

Written Statement
of
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to the
Senate Small Business and Entrepreneurship Committee
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Thank you Chairman Vitter, Ranking Member Shaheen, Senator Cardin and Members of the Committee for inviting me to testify about an extremely important program for the small business community, the GUEST WORKER PROGRAM referred to as the H-2B program. This program is vital for the survival of seafood processing small businesses especially in Louisiana and Maryland.

I will submit my statement for the record in addition to a number of exhibits that will provide a useful reference for the Committee.

I will now provide my oral remarks.

I'm here to express my concerns about the future of my business and other small businesses that struggle to daily succeed...

After completing active duty service as a Lieutenant in the US Army, I returned to La. and started Randols (1971)...starting small ... one man one truck...

After four decades Randols has grown in size and scope... we are transitioning to the next generation...the future is in my sons that work the business allowing me to pull back...

Continuous natural and man-caused obstacles to running my business

Hurdles (over 4 decades):

Floods-

Mississippi River diversions thru Atchafalaya Basin

Hurricanes-

Katrina, Rita, Ike, Gustov, etc

Oil spills-

BP

Lack of product (catch)-

drought, cost of crop production

Predatory imports from China-

Chinese dumping (CDSOA) ...\$1.67 lb was the import price quote used in first World Trade Court action

Lack of labor-

Changes in H2B rules and Feds grabbing authority from Louisiana

The attached declaration (**Exhibit**) by Dr. Mike Strain filed in our 2011 lawsuit against the DoL gives an overview of the importance of the H-2B program to the Louisiana economy.

I'm here today to talk about the H-2B (guest worker) program ...legal temporary workers that get work visas to support businesses from farming and fishing to restaurants and wholesale and retail food operations

1970's Vietnamese ...sponsored Family of 40

'90 s... H-2B...Mexican labor (40 then 30 now 25)...

H-2B application process a growing and expensive challenge

Since DoL took over initial wage certification from the States (2008), the process has become increasingly more time consuming and difficult...initially I did the paperwork myself but have had to turn it over to someone else more qualified to run through the government hoops... just like many people have to use CPAs

These papers (**Exhibits**) represents what was submitted (Oct 2014) for the first application (CAP 1:First Half FY15)... the same amount was re- submitted (Jan 2015) for the second application (CAP 2:Second Half FY15)... We missed both CAPs...our plant was scheduled to open Feb 2015...we are still waiting to see if we will get workers so we can open and salvage part of this year...

Availability of domestic labor is a continuing problem

Last year we were processing between 6-8,000 lbs seafood daily...having missed both CAPs we have little hope that the plant will open this year... missing the 2015 crawfish & blue crab season...

Often we hear comments like “ **if you pay more money then you will get the labor you need**”... we feel that it's more about the job than the money... it's probably considered by most to be one of American's least desired jobs...

Recent recruitment (**Exhibit**)... 7 prison trustee's... after first day one trustee said **he would rather go back to jail than peel crawfish (Exhibit)**... the Warden was informed and he never returned... the remaining trustees in training continued to shrink until we halted the effort after 2 weeks...

Union activity has created even more problems

National GuestWorkers Alliance (NGA) letter dated August 2012 (**Exhibit**) requesting a meeting “to negotiate a long-term solution and reach an agreement” to the reported “significant labor abuse” in the seafood industry...

NLRB now getting involved

Signed agreement to educate (**Exhibit**).

Urgently Needed Fixes to Save the H-2B Program for Small Businesses

Congress has to take action now. The lost opportunity to fix the problems created by DHS and DoL last year has already done severe harm in Louisiana... some Louisiana small businesses will not recover.

As in the past, we need immediate Congressional action to block the new DHS/DoL proposals of last Wednesday. The H2B Workforce Coalition statement is attached.

In addition,

We need to resume the H-2B returning guest worker exemption from the annual cap.

We need to return authority for determining prevailing wages to the states.

We need a seat at the table at DoL just like the NGA...and the SBA Office of Advocacy needs to be more aggressive in confronting DHS and DoL as policy changes are being discussed.

I would be happy to answer any questions you may have.