Omnibus Attack on American Jobs

By Phyllis Schlafly *December 29, 2015*

When I heard that the Omnibus spending bill that President Obama signed a week before Christmas includes a provision allowing more foreign guest workers, my first reaction was disbelief. We were repeatedly told by Republican leaders that the must-pass spending bill contained only what was absolutely necessary to pay our troops, bondholders, and Social Security recipients, and we couldn't risk shutting down the government with provisions to defund Planned Parenthood or prohibit Obama's executive actions.

Guest-worker visas became a national scandal this year when the Walt Disney Company and Southern California Edison fired 250 and 400 employees respectively, and both companies required their laid-off workers to train replacements brought in from India to do the same job. The 2016 presidential campaign has been fired up by candidates who promise not only to crack down on illegal immigration, but also to reduce legal immigration which most Americans think is too high.

Speaker Paul Ryan gave written assurances to his conservative colleagues, such as Rep. Steve King and Rep. Mo Brooks, that he would not "bring up any immigration legislation so long as Barack Obama is president." Yet there it was, on page 701 of the 2,009-page bill that members of Congress had only one full day to read and study before voting:

"Section 214(g)(9)(A) of the Immigration and Nationality Act is amended by striking '2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007' and inserting '2013, 2014, or 2015 shall not again be counted toward such limitation during fiscal year 2016'." What that convoluted language means, in other words, is that employers can import up to 264,000 new H-2B workers next year because the 198,000 people allowed to come in the last three years would "not again be counted" toward the annual cap of 66,000.

Like the better-known H-1B visas for college-educated technical workers, H-2B visas for temporary blue-collar jobs are supposed to be issued only if and when "unemployed workers capable of performing the relevant service or labor cannot be found" anywhere in the United States. That limitation is easily circumvented by employers, whose task is made easier by another provision on page 888 of the Omnibus: "In the determination of prevailing wage for the purposes of the H–2B program, the Secretary shall accept private wage surveys" in lieu of official ones.

H-2B visas allow foreign workers to do jobs that are temporary or seasonal but not agricultural – categories that would make a great summer job for any high-school or college student. Prime examples include canning or packing seafood during the surge when the catch comes in, all sorts of jobs at summer resorts and amusement parks, and outdoor jobs in construction, landscaping and groundskeeping in places where that type of work can't be done all year round.

The H-2B language looks like a special-interest provision that must have been written and inserted by high-priced lobbyists, so you'd think members of Congress would have enough shame to deny knowledge and disclaim responsibility for how it got into the bill. On the contrary, House leaders and their minions have issued statements, written letters and given interviews trying to defend the indefensible.

House Majority Whip Steve Scalise claimed "there are not sufficient American workers to fill job vacancies for temporary and seasonal positions." While the labor participation rate keeps falling to new lows every month, Scalise thinks America has a "worker shortage" forcing "many small and seasonal businesses ... to shut their doors."

House Speaker Paul Ryan lashed back at critics for "making a mountain out of a molehill" over a provision that he says would bring "only about 8,000 additional workers." However, a 410-page report issued in April by USCIS, the agency in charge of H-2B visas, predicted that 115,500 additional visas would be issued under the revised language.

Speaking on Bill Bennett's radio program, Ryan complained that summer resorts in Wisconsin "can't find local workers" to staff tourist attractions because "kids are already in college." A letter to his constituents on Ryan's behalf claimed that "Wisconsin industries such as dairy, nurseries, agriculture and tourism" need more foreign workers to "perform work that employers cannot find American workers to perform," although dairy and agriculture workers are not eligible for H-2B visas.

Paul Ryan is a true believer in the idea that, as he wrote in 2013, "immigration helps us get the labor force that we need so that we can have the kind of growth we want." But economists have shown that virtually all of the economic "growth" from immigration is captured by the immigrants themselves, leaving no net benefit to American citizens already here.

Beyond the question of what to do with illegal immigrants, it's important to reduce the flow of replacement workers into the U.S. Guest worker programs have become a racket that should be suspended or terminated.