

Testimony of
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On Behalf of the Essential Worker
Immigration Coalition (EWIC)
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Thank you, Mr. Chairman, and members of the committee. My name is Hal Daub, and it is an honor and a privilege to testify before you today on the important, timely topic of comprehensive immigration reform.

I serve as the President and CEO of the American Health Care Association (AHCA) -- the nation's largest association of long term care providers - and my testimony today is given on behalf of more than 10,000 members that include not-for-profit and proprietary skilled nursing facilities, assisted living communities, and facilities for the developmentally disabled. We represent over 1.5 million nursing staff, and approximately 1.7 million residents and patients.

I am also here today on behalf of the Essential Worker Immigration Coalition (EWIC), a broad-based coalition of businesses, trade associations, and other organizations from across the industry spectrum who are concerned with the shortage of both skilled and lesser skilled ("essential worker") labor. EWIC supports policies that facilitate the employment of essential workers by U.S. companies and organizations, and supports reform of U.S. immigration policy to facilitate a sustainable workforce for the American economy, while still ensuring our national security and prosperity. EWIC was formed in July of 1999 with principal leadership from the AHCA.

AHCA/NCAL and EWIC thank you, Senator Specter, for bringing the immigration reform debate to the forefront, during what is obviously a busy time for the Senate Judiciary Committee - and we thank Senators McCain, Kyl, Cornyn, and Kennedy for their commitment to resolving this onerous problem in a manner that advances ideas and solutions in a straightforward, bi-partisan fashion.

We can all agree America is a stronger and better nation because of the hard work, faith, and entrepreneurial spirit of the millions of immigrants who have arrived on our shores for hundreds of years.

Every generation of immigrants has reaffirmed the wisdom behind America remaining open to the talents and dreams of all seeking a better life, for themselves, and for their children. Every successive generation of arriving immigrants also has assimilated into our society, and into our diverse workforce. This has, and always will be, a defining strength of America.

The United States values immigration as an ideal, and depends upon immigration to bolster a rapidly changing and growing workforce. Ultimately, we must support and promote public policies that improve our immigration laws in a manner that strengthens the U.S. economy, improves our security, and maintains the historic principles upon which our nation was built.

Reform must begin by confronting the fact that many of the jobs being created by America's growing economy are jobs that American citizens simply are not filling - in fact, these are jobs no one is filling. Our laws, therefore, should allow willing workers to enter our country and fill this void.

According to the Bureau of Labor Statistics, about 98 percent of projected employment growth between 2002 and 2012 will be in the service industries. 80 percent of that growth is in five service sectors: education and health services, professional and business services, state and local governments, leisure and hospitality services, and retail trade.

The growth in the education and health services sector accounts for 25 percent of total 2002-2012 projected employment growth. Nearly half (40 percent) of the projected employment growth in education and health services is in ambulatory health care services, mostly persons who provide health care and other support to the elderly.

Many of the 58 occupations projected by BLS to have faster than average employment growth between 2002 and 2012 are in service industries and employ essential workers. These fast-employment growth industries collectively account for 84 percent of the total projected employment growth. Employment services, healthcare services, food services, and construction are projected to account for 5.3 million additional jobs, or one-quarter of the total expected to be added by 2012. Food services, for example, are projected to have output growth slightly above average (2.4 percent a year versus 2 percent), and employment growth of 16 percent, boosting the number of jobs from 8.4 in 2002 to 9.7 million in 2012.

BLS expects employment in all occupations to rise by 21 million jobs between 2002 and 2012 - from 144 million to 165 million - an increase of 16 percent. However, because of changing demographics and retirements/turnover, BLS projects 56 million job openings during the decade, or an average 2.6 job openings for each net additional job.

America's health care system, in particular, is straining due to a shortage of key caregivers necessary to care for a rapidly aging population. From the standpoint of long term care, Mr. Chairman, we are ready, willing, and able to offer tens of thousands of good-paying jobs that, if filled, will help boost the quality of seniors' care in nursing homes across America.

The high demand for long term care workers already is documented by the federal government as well as by AHCA/NCAL. A recent study by the Department of Health and Human Services (HHS) and U.S. Department of Labor (DoL) estimates that the U.S. will need between 5.7 million to 6.5 million nurses, nurse aides, home health and personal care workers by 2050 to care for the 27 million Americans who will require long term care - up over 100 percent from the 13 million citizens requiring long term care in

2000.

