

Congress of the United States
Washington, DC 20510

March 4, 2019

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

Dear Secretary Nielsen,

As you know, H. J. Res. 31 –Consolidated Appropriations Act, 2019 (Pub. L. 116-6), signed into law on February 15th, 2019, confers authority to the Secretary of the Department of Homeland Security (DHS) to, in her discretion and in consultation with the Secretary of Labor, release up to approximately 69,320 additional temporary, non-immigrant H-2B visas in excess of the statutory annual cap of 66,000.

According to Department of Labor (DOL) data, the demand for temporary, seasonal workers, with a start date between April 1, 2019 and the end of fiscal year 2019, exceeds 95,000 workers—almost three times the number of available H-2B visas for that time period. Given the near historic low unemployment rate, the constant oversubscription to the program and its importance to our local economies, we strongly urge you to use the discretion afforded your office in the most recent appropriations bill to release, without delay and to the greatest extent allowed by law, additional H-2B visas sufficient to meet the certified demand of our seasonal employers.

If significant H-2B cap relief is not provided, there will be severe consequences for seasonal businesses and our economy generally. Several seasonal businesses denied access to the program due to the insufficient availability of visas have already been forced to scale back their operations, cancel or default on contracts, lay off full-time U.S. workers, and, in some cases, shutter their operations entirely. Failing to release additional H-2B visas will only result in more closures or scale backs for these businesses. We would also note that while we were pleased to see you exercise your discretion to release additional visas in previous years, the 15,000 additional visas released in both FY 17 & FY 18, were wholly inadequate to meet the demonstrated, certified needs of our seasonal employers.

Further, in past years, rulemaking associated with the release of additional visas significantly delayed our employers' access to them. We do not believe that additional rulemaking is required this year due to the timing of the law's enactment. In 2017 and 2018, Congress did not pass the DHS appropriations until April and March, respectively. The announcement of the release of the additional 15,000 visas in each of these years was not made until the summer (July 17, 2017 and May 31, 2018). At those times, both DHS and DOL asserted that additional rulemaking was required because labor certifications provided in early winter were deemed to have become

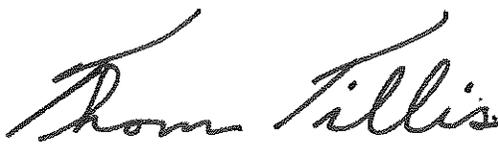
“stale” necessitating a fresh test of the labor market. This is not the case now. This year’s labor certifications have been issued within the past two (2) months and thus are concurrent with current labor market conditions. We urge the Department to announce quickly its intention to exercise the authority provided by Congress by providing the full amount of visas authorized and simply continue processing H-2B petitions until any additional visa allotment is exhausted.

As a result of the discretion conferred by the recently passed appropriations bill, your department has the opportunity to assist these seasonal employers by allowing them access to a labor pool that can meet their demonstrated and certified needs. As such, we urge you to expeditiously release a sufficient number of additional visas (up to the 69,320 allowed by law) to allow these vital businesses to continue to fulfill their contracts, retain their American workers, make additional capital investments, expand their businesses and maximize their contribution to the American economy.

