

**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 15<sup>th</sup>, 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.

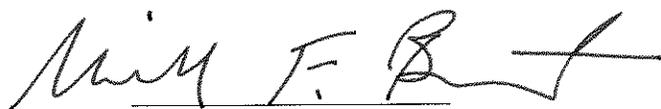
Sincerely,



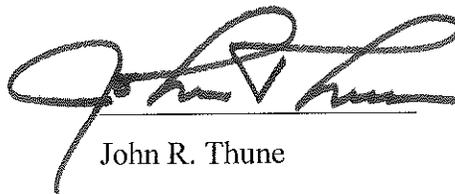
M. Michael Rounds  
United States Senator



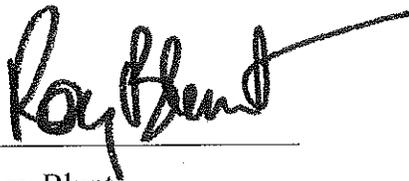
Thom Tillis  
United States Senator



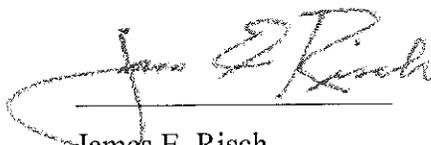
Michael F. Bennet  
United States Senator



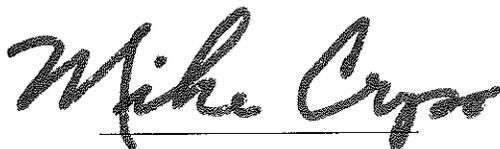
John R. Thune  
United States Senator



Roy Blunt  
United States Senator



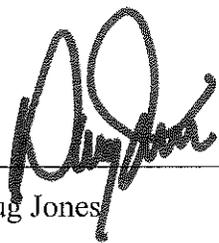
James E. Risch  
United States Senator



Mike Crapo  
United States Senator



Dan Sullivan  
United States Senator



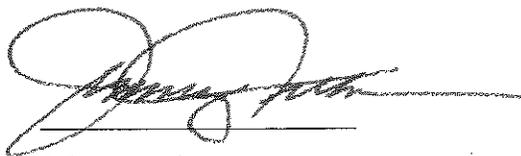
Doug Jones  
United States Senator



Kevin Cramer  
United States Senator



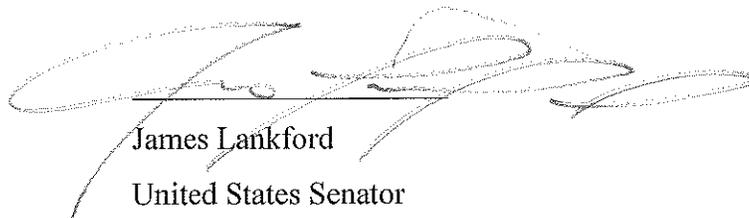
Joe Manchin III  
United States Senator



Johnny Isakson  
United States Senator



Pat Roberts  
United States Senator



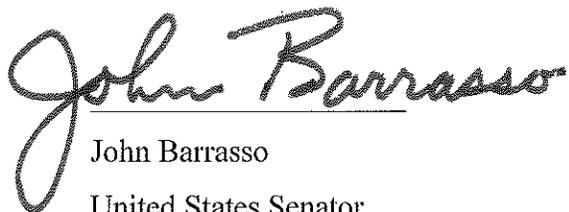
James Lankford  
United States Senator



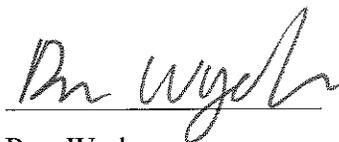
Lisa Murkowski  
United States Senator



Susan M. Collins  
United States Senator



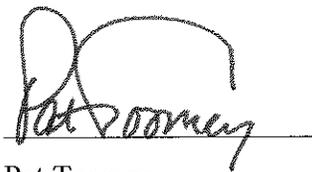
John Barrasso  
United States Senator



Ron Wyden  
United States Senator



Michael B. Enzi  
United States Senator



