



AgJOBS in the 109th Congress (2005-2006)

In April 2005, a majority of the Senate voted in support of AgJOBS when it had an opportunity to consider AgJOBS as an amendment to a supplemental appropriations bill for the Iraq war, SA. 375 to HR. 1268. In May 2006, AgJOBS was included in the comprehensive immigration reform bill passed by the Senate, S. 2611 (the House leadership refused to consider the bill seriously). In contrast to the successes of AgJOBS, Senator Chambliss's attempts to pass one-sided reform of the H-2A agricultural guestworker program without giving farmworkers a chance to earn permanent immigration status failed repeatedly.

There were also some efforts to pass AgJOBS during the lame duck session. Although these efforts were unsuccessful, they demonstrated the commitment of Senators Feinstein and Craig to pass AgJOBS.

AgJOBS Sponsors in the 109th Congress

AgJOBS [had 49 sponsors in the Senate](#) and [57 sponsors in the House of Representatives](#) .

AgJOBS Debate in the 109th Congress

See this page to read summaries of the debates in 2005 and 2006.

Legislative Language for the 109th Congress

- [S. 359](#)
- Senate, version [of AgJOBS in S.2611](#)
- House [H.R. 884](#)

Summaries and Descriptions:

- For a description of the current AgJOBS legislation, read the Farmworker Justice Bulletin: Updated [Summary of AgJOBS, Agricultural Job Opportunities, Benefits and Security Act of 2006](#). It is two-pages long and was revised in 2006.
- [Un boletín de AgJOBS en español](#)
- Read a more detailed, [six-page summary of AgJOBS](#). This summary was revised in June 2006.

Alternatives to AgJOBS in the 109th

Here is some information about some of the alternative proposals to farmworker immigration policy that were presented in the 109th Congress.

In the Senate:

- March 29, 2006, [FJ Bulletin: Sen. Isakson's and Sen. Chambliss's Immigration Proposals Are the Worst of All Worlds in Immigration Policy: Cheap, Exploitable Foreign Labor](#)
- March 24, 2006, [updated and shorter summary of Chambliss's bill](#) (Dec. 13, 2005)
- January 27, 2006, [FJ Bulletin: Another Proposal from Sen. Chambliss to Exploit Immigrants Workers: the Agricultural Employment and Workforce Protection Act, S. 2087](#)
- March 15, 2006, Memo: [Preliminary Analysis of Senator Feinstein's New Agricultural Worker Proposal](#)
- October 24, 2005: Farmworker Justice Bulletin: [Sen. Dianne Feinstein \(D.Cal\), Supports Legalization Program for Farmworkers But Plans to Introduce Flawed Proposal to Alter the Bipartisan AgJOBS Bill](#). This bulletin analyzes the amendments offered by Sen. Feinstein during a debate on the AgJOBS farmworker immigration bill on April 19, 2005 (AgJOBS is S.359/H.R. 884) in response to Senator Feinstein's statement during the October 18, 2005 Senate hearing on comprehensive immigration reform, that she plans to introduce legislation addressing the need for immigration reform in the agricultural context.

..and in the House:

- [FJ Goodlatte Summary 2005](#)
- [FJ Bulletin HR 4028](#)

Farmworkers and Comprehensive Immigration Reform in the 109th

For an overview of several of the main comprehensive immigration reform proposals and how they affect farmworkers, please see the links below:

September 30, 2005: [Immigration Policy Brief No. 3](#) Contains articles on April 19, 2005 Senate vote on AgJOBS; summaries of the [Kennedy-McCain comprehensive immigration bill](#), [Rep. Jackson Lee's bill](#), and the [Cornyn-Kyl bill](#).

February 9, 2006: [Summary of Sen. Hagel \(R.-Neb.\) proposal for comprehensive immigration reform](#).