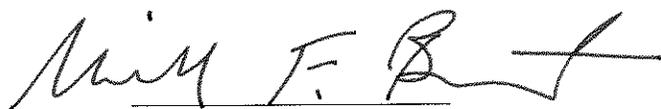
Sincerely,



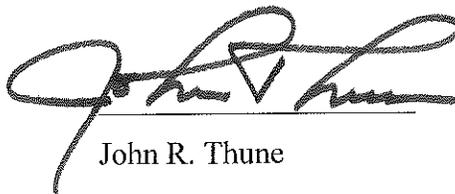
M. Michael Rounds
United States Senator



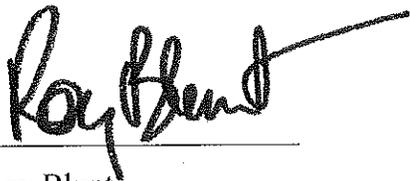
Thom Tillis
United States Senator



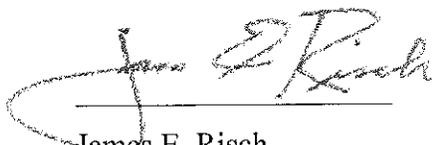
Michael F. Bennet
United States Senator



John R. Thune
United States Senator



Roy Blunt
United States Senator



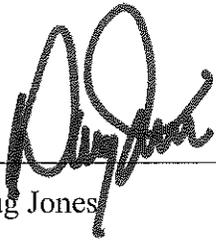
James E. Risch
United States Senator



Mike Crapo
United States Senator



Dan Sullivan
United States Senator



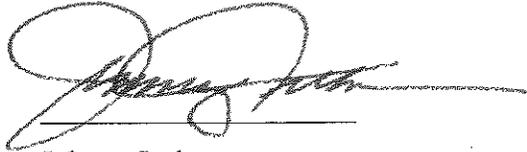
Doug Jones
United States Senator



Kevin Cramer
United States Senator



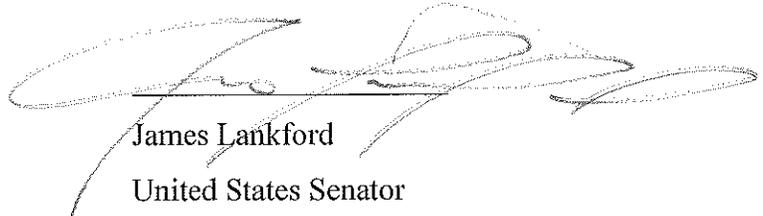
Joe Manchin III
United States Senator



Johnny Isakson
United States Senator



Pat Roberts
United States Senator



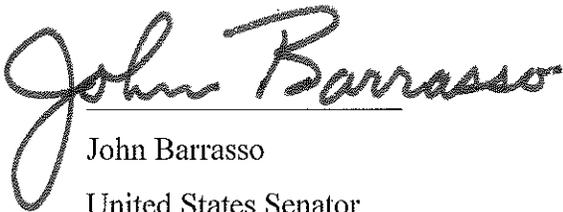
James Lankford
United States Senator



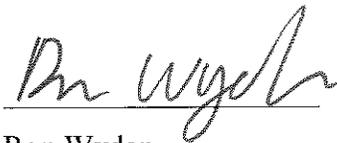
Lisa Murkowski
United States Senator



Susan M. Collins
United States Senator



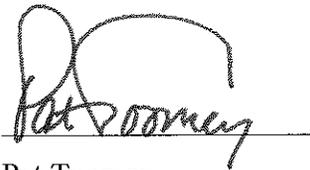
John Barrasso
United States Senator



Ron Wyden
United States Senator



Michael B. Enzi
United States Senator



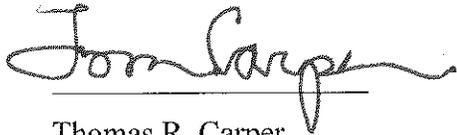
Pat Toomey
United States Senator



Jerry Moran
United States Senator



Bill Cassidy
United States Senator



Thomas R. Carper
United States Senator



Lindsey Graham
United States Senator



Todd Young
United States Senator



Rob Portman
United States Senator



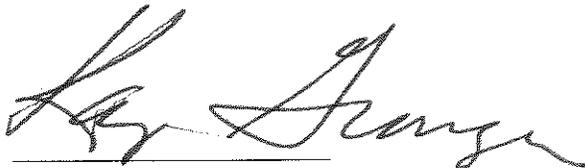
