



BUSINESS & LOBBYING

Businesses' push for guest worker plan faces resistance

By Jim Snyder

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Businesses are scrambling to convince lawmakers to expand temporary-worker programs, but they are running into a strong political headwind.

High-tech companies, nursing groups, hotel resort owners and others are worried they could face labor shortages next year unless Congress acts. Lawmakers, lobbyists say, have been reluctant to move forward on the issue, however, in part due to the lingering fallout over last summer's contentious debate on the comprehensive immigration reform bill.

"It's hard to have a rational discussion on immigration right now, and it seems to be getting worse," said David French, the vice president for government relations at the International Franchise Association (IFA).

IFA, one of several trade groups and individual businesses that rely on foreign workers to come here for short stints in peak seasons, is among those pressing for an extension of an H-2B visa program.

That program allows for 66,000 foreign workers to come to the U.S. annually after the businesses go through a process that includes offering proof no American workers are available to handle the need. The workers stay for three-month periods to handle seasonal upticks in business.

For the previous two years, advocates had a relatively easy time convincing lawmakers to pass language allowing temporary workers returning to work in the United States not to count against the 66,000 cap, said Shawn McBurney, a senior vice president of governmental affairs at the American Hotel & Lodging Association (AH&LA).

Last year, there were about 123,000 workers allowed in on H-2B visas, including the new workers allowed under the visa cap program.

But McBurney said advocates are running "into politics this year."

Lobbyists have stressed the issue is not related to the debate on illegal immigration, as the H-2B workers go back to their home countries after the seasonal employment needs end.

"They work in resorts, in remote areas. There is virtually nobody to do these jobs," McBurney said.

Sen. Barbara Mikulski (D-Md.) is pushing to add the fix to the Commerce-Justice-Science spending bill.

Members of the Congressional Hispanic Caucus, however, have pressed House Speaker Nancy Pelosi (D-Calif.) to save the temporary-worker expansion as a carrot for lawmakers to pass the comprehensive immigration reform measure, lobbyists said.

But that position "essentially sacrifices small businesses," McBurney said.

Melissa Schwartz, a spokeswoman for Mikulski, said the senator would look to add the temporary H-2B language to another vehicle if it is removed from Commerce-Justice-Science spending bill.

High-tech companies, meanwhile, are renewing their annual fight for an increase in H-1B visas programs, which allow highly skilled foreign applicants to work in the United States for six years, as well as employment-

based visas that offer permanent employment status.

Ralph Hellmann, senior vice president for government relations at the Information Technology Industry Council (ITIC), said the current H-1B cap of 65,000 workers does not cover the high-tech industry's needs.

Domestic high-tech companies say immigration rules in the United States will push more foreign workers to turn to companies based in Europe, where lawmakers have eased legal immigration rules.

Kara Calvert, ITIC director of government relations, said temporary workers on H-1B visas often have to wait years to achieve permanent status. For the duration, their lives are "in limbo," Calvert said. Visa rules, for example, prohibit spouses from working and employees from being promoted or changing jobs, Calvert said.

The number of workers that gain employment-based visas, or green cards, is capped at 140,000. But Calvert said about half of those go to the dependents of workers. Business groups would like the cap raised to 290,000 workers and the number of available H-1B visas to double. But groups representing nurses, accountants and other high-skilled professions that use these visa programs are running into the problems that low-skilled worker advocates face.

"It's tough just because any time you talk about legal immigration, someone hears 'illegal immigration,' " Hellmann said.

To get lawmakers to pay closer attention, the business groups are offering to pay higher visa fees in return for higher worker caps. Hellmann said as much as \$500 million in new money could come from these visa programs, which could help lawmakers close the gap between their budget estimates and those of President Bush.

Hellmann said he hopes the increase could be added to the omnibus bill that lawmakers are likely to take up before breaking for holiday recess.

For both parties, immigration has become a particularly tricky issue. Labor unions balk at expanding temporary-worker programs, fearing they would lead to lower wages and take jobs from American workers. Republicans, meanwhile, risk upsetting big-business constituents in favor of a grassroots base that insists illegal immigrants not be given "amnesty." But the grassroots base has so far maintained a clear edge in the debate.

An effort to pass a comprehensive reform bill in the Senate was met with a huge backlash from opponents that helped kill the bill. Sen. John McCain's support for that bill was one reason political experts cite in explaining the Arizona Republican's slide in polls in the presidential contest.

Sen. Hillary Rodham Clinton (D-N.Y.), meanwhile, was tripped up in a recent debate over her support for a program in New York to offer driver's licenses to illegal immigrants. She has since said she opposes the effort. And New York Gov. Eliot Spitzer, a Democrat, had dropped his push.

The H-2B visa program got "sucked" into the debate on illegal immigration reform, said McBurney, of AH&LA. That has made the lobbying effort tougher this year, he said.

AH&LA is part of a group, Save Small Business, that is sponsoring a member fly-in day on Wednesday and Thursday in hopes of generating more support for the H-2B expansion.