

# United States Senate

WASHINGTON, DC 20510

September 6, 2007

Dear Colleague,

We write to ask you to co-sponsor of the Save our Small and Seasonal Businesses Act of 2007 (S. 988). Without an extension of the current law before the end of this fiscal year, many small and seasonal businesses and the communities they serve will face severe economic losses. Seasonal businesses including seafood and food processing companies, landscape contractors, hotels, restaurants, ski resorts, timber companies, pool companies and stone quarries will lose their only access to legal seasonal labor unless Congress acts quickly to extend the H-2B returning worker exemption.

Seasonal industries use the H-2B program to supplement their year-round domestic work force during peak seasons when American workers are not available. Before a company can hire a worker under the H-2B program, it must undertake an intensive recruitment process to find American workers under the supervision of the Department of Labor (DOL). Each State's Workforce Agency and DOL must certify that hiring H-2B workers does not negatively impact American jobs and then the request must be approved by the U.S. Department of Homeland Security (DHS). After DHS approves the request for workers, each individual worker must be interviewed by the American consulate in their home country before a visa is issued to insure that he or she is not a security risk and will return home after the completion of the seasonal work. The rates paid to these workers are well above minimum wage and are set by the U.S. Department of Labor.

The H-2B program contains a cap of 66,000, which is far below the market demand for legal seasonal labor. For the past three years, companies that otherwise would have been shut out of the program were able to survive because the law exempted from the cap H-2B workers who previously participated in the program. These workers have proven they return home at the end of their employment. Without an extension of this provision of law, most seasonal employers will be unable to hire needed workers.

The Save our Small and Seasonal Businesses Act of 2007 would simply extend the current H-2B returning worker exemption for an additional five years, beginning October 1, 2007. It does not raise the cap. Our seasonal businesses need predictable access to legal labor so they can fulfill client contracts, plan for capital purchases and continue to serve their local communities.

If you would like to cosponsor the Save Our Small Businesses Act or you have any questions about this legislation, please contact Erin Corcoran with Senator Mikulski at 202-228-3449 or John Frierson with Senator Warner at 202-224-6299.

Thank you for your consideration. We look forward to hearing from you soon.



U.S. Senator Barbara A. Mikulski



U.S. Senator John Warner