Tim Scott
United States Senator



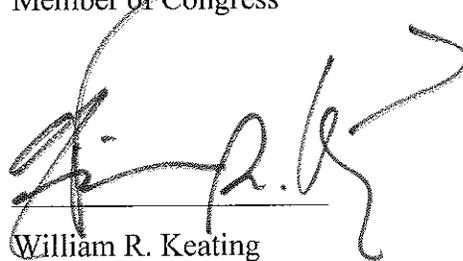
Andy Harris, M.D.
Member of Congress



Chellie Pingree
Member of Congress



Kay Granger
Member of Congress



William R. Keating
Member of Congress



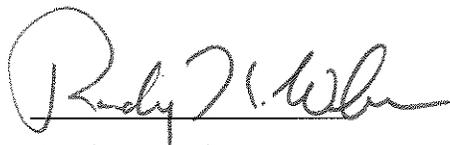
Jack Bergman

Member of Congress



Henry Cuellar

Member of Congress



Randy K. Weber

Member of Congress



Vicente Gonzalez

Member of Congress



Rob Bishop

Member of Congress



Pete Stauber

Member of Congress



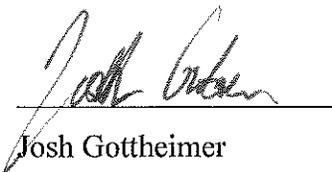
Bruce Westerman

Member of Congress



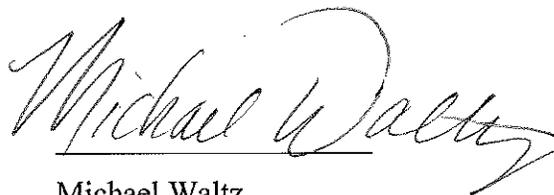
Paul Mitchell

Member of Congress



Josh Gottheimer

Member of Congress



Michael Waltz

Member of Congress



Scott Tipton

Member of Congress



Michael Guest

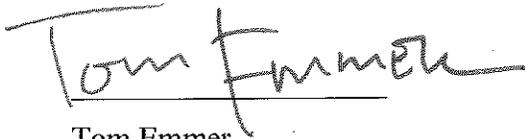
Member of Congress



Filemon Vela
Member of Congress



Roger Marshall, M.D.
Member of Congress



Tom Emmer
Member of Congress



Elise M. Stefanik
Member of Congress



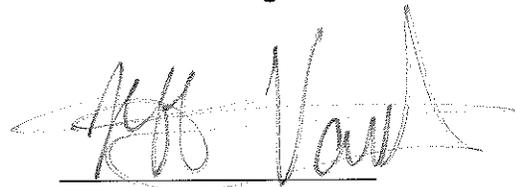
Ralph Norman
Member of Congress



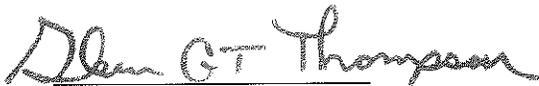
Ann McLane Kuster
Member of Congress



Cindy Axne
Member of Congress



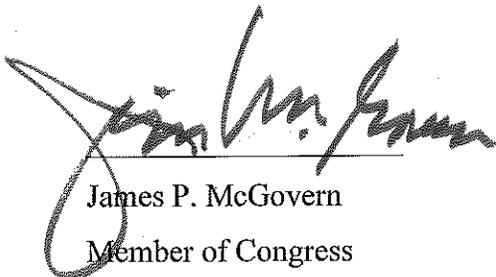
Jefferson Van Drew
Member of Congress



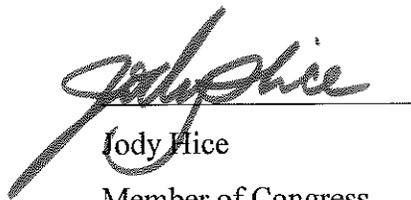
Glenn 'GT' Thompson
Member of Congress



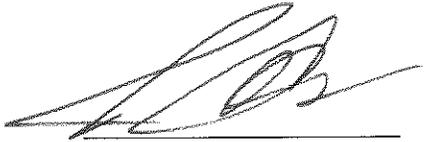
Anthony Brindisi
Member of Congress



James P. McGovern
Member of Congress



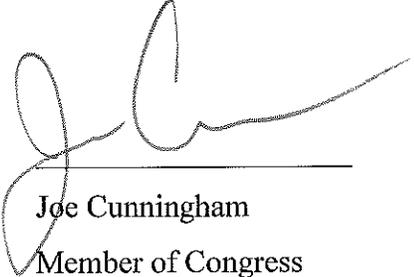
Jody Hice
