the committee level—four of them in Judiciary and one of them in Homeland Security. So you've got some products that have a certain amount of debate that's already happened around them on border security, internal enforcement, E-Verify, an ag program and more visas for advanced-degree graduates.

The ag program that was passed by the Judiciary Committee has some attractive features, but it also has some serious problems. The biggest problem of all is political. It's crafted in a way that is intended to be employer-friendly—at least to certain types of employers. People who represent the interest of workers, they absolutely despise it because they feel it slashes wage protection and workers' rights. Democrats won't support it and Speaker Boehner will need several dozen votes from Democrats to replace Republicans on the far right who will vote against it. So, to move anything in the House, it's still going to have to be bipartisan.

GT: *There's an election in November for every seat in the House. Will they just wait until after the election to tackle immigration reform?*

CR: The House Republicans break down into three broad factions: The “hell-no” caucus—they're not going to support anything. At the other end of the spectrum, you've got the “action” caucus—the people who would vote

yes tomorrow. And then in the middle, you have a bunch of people who are, to varying degrees, approachable. They understand the immigration system's not serving our national interests like it should. They get it, but maybe they don't have a lot of labor-intensive ag or high tech or they don't have a whole lot of Hispanic [constituents]. They know we need to do it, but they're afraid to vote for it.

So, there's a school of thought that it will be easier for many Republicans who might face primary challenges to have this conversation after the filing deadlines for these primaries have passed. Roughly 75% of the primary filing deadlines are passed by the end of April; by the time you get to the summer, they're almost all passed. That basically means that there may be a sweet spot in June/July to try to do some things. Boehner was quoted [in April] in the Wall Street Journal saying he is "hell bent" on moving this issue forward. So we'll see.

GT: *Do the ag and hort industries have a voice in this issue?*

CR: We are at the center of it. We have earned our seat through a lot of years of effort—particularly on the ag side and, to an important degree, the H-2B program (the seasonal non-agricultural program). So we're very much plugged into the debate.

The constituency coalition is broader and stronger. There's a lot more new energy on the field, especially coming from the faith and law enforcement community, and business as well. Ag's been on the playing field. And the high-tech industry is really active because they understand they're not likely in this environment to get a narrow fix for just their concerns. There's a lot more money and energy in the pro-reform debate.

GT: *What is one of the biggest challenges to finally passing a reform law?*

CR: On some issues, like the Fiscal Cliff, there's a deadline. Even on Farm Bill policy, there's a deadline. For so many of these issues, you have a really hard backstop—budgets, debt ceiling—where you have to do something. On immigration, you don't ever have to do something is the perception, which gets to other arguments like, "We can't trust the President" or "Now is not the time"—which we've been hearing for 12 years. At some point, they have to recognize that it's never going to be easy.

GT: *So what are the next steps?*

CR: Really close to home for us is trying to achieve some consensus on an agricultural bill that will actually work on the ground and work politically. Without changes, H.R. 1773—the ag bill approved by the Judiciary Committee—will not garner the bipartisan support needed to pass. Beyond that, it's trying to keep people mobilized, trying to keep people talking to their lawmakers when they're at home. We're going to need people to pull out all the stops because the June/July window will be about going door-to-door and getting the votes lined up.

And the other thing we're doing is also looking at administration policy and where some things need to change. One of those things is the current approach to worksite immigration enforcement because in the last couple of years we've had ICE [Immigration & Customs Enforcement] agents going in and auditing businesses. They come in, they take your paperwork and then they come back and tell you, "This half of your workforce doesn't have legitimate documents. They must be terminated within 10 days." Well, when you do that in agriculture, we all understand the demographics of the workforce. We all understand that the workforce is comprised of at least 70% of people whose immigration documents look better than they really are. So,

when they go in and audit and they make you fire them and they go down the street and work for somebody else—all we're doing is causing a lot of economic hardship and a lot of individual hardship. And we're not actually serving a broader purpose. Especially when Congress is trying to grapple with immigration reform, why are we doing this to the same people that we're trying to ultimately provide solutions for?

We've been working for a period of time to convince Homeland Security that the I-9 audits, particularly in agricultural and seasonal businesses, are really a misguided law enforcement effort. They need to be re-directing resources toward actual criminal situations, where you have employers who are knowingly paying under minimum wage, forcing work, trafficking, creating false documents. So that's the other frontier—because if Congress again fails, we have no choice but to try to save our employers from the impact of these audits.

GT: *Do you think immigration is a strong enough issue to sway people to vote for specific candidates?*

CR: It's a weird issue in that respect. I think the average American who poorly understands the issue is not persuaded by it. They're not motivated to vote for one candidate or against another based on their immigration policy stance. There are a few really hard liners who might, but it's not like gun control or reproductive rights that are single issues that actually move a lot of single-issue voters. It's really not that way.

More and more, we hear from more and more employers in our industry who basically say, "Every time the Republican Party called needing a campaign contribution, we'd write the check. Until we're convinced they can solve the problem, we're not writing any more checks." So I think our own people—some of them are making decisions either to support or not support a candidate with a vote or even with financial support based on their immigration stance. And we're seeing more of that now than ever. **GT**

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