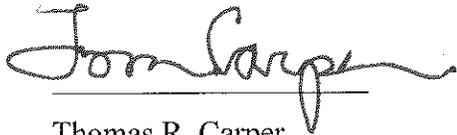
Pat Toomey  
United States Senator



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



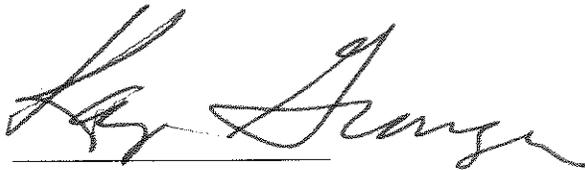
Tim Scott  
United States Senator



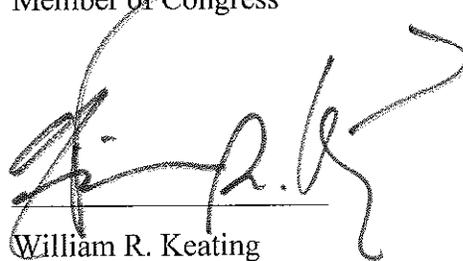
Andy Harris, M.D.  
Member of Congress



Chellie Pingree  
Member of Congress



Kay Granger  
Member of Congress



William R. Keating  
Member of Congress



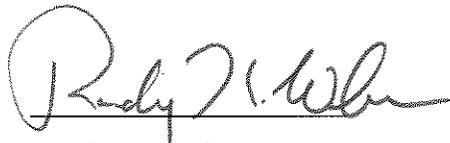
Jack Bergman

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



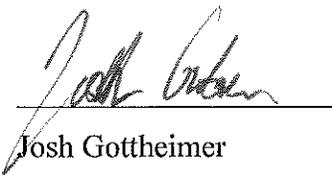
Bruce Westerman

Member of Congress



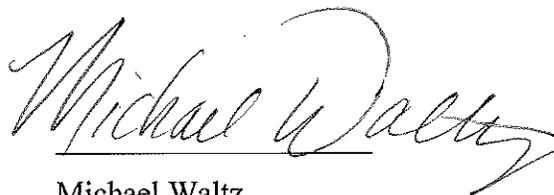
Paul Mitchell

Member of Congress



Josh Gottheimer

Member of Congress



Michael Waltz

Member of Congress



Scott Tipton

Member of Congress



Michael Guest

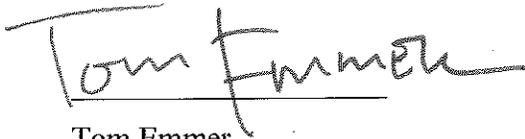
Member of Congress



Filemon Vela  
Member of Congress



Roger Marshall, M.D.  
Member of Congress



Tom Emmer  
Member of Congress



Elise M. Stefanik  
Member of Congress



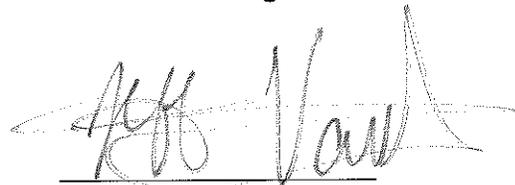
Ralph Norman  
Member of Congress



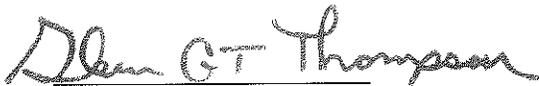
Ann McLane Kuster  
Member of Congress



Cindy Axne  
Member of Congress



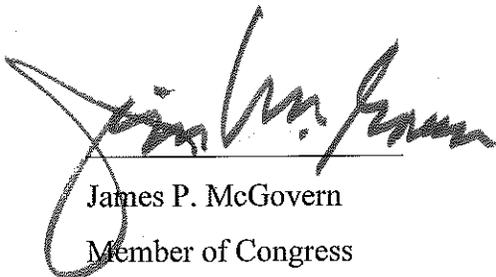
Jefferson Van Drew  
Member of Congress



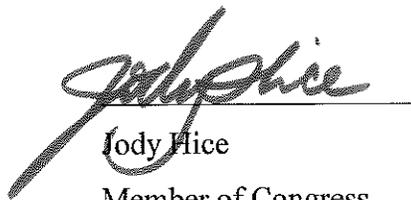
Glenn 'GT' Thompson  
Member of Congress