Member of Congress



Ralph Abraham, M.D.
Member of Congress



Barry Loudermilk
Member of Congress



Joe Cunningham
Member of Congress



Clay Higgins
Member of Congress



Tom Malinowski
Member of Congress



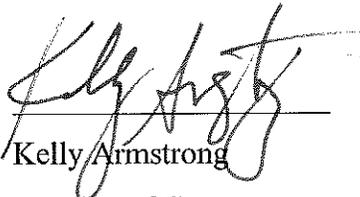
Tom Rice
Member of Congress



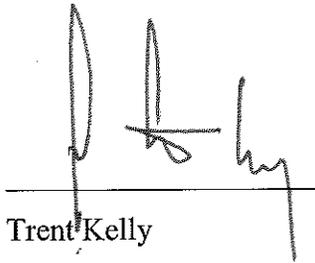
Guy Reschenthaler
Member of Congress



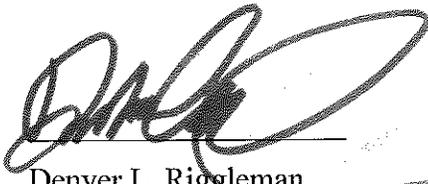
John Moolenaar
Member of Congress



Kelly Armstrong
Member of Congress



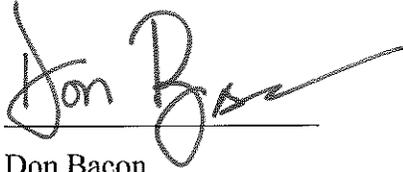
Trent Kelly
Member of Congress



Denver L. Riggleman
Member of Congress



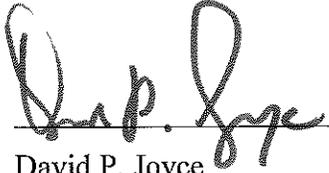
Anthony Gonzalez
Member of Congress



Don Bacon
Member of Congress



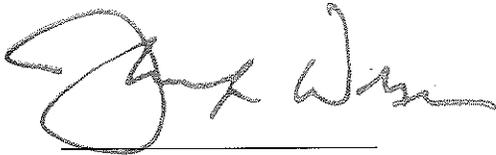
Lauren Underwood
Member of Congress



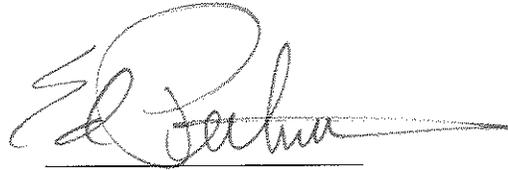
David P. Joyce
Member of Congress



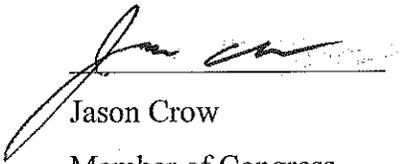
Steve Watkins
Member of Congress



Jennifer Wexton
Member of Congress



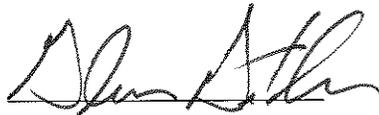
Ed Perlmutter
Member of Congress



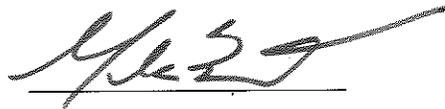
Jason Crow
Member of Congress



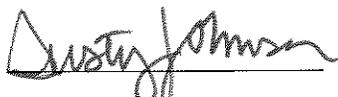
Dan Newhouse
Member of Congress



Glenn Grothman
Member of Congress



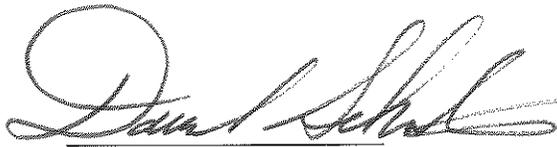
Mike Bost
Member of Congress



Dusty Johnson
Member of Congress



Ron Estes
Member of Congress



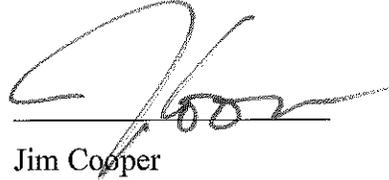
David Schweikert
Member of Congress



Elissa Slotkin
Member of Congress



