



### REQUESTED ACTIONS:

- **PLEASE ASK YOUR PARTY LEADERS TO INCLUDE THE H-2B CAP RELIEF IN THE HOUSE APPROPRIATIONS COMMITTEE-PASSED FISCAL 2019 DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS LEGISLATION IN A FINAL DHS APPROPRIATIONS BILL OR ANY OTHER APPROPRIATE LEGISLATION FOR FISCAL YEAR 2019.**
- **PLEASE COPSPONSOR AND WORK TO PASS S. 792, "THE SAVE OUR SMALL AND SEASONAL BUSINESSES ACT OF 2017" AND H.R. 2004, "THE STRENGTHEN EMPLOYMENT AND SEASONAL OPPORTUNITIES NOW (SEASON) ACT."**

### BACKGROUND:

Seasonal employers across the country are struggling to survive due to record low unemployment, a worker shortage and an arbitrary annual cap on the number of H-2B workers, putting the jobs of their American workers at risk. With meaningful H-2B cap relief, seasonal businesses will continue to grow and add American jobs.

A lack of H-2B workers during the past two years has forced seasonal employers to turn away customers, scale back service and cancel planned capital equipment purchases. In some cases, businesses were forced to lay off American workers whose jobs are supported by H-2B workers or shut down their operations entirely. We expect many additional layoffs and business closures if Congress does not pass immediate H-2B cap relief.

Seasonal businesses need H-2B workers to supplement their American workforce when domestic workers are not available. The program is expensive and requires employers to undertake extensive recruitment of American workers, offer employment to any qualified American worker, gain approval from four government agencies, and pay a premium wage. The program relies on well-vetted returning workers who come to the U.S. for seasonal employment and then go home. These workers are not immigrants. They provide an opportunity for U.S. businesses to operate at a greater capacity, retain their full-time workers and contribute to their local economies. Seasonal workers help support many upstream and downstream jobs. Every H-2B worker is estimated to create and sustain 4.64 American jobs.

In a strong economy with record-low unemployment of less than 4%, the program's congressionally mandated cap of 66,000 visas is inadequate to meet the labor needs of seasonal landscape businesses. In fact, the U.S. Department of Labor (DOL) announced several times since June that the number of job openings actually exceeds the labor pool.

For FY 2018, the 33,000 first half cap was met on December 15, 2017 and the 33,000 second half cap was met on February 27, 2018. As of May 29, DOL has certified the bona fide need for 142,113 H-2B workers, including 89,001 H-2B workers who were slated to begin work on or after April 1. DOL only issues final labor certification when it concludes that: 1) there are not sufficient U.S. workers who are qualified and who will be available to perform the temporary services or labor for which an employer desires to hire foreign workers; and 2) that employment of H-2B workers will not adversely affect the wages and working conditions of similarly employed U.S. workers.

On May 31, DHS released an additional 15,000 visas under the discretionary authority provided to it by the Fiscal 2018 Omnibus Appropriations Act, but this number was only a fraction of the actual need. Approximately 52% of H-2B positions requested for the second half cap remain vacant, jeopardizing the survival of seasonal businesses and their American workforce.

Congress must pass cap relief through the fiscal year 2019 appropriations process or other legislation. We encourage Congress to include the H-2B cap relief provided in the House Appropriations Committee-passed Fiscal 2019 Department of Homeland Security Appropriations bill in a final funding measure for the Department. The House Appropriations Committee-passed bill would exempt well-vetted returning workers from the cap and reallocate the capped 66,000 visas on a quarterly basis to ensure that employers with late seasons are not shut out of the program.