September 5, 2006: Although the [Hutchison-Pence immigration proposal](#) was hailed as a great compromise that could help bring about negotiations, it has not yet done so. Our attached analysis of the Hutchison-Pence proposal shows that it is unrealistic, unworkable, and bad for workers.

There were several votes and amendments to AgJOBS during the 109th Congress (2005-2006).

2006 Debate on AgJOBS

On May 25, 2006, the U.S. Senate passed a comprehensive immigration reform bill that includes the AgJOBS farmworker immigration compromise. More information about the 2006 Senate debate on AgJOBS is below. This includes the mark-up of an immigration bill that included AgJOBS in the Judiciary Committee and the debate on the Senate floor that led to the defeat of efforts by Sen. Saxby Chambliss (R.-Ga.) and

others to eliminate the earned legalization program from AgJOBS and to remove major labor protections in the H-2A guestworker program.

The Immigration Debate in the Senate Judiciary Committee

The immigration debate in the Senate began in earnest with the release of Senator Arlen Specter's (R-Penn.) draft immigration bill (called a "Chairman's Mark") at the end of February. The initial mark was a big disappointment (FJ Commentary). Among other problems, Sen. Specter failed to provide a realistic solution for undocumented workers and ignored agriculture by failing to include the AgJOBS farmworker immigration compromise in his draft. The bill improved greatly, however, with the passage of several important amendments, including AgJOBS.

Senator Feinstein (D-Calif.), who had previously opposed AgJOBS, offered a modified version of AgJOBS as an amendment after reaching an agreement with the bill's primary sponsors, Sen. Larry Craig (R-Idaho) and Sen. Edward Kennedy (D-Mass.), as well as the United Farm Workers and representatives from the agricultural industry. AgJOBS would address agricultural employers' demands for a stable labor supply by giving undocumented farmworkers the opportunity to earn permanent legal status by performing additional work in agriculture. A majority of the committee, including all the Senate Judiciary Committee Democrats, supported the AgJOBS amendment ([FJ Update](#)). The Committee Republicans who voted for AgJOBS were Senators DeWine, Brownback, and Specter. Senators Hatch and Graham "passed," choosing not to vote on the AgJOBS amendment. The Republican opponents were Coburn, Grassley, Kyl, Sessions and Cornyn.

Other Amendments

In addition to the AgJOBS compromise, other amendments to the Judiciary Committee immigration bill included the legalization and guestworker provisions from the Kennedy-McCain immigration bill, the DREAM Act, and a section eliminating a provision that would have criminalized undocumented presence and providing a humanitarian exception to provisions that would criminalize those providing assistance to the undocumented. On March 27, 2006, the Senate Judiciary Committee approved a compromise comprehensive immigration reform bill with 12 Senators (all of the Democrats and Senators Specter, Brownback, DeWine and Graham) voting in support of the bill. The Judiciary Committee reported the bill to the Senator floor, where debate on immigration reform began the next day.

Senate Floor Debate in March-April

Although the floor debate began with Senator Frist's border enforcement bill (Frist beat the Judiciary Committee to the chase by introducing his own immigration bill before the Judiciary Committee had a chance to complete work on its own bill), Senator Specter subsequently offered the Judiciary Committee immigration bill as a substitute to Frist's bill. Both bills were the subject of debate.

Predictably, Senator Chambliss (R-Ga.), who has a history of introducing anti-worker immigration bills making one-sided changes to the H-2A agricultural guestworker program, introduced a bevy of amendments intended to undermine the AgJOBS compromise in the Judiciary Committee bill. The Chambliss amendments were aimed at creating a cheap, exploitable foreign labor force by slashing wage rates ([FJ Legislative Alert](#)) and eliminating other labor protections, such as a preference for US workers ([FJ](#)

[Action Alert](#)), and would have undercut the goal of creating a stable agricultural labor force by eliminating the opportunity for farmworkers to earn permanent resident status. The amendments were very similar to the proposal Chambliss offered in April 2005 ([FJ Summary](#)), which lost by a vote of 77-21.

