

H-2B Seasonal & Temporary Workers Vital to America's Small & Seasonal Businesses

The Issue: The H-2B visa program is vital to America's small businesses.

- The H-2B program is capped at 66,000 visas per year. This is the same arbitrary number set by Congress in 1990. The visa allotment is split equally between the winter and summer seasons.
- Small business owners rely on the H-2B program because it is the only way they can legally hire workers for temporary and seasonal positions when they cannot find Americans to hire.
- Small and seasonal businesses prefer to hire American workers, and they do hire every qualified American who applies for a seasonal or temporary short-term position. Nevertheless, many positions remain unfilled, leaving these businesses desperately in need of workers. This is not surprising, since many Americans are unwilling to engage in low-skilled and semi-skilled labor, or to relocate for several months to remote locations, to fill available seasonal and short-term positions.
- Unlike the hiring of American workers, small business owners must go through a tough application process to hire foreign workers through the H-2B program. Employers must prove to State and US Departments of Labor that there are no available U.S. workers to fill vacant short-term positions.
- H-2B workers go home at the end of the season. They cannot, and do not, stay in the US permanently through this program.

Congress Must Act Now: Without immediate relief, small businesses across the US will suffer permanent harm.

- This year, the cap for the summer season was hit on January 2, 2008, meaning there are no more available H-2B visas for the rest of the fiscal year without a Congressional fix, putting America's small and seasonal businesses in dire straits.
- Hitting the cap so early in the year hurts all businesses with short-term needs, especially summer resorts throughout the US, the timber industry in the Northeast, fish and crab processors in the Southeast and Mid-Atlantic, and recreational facilities and tourism across the nation.
- Congress must provide H-2B relief now so that America's employers can get the seasonal temporary workers they need in time for this summer in order to become fully staffed and provide quality service.
- Without immediate access to more temporary H-2B workers, many small businesses will be extremely short-staffed this year and could be forced to close. For small businesses, relief must come now so that America's employers can get the seasonal temporary workers they need in time for this spring and summer.

Congress can and must provide short-term relief:

- **Small Businesses Need Urgent Congressional Action NOW**
- Given the failure to provide a permanent solution last year, Congress must pass short-term relief as soon as possible to save small businesses.
- An H-2B visa returning worker extension will go a long way in helping small and seasonal businesses survive in the short term. The extension would provide emergency relief by exempting from the cap H-2B returning workers who already have successfully participated in the program in one of the previous 3 years.
- Time is of the essence. Without Congressional relief soon, many U.S. businesses will be forced to limit their services or close their doors permanently.
- Congress must therefore pass an H-2B returning worker exemption **immediately**.

Current Legislation:

- Short-term H-2B relief has been introduced in the House by Rep. Stupak (D-MI), and in the Senate by Sen. Mikulski (D-MD), as the **Save Our Small and Seasonal Businesses Act of 2007** (H.R. 1843/S. 988).
- Both of these bills would extend the exemption of returning temporary workers essential to small and seasonal businesses from the arbitrary numerical cap.