



**WRITTEN TESTIMONY OF THE AMERICAN HORSE COUNCIL**  
**UNITED STATES HOUSE OF REPRESENTATIVES**  
**COMMITTEE ON THE JUDICIARY**  
**SUBCOMMITTEE ON IMMIGRATION POLICY AND ENFORCEMENT**

April 18, 2011

Dear Sir or Madam:

The American Horse Council (AHC) appreciates the opportunity to submit testimony concerning the H-2A temporary agricultural worker program.

The AHC is a Washington-based association that represents the horse industry before Congress and the federal regulatory agencies. The AHC includes over 120 equine organizations representing all horse breeds and virtually every facet of the horse industry, including horse owners, breeders, veterinarians, race tracks, horse shows, trainers, rodeos, farriers, breed registries, horsemen's associations, state horse councils and commercial suppliers.

Despite substantial efforts to recruit and train U.S. workers, horse farms, ranches, and breeding facilities must use the H-2A agricultural worker program to meet their labor needs. Without foreign workers, many of the horse breeding farms upon which the horse industry depends could not continue to operate.

The horse industry, in all its segments of racing, showing, recreation and work horses, involves 9.2 million horses, nearly 2 million horse owners, has a \$102 billion impact on the U.S. economy and supports 1.4 million full-time jobs. It involves agriculture, sport, entertainment, gaming, recreation and exercise, all built on the breeding, training, use and enjoyment of horses and horse activities.

The racing and showing segments of the industry are particularly dependent on American horse breeding farms that often use foreign workers. The horse racing industry has a \$26.1 billion economic impact and supports 380,826 jobs. The horse show industry has a \$28.7 billion economic impact and supports 380,416 jobs. The workers provided by the H-2A program are a small portion of horse industry workers, however they play a vital role within the industry.

Most H-2A workers in the industry are directly responsible for the care of the horses upon

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which the entire horse industry is dependent. Without these workers to care for and raise the industry's horses, many American jobs provided by and supported by the horse industry would be in jeopardy.

Caring for horses is not an easy job. It is hard, dirty work, with often erratic hours. Many owners and breeders simply cannot find enough Americans willing to take these jobs as farm hands. Many horse industry participants have reported they have not had a single American apply for many of these jobs in several years. Furthermore, these jobs are not really unskilled. They require a knowledge and understanding of horses, an understanding many Americans no longer have. Many H-2A workers have extensive experience with horses. Often the same H-2A workers have been returning to work for the same employers year after year.

The AHC believes that while flaws still existed substantial improvements were made to the H-2A program by the December 18, 2008, H-2A rule (2008 rule). The regulations governing the H-2A program previous to that rule change had many shortcomings that made the admissions process long and cumbersome and directly impacted the ability of employers to use the program.

Less than a year after the 2008 rule went into effect, and before a full evaluation of the positive or negative effects of 2008 rule could be made, the DOL began a new rule making process and on February 12, 2010 issued a new H-2A rule (2010 rule). Unfortunately the 2010 rule rolled back most of the provisions of the 2008 Rule that made the H-2A program more usable and efficient and added new and burdensome requirements.

Currently, applying for H-2A workers is a costly, difficult process. Often times the system is unreliable and employers are left without workers when they are needed most. Many horse industry users of the program report unexplainable delays in the application process. Additionally, a lack of consistency in the adjudication of applications is becoming increasingly frustrating for those in the industry. It often appears whether or not an application is approved depends more on the individual reviewing the application rather than any established criteria.

Horse industry employers who are forced to utilize H-2A workers are very often small businesses. Many are hard pressed to absorb the increasing costs associated with the current system that are a result of both flaws in the program and new burdensome requirements. The AHC fears that unless such flaws and program requirements are addressed it may become unsustainable for many employers to use the program.

The reality in the horse industry is that most Americans are unable or unwilling to take the jobs foreign workers usually fill. These foreign workers make up a small portion of all the workers employed and supported by the horse industry. However, without these foreign workers, the horse industry could not function and the hundreds of thousands of Americans jobs would be lost.

It is absolutely vital for of the horse industry to have access to a functioning, efficient and

cost effective foreign temporary agriculture worker program to meet its labor needs. In light of the 2010 DOL H-2A rule, the AHC believes it will be up to Congress to reform the broken H-2A program so that it can serve its intended purpose of providing farm employers with a legal means to hire agricultural workers when no U.S. workers can be found.

The AHC appreciates this opportunity to submit testimony to the committee. If the committee would like any additional information regarding temporary worker programs and the horse industry, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "James J. Hickey, Jr." The signature is written in black ink and is centered below the word "Sincerely,".

James J. Hickey, Jr.  
President