

H-2B

WORKFORCE COALITION

Protecting American Workers Through a Stable and Reliable Seasonal Workforce

www.h2bworkforcecoalition.com

Andrew Bray, Chair

National Association of Landscape Professionals

Ashley McNeil, Vice Chair

American Hotel & Lodging Association

Laurie Flanagan, Secretary

DC Legislative and Regulatory Services

Steering Committee:

American Hotel and Lodging Association

American Horse Council

AmericanHort

American Rental Association

American Seafood Jobs Alliance

Federation of Employers and Workers of America

Forest Resources Association

Golf Course Superintendents Association of America

Mackinac Island Convention & Visitors Bureau

National Association of Landscape Professionals

Outdoor Amusement Business Association

Seasonal Employment Alliance

U.S. Chamber of Commerce

The Honorable Chuck Schumer
Majority Leader
United States Senate
S-230, The Capitol
Washington, DC 20510

The Honorable Kevin McCarthy
Speaker
U.S. House of Representatives
H-232, The Capitol
Washington, DC 20515

The Honorable Mitch McConnell
Republican Leader
United States Senate
S-221, The Capitol
Washington, DC 20510

The Honorable Hakeem Jefferies
Minority Leader
U.S. House of Representatives
H-204, The Capitol
Washington, DC 20515

Dear Leader Schumer, Leader McConnell, Speaker McCarthy and Leader Jefferies:

The H-2B Workforce Coalition writes today to express its concerns regarding the looming government shutdown. There is a dire shortage of seasonal labor in the U.S. and many employers turn to the H-2B program to meet their workforce needs to not only sustain their businesses, but also to support their American workers. The H-2B Workforce Coalition is comprised of small and seasonal businesses across the country owned and operated by thousands of employers and their representatives from industries such as lodging, landscaping, seafood, restaurants, tourism, equine, forestry, mobile outdoor amusement, golf courses, and others. Our members are seasonal businesses that rely on the H-2B visa program to supplement their U.S. workforce during seasonal surge and peak business needs.

As the government prepares for this impending shutdown of operations, the Department of Labor (“DOL”) currently has pending 19,469 worker positions waiting to be certified. In addition, DOL has 3,281 prevailing wage determinations (“PWDs”) pending; PWDs are the required first step in the H-2B process and employers cannot file for a labor certification without one. This paints the dire picture the Coalition is worried about, as DOL is general-fund appropriated department. Simply put, if the federal government shuts down, the department’s operations would prevent thousands of employers from meeting their seasonal workforce needs.

For H-2B employers, a shutdown will have dire consequences on our national economy, as we continue to recover from the economic turmoil of the COVID-19 pandemic, international conflicts, and crippling domestic inflation. Every H-2B

worker supports 4.64 U.S. jobs.¹ Furthermore, a 2020 General Accountability Office report concluded that “counties with H-2B employers generally had lower unemployment rates and higher average weekly wages than counties that do not have any H-2B employers.”² The H-2B program places many requirements on employers to recruit U.S. workers. Seasonal employers would gladly hire U.S. workers and avoid the uncertainty and bureaucracy of using the H-2B program but in these unprecedented times, there are simply not enough workers to meet the seasonal workforce needs of U.S. employers.

In addition to the pending PWDs and certifications that are currently before DOL, the first quarter of the fiscal year sees nearly 35% of all PWD requests, as employers are preparing for the filing of second half cap certifications. Again, these PWDs are essential for an employer to file their H-2B labor certification application timely, and this looming shutdown coincides with employers filing these PWD requests for the upcoming second half cap. The second half cap last year saw requests for 142,796 worker positions and is one of the busiest times of the year for DOL.

We are writing to stress the essential nature of the H-2B program to America’s seasonal businesses and the economy. If the government shuts its doors and DOL stops accepting and processing H-2B PWDs and labor certifications, employers across the country will be significantly harmed by this action. It is vitally important that these essential functions of DOL continue and employers are able to access this critical talent pipeline to maintain their business operations. Thank you for your attention to this critically important matter.

Sincerely,

Andrew Bray
Chair

Ashley McNeil
Vice Chair

¹ Zavodny, Madeline. *Immigration and American Jobs*. American Enterprise Institute, 15 Dec. 2011, www.aei.org/research-products/working-paper/immigration-and-american-jobs/seek.

² United States, Congress, “H-2B VISAS: Additional Steps Needed to Meet Employers’ Hiring Needs and Protect U.S. Workers.” *H-2B VISAS: Additional Steps Needed to Meet Employers’ Hiring Needs and Protect U.S. Workers*, GAO-20-230; U.S. Government Accountability Office, 2020, pp. 13–14.