

Dear Editor:

Landscape contractors and other seasonal employers have struggled all spring and summer because Congress has not yet renewed an expired provision of law that allows them to temporarily hire legal foreign workers when no Americans are willing to take the job. Most landscape companies maintain a small year-round American workforce, but they cannot find the workers needed to supplement this domestic workforce during the busy spring season.

The existing H-2B returning guest worker visa program provides the only means of legal workers when American workers are not available. Because Congress has not renewed a recently expired provision of law, small businesses across the country suffered severe economic losses this spring and summer. 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 State Workforce Agency and the U.S. Department of Labor (DOL). The request for an H-2B visa then must be approved by the U.S. Department of Homeland Security and the U.S. Department of State. The wage rates paid to these workers are well above minimum wage and are set by the DOL.

Unfortunately, there is a very small cap on the number of H-2B workers allowed into the U.S. each year. Until the law expired on September 30, 2007, returning H-2B workers who had proven their commitment to return to their home countries at the end of their seasonal work assignment were exempt from the cap. The cap has already been reached for the first half of fiscal 2009, which means landscape companies will again be denied access to needed workers unless Congress acts before it adjourns for the elections.

Landscape companies and other seasonal employers support the local community by enhancing the natural beauty of local properties, supporting American jobs, and supporting other local industries through equipment and supply purchases. In tough economic times, it is distressing that Congress has failed to extend a simple provision of law that would allow seasonal employers to add to the economic vitality of the community, rather than being forced potentially to lay off American workers; scale back on vehicle, equipment, and supply purchases; and perhaps even shut down their businesses.