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American Hotel &
Lodging Association

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Laurie Flanagan, Co-Chair
American Nursery &
Landscape Association
Professional Landcare
Network

The President
The White House
Washington, D.C. 20500

Executive Committee:

Dear Mr. President:

American Horse Council

The H-2B Workforce Coalition is comprised of seasonal employers and their representatives from the lodging, landscaping, seafood, restaurant, tourism, and other industries. Our members are predominately comprised of small seasonal businesses that have been struggling during the recession. For this reason, we appreciate your January 18, 2011 presidential memorandum which expressed the administration's commitment to eliminating excessive and unjustified regulatory burdens on small businesses.

American Moving & Storage
Association

American Rental Association

American Trucking
Associations

The ability of seasonal businesses to keep their doors open and retain their full-time employees relies upon having successful peak seasons to offset the rest of the year when their business is slow. During their busy seasons, companies must supplement their permanent staffs with temporary seasonal employees.

Asian American Hotel
Owners Association

Employers spend thousands of dollars and hundreds of hours in their efforts to fill these positions. Unfortunately, even in today's tough economic climate, there are not enough local workers available to fill all the temporary seasonal positions. As a result, companies often must utilize the H-2B program to find seasonal workers.

Associated Builders and
Contractors

Associated General
Contractors of America

Essential Worker
Immigration Coalition

After deriving some hope from the sentiments expressed in the memorandum, we were dismayed that the next day the U.S. Department of Labor (DOL) issued a rule that directly contradicts the memorandum's intent. DOL's January 19, 2011 H-B wage methodology rule will impact the economic survival of seasonal companies. The significant costs associated with the new rule were documented in comments submitted to DOL by small and seasonal businesses from all over the country.

Federation of Employers and
Workers of America

Forest Resources
Association

The rule imposes a new untested wage determination methodology that will significantly increase costs for small and seasonal small businesses. It threatens both H-2B jobs, as well as full-time permanent jobs in those companies. In addition to unnecessarily increasing costs and burdens on small and seasonal businesses, the rule was drafted in haste, without supporting data, and without sufficient analysis. In commenting on the rule, the Chief Counsel for Advocacy of the Small Business Administration noted that "DOL cannot certify this rule because this rule will have a significant economic impact on a substantial number of small entities. DOL published an Initial Regulatory Flexibility Analysis (IRFA) in the proposed rule. However, Advocacy believes that DOL's IRFA is inadequate."

Golf Course Superintendents
Association of America

Interlocking Concrete
Pavement Institute

International Association of
Amusement Parks and
Attractions

International Association of
Fairs and Expositions

International Franchise
Association

Clearly, the January 19, 2011 rule is inconsistent with your memorandum in that it increases costs and complexity imposed by government on small businesses and was done without adequate study or consideration of alternatives. In light of the memorandum's call for eliminating excessive and unjustified burdens on small businesses, we hope that you will direct the Department of Labor to rescind the January 19, 2011 rule.

National Association of
Realtors

National Club Association

National Council of
Agricultural Employers

In addition to the January 19, 2011 rule, we understand that the Department of Labor has drafted another rule which will do significant and unjustified harm to the H-2B program. That rule has been submitted to the Office of Management and Budget for review.

National Federation of
Independent Business

National Fisheries Institute

We have received reports that the draft rule will greatly increase the cost and complexity of the H-2B program. Even though the program is already burdensome and utilized only as a final option for small and seasonal businesses to obtain temporary workers, it is a program that largely works for employers, H-2B workers, and full-time permanent workers when enough H-2B workers are available. The Department of Labor may force the closure of many small businesses if it imposes unjustified new requirements and costs that are reportedly included in the draft rule.

National Restaurant
Association

National Roofing
Contractors Association

National Ski Areas
Association

National Thoroughbred
Racing Association

While your memorandum calls on your administration to eliminate excessive and unjustified burdens on small businesses, the two rules noted above do the exact opposite. We hope the Department of Labor heeds the letter and the spirit of your memorandum by rescinding the January 19, 2011 rule, ceasing its efforts on the draft rule and working with seasonal and small businesses to improve rather than harm the H-2B program.

Outdoor Amusement
Business Association

Tree Care Industry
Association

Respectfully,

U.S. Apple Association

U.S. Chamber of Commerce

Alabama Hospitality Association
Alabama Restaurant Association
American Horse Council
American Hotel & Lodging Association
American Moving & Storage Association
American Nursery & Landscape Association
American Rental Association
American Trucking Associations
Asian American Hotel Owners Association
Associated Builders and Contractors
Associated General Contractors of America
Associated Landscape Contractors of Colorado
California Landscape Contractors Association
Colorado Nursery & Greenhouse Association
Crawfish Processors Alliance
Essential Worker Immigration Coalition
Federation of Employers and Workers of America
Forest Resources Association
Golf Course Superintendents Association of America
Greater Nashville Hospitality Association
Green Industries of Colorado
Illinois Landscape Contractors Association
ImmigrationWorks
Indiana Hotel & Lodging Association
Indiana Nursery and Landscape Association
Interlocking Concrete Pavement Institute
International Association of Amusement Parks and Attractions
International Association of Fairs and Expositions
International Franchise Association
Kentucky Nursery and Landscape Association
Landscape Contractors Association MD•DC•VA
Maine Innkeepers Association
Maryland Nursery and Landscape Association

Metro Atlanta Landscape and Turf Association

Minnesota Nursery & Landscape Association

National Association of Realtors

National Club Association

National Council of Agricultural Employers

National Federation of Independent Business

National Fisheries Institute

National Restaurant Association

National Roofing Contractors Association

National Ski Areas Association

National Thoroughbred Racing Association

New England Nursery Association

New Jersey Green Industry Council

New Jersey Landscape Contractors Association

New York State Hospitality & Tourism Association

Ohio Landscape Association

Oregon Association of Nurseries

Outdoor Amusement Business Association

Pennsylvania Landscape and Nursery Association

PA Tourism & Lodging Association

Professional Landcare Network

Rhode Island Nursery and Landscape Association

South Carolina Hospitality Association

Tennessee Hospitality Association

Texas Nursery & Landscape Association

Tree Care Industry Association

U.S. Apple Association

U.S. Chamber of Commerce

Utah Hotel & Lodging Association

Washington Lodging Association

Wisconsin Green Industry Federation

Wyoming Lodging and Restaurant Association