

H-2B

WORKFORCE COALITION

Protecting American Workers Through a Stable and Reliable Seasonal Workforce

www.h2bworkforcecoalition.com

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Professional Landcare
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Executive Committee:

American Horse Council

American Moving & Storage Association

American Rental Association

American Sugar Cane League

American Trucking Associations

Asian American Hotel Owners Association

Associated Builders and Contractors

Associated General Contractors of America

Brick Industry Association

Building Stone Institute

Crawfish Processors Alliance

Essential Worker Immigration Coalition

Federation of Employers and Workers of
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National Council of Agricultural Employers

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National Hispanic Landscape Alliance

National Restaurant Association

National Roofing Contractors Association

National Ski Areas Association

National Thoroughbred Racing Association

Outdoor Amusement Business Association

Snow and Ice Management Association

Society of American Florists

Tree Care Industry Association

U.S. Apple Association

U.S. Chamber of Commerce

Utility Sprayer Alliance

Oppose Amendments that will Undermine the H-2B Seasonal Worker Program

The H-2B Workforce Coalition appreciates the efforts of the Gang of Eight and the Senate Judiciary Committee in moving much needed comprehensive immigration reform. We look forward to the Judiciary Committee process of marking-up S. 744, The Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 and appreciate the legislation's recognition of the importance of preserving the H-2B nonimmigrant seasonal worker program.

The H-2B program is essential for seasonal businesses that cannot fill temporary jobs with American workers despite intensive recruitment efforts. Seasonal non-agricultural industries that use the H-2B program include seafood processing, food processing, horse training, restaurants, hotels, forestry, landscaping, carnivals and amusement parks, and stone quarries. Because the program is expensive, time-consuming and involves four government agencies, employers only turn to the program if they are unable to find legal local workers.

Unfortunately, this viability of this program could be undermined by a series of amendments proposed by Senator Blumenthal. We respectfully ask committee members to **oppose** the following amendments during the markup:

- Blumenthal Amendment #3
- Blumenthal Amendment #4
- Blumenthal Amendment #5
- Blumenthal Amendment #17

While the committee believes in strong enforcement against bad actors that knowingly mistreat H-2B or American Workers, these amendments go well beyond that stated intention. The law already provides for penalties and remedies against employers that violate the law. At the time of their consular interviews, all H-2B workers are given the attached 12-page brochure and worker's rights cards (available in English and Spanish) advising them of their rights and providing important contact numbers if they believe their rights are being abused or they are in danger.

Further, the amendments seek to place liability and impose severe penalties on an unknowing employer or for the potential actions of a foreign labor recruiter that operates outside of the boundaries of the United States. The amendments also fail to recognize the vital role that U.S. agents or attorneys provide in helping employers navigate the complicated H-2B application process. In addition, the expanded disclosure requirements related to foreign labor recruiters could also put potential H-2B workers in jeopardy by marking them as targets for criminal cartels that operate near the U.S. border.

Finally, because the amendments would allow any H-2B workers to stay in the United States beyond the length of their seasonal visa to participate in any criminal or civil legal proceedings, the amendments create an incentive for frivolous lawsuits by workers.

The H-2B program provides H-2B workers with well-paying seasonal jobs that allow them to provide for their families and still maintain their homes in their native countries. Many of these workers voluntarily return to the same employer year after year.

The H-2B program is also important to American workers whose year round positions are reliant upon seasonal laborers during peak seasons. In companies that use the H-2B program, both American full time and H-2B temporary seasonal workers are well compensated; often well above the federal minimum wage and the prevailing wage.

Without access to a legal source of seasonal labor, employers will be forced to lay off American workers, scale back on vehicle, equipment and supply purchases and perhaps even close their businesses. The H-2B Workforce Coalition requests that Senators oppose any amendments that seek to undermine the viability of this seasonal visa program which is essentially to small businesses across the country. Please oppose the Blumenthal amendments and any other amendments that would make this program more difficult or costly for seasonal employers.