

The Honorable Tim Bishop

Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International

Law

April 16, 2008

Madame Chairwoman and Members of the Subcommittee, thank you for the opportunity to testify on H-2B visas, an important issue affecting my district. I also want to thank my colleague from Michigan, Representative Stupak for introducing H.R.1843, the "Save our Small Businesses Act," and for all of his work and dedication to finding a solution for our small businesses.

I represent New York's First Congressional district, which encompasses the eastern half of Long Island -- a coastal community that experiences an enormous seasonal influx of summer vacationers and second home residents.

Businesses in my district rely on H-2B visas to keep them afloat during the busy summer season. For many businesses, their actual "season" begins as early as March and ends well after Labor Day -- even into October. This means that hiring a student under the J-1 Visa Program is not an option, as the work period lasts much longer than a traditional summer. These small businesses welcome the same seasonal workers back year after year. In fact, some have had the same workers return for the past 15 years. The vast majority of these trusted and well-trained workers faithfully return to their home country after their visa expires and come back the following season.

Employers who benefit from the H-2B visa program range from hotels and restaurants to less obvious employers like landscapers, retail shops, sports and recreation, transportation services and ground keepers. In fact, most jobs having to do with the summer industry involve H-2B visas in my district.

On just the second day of 2008, the annual cap on H-2B immigration visas for migrant and seasonal workers was reached. Consequently, many family-owned small businesses that depend on such employees will be without the workforce they need to stay in business. Small businesses in my district have exhausted every possible option to cope with the shortage of summer labor that the H-2B program has created.

While the lack of H-2B visas directly affects the small businesses that receive these workers, it also affects the local economy where these businesses reside. Year-round employees also suffer because their employers are forced to close or dramatically scale back their hours and wages due to the lack of workers to keep their businesses running properly.

Without a returning worker exemption this year, businesses in my district will be forced to close and my community will suffer. Like many of my colleagues who recognize the importance of H-2B visas to our economy, I support raising the cap permanently and incorporating this change into broader immigration reform. Regrettably, partisanship and political obstacles to broader reform were made evident when the Senate debated it last year.

Therefore, we must resolve to enact those smaller-scale remedies we can agree upon today – in order to alleviate the burden our broken immigration system imposes upon our businesses – as we continue addressing the security and economic challenges required to enact broader reform.

In the absence of such a consensus, I respectfully ask this committee to join Mr. Stupak, myself and nearly 150 cosponsors of his bill, H.R. 1843, the “Save Our Small and Seasonal Businesses Act.” We can all agree upon the merits of this legislation and that we must find a solution to the crisis affecting our small businesses. We cannot allow their interests and livelihoods to be held captive to the continuing impasse over immigration reform.

We can also agree that helping small businesses retain their temporary workforces can alleviate one major strain on our economy. Stimulating growth and returning our economy to prosperity cannot occur without delivering such relief to America’s small businesses. Raising the cap on H-2B visas and adding stability to this important program will help us achieve those goals. We cannot leave small businesses who want to do the right thing with the unacceptable choice of going out of business or hiring illegal workers.

Madame Chairwoman, thank you again for the opportunity to speak today about this important issue and I am happy to answer any questions.