

# Congress of the United States

Washington, DC 20510

January 27, 2020

The Honorable Chad F. Wolf  
Acting Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, NW  
Washington, DC 20528

Dear Acting Secretary Wolf:

We write on behalf of seasonal businesses in our states from industries such as tourism and hospitality, landscaping, fairs and carnivals, seafood processing, golf courses, reforestation, contractors and horse racing, who continue to struggle with seasonal labor shortages that are made worse by the inadequate H-2B visa cap. Under the “Further Consolidated Appropriations Act, 2020”, the Secretary of the Department of Homeland Security (DHS), in consultation with Secretary of the Department of Labor (DOL), is authorized to provide expeditious H-2B cap relief for our local businesses’ upcoming seasonal labor needs.

These American businesses depend on seasonal employment to meet the demand across many industries. Without immediate and meaningful H-2B cap relief, 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. By taking quick action to release additional H-2B visas, seasonal businesses and U.S. workers across the country will avoid these harmful consequences, and instead, help contribute to the American economy.

The recently passed Fiscal Year 2020 Further Consolidated Appropriations bill provides DHS with the authority to lift the existing 66,000 H-2B visa cap. The language is identical to the language that was enacted in each of the past three years. In each of those years, DHS has provided supplemental cap relief in the amounts of 15,000, 15,000 and 30,000 respectively. While these supplemental visas helped some employers who were shut out of the program, they were not sufficient to satisfy the total need for H-2B workers. Additionally, these visas were not released until well into many businesses’ peak seasons, which caused significant harm to the seasonal industry. We urge you to release a significant number of additional visas as soon as possible to prevent this from happening in FY 20. According to the Department’s May 2019 rule entitled “Exercise of Time-Limited Authority to Increase the Fiscal Year 2019 Numerical Limitation for the H-2B Temporary Nonagricultural Worker Program,” you are authorized to release 64,716 additional visas under this language.

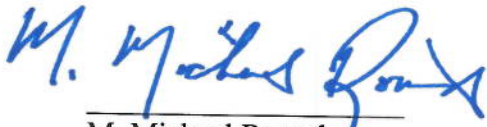
As you know, the first half H-2B visa cap for FY 20 was reached on November 15, 2019, almost a month earlier than previous years. The DOL has certified the need for approximately 51,000 H-2B workers with a date of need between October 1 and March 31 with approximately 2,500 petitions still under review. Therefore, between 18,000 and 20,500 needed H-2B worker positions will remain vacant without the expeditious release of additional visas.

Additionally, the Office of Foreign Labor Certification (OFLC) announced that within the first 24 hours of opening the Foreign Labor Application Gateway System for peak filing season that opened on January 2, 2020, employers filed 4,930 applications for more than 87,298 worker positions with an April 1, 2020, or later, work start date. By the end of the filing deadline on January 6, 2020, OFLC had received a total of 5,677 H-2B applications requesting 99,362 worker positions. This is more than triple the number of visa applications currently available for the second half of the fiscal year.

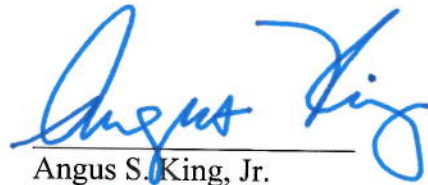
As a result, we urge DHS to release the maximum number of additional visas without delay. Congress was clear in the report accompanying the “Consolidated Appropriations Act, 2020” that DHS rely on past rulemaking and act as quickly as possible in releasing additional visas. The report language states that, “USCIS is encouraged to leverage prior year materials relating to the issuance of additional H-2B visas, to include previous temporary final rules, to improve processing efficiencies.” As you know, the FY 19 temporary final rule was only released eight months ago, and there are no new legislative authorities or technical facts to review. Therefore, additional rulemaking should not be required.

Given the continued low unemployment and growing demand for H-2B workers, as evidenced by the recent number of applications for the second half of the fiscal year, we urge the Department to promptly make available all 64,716 additional visas authorized under the law as soon as possible. These vital American businesses depend on the expeditious release of a sufficient number of additional visas. We thank you in advance for your attention to this pressing matter.

