

SAVE SMALL BUSINESS

Save American Jobs— Restore H-2B

News You Need, News
You Want to Read

Newsletter

November 2008
www.savesmallbusiness.org

Congress to return to Washington; U.S. jobs hang in the balance

Congress is expected to reconvene for a post-election Lame Duck session in the coming weeks. Unless Congress acts quickly to pass the Save Small Business bill, thousands of American workers will likely lose their jobs in the new year. Without the H-2B returning worker exemption, seasonal businesses will not be able to afford to stay open – when these businesses close, their year-round full-time American workforce will get the boot.

These American workers are united in their cry of “We need our jobs. We need H-2B now.”

It is up to us to keep alive the dreams of our American workers and their families. Each of us needs to work around the clock in the coming weeks to make sure that Congress passes the H-2B Returning Worker Exemption during the Lame Duck session.

Here is what Save Small Business needs you to do:

Between Election Day and November 17: Call and Send Faxes EVERY DAY to let your Members of Congress and Senators know that they need to include H-2B in the Lame Duck session. Go to their local offices to meet them personally if you can. Send out media releases telling your story. Tell your story of trying to hire every American you can find to the world.

Starting on November 17: You, your employees, your family members and your businesses colleagues should Call and Send Faxes several times EACH DAY to your Senators and Representatives urging them to pass the Save Small Business bill (H.R. 1843 and S. 988) before they go home.

Do not stop until the Bill has passed Congress! Check for updates on www.SaveSmallBusiness.org.



photo by Bill Sieling, CBSIA

American employees demonstrate in Maryland's 5th Congressional District, Maryland workers who will likely lose their jobs spoke eloquently at the event.



Anna Jones and Nicie Jones, two long-term American employees will likely lose their jobs if the bill does not pass. “I have been working here for 59 years. I’m getting older and don’t know what I would do if this company had to shut down. I want to keep my job. I need to keep my job. Congress needs to make this happen.”

-Nicie Jones

Please keep this for your reference as the fight for your American employees continues. -Hank Lavery, President

A message from our President:

Dear Member,

Thank you for your continued support in our battle to promote and restore the H-2B returning worker exemption. Our battle this year has been challenging, exhausting, and at times seemingly hopeless. But, with your unwavering determination, we have shown Congress how pressing this issue truly is.

At this time, we hope that Congress will pass the bill during the lame duck period, when no member will have reelection pressures to take attention away from what is best for US workers. Through your perseverance, energy and passion, Congress must act. We stand together:

“Save American Jobs– Restore H-2B!”

In this newsletter we have provided you with accounts of recent events related to Save Small Business, the H-2B program, and an update on the US Congress. Please keep this for reference.

Thank you again for your support and energy as we work for the betterment of our American workers and communities. And as always,

CHARGE ON!!!

Hank Lavery
President
Save Small Business
www.SaveSmallBusiness.org

What’s said about H-2B, the “Save Our Small and Seasonal Businesses” Act

“Mr. Gerlach claims failure to pass the bill will hurt both Pennsylvania’s small businesses and workers. The Congressman pointed to numbers released by the Pennsylvania Landscape and Nursery Association in which it is estimated the industry could lose \$26 million in revenue, forcing a lay off of a minimum of 300 full-time U.S. workers.”

- ***The Philadelphia Bulletin*** (quoting Rep. Jim Gerlach (R-PA))

“Every H-2B job lost is estimated to lead to the loss of 2.54 domestic jobs.”

- ***University of Maryland,***
September 2008

“Gulf Coast businesses are starved for seasonal workers, but calls to allow more visas are tied up in the immigration battle.”

- ***The Times-Picayune,*** www.nola.com

“This cry for more seasonal workers echoes around the country, from ski resorts in Colorado to Maryland companies seeking crab pickers to landscapers in Texas... the country can’t afford to take seasonal businesses as hostages. In the short term, Congress should bypass the visa cap. Otherwise, the public and the economy will suffer...”

