



Obama's actions show jobs are not his top priority

By: [David Freddoso](#) | 11/01/11

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"[W]e can no longer wait for Congress to do its job," President Obama said in his Saturday radio address. To hear him tell the story, he has the answers for putting Americans back to work, and Congress is the only thing standing in his way.

Rob Nelson of the Elmer Candy Corp. in Ponchatoula, La., can offer a more nuanced perspective. Nelson's company has been caught in a minor bureaucratic drama, in which Obama's Department of Labor is putting tens of thousands of Americans' livelihoods at stake, despite fierce bipartisan opposition in Congress.

You have probably never heard of the H-2B visa, but Nelson and the 200 Americans his company employs year-round depend on it to make them profitable.

In all, H-2B brings 66,000 unskilled, seasonal, nonagricultural workers to the States each year. They work legally in unglamorous seasonal jobs, including hospitality and food processing.

They must be housed and given medical treatment by their employers. They return home after the work season ends with what counts as pretty good money in their countries of origin.

Elmer and other businesses that employ H-2B workers must pay the federal government \$1,000 per worker to apply, and before that demonstrate that they have hired as many Americans as they possibly can to fill their temporary positions.

Because seasonal chocolates can't just be made early, Elmer has to hire 150 temps to fill orders in the four months leading up to Christmas, to supplement its American workers.

In any given year, Nelson says he might get 30 local hires for the temp jobs -- "It's cheaper to hire locally," he remarks -- but after that, he depends on

H-2Bs. The foreign labor makes it possible for him to keep his 200 American employees on the job.

Nelson's company, like many others, received a notice from the Department of Labor earlier this year that as a condition of participating in H-2B, he would have to hike the visa workers' pay by 89 percent.

Obama's Department of Labor, at the behest of unions, is trying to derail the program by jacking up its prevailing wage to impossible levels. The unions see H-2B as dragging down prevailing wages and depriving them of potential recruits. Businesses are challenging the wage rule in federal court today.

Nelson says his 156-year-old company can't survive a massive rise in labor costs -- it would have to fold or go overseas. "We've always been here," he says. "We don't want to be anywhere else."

Some conservatives would tie this H-2B question to the immigration issue. Wouldn't Americans take these temp jobs if they simply paid more?

The businesses affected argue that vastly more expensive labor would simply price their products out of the market. Seafood processors on the Gulf Coast, who rely heavily on H-2B, are competing against imports from Vietnam and Indonesia and cannot simply absorb a 20, 40 or 80 percent increase in labor costs.

And if there's no one to pick crabs and shuck oysters on-shore, then a lot of better-paying American jobs -- fishermen, suppliers, boat manufacturers, maintenance workers and others -- could disappear.

So yes, H-2B is really a form of protectionism. It uses economies of cheap, foreign labor to keep American businesses in existence that couldn't otherwise survive the market. Perhaps they all deserve to fail.

But then, two other considerations arise. First, can -- or should -- Obama's Department of Labor make them fail right now through wage inflation, without input from Congress?

This isn't a partisan witch hunt, after all. Maryland's very liberal Democratic Sen. Barbara Mikulski is helping lead the charge in the Senate against the new wage rules, along with Sen. Mary Landrieu, D-La.

Second, Obama has promised to "create or save" jobs, insisting that it's his top priority. Yet with unemployment above 9 percent, Obama's White House sees this as an appropriate time to put many jobs at risk.

Priorities, priorities.

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