The Senate, however, did not reach Senator Chambliss's amendments or most other amendments. Instead, the immigration debate ran into numerous obstacles, such as difficulties agreeing how to proceed on amendments. The Senate Judiciary Committee immigration bill was unable to achieve sufficient support to overcome a potential filibuster (the bill needed 60 votes in support of cloture). A subsequent compromise bill cobbled together by Senators Martinez (R-Fla) and Hagel (R-Neb), which included the AgJOBS compromise and had similar but less generous legalization provisions than the Judiciary Committee bill, won enough support that Republican and Democratic leaders held a joint press conference on April 6 to announce a new compromise. But that too fell victim to the procedural hurdles. And finally, Senator Frist's border enforcement bill also failed.

May Debate and Passage of Senate Immigration Bill

On May 15, 2006, after the failed attempt to pass an immigration bill in early April, the Senate took up immigration reform again and began debating the Comprehensive Immigration Reform Act of 2006, S. 2611, sponsored by Senators Specter, Hagel, Martinez, Kennedy, McCain, and others, which includes AgJOBS. Predictably, Senator Chambliss (R-Ga.) again attempted to defeat the AgJOBS compromise. Senator Chambliss submitted a dozen amendments ([FJ Action Alert](#)) that would have undermined the AgJOBS compromise by eliminating the AgJOBS earned legalization program and removing several key labor protections from the H-2A guestworker program. These amendments were very similar to the proposal Chambliss offered in April 2005, which lost by a vote of 77-21. The Senate debated and voted on two of his amendments.

The first of Sen. Chambliss's amendments, [SA 4009](#), would have slashed wage rates in the H-2A agricultural guestworker program by making the federal minimum wage inapplicable to H-2A agricultural guestworkers and abolishing the historical adverse effect wage rate (AEWR), which is a special wage protection created in response to wage depression during the Bracero guestworker program. The American Farm Bureau Federation lobbied heavily for this amendment; however, many other major agribusiness employer groups continued to support the AgJOBS compromise. On May 22, the Senate voted 50-43 ([see our vote summary](#)) against the Chambliss wage amendment by voting to "table" (essentially kill) it.

Sen. Chambliss then went forward on another amendment, [SA 4084](#), which would have undermined the blue card program (http://fwjustice.org/sites/default/files/29%20Chambliss_4084.pdf [FJ Action Alert](#)) by imposing heavy fines, unrealistic English language requirements, and overly burdensome work requirements on farmworkers applying for the legalization program. Again, Sen. Craig and Sen. Salazar (D-Colo.) led the debate successfully and AgJOBS supporters were successful in defeating this amendment. On May 24, 2006, by a resounding vote of 62-35 ([vote tally](#)), the Senate voted to table the amendment. Once again, Sen. Chambliss's attempts to destroy AgJOBS through harsh, one-sided changes were defeated.

The next day, May 25, 2006, the Senate passed the Comprehensive Immigration Reform Act of 2006, S. 2611, which included AgJOBS. Now the Senate bill must be meshed with the House immigration bill, H.R. 4437, during a House-Senate Conference Committee. HR 4437 has served as the impetus for many rallies

recently, bringing hundreds of thousands of immigrants and immigrant advocates to the streets to protest HR 4437's harsh provisions, such as criminalization of millions of undocumented persons, including children. HR 4437 fails to address the immigration crisis in agriculture and does not provide a realistic solution for the undocumented, who are the majority of the agricultural workforce.