-***Editorial in The Boston Globe***

Seafood processor fights for H-2B, American workers *Like many, family business of 120 years will be forced to close doors without Congress’ decision to save U.S. jobs*

Jack Brooks, owner of J.M. Clayton Company, a seafood processing company, goes many sleepless evenings worrying about the fate of the H-2B program. If Congress fails to pass the “Save Our Small and Seasonal Businesses Act”, Jack’s company will be forced to close its doors, leaving 55 Americans unemployed, and thousands of others indirectly harmed.

The threat of the bill not going through Congress has Brooks determined and focused.

“I don’t have a plan B. This has to get restored. We have been very successful twice before, and it’s not an option for this not to happen for us” he said.

Brooks has been fighting as a member of Save Small Business, a national grassroots educational organization, since 2005. He has attended fly-ins, held rallies, and committed hundreds of hours to the restoration of H-2B visas.

Brooks described the H-2B program as beneficial for so many of the Maryland Seafood companies.

“It’s a good program and a legal program, and one most of us rely on around here,” he stated.

The political climate in America today may help Brooks’s and others’ cause, he said. The economic turmoil that the nation now faces will get much worse if

this bill does not get through the legislature, according to Brooks.

“It’s going to devastate and focus in on small communities, and that’s the engine of the American economy. I can’t imagine Congress contributing to that by failing to pass this. They’re too smart” he added.

Other than his direct employees, many others in Maryland’s East Coast economy will suffer if his operation has to close.

“All of the watermen will be greatly hurt too. They guarantee us they’ll sell us the crab, and we guarantee we’ll buy the crab. And if we can’t open in the spring we’re not going to be able to buy from them. Is that going to pull them off the water? Probably. They all have loans on their boats, and on their trucks, and they’re not going to be able to make payments on them. We’re all going to be in bad shape, yours truly included” he said.

Brooks is among thousands across the country who will have to lay off American workers due to having to close down or decrease operations in the event the bill does not get passed. Save Small Business continues to work to get the Act passed as quickly as possible.



Like hundreds of employers around the country, the J.M. Clayton Company will have no choice but to close down after 120 years of operation if the “Save Our Small and Seasonal Businesses Act” does not pass this year, resulting in the loss of American jobs. Above, a few of the company’s 55 American employees pose for a picture that is often shown to lawmakers to prove need for action. Jack Brooks, the owner of the operation, stands on the far right.

www.savesmallbusiness.org

Current Cosponsors of the “Save Our Small and Seasonal Businesses Act”

U.S. Senators and Representatives continue to sign up as co-sponsors of S. 988 and H.R. 1843, the “Save Our Small and Seasonal Businesses Act” of 2007. As of November 1, 2008, the following elected officials had committed to co-sponsor the Bill.

If your Senator(s) and Representative are not listed, then you still have work to do in convincing them about why their active participation is vital to your business, your US employees, and the communities your company serve.

If your Senator(s) or Representative are listed, take the time to contact them and let them know you appreciate their support and all that they do to protect the H-2B program. Continue to let them know how important the issue is for American jobs, and thank them for their efforts.

Current co-sponsors of the Bill include:

Alabama: Sen. *None*; Rep. Bonner
Alaska: Sen. Stevens; Rep. *None*
Arizona: Sen. Pryor; Reps. Berry, Flake, Franks, Renzi, Shadegg
Arkansas: Sen. *None*; Rep. Snyder
California: Sen. Boxer; Reps. Costa, Herger, Richardson, Sanchez
Colorado: Sens. Allard, Salazar; Reps. DeGette, Lamborn, Musgrave, Perlmutter, Salazar, Udall
Connecticut: Sens. Lieberman, Dodd; Reps. Courtney, DeLauro, Larson, Murphy
Delaware: Sens. Biden, Carper; Rep. Castle
Florida: Sen. *None*; Reps. Boyd, Crenshaw, Diaz-Balart, Feeney, Klein.
Georgia: Sen. *None*; Rep. Deal
Guam: Delegate Bordallo
Hawaii: Sens. Akaka, Inouye; Rep. Hirono
Idaho: Sens. Craig, Crapo; Reps. Sali, Simpson
Illinois: Sen. *None*; Reps. Bean, Davis, Jackson, LaHood, Manzullo, Weller
Indiana: Sen. *None*; Rep. Souder.
Iowa: Sen. *None*; Rep. *None*
Kansas: Sen. Brownback; Reps. Moran, Moore, Tiahrt
Kentucky: Sen. *None*; Rep. *None*
Louisiana: Sen. Landrieu; Reps. Alexander, Baker, Boustany, Jefferson
Maine: Sens. Collins, Snowe; Reps. Allen, Michaud
Maryland: Sens. Cardin, Mikulski; Reps. Bartlett, Cummings, Gilchrest, Hoyer, Ruppersberger, Sarbanes, Van Hollen, Wynn
Massachusetts: Sens. Kennedy, Kerry; Reps. Capuano, Delahunt, Frank, Lynch, Markey, McGovern, Olver
Michigan: Sen. Levin; Reps. Camp, Dingell, Ehlers, Hoekstra, Kilpatrick, Levin, McCotter, Miller, Rogers, Stupak, Walberg
Minnesota: Sen. Coleman, Klobuchar; Reps. Bachman, Ellison, Kline, Oberstar, Peterson
Mississippi: Sen. Cochran; Rep. Pickering
Missouri: Sen. Bond; Reps. Blunt, Carnahan, Clay, Cleaver, Hulshof
Montana: Sen. *None*; Rep. *None*