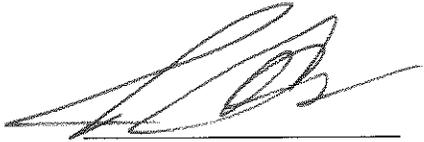
Anthony Brindisi  
Member of Congress



James P. McGovern  
Member of Congress



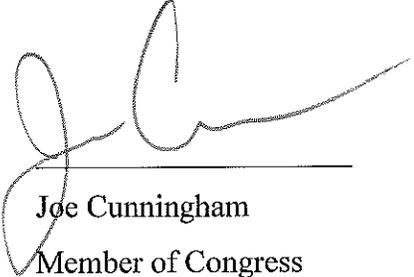
Jody Hice  
Member of Congress



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



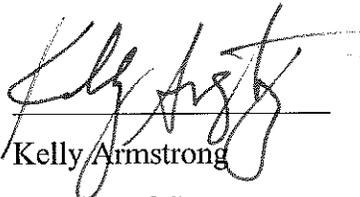
Tom Rice  
Member of Congress



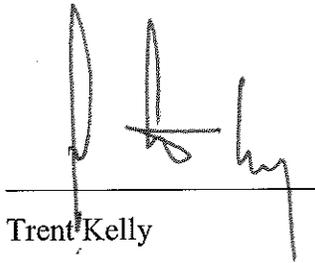
Guy Reschenthaler  
Member of Congress



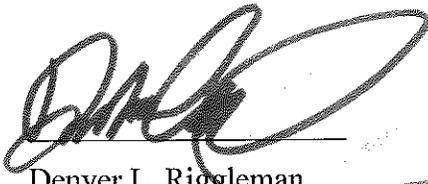
John Moolenaar  
Member of Congress



Kelly Armstrong  
Member of Congress



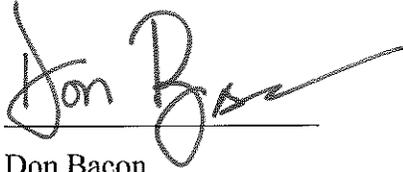
Trent Kelly  
Member of Congress



Denver L. Riggleman  
Member of Congress



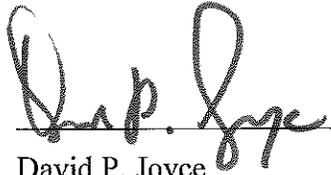
Anthony Gonzalez  
Member of Congress



Don Bacon  
Member of Congress



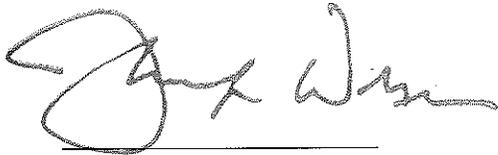
Lauren Underwood  
Member of Congress



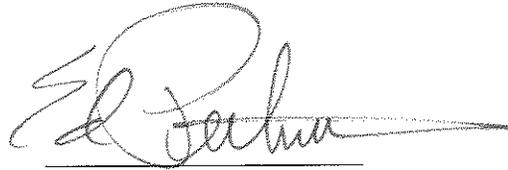
David P. Joyce  
Member of Congress



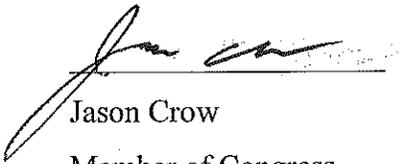
Steve Watkins  
