

Date: August 15, 2013

To: Members of the Virginia Congressional Delegation

Subject: Action Requested--Please Support H.R. 2765, the Save Our Seasons Act

Good Morning,

On behalf of members of the Virginia Agribusiness Council, I would like to encourage the Congressman's support and co-sponsorship of H.R. 2765, the Save Our Seasons Act. Introduced by Congressman Rob Wittman on July 19, 2013, H.R. 2765 directs the wages of H-2B (non-agricultural seasonal or temporary workers) nonimmigrant visa holders to be the greater of 1) the actual wage level for other employees of similar experience, or 2) the prevailing wage for the occupational classification in the geographic area of employment. Importantly, the bill states that the prevailing wage shall be calculated using the "best information available," meaning a collective bargaining agreement or Federal contract wage if applicable, the wage level commensurate with Bureau of Labor Statistics (BLS) data for experience, training, and supervision required for the job, or a recent private survey of wages for such position in the metropolitan statistical area.

In 2011, the Department of Labor issued a new H-2B wage rule, which has been subsequently been delayed multiple times by Congress. Furthermore, in April, DOL and the Department of Homeland Security jointly issued a "new" rule that is essentially the same as the 2011 rule. This rule, if implemented, would have disastrous effects on industries who rely on H-2B workers. In some areas, required wages for H-2B workers will be 30% higher than previous DOL wage rates.

H.R. 2765 effectively ensures that H-2B wages will be based on actual economic conditions.

The Virginia Agribusiness Council represents the agriculture and forest producers, suppliers, marketers, processors, and commodity associations who make up the number one industry in Virginia. As the "unified voice of Virginia agriculture and forestry" the Council has a combined membership of over 40,000 persons. Our members in the green industries of golf and landscaping, as well as seafood processing, tree planting, and equine training are all particularly impacted by the H-2B program changes.

Thank you for your time, and if you have any questions feel free to contact me at brad@va-agribusiness.org or (804) 643-3555. We would greatly appreciate the Congressman's support of H.R. 2765, the Save Our Seasons Act.

Best Regards,

Brad Copenhaver
Virginia Agribusiness Council