French Hill
Member of Congress



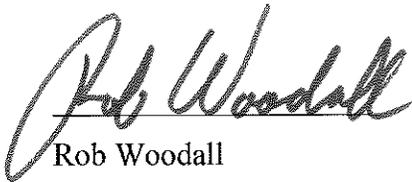
Jim Cooper
Member of Congress



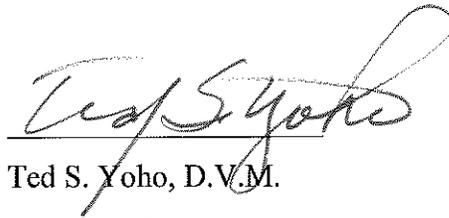
Sharice Davids
Member of Congress



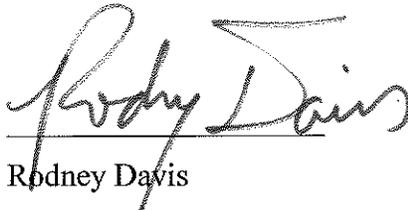
Roger Williams
Member of Congress



Rob Woodall
Member of Congress



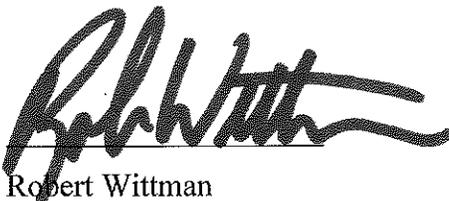
Ted S. Yoho, D.V.M.
Member of Congress



Rodney Davis
Member of Congress



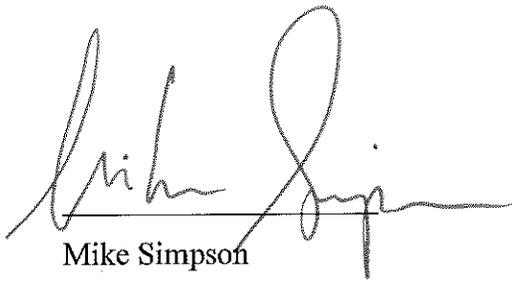
Patrick McHenry
Member of Congress



Robert Wittman
Member of Congress

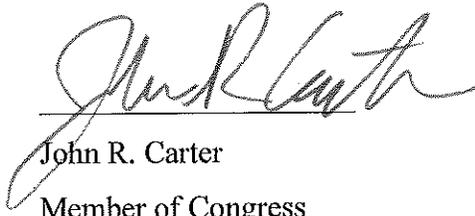


Michael R. Turner
Member of Congress



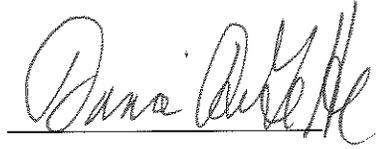
Mike Simpson

Member of Congress



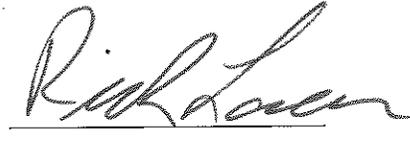
John R. Carter

Member of Congress



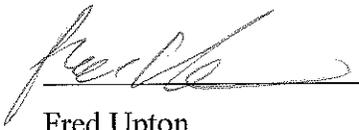
Diana DeGette

Member of Congress



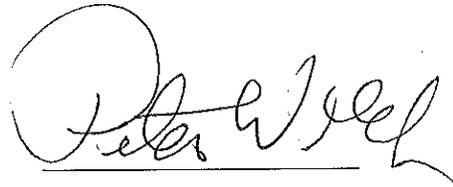
Rick Larsen

Member of Congress



Fred Upton

Member of Congress



Peter Welch

Member of Congress



H. Morgan Griffith

Member of Congress



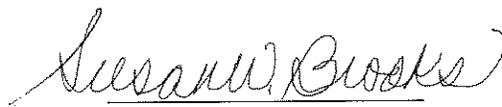
C. A. Dutch Ruppersberger

Member of Congress



Tom Cole

Member of Congress



Susan W. Brooks

Member of Congress



John Shinkus

Member of Congress

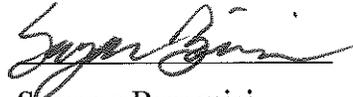


Bill Flores

Member of Congress



Blaine Luetkemeyer
Member of Congress



Suzanne Bonamici
Member of Congress



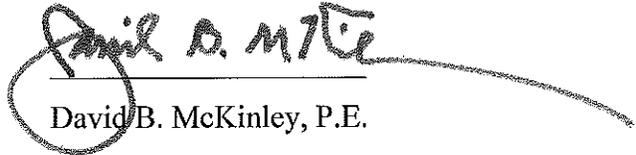
Bill Huizenga
Member of Congress



Steve Stivers
Member of Congress



Vicky Hartzler