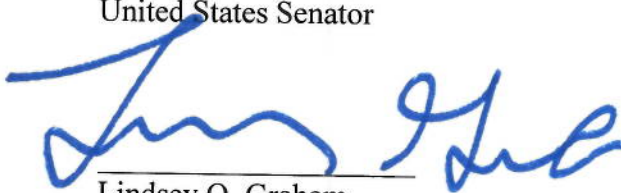
Sincerely,



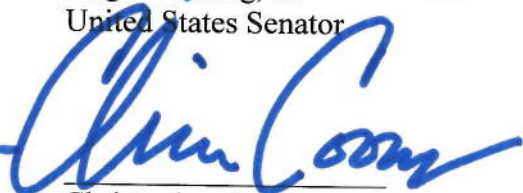
M. Michael Rounds  
United States Senator



Angus S. King, Jr.  
United States Senator



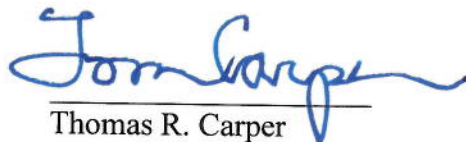
Lindsey O. Graham  
United States Senator




Christopher A. Coons  
United States Senator




Thom Tillis  
United States Senator

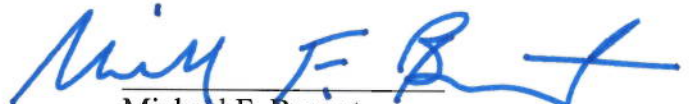


Thomas R. Carper  
United States Senator


  
James E. Risch  
United States Senator

  
Benjamin L. Cardin  
United States Senator

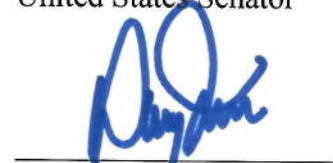
  
Dan Sullivan  
United States Senator


  
Michael F. Bennet  
United States Senator


  
Lisa Murkowski  
United States Senator


  
Chris Van Hollen  
United States Senator

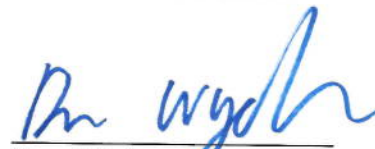
  
Rob Portman  
United States Senator


  
Doug Jones  
United States Senator


  
Roy Blunt  
United States Senator


  
Mark R. Warner  
United States Senator


  
Michael B. Enzi  
United States Senator

  
Ron Wyden  
United States Senator

  
Cory Gardner  
United States Senator

  
Kyrsten Sinema  
United States Senator

  
John Cornyn  
United States Senator

  
Jeanne Shaheen  
United States Senator

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Bill Cassidy, M.D.  
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Tina Smith  
United States Senator

Mike Crapo

Mike Crapo  
United States Senator

John Barrasso

John Barrasso, M.D.  
United States Senator

John Thune

John Thune  
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James Lankford

James Lankford  
United States Senator

Susan M. Collins

Susan M. Collins  
United States Senator

Pat Roberts

Pat Roberts  
United States Senator

Todd Young

Todd Young  
United States Senator

Jerry Moran

Jerry Moran  
United States Senator

Kevin Cramer

Kevin Cramer  
United States Senator

Rodger F. Wicker

Rodger F. Wicker  
United States Senator

Pat Toomey

Pat Toomey  
United States Senator

Tim Scott

Tim Scott  
United States Senator

Cindy Hyde-Smith

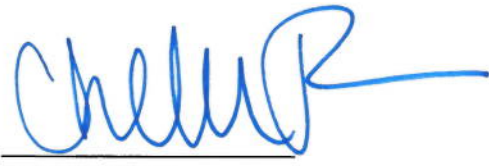
Cindy Hyde-Smith  
United States Senator