Sponsor
 Barbara Mikulski, US Senator from Maryland, has been a champion of the H-2B program since SSB’s inception.

Mikulski has stated:
“I promised small businesses they could count on me to keep fighting until we had a solution and they had the seasonal workers they needed to stay in business. My promises made are promises kept... Without these seasonal workers, many businesses would be forced to limit services, lay off permanent U.S.



Stupak, representing Michigan’s 1st District, sponsors the House Bill, HR 1843. He stated:

“This demand highlights the immediate need for Congress to extend the H-2B returning worker program to help small and seasonal businesses fill their seasonal labor needs and keep full-time Americans and their businesses working. These returning workers have provided relief to small businesses throughout the Nation, covering a broad spectrum of industries like landscapers, tourism, seafood processors

Nebraska: Sen. *None*; Rep. *None*
Nevada: Sen. *None*; Rep. Berkley
New Hampshire: Sens. Gregg, Sununu; Rep. Shea-Porter
New Jersey: Sen. Lautenberg; Reps. Andrews, Hodes, Pascrell, Pallone, Payne, Rothman, Saxton, Smith
New Mexico: Sen. *None*; Rep. *None*
New York: Sen. Schumer; Reps. Bishop, Hinchey, Israel, Kuhl, Loblond, Lowey, McHugh, Walsh
North Carolina: Sens. Dole, Burr; Reps. Butterfield, Etheridge, Foxx
North Dakota: Sen. *None*; Reps. Miller, Pomeroy, Price
Ohio: Sens. Brown, Voinovich; Reps. Kaptur, LaTourette, Regula, Sutton, Tiberi
Oklahoma: Sen. Coburn; Reps. Boren, Cole, Lucas.
Oregon: Sen. *None*; Rep. Blumenauer
Pennsylvania: Sen. Specter; Reps. Carney, Dent, Doyle, English, Gerlach, Murphy, Murtha, Pitts, Platts, Schwartz, Sestak
Puerto Rico: Rep. Fortuno
Rhode Island: Sen. Whitehouse; Reps. Langevin, Kennedy
South Carolina: Sens. DeMint, Graham; Reps. Brown, Inglis, Wilson
South Dakota: Sens. Johnson, Thune; Rep. *None*
Tennessee: Sen. Alexander; Rep. Wamp.
Texas: Sen. *None*; Reps. Conaway, Hall, Johnson, Ortiz, Rodriguez, Sessions
Utah: Sens. Hatch, Bennet; Rep. Bishop
Vermont: Sen. Leahy; Rep. Welch
Virginia: Sens. Warner, Webb; Reps. Cantor, J. Davis, T. Davis, Drake, Moran, Scott, Wittman, Wolf
Washington: Sen. *None*; Reps. Larsen, McMorris Rodgers.
West Virginia: Sen. *None*; Rep. *None*
Wisconsin: Sen. *None*; Reps. Baldwin, Kind, Ryan
Wyoming: Sens. Enzi, Barrasso, Thomas; Rep. Cubin

