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Congress of the United States
House of Representatives
Washington, DC 20515–2004

May 26, 2020

The Honorable Donald J. Trump
President of the United States of America
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump,

On behalf of the thousands of small and seasonal businesses in our Districts that are struggling in this unprecedented and uncertain economic climate, we respectfully urge you to refrain from imposing any further restriction on the H-2B nonimmigrant seasonal guest worker program as part of any forthcoming executive action relating to immigration and/or economic recovery. As you can understand, this pandemic has impacted the various economic sectors differently. While many are faced with reduced customers and degraded markets, others are struggling to meet customer demand due to seasonal labor challenges. To aid in our nation's efforts towards full economic recovery, we feel it prudent to ensure the utmost flexibility exists to assist our seasonal business constituents in their efforts to maintain operations and begin to recover from the economic fallout associated with the COVID-19 public health emergency.

Per your April 22, 2020 Presidential Proclamation (Proclamation), the Secretaries of Labor and Homeland Security, in consultation with the Secretary of State, are currently reviewing nonimmigrant visas programs and developing recommendations for measures to "stimulate the United States economy and ensure the prioritization, hiring, and employment of United States workers." As you know, under the Department of Labor's temporary labor certification process, employers utilizing H-2B workers are already required to broadly recruit for domestic workers, publicize and pay a prevailing wage established by DOL (generally well above the federal minimum wage), and hire any and all qualified American applicants for the position. In short, they are required to hire any qualified American willing to take the job. We strongly support the requirement that able and willing Americans be afforded the right of first refusal for job openings before employers are allowed to hire H-2B workers and see no way in which the program, as currently constituted, is in conflict with the goals of the Proclamation. In fact, studies have shown that each H-2B worker supports multiple full-time American jobs. Accordingly, we believe that further restrictions on the H-2B program would be counterproductive to our shared ambition of restoring our economy and getting Americans back to work

The H-2B program serves as a critical safety net for companies to meet their seasonal labor needs when there are not a sufficient American workers available to meet the demand for these

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temporary yet relatively high paying jobs. Should any recommendation pursuant to the Proclamation include restrictions on the already heavily regulated H-2B visa program, such actions run the risk of harming American businesses as well as undermining the continued job security of full time U.S. workers in seasonal sectors. From a broader perspective, it is likely that additional restrictions on the H-2B program will unnecessarily hinder ongoing economic recovery efforts across the country.

We share your optimism for a speedy economic recovery as states begin easing restrictions on business and social activities and believe we must do everything possible to ensure that our employers have the resources necessary to meet the release of months' worth of pent up demand. Most unemployed American workers share that outlook as well, according to a recent nationwide Washington Post-Ipsos poll. That poll found that nearly 80% of laid-off workers expect to be rehired by their previous employer once state stay-at-home orders are lifted. While we share this optimism and hope it is realized in the near future, this confidence also results in these newly displaced workers refraining from seeking new employment. This is evident as, despite active recruitment by seasonal employers, very few US workers are seeking and accepting seasonal temporary jobs. Therefore, it is important that the H-2B program continue to be available to our seasonal employers as a failsafe in the event that we see a rapid drop in unemployment and a return to the extremely tight labor markets of just a few months ago. Such flexibility to meet business needs is critical to rapid, solid and fulsome economic recovery.

These seasonal employers take their role in our nation's economic recovery very seriously. They can most effectively participate in the coming economic rejuvenation by operating at maximum possible capacity which requires access to a sufficient workforce, including full time American workers and the relatively few H-2B workers who support them. Seasonal operations, the majority of which are small businesses, remain committed to hiring any American workers willing and able to do the job before resorting to guest workers to meet their labor needs. Notwithstanding their preference for American workers, there are many instances where supplemental H-2B workers are still needed due to sector and geographic needs. As such, we urge you to maintain the continued, uninterrupted operation of the H-2B program with the continued requirement that all employers only have access to it based upon their proven and certified need within the statutory cap.

Sincerely,

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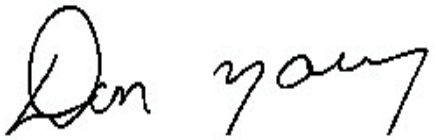

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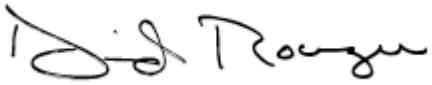

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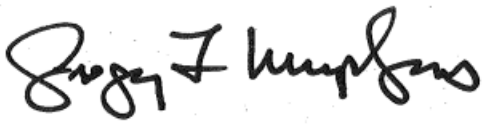

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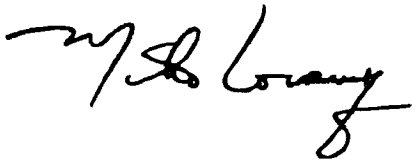

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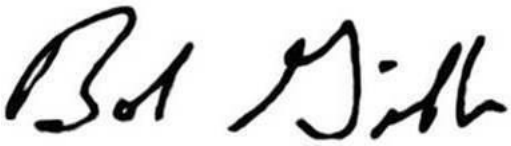

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