

THE HILL



As summer nears, seasonal businesses feeling the heat

By Jim Snyder

Posted: 04/07/08 06:44 PM [ET]

Businesses that rely on seasonal workers to pick crabs in Maryland, cater to vacationers in New Hampshire or set up carnivals for summer fairs across the country hope to tie a sagging U.S. economy to the need to raise a cap on foreign workers allowed entry on a temporary basis.

But as congressional leaders consider a second economic stimulus package and ways to stem the home foreclosure crisis, the issue of immigration may prove too “radioactive” — a word used by several immigration lobbyists — to reach consensus in time to meet summer hiring needs.

Craig Brightup, a co-chairman of the [Essential Worker Immigration Coalition](#) (EWIC), says he is “not very optimistic” the 66,000-person cap on H-2B visas, which allow unskilled temporary workers in non-agriculture industries to enter the country, will be raised.

“The House is so balkanized on different policies as far as incremental immigration bills that right now we are completely at loggerheads,” Brightup said.

Business groups want an exemption that would allow workers who have worked in the United States sometime in the past three years and then gone home to be allowed back in and not be counted against the cap. Last year, an additional 69,000 workers were allowed in under H-2B visas, but that exemption has since expired.

Sen. Barbara Mikulski (D-Md.), whose home-state seafood industry depends on foreign workers, added a measure extending the exemption to the Commerce, Justice and Related Agencies appropriations bill last year. The Congressional Hispanic Caucus (CHC), which has insisted that immigration-related bills move together as part of a comprehensive package, helped to block that effort.

Melissa Schwartz, a spokeswoman for Mikulski, said the senator was continuing her efforts to extend the exemption.

The CHC, however, is not the only obstacle.

Labor advocates in Congress also have sought to increase worker protections and mandate that foreign temporary workers be paid the prevailing wage so as not to depress local wages.

“Until we have stronger protections for both U.S. workers and foreign guest workers, I cannot support increasing the size of the guest worker program,” Rep. George Miller (D-Calif.), the chairman of the House Labor and Education Committee, said last week.

And despite the best efforts of H-2B advocates, who note the program is not an immigration program but a temporary-worker program, they have not been able to extract the one from the other. Some of the same lawmakers who led the fight against a comprehensive immigration bill last year also oppose raising the H-2B visa cap.

Those members instead are trying to force to the floor for a vote a bill authored by Rep. Heath Shuler (D-N.C.) that would increase pressure on businesses to ensure they aren’t hiring illegal immigrants.

Business groups like the EWIC oppose the Shuler discharge petition, which is still short of the signatures required to skip regular committee order.

A shortage of workers from outside of the United States would seem to have the effect of putting pressure on American employers to look to the domestic labor pool, boosting employment rolls at a time when the number out of work is rising.

But advocates of expanding the H-2B program say the converse is true. Americans won't do the grueling work that many of these temporary seasonal jobs entail. The consequence: Domestic businesses will have to close or limit their operation, doing further damage to the U.S. economy, H-2B supporters say.

A collection of businesses, from landscapers to shrimpers, have lobbied Congress to increase the cap, sponsoring grassroots campaigns and fly-in days to pressure lawmakers to move.

Members of the [American Hotel and Lodging Association](#) (AHLA) plan to knock on doors next week as part of their annual convention in Washington.

Shawn McBurney, a lobbyist for the AHLA, said the last time the H-2B cap was not extended in 2004, resorts had to cancel annual events or close restaurants early because of a workforce shortage. He called lifting the H-2B cap an "extremely important" issue for association members.

Resorts are in get-away-from-it-all locales with small local populations, and domestic workers are reluctant to take jobs that they know will end in four or five months.

"There just aren't enough Americans to take these jobs," McBurney said.

In another indication of the difficulty of moving bills tied to immigration forward, Rep. Charles Boustany Jr. (R-La.) is seeking signatures for another discharge petition that would bring Rep. Bart Stupak's (D-Mich.) bill to exempt former temporary workers from the H-2B cap to the floor.

A spokesman for the CHC said the caucus opposes that effort. Business groups say they prefer the bill go through committee, but argue that time is running out to make a difference.

"The discharge petition plays an important role in crystallizing the frustration that this time-tested seasonal worker program is being held hostage to other issues not directly involved with it," said Brightup of EWIC.