

**Congress of the United States**  
Washington, DC 20510

May 13, 2020

The Honorable Chad Wolf  
Acting Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Acting Secretary Wolf:

We write on behalf of the Virginia and Maryland seafood industry, which continues to struggle with seasonal labor shortages due to a lack of H-2B visas. In these unprecedented times, we write to ask that you consider all possible options to ensure seasonal seafood producers and processors have the necessary H-2B workers to carry out their operations while helping to maintain our country's food supply. These solutions could include, but are not limited to, redistributing any unused statutorily authorized H-2B visas to the seafood industry.

As with other small American businesses, the seafood processors and producers in our states face new economic uncertainties due to COVID-19. Despite declining demand brought on by the pandemic, we are encouraged to hear early reports from our states that the demand for seafood could begin to increase in the near future.

On March 5, 2020, after much urging from Congress, the Department of Homeland Security (DHS) announced its decision to release an additional 35,000 H-2B temporary nonagricultural worker visas. We anticipated that this move would benefit Virginia's and Maryland's seafood industry, communities largely made up of rural, family-owned operations.

However, on April 2, 2020, the Department announced via Twitter that the rule on the H-2B cap is "on hold pending review due to present economic circumstances. No additional H2B visas will be released until further notice." Due to the delayed rule and subsequent lack of visas, our states' seafood operations, which create numerous year-round American jobs, are in jeopardy yet again. Without the necessary H-2B workers, these seasonal businesses will be forced to scale back operations, cancel or default on contracts, lay off full-time U.S. workers and, in some cases, close operations completely.

Like H-2A workers who support agriculture in the United States, the Department has deemed seafood processors "essential, critical infrastructure." Any disruption to the food supply chain will harm American consumers, the seafood industry, and the U.S. economy. Precautionary measures are crucial to ensure we have a stable food supply flow. Withholding H-2B visas for seasonal seafood processors will only exacerbate this matter.

We urge you to expeditiously reallocate any unused H-2B visas to the seafood industry, deemed essential to the country's critical infrastructure. We further urge you to work with the Departments of Labor, State, and Health and Human Services to ensure the necessary

precautions to protect the health and safety of both H-2B workers and the communities in which they work and live. It is vital that the agencies with responsibility for administering the H-2B program work in concert with the Centers for Disease Control and Prevention (CDC), as well as state and local officials to ensure that the necessary safeguards, including the ability to effectively social distance, are in place and clearly communicated with workers in their native language. Both employers and workers should be given the tools they need to reduce community spread. It is also important that workers are made aware of the health care systems available and given access to care.

We thank you in advance for your prompt attention to this matter, as the viability of many businesses in our states depends on the H-2B program. We look forward to an ongoing dialogue with you and the Department about possible regulatory improvements to the H-2B program that can increase processing efficiency and predictability and maintain worker safety during this pandemic.

Sincerely,

/s/ Mark R. Warner

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Mark R. Warner  
United States Senator

/s/ Robert J. Wittman

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Robert J. Wittman  
Member of Congress

/s/ Tim Kaine

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Tim Kaine  
United States Senator

/s/ Chris Van Hollen

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Chris Van Hollen  
United States Senator

/s/ Benjamin L. Cardin

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Benjamin L. Cardin  
United States Senator