

## Representative Bishop Hears Work Visa Pleas

By Carissa Katz

(1/10/2008) Representative Tim Bishop fielded questions about voting machines, Broadwater, Medicare, No Child Left Behind, and even presidential impeachment at a meeting in Bridgehampton on Monday sponsored by Democracy for America. But the burning topic of the night was the H-2B seasonal worker visa program.

Hotel owners, landscapers, and other small business owners fear that this year it will be even more difficult than last to bring in the legal foreign workers their businesses rely on during the summer season. Dozens showed up at the Bridgehampton National Bank on Monday to ask Mr. Bishop for help and direction.



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The H-2B program, administered by United States Citizenship and Immigration Services, provides temporary work visas to nonagricultural seasonal employees.

There is an annual cap of 66,000 H-2B visas, but in 2005 Congress approved a two-year program exempting returning workers from that cap. Congress approved an additional one-year extension of the returning worker exemption in 2006. That expired on Sept. 30 and was not extended.

“We’re trying to get the exemption renewed,” Mr. Bishop told the crowd, acknowledging that his district is “very dependent on H2-B visa workers.” He has sponsored legislation to permanently exempt returning workers from the cap.

Under the rules of the H-2B program, employers must first advertise the jobs in local newspapers, offering the prevailing wage for their area. If there are no qualified applicants, the New York State Department of Labor will certify an employer’s request and forward it to the United States Department of Labor for approval. A Department of Labor recommendation is then forwarded to U.S.C.I.S.

Last year, employers faced processing delays of several months at the Department of Labor. The problems this year appear to have worsened.

While a number of people thanked Mr. Bishop for his support on Monday, they also blamed Congress for failing to address their concerns.

“The H-2B visa program is caught between two very powerful forces,” Mr. Bishop explained. On the one hand, there are “those who do not want to see a single nonnative worker” in this country. On the other, he said, are those pushing for total immigration reform.

“What we have to do is convince the Speaker [of the House], the majority leader, and other members of the House that we cannot allow this issue to be held hostage,” Mr. Bishop said. When he returns to Washington, D.C., on Tuesday, he will be fighting his own Democratic leadership on this issue.

The H-2B program “is a textbook example of why we need immigration reform,” he said.

People in the audience complained that employers and workers who have played by the rules seem to be the ones being penalized now. They asked whether a regional solution might be possible and whether Congress would take action on the exemption by February, which might give employers time to make arrangements for their returning workers.

Mr. Bishop said no on both counts.

“What do you suggest we do to get heard on this H2-B visa program?” asked Richard Sperber, an East Hampton landscaper. Mr. Bishop said he might be back in touch with local business owners after returning to Washington to “ask you to be part of some kind of group activity.”

“This affects not only the businesses and the workers, but the entire economy of the East End and all of Long Island,” said Paul Monte, the general manager of Gurney’s Inn in Montauk.

Mr. Bishop also seemed to be frustrated with Congress’s inaction.

“I’m one of 435 [representatives],” he said. “What I can promise you is my best effort. I can’t promise you my best effort is going to yield the results that you want and I want.” He acknowledged that “there is no plan B,” and added, “I’m very aware of the stakes.”

Mr. Bishop, a supporter of Hillary Clinton, was in New Hampshire last weekend to help her presidential campaign. Asked by Richard Madan, a co-chair of the East Hampton Democratic Committee, why he supports Mrs. Clinton, Mr. Bishop said he believes “she will be the best president.”

Laraine Creegan, director of the Montauk Chamber of Commerce, pointed out that Senator Clinton has not signed on to H-2B returning worker exemption. “We need you to get her to sign on,” she said.

This year’s presidential elections came up again on Monday night when Julie Penny of Noyac and Betty Mazur of Amagansett each asked about voting machines in New York State. Part of the Help America Vote Act, passed after the 2000 presidential elections, requires that states replace old lever voting machines with new voting technology, such as touch-screen machines or optical scan machines. An article in Sunday’s New York Times Magazine about problems with the newer machines prompted both women’s questions.

Ms. Mazur said she is concerned “that this very important election will be the trial time for them.”

Mr. Bishop said he is working on an extension of the date by which lever machines must be replaced in New York.

In more local matters, Mr. Bishop was asked about the Broadwater liquefied natural gas facility proposed for Long Island Sound, and why Governor Spitzer has not come out against it, despite opposition from other local, state, county, and federal officials.

“I oppose it,” Mr. Bishop said of the controversial floating platform. The proposal continues to have life despite extensive opposition “because there is a justification for bringing energy to Long Island,” he said.

“Under current law, Congress has no role” in the decision-making process for Broadwater, Mr. Bishop said. The federal government has given the Federal Energy Regulatory Commission sole licensing responsibility for liquefied natural gas facilities. Members of that commission are appointed by the President, “and the President appointed people who see liquefied natural gas as an answer to our energy needs,” Mr. Bishop said. “This is why elections matter.”

He has offered several legislative roadblocks to Broadwater, including a bill that would ban liquefied natural gas facilities in estuaries of national significance such as the Long Island Sound.

Mr. Bishop is scheduled to meet with Governor Eliot Spitzer tomorrow. Broadwater will be one of the items on his agenda, he said.

Mr. Bishop will meet again with constituents on Monday at 7 p.m. at Rogers Memorial Library in Southampton. He will talk about local and national issues and take questions from the audience. Reservations with the library have been suggested.