POUNDING THE PAVEMENT IN WASHINGTON: THE POWER OF THE FLY-INS

I am sure you will agree how the success of our Fly-Ins has really put this issue in the forefront. There is no substitute for the face-to-face exposure with constituents during the Fly-Ins. Members and their staffs had to look you in the eye as you personally explained your stories. To recap:

December 5th (2007) Fly-In: Over 700 SSB members from over 30 states descended on Washington to get the legislation passed before Congress adjourned for the 2007 Winter recess. Truly unbelievable. Collectively, you attended over 2,100 meetings with elected officials and staff. Overheard were comments from the Capitol Police stating, “We have never seen anything like this before. The hallway is so crowded you cannot see from end to end.” It was an awesome showing and showed the unity of support by American workers and businesses.

March 11th Fly-In: Aimed at passage of the Save Small Business bill before Congress adjourned for the Spring holiday recess. You stood proud once again with 120+ members pounding the pavement, meeting with Senators and Representatives from every region of the country.

April 16th Hearing on the H-2B Program by House Immigration Subcommittee: A formal hearing conducted by The House Immigration Subcommittee comprised of two panels: Members of Congress and H-2B Critics and employers who use the program. SSB Board Member Dan Musser, president of Grand Hotel in Mackinac Island, Michigan and Bill Zammer, president of Cape Cod Restaurants in Cape Cod, Massachusetts affectively testified regarding the importance and success of the H-2B program. Ironically, what was intended to be a harsh review of the program turned into a positive overview of exactly why the country needs the H-2B Program.

September 10th Fly-In: Targeted at getting our bill passed before Congress adjourned for the November 4 General Election and very possible the last meeting of the 110th Congress. Over 300 American workers and business owners convened once again, proudly wearing “Save American Jobs: Restore H-2B” buttons. All-day schedules of meetings between constituents and Senators and Representatives alerted the Congress to the fact that the need is dire and that time is running out. The day could not have ended better with an impromptu meeting between top staff members from House Speaker Nancy Pelosi and House Majority Leader Steny Hoyer’s offices.



*Far above: **Lasting Impression Landscaping Management, Inc.** gathers in front of the Capitol building September 10th. The business brought 40 employees for the day-long lobbying event.*

Immediately above: Don Mooers, consultant for SSB, gives an orientation about how to be most effective in meetings with representatives. Mooers, along with other leaders in the organization, tried to equip the members for the demanding day ahead.

Below: SSB members from New Jersey meet with Representative Scott Garrett of the state’s fifth district. photo by Tom Andreola, NJLCA and Jacobsen Landscape



The big question is: Will the 110th Congress FINALLY pass the Bill during the upcoming Lame Duck Session? Congress needs to return to Washington and deal with this crisis. After all, isn’t that what you elected them to do? It is time to restore the H-2B Returning Worker Exemption.

Enough already. Congress: Just Get It Done!

H-2B Solves Temporary Seasonal Shortages Across America

Quarrying Industry, Idaho



Greg Osterhaut, of Northern Stone Supply, has been using the H-2B program for 24 years, and typically employed 75 to 100 foreign nationals each season (until the exemption bill failed in the House in 2007). Even more incredible is the impact his business has on the larger community in which it operates. The majority of its residents either work for the quarries or operations that support the quarries, like those producing equipment (trucks, pallets, etc.) or specialize in equipment maintenance.

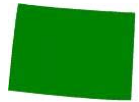
Osterhaut said that due to the bill's failure in 2007 he could only get 24 of the 75 H-2B workers needed. The negative consequences are already visible. He has had to decline opportunities to grow a new enterprise, which would employ American workers, because he won't have the materials to keep it operational.

The effects on the community are already being

felt, according to Osterhaut:

"We're at the beginning of a very long chain. We're not a service organization at the end of a chain; a lot of different businesses are affected when we can't get the product" he said. "It's just going to snowball."

Resorts, Colorado



Cindy Johnson, the director of Human Resources for the Broadmoor Hotel, has also been forced to turn to the H-2B program.

The Broadmoor needed around 250 H-2B workers in 2008, but was unable to access them due to the expiration of the H-2B returning worker exemption.