Letters sent to Congress supporting AgJOBS and opposing the Chambliss amendments:

March 30, 2006 [Letter from the National Farmworker Alliance](#)

April 4, 2006 [Letter from Major agricultural employer groups](#)

April 4, 2006 [Letter from the National Council of La Raza](#)

[Letter from the United Farm Workers](#)

[Letter from Farmworker Justice Fund](#)

May 18, 2006 [Sign-on Letter supporting AgJOBS and opposing Chambliss amendments](#)

May 24, 2006 [Sign-on Letter supporting AgJOBS and opposing Chambliss amendment to kill legalization program](#)

2005 Debate on AgJOBS

On April 19, 2005, the Senate had an opportunity to consider AgJOBS as an amendment to a supplemental appropriations bill for the Iraq war, HR 1268. Both proposals were offered as amendments to a supplemental appropriations bill.

April 19, 2005 Debate on AgJOBS and the Chambliss/Kyl Amendment

On April 19, 2005, the Senate had an opportunity to consider AgJOBS as an amendment to a supplemental appropriations bill for the Iraq war, [HR 1268. AgJOBS was Senate amendment no. 375](#) . Senators Saxby Chambliss (R-Ga.) and Jon Kyl (R-Ariz.) presented an alternative bill to AgJOBS ([Sen. Am. No. 432](#)), a harsh guestworker program with no opportunity to earn permanent immigration status, i.e., no program for earned legalization. Essentially, Chambliss' proposed amendment streamlines the H-2A program in an employer friendly, anti-worker way and provides for a new guestworker program, the Blue Card Program, for year-round jobs in agriculture.

During the debate on AgJOBS, several Senators, including Senate Republicans Craig (R-Idaho) and Voinovich (R-Ohio), as well as Democrats Kennedy (D-Mass.), Leahy (D-Vt.), and Wyden (D-Or.) strongly supported AgJOBS. They pointed to AgJOBS's benefits for both agricultural workers and employers through the streamlining of the H-2A program and the opportunity for undocumented workers to earn legal status, thus bringing workers out of the shadows, creating a stable workforce and bringing dignity to workers. In addition, a letter signed by 509 organizations in support of AgJOBS, representing agricultural employers, farmworkers, as well as many others, was inserted into the record.

Speaking in opposition to AgJOBS were Senators Byrd (D-W. Va.), Chambliss (R-Ga.), Cornyn (R-Tex.), Inhofe (R-Okla.), Kyl (R-Ariz.), and Sessions (R-Ala.). These Senators mischaracterized AgJOBS as a program rewarding "illegal aliens" by giving them "amnesty." Senator Sessions highlighted the debate with his view that becoming a legal permanent resident is significant "because if you become a legal permanent resident, then you are no longer an indentured servant."

Senator Feinstein (D.-Cal.) said that she supported the concept of AgJOBS, but only with the inclusion of her severe and unrealistic amendments. Her proposed amendments increased work requirements necessary to earn legalization, barred applications for legalization from outside the United States, and disqualified persons who convicted of only one misdemeanor, no matter how minor.

The Senate had decided that AgJOBS and several other proposed amendments to the supplemental appropriations bill could receive a vote only if each of them first obtained sixty votes in support of "cloture," that is, to stop a potential filibuster. By a vote of 53-45 ([vote details](#)), a majority of Senators demonstrated their support for AgJOBS by voting for cloture (55 including 2 absent Senators who had indicated their support for AgJOBS). Although the majority vote for cloture was insufficient to get a vote on AgJOBS, it represented a significant victory demonstrating that the majority of the Senate supports AgJOBS. Importantly, several senators indicated that their opposition to cloture was based on the circumstances surrounding the vote, that the immigration amendment had been added onto an appropriations bill. Senators Kennedy and Craig indicated afterward that they believe they can obtain the additional five votes to prevent a filibuster on AgJOBS. The alternative to AgJOBS, the Chambliss/Kyl amendment, received only 21 votes in support of cloture and 77 votes against it ([see vote details](#)) - a resounding defeat sending a clear message that harsh, one-sided, anti-immigrant guestworker programs do not carry majority support. The overwhelming defeat signified a recognition that Congress must offer some undocumented workers the opportunity to earn permanent immigration status, rather than a mere temporary work permit.