Rand Paul

Rand Paul  
United States Senator



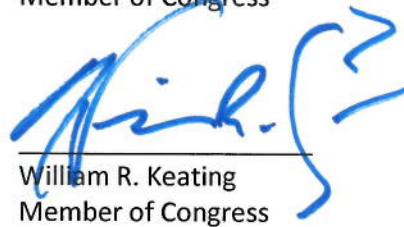
Andy Harris, M.D.  
Member of Congress



Chellie Pingree  
Member of Congress



Jack Bergman  
Member of Congress



William R. Keating  
Member of Congress



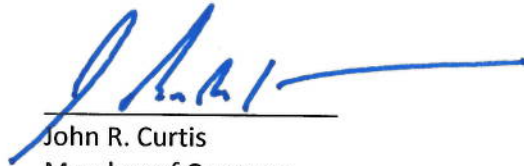
Steve Chabot  
Member of Congress



Justin Amash  
Member of Congress



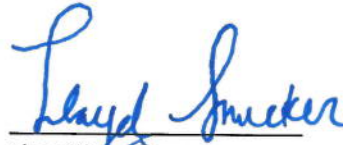
Vicente Gonzalez  
Member of Congress



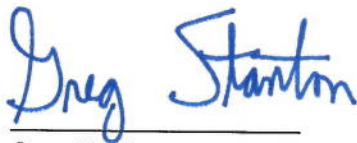
John R. Curtis  
Member of Congress



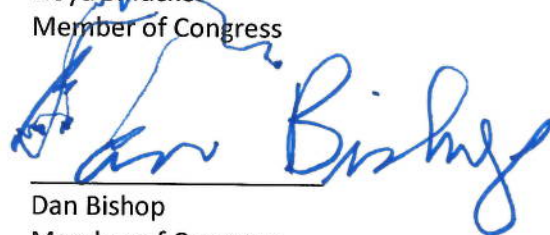
Pete Stauber  
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Lloyd Smucker  
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Greg Stanton  
Member of Congress



Dan Bishop  
Member of Congress



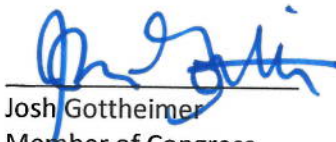
Joyce Beatty  
Member of Congress



Bruce Westerman  
Member of Congress



Paul Mitchell  
Member of Congress



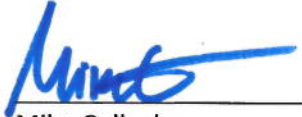
Josh Gottheimer  
Member of Congress



Ed Perlmutter  
Member of Congress



Jason Crow  
Member of Congress



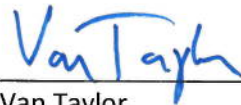
Mike Gallagher  
Member of Congress




Abigail D. Spanberger  
Member of Congress



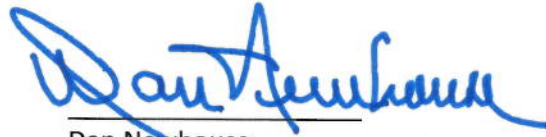
Dean Phillips  
Member of Congress



Van Taylor  
Member of Congress



Derek Kilmer  
Member of Congress



Dan Newhouse  
Member of Congress



Joe Neguse  
Member of Congress



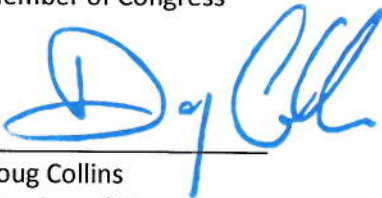
Glenn Grothman  
Member of Congress



Joe Wilson  
Member of Congress



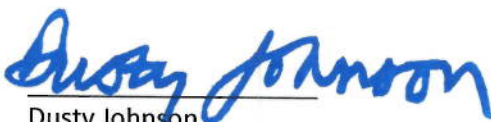
Mike Bost  
Member of Congress



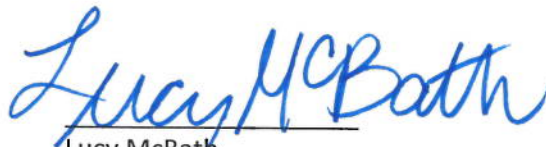
Doug Collins  
Member of Congress



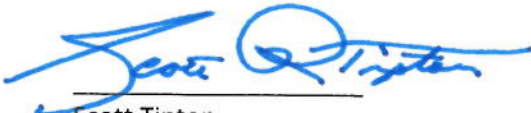
Darren Soto  
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Dusty Johnson  
Member of Congress