The hotel has managed to find ways to fill most of the vacancies left by their workers being unable to return, mostly through partnering with other seasonal resorts that operate on an opposite schedule. Because H-2B visas allow a worker to stay for three years, going between two seasonal jobs can allow for a worker to avoid applying and being subject to the cap. But, this only lasts for three years, and then they have to leave the country.

Restaurants, Cape Cod, Massachusetts



William Zammer Jr., owner of five restaurants, has endured the hardest season on Cape Cod he's ever experienced. Why? The extreme shortage of workers was *"excruciating"* with employees putting in overtime, and managers being *"worked to the bone"* he said.

Zammer's five restaurants needed about 100 H-2B workers this season, but in 2008 he was shut out. He sought workers with J1 visas, was able to extend the stay of some H-2B workers already in the country, attempted to recruit workers ski resorts, and attended job fairs across Massachusetts, but still could not find nearly the number of employees he needed.

He is not an exception on the Cape; the resort destination needed 5,000 H-2B workers in 2008 to make up for the shortage of Americans to fill jobs. Only 500-600 made the cap, according to Zammer. This forced businesses to operate on a smaller scale.

"It's the best worker program on the books. They just don't understand it, with a few exceptions. It's a shame because they just don't get it," Zammer said.

Like others on the Cape, he was forced to use the H-2B program as the number of Americans willing to work in seasonal jobs shrank.

Hotel Industry, nationwide

Cape Cod, Massachusetts, Mackinac Island, Michigan, Breckenridge, Colorado, Montauk, New York and resort vacation spots across the country continue to face a chronic seasonal labor shortage as fewer and fewer Americans come forward to fill available temporary jobs.

Worst of all, the jobs of thousands of full-time American workers employed by these entities are threatened. Without foreign seasonal workers willing to come to the US and then return home at the end of the season, full time positions — **JOBS OCCUPIED BY AMERICAN WORKERS** — will be eliminated.

Since these areas are vacation "destination" spots, their peak periods are as predictable as paying your taxes on April 15th. As hard as these businesses have tried to recruit with a local labor pool, not enough Americans want the jobs. American jobs are threatened as these businesses lose significant revenue and clients from a reduction in service.

R. Dan Musser III, president of the 121-year-old Grand Hotel in Mackinac Island, has patiently dealt with long-lasting implications. The hotel was forced to significantly delay its opening in 2008, and one of its restaurants was forced to close three weeks earlier than the year before.

The only way to preserve these American jobs, and the businesses that employ them, is to pass the Save Small Busi-

Landscaping, Missouri



Larry Runyon, who operates the Runyon Landscaping Management, has had to turn to the H-2B program. Despite constantly recruiting in the local job market, an average of only 6 Americans each year have stepped forward to fill seasonal temporary

laborer positions.

When the Save Small Business bill did not pass in 2007, Runyon still could not recruit more than a handful of American workers and was only able to obtain the services of **18** foreign workers to fill 2008 seasonal openings. That's a reduction of **15** employees from an already small workforce. When asked how his season was manageable with such a reduction in needed workers, he replied, ***"A lot of it was getting lucky."***

There is a good chance, however, that circumstances won't be as favorable in 2009.

Runyon, along with his wife, have attended every Save Small Business Fly-In they could over the past couple of years. ***"We all have the same goal."*** he said.

Save Small Business

A network of small and seasonal business owners dedicated to saving American commerce by supporting and advancing the H-2B Non-Immigrant Worker program.

Act now to ensure Congress restores H-2B visas

On or around November 17th, **Congress will reconvene** for a Lame Duck session. They will have the opportunity to do what's right for American jobs by deciding to pass the H-2B returning worker exemption. Join the effort for saving U.S. jobs.

Ways of contacting your Congressmen:

- **write letters**
- **send faxes**
- **make phone calls**

Congress will be in session for but a few weeks before breaking for the holidays. Now is the time for grassroots efforts for our Bill. The issue is serious and the terms dire. Do not hesitate to contact your Representatives and Senators and tell them what it's all about:

Save American Jobs– Restore H-2B

Save Small Business

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