

November 06, 2023

The Honorable Dick Durbin
Chair
Senate Judiciary Committee
U.S. Senate
Washington, DC 20510

The Honorable Lindsey Graham
Ranking Member
Senate Judiciary Committee
U.S. Senate
Washington, DC 20510

The Honorable Jim Jordan
Chair
House Judiciary Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Jerry Nadler
Ranking Member
House Judiciary Committee
U.S. House of Representatives
Washington, DC 20515

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Dear Chairman Durbin, Chairman Jordan, Ranking Member Graham, and Ranking Member Nadler:

On behalf of the vertically integrated horticulture industry, I am writing to urge Congress to address H-2B reform in a manner that works for our members and other users of the H-2B program. AmericanHort supports immediate H-2B visa cap relief, permanent program reform, and better coordination among the federal agencies involved. Reaching consensus on the best way to reform the program to address the needs of seasonal businesses can only be achieved when all key stakeholders are engaged. And while we support the efforts of Senators Graham and Padilla to address the antiquated and arbitrary H-2B cap, we are concerned that the draft Seasonal Workforce Protection Act was crafted without the engagement of the H-2B Workforce Coalition, the only business coalition comprised of the national associations representing the diverse industries that use the H-2B seasonal worker visa program or AmericanHort.

With farm gate crop value of \$17 billion, a total industry economic output of \$348 billion, and directly supporting 2.32 million full- and part-time jobs, the horticulture industry is a key player in the American economy. Workforce shortages continue to be one of the greatest impediments to industry growth. The H-2B program is vital to landscape businesses across the country that struggle to find enough seasonal workers to sustain their businesses and supplement their American workforce during seasonal peaks. By enabling companies to staff up for these peaks, H-2B workers help secure and sustain employment opportunities for U.S. workers in the landscape sector and the horticulture industry supply chain.

It is commendable for Senators Graham and Padilla to pursue H-2B reforms at a time when our country desperately needs them. We support the draft bill's recognition of bona fide need to address the outdated H-2B cap and provide temporary labor solutions for seasonal businesses. We appreciate the inclusion of unprecedented cap relief through the certified employer proposal and several

industry-specific permanent cap exemptions. We also support the streamlining and modernizing of the application process through electronic means.

However, the lack of engagement with the horticultural industry and the broader H-2B Workforce Coalition has led to an agreement that our association cannot support. We believe that any business that meets the program requirements related to seasonal, peak-load, or one-time need, and which did its due diligence to recruit U.S. workers, should be able to access temporary H-2B workers. Excluding any employer from meeting its workforce needs simply because of the industry it operates in is a terrible policy that will set a troubling precedent for other industries that rely upon the H-2B program.

We are also concerned that the legislation would create additional burdens for seasonal employers that already expend tremendous time and resources to use the program. The draft would create pathways for outside organizations to interfere with the operations of our members that use the program. Finally, some of the bill's provisions go beyond the scope of the H-2B program, such as the provisions related to U-visas, and should not be included in an H-2B reform package.

AmericanHort welcomes the opportunity to be involved in future conversations about H-2B reform legislation. We look forward to working with the four of you, Senator Padilla, and others to address meaningful and permanent H-2B cap relief and other program reforms. H-2B reform is critically important to our members who use the program, as well as our members that supply trees, shrubs, and plants to the landscape industry. The horticultural industry needs meaningful H-2B reform to continue to generate economic growth and job creation for American workers across the country.

Thank you for considering our views on this important matter.

Sincerely,



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