Lucy McBath  
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Scott Tipton  
Member of Congress



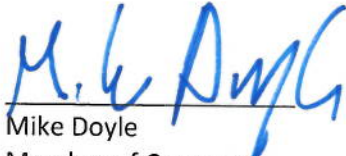
Haley M. Stevens  
Member of Congress



Michael Guest  
Member of Congress



Peter T. King  
Member of Congress



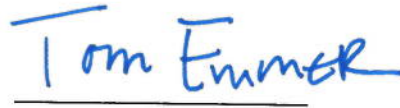
Mike Doyle  
Member of Congress



Filemon Vela  
Member of Congress



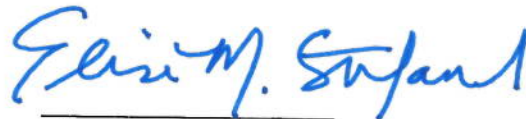
Roger Marshall, M.D.  
Member of Congress



Tom Emmer  
Member of Congress



Neal P. Dunn, M.D.  
Member of Congress



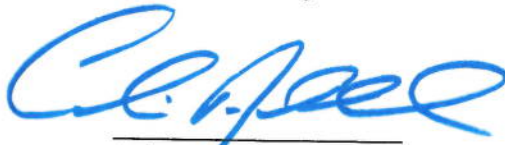
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Colin Z. Allred  
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Anthony Brindisi  
Member of Congress



Jefferson Van Drew  
Member of Congress



Glenn 'GT' Thompson  
Member of Congress



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James P. McGovern  
Member of Congress



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Jody Hice  
Member of Congress



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Kendra Horn  
Member of Congress



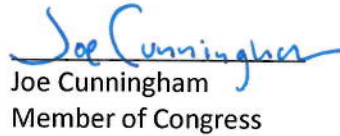
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Ralph Abraham, M.D.  
Member of Congress



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Barry Loudermilk  
Member of Congress



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Joe Cunningham  
Member of Congress



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Clay Higgins  
Member of Congress



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David Rouzer  
Member of Congress



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Tom Malinowski  
Member of Congress



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Earl L. 'Buddy' Carter  
Member of Congress



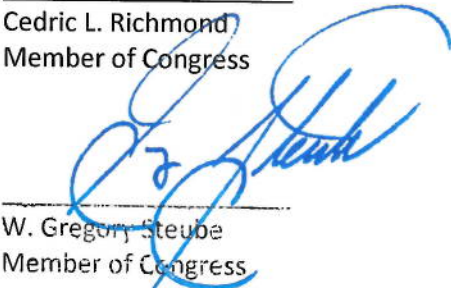
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Cedric L. Richmond  
Member of Congress



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Tom Rice  
Member of Congress



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W. Gregory Steube  
Member of Congress



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Guy Reschenthaler  
Member of Congress



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Elaine G. Luria  
Member of Congress



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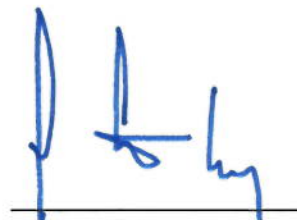
John Moolepaar  
Member of Congress





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Kelly Armstrong  
Member of Congress



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Trent Kelly  
Member of Congress



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Antonio Delgado  
Member of Congress



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Warren Davidson  
Member of Congress



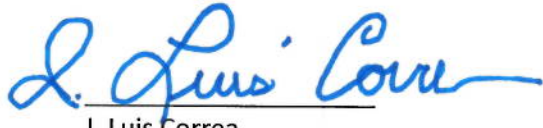
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Anthony Gonzalez  
Member of Congress



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Kay Granger  
Member of Congress



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J. Luis Correa  
Member of Congress



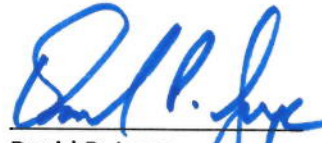
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Lauren Underwood  
Member of Congress



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Lisa Blunt Rochester  
Member of Congress



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David P. Joyce  
Member of Congress