Member of Congress



Jennifer Wexton  
Member of Congress



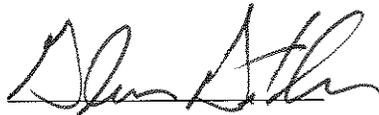
Ed Perlmutter  
Member of Congress



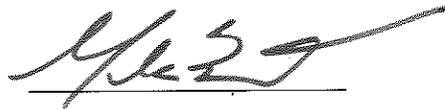
Jason Crow  
Member of Congress



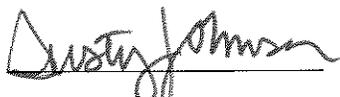
Dan Newhouse  
Member of Congress



Glenn Grothman  
Member of Congress



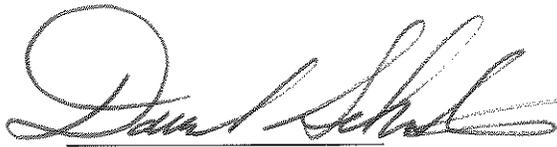
Mike Bost  
Member of Congress



Dusty Johnson  
Member of Congress



Ron Estes  
Member of Congress



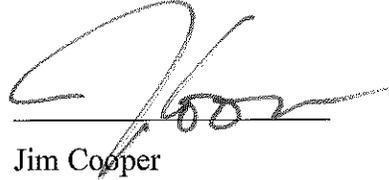
David Schweikert  
Member of Congress



Elissa Slotkin  
Member of Congress



French Hill  
Member of Congress



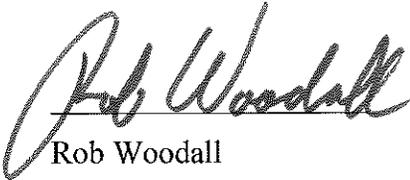
Jim Cooper  
Member of Congress



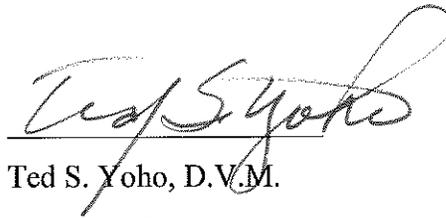
Sharice Davids  
Member of Congress



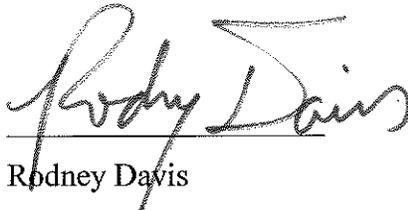
Roger Williams  
Member of Congress



Rob Woodall  
Member of Congress



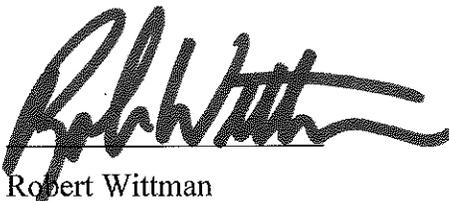
Ted S. Yoho, D.V.M.  
Member of Congress



