



Statement of

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With Addendum

For The

**Subcommittee on Immigration, Citizenship, Refugees, Border
Security, and International Law
United States House of Representatives**

Hearing on

"Seasonal Worker Visas"

April 16, 2008

On behalf of the American Hotel & Lodging Association and our members throughout the United States, thank you for allowing us to comment on an acute problem endangering a vital segment of our industry – the ability to locate and hire temporary seasonal workers.

AH&LA is nearly a century-old dual membership association of state and city partner lodging associations throughout the United States with some 10,000 property members nationwide, representing more than 1.8 million employees. AH&LA's membership ranges from the smallest independent properties to the largest convention hotels. Every hotel or motel in our country is unique due to factors that include size, type, location, services offered, clientele, ownership, and status as an independent or chain affiliate. In fact, there is a high degree of franchising and independent ownership in our industry.

Many lodging properties are seasonal. This is especially true for many resorts. The ability to keep their doors open and retain their full-time employees is contingent upon making enough money during their peak season to offset the rest of the year when their business is slow. During their busy seasons, they must supplement their permanent staffs with temporary seasonal employees. In order to fill these positions, they spend thousands of dollars and hundreds of hours in aggressive recruitment. Unfortunately, there are not enough American workers available to fill those positions despite generous pay and benefits offered.

At one time, employers could rely on college students and other individuals who would accept temporary jobs on a seasonal basis. That is no longer the case, however. School and seasonal scheduling has changed – properties are have lengthened their seasons into spring and fall while school years have lengthened, making students simply unavailable. In addition, many students simply do not want to work in traditional “summer” positions any longer. As noted in *USA Today* (“More than half of teens forgo summer jobs,” July 9, 2007), the *New York Times* (“Few Visas, Fewer Resort Workers,” June 10, 2005), and the *Wall Street Journal* (“Why Filling Summer Jobs Is Tougher and Tougher,” July 6, 2007), most students now opt for professional internships, summer travel, or summer school.

As a result of this dramatic decline in workers willing to work in temporary positions, many hoteliers have been forced to turn to the federal government’s H-2B worker program as a final option to find short-term workers.

The H-2B Visa Program was created to provide access to nonimmigrant temporary workers for seasonal and peakload needs when no American worker can be found for available positions. The number of visas available under this program is miniscule relative to the total number of employed Americans. The 66,000 annual visas permitted under the program represents only .05% of the American workforce which is 145,900,000. When the overwhelmingly popular cap exemption was in place, the total of 129,000 H-2B workers who were admitted represented only .09% of the workforce. Despite this very small number, the workers available under this program are absolutely critical to hoteliers who depend on seasonal business.

Although it is a complex, time-consuming and expensive process that requires employers to navigate through three separate federal and one state government agency, seasonal employers

have turned to the program because their season, and therefore their entire business, depends on their ability to fill their temporary seasonal jobs.

In short, the H-2B Program is the final, least attractive, most expensive, yet vital option available to seasonal businesses in trying to find workers because without temporary workers, seasonal employers will go out of business.

Before hiring an H-2B worker, employers must engage in extensive recruiting of possible American workers, be unable to identify an adequate number of Americans willing to do the work, obtain certification from their state employment agencies that they have attempted to recruit Americans without success, obtain certification from the U.S. Department of Labor of their need, receive approval from the U.S. Department of Homeland Security of their application, identify qualified foreign workers, obtain approval for H-2B visas from the U.S. State Department.. This is no easy and inexpensive task. No employer would spend the amount of time and money, much less go through four government agencies, unless the program was an absolute necessity.

It should be emphasized that H-2B workers must be non-immigrants – they don't bring their families or dependents and only work for a few months and then return home. If an H-2B worker violates the terms of the program, including overstaying their term, they will be barred from participating in the future, which makes the program self-enforcing. In addition, they must not dilute American wages (it strains reason to imagine that .05% of the workforce could do so in any case) and be offered the same pay and benefits as American workers.

Hotels are in the hospitality business. Hospitality cannot be outsourced or automated. Thus, hoteliers consider their employees as the lifeblood of their businesses. In many cases, they consider them as part of their family. Their H-2B workers are no different.

Given the necessity of the program and the success of the previous cap exemption policy, Congress should approve immediately a reinstatement of that cap exemption to minimize the damage done to businesses throughout the country that have been impacted by the delay in its consideration.

In addition, Congress should consider increasing the limit of H-2B visas that are available annual and tie that number to a market-based adjuster that will fluctuate with actual demand. In reality, there should be no specific limit on these visas due to the fact that the number is self-limiting – if Americans were available, there would be no need to use the program.

Further, policies should be changed to make the application less complex and burdensome by allowing employers to self-attest to their need and subject those attestations to audit. The filing period which limits employers to applying only 120 days before their actual need should also be lengthened in order to simplify the process and allow employers to better plan.

Hoteliers and H-2B employees throughout the country have asked that their perspectives and feelings about the H-2B program be made part of the committee's record. Those statements are attached. Many have also included pictures of the housing provided to H-2B workers.

The comments expressed by employers and workers alike tell a very compelling story and speak much more eloquently than we can about the program and how it affects their lives, both professionally and personally. The affection the employers have for their H-2B workers and that H-2B workers have for their employers is made abundantly clear.

Thank you very much for allowing us to comment on this vitally important issue to our industry.