

Testimony
United States Senate Committee on the Judiciary
FIELD HEARING--Comprehensive Immigration Reform: Examining the Need for a Guest
Worker Program
July 5, 2006

Mr. Dan Eichenlaub
President , Eichenlaub, Inc.
Testimony by Dan Eichenlaub
President
Eichenlaub, Inc.
On the Subject of Comprehensive Immigration Reform
Before the United States Senate Judiciary Committee, Senator Arlen Specter, Chairman
In Philadelphia

July 5, 2006

Good Morning Chairman Specter and members of the Senate Judiciary Committee. My name is Dan Eichenlaub. My brothers and I started Eichenlaub Inc., our Pittsburgh-based landscape contracting company, in 1974, and the business has grown ever since. The green industry, including landscape contractors, nurseries, and garden centers is the fastest growing segment of Pennsylvania agriculture, and now represents \$5.6 billion of economic impact in the Commonwealth. Nationally, we stand at nearly \$150 billion.

My association -- the Pennsylvania Landscape & Nursery Association, and our federal partner, the American Nursery & Landscape Association -- have both worked hard to find a comprehensive solution to our nation's immigration crisis. This crisis includes problems with the H-2B visa for seasonal labor. For five years I have been using the H-2B visa program to obtain workers for positions with my company for which I have been unable to find local workers. The H-2B program was designed for seasonal industries as diverse as landscape contracting, food processing including fisheries, tourism, forestry and the firefighter crews who protect our forests, hospitality, including those on staff with our national parks, and even America's national pastime played by minor league baseball teams. These many seasonal industries have unique needs and special challenges in attracting and retaining a workforce. The program represents a critical component of the success of my company, and provides workers that I cannot find in my region of the state. That in turn allows me to create and maintain some year-round jobs for Pennsylvanians in landscape design, sales, and office management.

I can tell you, without hesitation, that there are not enough native-born, available American workers to fully staff and grow my business. This is hot, physically demanding seasonal work. Entry-level agricultural and manual jobs are, quite frankly, not the ambition of most young Americans.

Unconvinced? Witness the requirements of the H-2B program: I must advertise in the Pittsburgh papers to attempt to fill an open position with an American worker. If I cannot find an American worker to do the job, I can apply for an H-2B visa. The H-2B program requires me to pay a

federally-mandated rate that is higher than minimum wage. Due to program limitations, especially the artificial cap on allowable visas, I risk investing time and money in a worker who may not obtain authorization to return next season. If the cap is left artificially low, a black market for unauthorized workers is unintentionally encouraged.

Even with these limitations, the H-2B program at least presents an opportunity to obtain an adequate workforce. My Jamaican H-2B workers do excellent work. They are motivated, they are more than physically competent, and they have a strong work ethic. Many of my H-2B workers have been coming back for several years. These workers are like family to me and my colleagues. They like the program, which allows them to earn a good living here, and spend their winters in their homeland. We like the program, which ensures that dedicated, satisfied workers return year after year.

However, the program is flawed. It is capped at a maximum of 66,000 workers per year. Two years ago, the cap hit before my workers' paperwork had been fully processed. That season I lost my workers, and I lost half a million dollars worth of business. In 2005, Congress passed the "Save our Small and Seasonal Businesses Act," legislation that greatly extended the program by exempting many returning workers from the cap. However, this was simply a one-year program extension.

The return-worker exemption should be made permanent, and the cap should be altered to allow the program to realistically expand based on the needs of the American economy. The Senate has offered some relief: a three-year extension is a crucial part of the Comprehensive Immigration Reform Bill which passed the Senate in May. The Senate also provided needed solutions and reforms for the full landscape and nursery industry, including time-tested and bipartisan provisions for agriculture and the H-2A program.

As you know, agriculture is the largest industry in Pennsylvania. Our nurseries, our farms, and our agri-businesses need solutions. We need to keep our workers, and we need to fix the broken visa programs and thus match willing workers with willing employers. Those of us who use and understand these programs know that they create needed legal channels for temporary workers to enter the U.S. safely and legally, contribute to our economy, and return home at the proper time. We all support secure borders. It is ludicrous to think that we can "secure our borders" without creating workable legal channels like H-2B and the proposed H-2C program.

On behalf of the landscape and nursery industry, and on behalf of seasonal small businesses across the country, I call upon the House to come to the table, to work with the Senate to pass Comprehensive Immigration Reform, fix the H-2B program, and help grow our small and seasonal businesses!