

Walberg (MI-07) Statement for Full Education & Labor Committee Hearing on “Do Federal Programs Ensure U.S. Workers Are Recruited First Before Employers Hire From Abroad?”

May 6th, 2008

Mr. Chairman, the H-2B cap crisis has shown a bright light on the need of America’s small businesses for temporary seasonal labor. I have spoken with several American small business owners who would rather hire American workers than turn to foreign workers for seasonal help. As many employers know, the H-2B visa process involves a lengthy, complicated and expensive process involving four separate government agencies. This process causes a great deal of agony, frustration and money just to get workers for a few months.

However, because the temporary seasonal labor shortage is so severe in many parts of our country, especially in the summer months, law-abiding employers have no choice but to turn to the H-2B program. These employers already hire American workers, and these seasonal workers help sustain their businesses to keep their American workers hired year round. These businesses would hire American workers if they were available, and they advertise for American seasonal help, but all too often they are only able to assemble a handful. They turn to this visa category because they have no choice in order to run their family run business.

Opponents of the H-2B program say that seasonal businesses should just pay more and then they would be able to find workers. I had an owner of a family business in northern Michigan tell me he advertises for summer help locally and in the more populated areas of the state, and if he does happen to get a response, all too often the prospective workers become uninterested in the position before wages are even talked about.

You would think this would be different in Michigan which has the highest unemployment rate in the nation, but I am hearing from numerous employers that they are not able to fill their employee needs and are relying upon the H-2B program to stay in business and employ other Americans in year-long positions.

The bottom line is this: H-2B employers want to hire as many Americans as possible. Believe me, if they could find American workers they would so they could avoid the expensive H-2B system.

In 2004, 2005 and 2006, small and seasonal employers across America were on the brink of economic disaster when the U.S. Citizenship and Immigration Services (USCIS) announced that the 66,000 H-2B visa cap had been met. In 2004 there was no help, but in 2005 and again in 2006 Congress acted quickly with broad bipartisan support to pass the Save Our Small and Seasonal Businesses Acts of 2005 and 2006. These laws exempted workers from the cap who were in H-2B visa status in any of the three previous years. There are prescribed, harsh penalties for employers who try to cheat the system.

The returning worker exemption expired on September 30, 2007 and the visa cap for 2008 was reached quickly, leaving thousands of small and seasonal businesses across America without critically needed workers for their 2008 season. The results to American business owners and the U.S. workers they employ have been disastrous.

I support the Save Our Small and Seasonal Businesses Act of 2007, which would extend the H-2B visa returning worker exemption. The solution crafted by Congress is fair, bipartisan and effective

and supported by a distinguished group of Republicans and Democrats spanning the entire political spectrum.

H.R. 1843 strikes the right balance by extending the solution to the H-2B crisis while at the same time adding to America's security needs and protecting U.S. workers from unfair competition. Since many employers bring some of their H-2B temporary workers back each year, this act will help keep businesses from a total meltdown this year. The bill also sets stiff penalties for employers who flout the rules. This bill is aimed solely at ensuring that family owned and other small businesses can continue to participate in the only legal program that meets their seasonal employment needs when there is a shortage of U.S. workers.

This program is about saving small businesses. Thank you, Mr. Chairman, for allowing me to speak on this important issue.