Member of Congress



David B. McKinley, P.E.
Member of Congress



Chris Stewart
Member of Congress



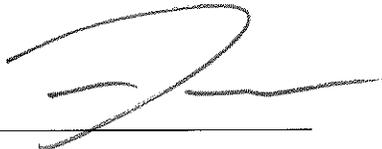
Chris Collins
Member of Congress



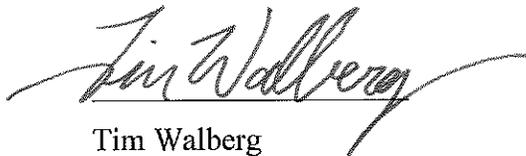
Adam Kinzinger
Member of Congress



Betty McCollum
Member of Congress



Tom Reed
Member of Congress

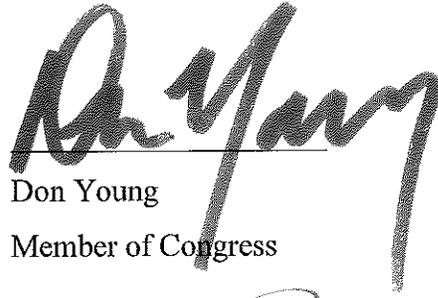


Tim Walberg
Member of Congress



Larry Bucshon, M.D.

Member of Congress



Don Young

Member of Congress



Sean Patrick Maloney

Member of Congress



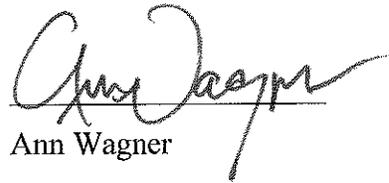
Emanuel Cleaver II

Member of Congress



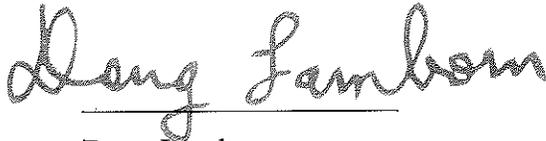
Bill Johnson

Member of Congress



Ann Wagner

Member of Congress



Doug Lamborn

Member of Congress



Garret Graves

Member of Congress



Frank Lucas

Member of Congress



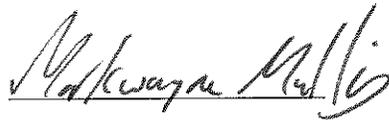
Steve Chabot

Member of Congress



Brad Wenstrup

Member of Congress



Markwayne Mullin

Member of Congress



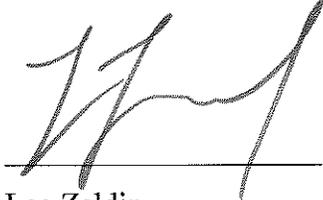
Andy Barr

Member of Congress



Brett Guthrie

Member of Congress



Lee Zeldin

Member of Congress



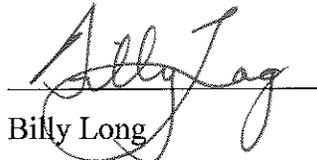
Bob Gibbs

Member of Congress



Thomas Massie

Member of Congress



Billy Long

Member of Congress



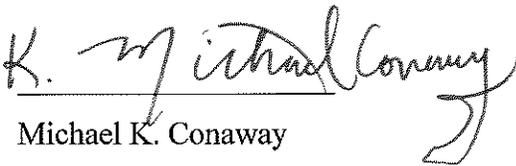
Ken Buck

Member of Congress



Robert Latta

Member of Congress



Michael K. Conaway

Member of Congress



Matt Cartwright

Member of Congress

CC Alex Acosta

Secretary, United States Department of Labor