Rodney Davis  
Member of Congress



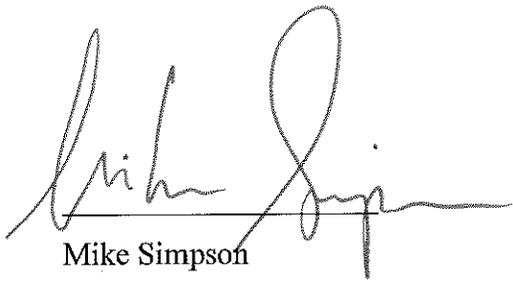
Patrick McHenry  
Member of Congress



Robert Wittman  
Member of Congress

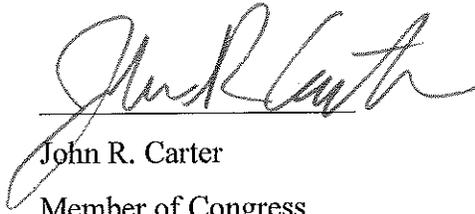


Michael R. Turner  
Member of Congress



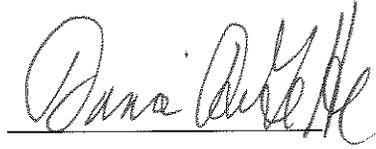
Mike Simpson

Member of Congress



John R. Carter

Member of Congress



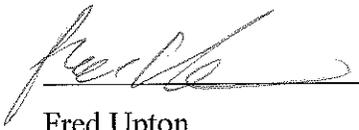
Diana DeGette

Member of Congress



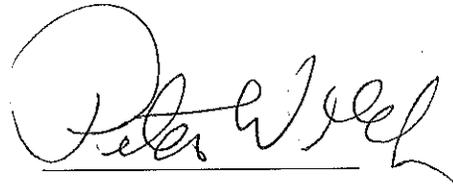
Rick Larsen

Member of Congress



Fred Upton

Member of Congress



Peter Welch

Member of Congress



H. Morgan Griffith

Member of Congress



C. A. Dutch Ruppberger

Member of Congress



Tom Cole

Member of Congress



Susan W. Brooks

Member of Congress



John Shinkus

Member of Congress

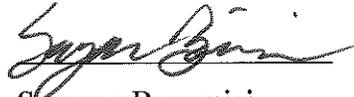


Bill Flores

Member of Congress



Blaine Luetkemeyer  
Member of Congress



Suzanne Bonamici  
Member of Congress



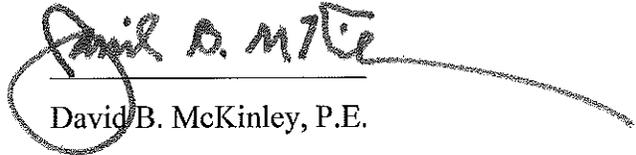
Bill Huizenga  
Member of Congress



Steve Stivers  
Member of Congress



Vicky Hartzler  
Member of Congress



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



Chris Stewart  
Member of Congress



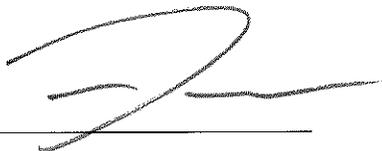
Chris Collins  
Member of Congress



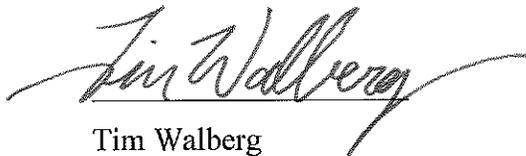
Adam Kinzinger  
Member of Congress



Betty McCollum  
Member of Congress



Tom Reed  
Member of Congress

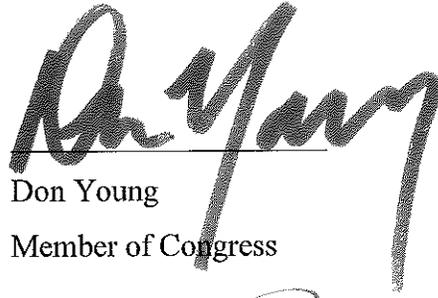


Tim Walberg  
Member of Congress



Larry Bucshon, M.D.

Member of Congress



Don Young

Member of Congress



Sean Patrick Maloney

Member of Congress



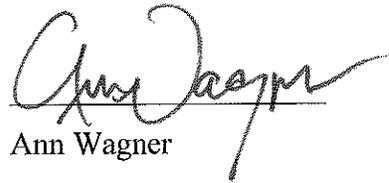
Emanuel Cleaver II

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



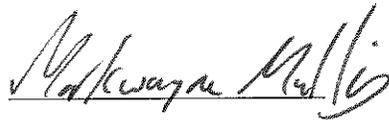
Steve Chabot

Member of Congress



Brad Wenstrup

Member of Congress



Markwayne Mullin

Member of Congress



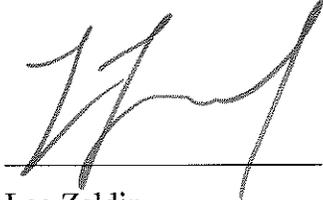
Andy Barr

Member of Congress



Brett Guthrie

Member of Congress



Lee Zeldin

Member of Congress



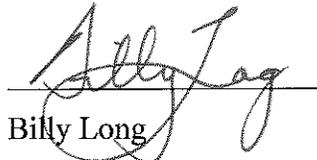
Bob Gibbs

Member of Congress



Thomas Massie

Member of Congress



Billy Long

Member of Congress



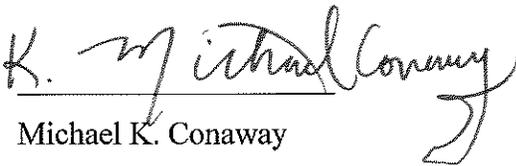
Ken Buck

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