In addition, a recent AHCA study examining staff vacancy rates in our nation's nursing homes found approximately 52,000 Certified Nursing Assistants (CNAs) are needed immediately - just to meet existing demand for care. While we are cognizant that the various legislative proposals on the table do not specifically address the need to fill key frontline caregiving positions, a comprehensive approach to immigration reform is better than piecemeal, industry-specific efforts which have not worked in the past.

The current temporary and permanent visa programs are insufficient and inadequate to accommodate U.S. needs. The H-2B program for seasonal workers is narrowly defined and has a Congressionally mandated cap that is arbitrarily set at 66,000 per year. The H-2A visa program for agricultural workers contains no numerical cap, but does not respond quickly enough to the often rapid fluctuations in agricultural labor demand, and is thus seldom used by employers. The permanent residence program provides approximately 5,000 slots annually for essential workers. Our current immigration system can not handle our continuing need for foreign-born workers.

Comprehensive immigration reform should be guided by three basic goals.

First, America must always remain in absolute control of its borders and know who lives within those borders. On this point, there is no debate.

Second, new immigration laws should serve the needs of the U.S. economy. If an American employer is offering a job that American citizens are not willing or available to take, we ought to welcome into our country a person who will fill that job - especially a job that has the capacity to improve the health and well being of our seniors and people with disabilities.

Third, undocumented workers who pay taxes and contribute to our labor needs should be given a vehicle to earn legal status. Of course, we should not provide unfair rewards to illegal immigrants in the citizenship process, or disadvantage those who came here lawfully; but, we must recognize contributions and provide mechanisms for attaining legal status.

The path to permanent status, and eventually U.S. citizenship, is especially important to the our nation's long-term care profession. With a turnover rate for CNAs and personal care workers in some of our skilled nursing facilities and assisted living residences close to 100 percent, we find it illogical that an administrator must send his or her most senior, qualified aide home after just two or three years simply because they were born in a foreign country.

That key caregiver should be offered the opportunity to extend his/her stay and continue to contribute to both the U.S. economy, and the care of our frail, elderly, and disabled. Moreover, it is time for our nation to acknowledge the enormous and growing importance of undocumented immigrant workers within our borders who, one way or another, are integrating into the U.S. economy. The Pew Hispanic Center estimates that in 2004 there were 10.3 million undocumented immigrants in the United States: 5.9 million from Mexico; 2.5 million from other Latin American countries; 1 million from Asia; 600,000 from Europe and Canada; and 400,000 from Africa and elsewhere.

Incredibly, 86 percent of undocumented immigrants have arrived since 1990 and 30 percent have arrived just since 2000. Over the past decade, the undocumented population has grown by 700,000 - 750,000 persons per year.

These statistics highlight the broken immigration system created in 1986 after the passage

of the Immigration Reform and Control Act. We have let our immigration system spin out of control over the past 2 decades. However daunting the statistics regarding the undocumented in our country may be, we must keep in mind that these overwhelming numbers represent mothers and fathers, sons and daughters. Many of these undocumented workers not only want to help themselves and their families, but have the capacity to help many of our businesses, and to help care for many of our citizens. That is why AHCA/NCAL with EWIC helped craft the business communities' basic principles of what comprehensive immigration reform should include:

- Reform should be comprehensive, addressing both future economic needs for workers and undocumented workers already in the United States.
- Reform should strengthen national security by providing for the screening of foreign workers and creating a disincentive for illegal immigration.
- Reform should strengthen the rule of law by establishing clear, sensible immigration laws that are efficiently and vigorously enforced.
- Reform should create an immigration system that functions efficiently for employers, workers, and government agencies.
- Reform should create a program that allows hard working, tax paying, undocumented workers to earn legal status.
- Reform should ensure that U.S. workers are not displaced by foreign workers.
- Reform should ensure that all workers enjoy the same labor law protections

We believe these principles dovetail with the President's principles and some of the proposed legislation that members of this committee are addressing.

AHCA/NCAL and EWIC want this Committee to know that we are delighted and encouraged by the fact that the President and key legislative leaders from both sides of the aisle recognize that vast sectors of the American economy have significant, unfilled labor needs that require attention and action.

This is the beginning of the process, not the end. We look forward to working with the Committee in a positive, cooperative manner as comprehensive immigration reform policy is debated, crafted, and, hopefully, passed into law as soon as possible.

Thank you for the opportunity to testify before you today.