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Mikie Sherrill  
Member of Congress



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David Trone  
Member of Congress



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Jennifer Wexton  
Member of Congress



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Chrissy Houlahan  
Member of Congress



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Troy Balderson  
Member of Congress



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Jared Golden  
Member of Congress

Ron Estes

Ron Estes  
Member of Congress

Elissa Slotkin

Elissa Slotkin  
Member of Congress

French Hill

French Hill  
Member of Congress

Jim Cooper

Jim Cooper  
Member of Congress

Sharice L. Davids

Sharice L. Davids  
Member of Congress

Carol D. Miller

Carol D. Miller  
Member of Congress

Susan Wild

Susan Wild  
Member of Congress

Roger Williams

Roger Williams  
Member of Congress

John H. Rutherford

John H. Rutherford  
Member of Congress

Fred Keller

Fred Keller  
Member of Congress

Rob Woodall

Rob Woodall  
Member of Congress

Ted S. Yoho

Ted S. Yoho, DVM  
Member of Congress

Rodney Davis

Rodney Davis  
Member of Congress

Michael T. McCaul

Michael T. McCaul  
Member of Congress

Patrick McHenry

Patrick McHenry  
Member of Congress

Kathy Castor

Kathy Castor  
Member of Congress



Robert J. 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



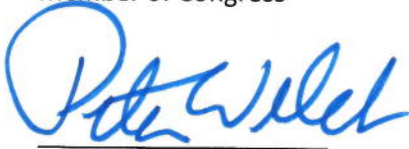
Pete Olson  
Member of Congress



Brian Mast  
Member of Congress



Fred Upton  
Member of Congress



Peter Welch  
Member of Congress



H. Morgan Griffith  
Member of Congress



Collin C. Peterson  
Member of Congress



C.A. Dutch Ruppertsberger  
Member of Congress



Tom Cole  
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Susan W. Brooks  
Member of Congress



John Shimkus  
Member of Congress



Bill Flores  
Member of Congress



Blaine Luetkemeyer  
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Suzanne Bonamici  
Member of Congress



Bill Huizenga  
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Steve Stivers  
Member of Congress



Vicky Hartzler  
Member of Congress



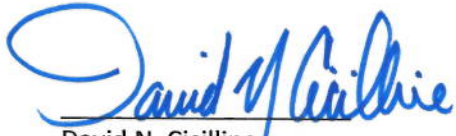
Gerald E. Connolly  
Member of Congress



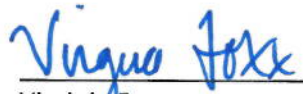
David B. McKinley, P.E.  
Member of Congress



Chris Stewart  
Member of Congress



David N. Cicilline  
Member of Congress



Virginia Foxx  
Member of Congress



Tim Walberg  
Member of Congress



Richard E. Neal  
Member of Congress



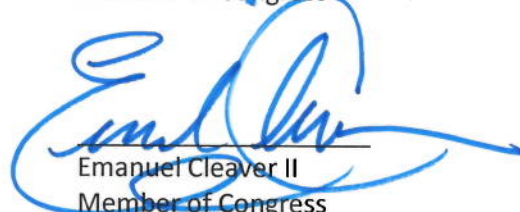
Larry Bucshon, M.D.  
Member of Congress



Don Young  
Member of Congress



Joe Courtney  
Member of Congress



Emanuel Cleaver II  
Member of Congress

Bill Johnson  
Member of Congress

Gregory F. Murphy, M.D.  
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Member of Congress

Ann Wagner  
Member of Congress

Jaime Herrera Beutler  
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Henry Cuellar  
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Garret Graves  
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Frank Lucas  
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Sanford D. Bishop, Jr.  
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Brad Wenstrup  
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Andy Barr  
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Kurt Schrader  
Member of Congress



Brett Guthrie  
Member of Congress



Lee Zeldin  
Member of Congress



Thomas Massie  
Member of Congress



Bob Gibbs  
Member of Congress



Billy Long  
Member of Congress



Ken Buck  
Member of Congress



Robert E. Latta  
Member of Congress

CC:

The Honorable Eugene Scalia  
Secretary  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210