

H-2B

Workforce Coalition

February 16, 2005

Dear Senator:

The H-2B Workforce Coalition urges you to support the “Save Our Small and Seasonal Business Act of 2005.” This bipartisan bill would **exempt temporary seasonal workers who have participated in the H-2B visa program and have completely followed the law during the past three fiscal years from counting toward the statutory cap.**

The congressionally mandated 66,000 annual cap on the number of workers allowed to participate in the program that was established fifteen years ago does not reflect current economic conditions or meet the needs of the service industries that rely on these workers. In fiscal year 2004, the statutory cap was reached on March 9. This year the cap was reached on January 3. Since employers cannot begin the process to secure temporary workers under the program more than 120 days before their date of need, all but the earliest seasonal employers have been effectively denied access to temporary workers under the program.

Before employers can hire temporary guest workers under the program, they must advertise their job openings, work with local unemployment offices to identify potential American workers and offer the positions to any qualified domestic applicants. The jobs these guest workers fill do not take jobs away from Americans. It is not until employers have carried out this time consuming and expensive due diligence in trying to hire American workers are that they are allowed to petition the federal government for a labor certification and ultimately bring in foreign labor – their final option to run their businesses.

Without immediate action by Congress to address the negative impact of the program’s early shut down, U.S. companies will see severe economic consequences with the start of the spring season in many parts of the country. The inability to access workers under this program for the peak spring and summer seasons will have widespread economic consequences for diverse economic sectors including the landscaping, food processing, stone, travel and tourism, thoroughbred horse racing, construction, entertainment, hospitality, recreation and many other seasonal industries.

Thank you for your attention to this very important small business matter.

Sincerely

American Horse Council
American Hotel & Lodging Association
American Immigration Lawyers Association
American Nursery & Landscape Association
Associated Builders & Contractors
Associated Landscape Contractors of Colorado
California Thoroughbred Trainers
Cape Cod Chamber of Commerce
Cendant Corporation
Chesapeake Bay Seafood Industry
Communicating for Agriculture and the Self-Employed
Federation of Employers and Workers of America
Golf Course Superintendents Association of America
Greenberg Traurig
H2A and H2B Employers Labor Programs (HELP)
H2B Employers Council
International Association of Amusement Parks and Attractions
International Franchise Association
Martha's Vineyard Chamber of Commerce
Mid-America Green Industry Council
Mid-Atlantic Solutions
Morris Group Hotels
National Club Association
National Fisheries Institute
National Restaurant Association
National Roofing Contractors Association
New England Apple Council
Pan American Recruiting Company
PLUTO
Practical Employee Solutions
Professional Landcare Network
SaveSmallBusiness.org
Six Flags, Inc.
The Association of Pool & Spa Professionals
The Southwestern Company
Travel Industry Association of America
U.S. Chamber of Commerce
Workforce Advantage