

SAVE OUR SMALL AND SEASONAL BUSINESSES ACT OF 2007

PROBLEM:

- ✓ Small businesses all over the nation count on the H-2B program to keep their businesses afloat. Many use the program year after year because it is the only way to legally hire temporary and seasonal workers when no American workers are available.
- ✓ In the past few years, the H-2B cap has been met as early as December making it impossible for late spring, summer, and early fall to find workers to fill their seasonal positions that their businesses rely on.
- ✓ The exemption that this bill would extend has helped small businesses get the legal workers that they need since the cap is met so early in the cycle.

BACKGROUND:

- ✓ H-2B workers are temporary nonagricultural workers who enter the country for seasonal work. Employers must verify with the Department of Labor that they have looked for American workers for these positions. Often this program is a last resort for seasonal businesses to find much needed workers for their program.
- ✓ The program is a first-come, first-serve program and the employer can only apply for an H-2B worker 120 days out from when the position needs to be filled.
- ✓ **Types of Industries:** seasonal hotel and tourism businesses, landscaping, timber, cider pressers, shrimping, fishing, canning, etc.
- ✓ The need for seasonal workers impacts the entire nation including the tourist and resort industry of the East Coast, the Upper Midwest, and the Rockies; the fishing industry in Alaska; catfish and timber industries in Louisiana; crab processors in North Carolina; and the shrimp industry in Texas.
- ✓ These workers come to the US for a short-period of time (e.g., summer season) and return to their home country. Many of these workers return each year to the same business due to the relationship that they have developed with the employer and the community. This has meant that businesses can also plan ahead in the determining the type of work and load that they will be able to do during their busy season.

SOLUTION:

- ✓ A new Save Small and Seasonal Businesses Act to permanently extend the exemption of returning H-2B workers from the cap of 66,000. An H-2B applicant will not count toward the cap if they had entered the U.S. in one of the last preceding three-years as an H-2B worker.
- ✓ This exemption allows are businesses to find the needed temporary worker to keep their businesses afloat and to keep American workers employed throughout the year.