January 22, 2019

The Honorable Nancy Pelosi  
Speaker  
United States House of Representatives  
235 Cannon House Office Building  
Washington, D.C. 20515

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
317 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Kevin McCarthy  
Republican Leader  
United States House of Representatives  
326 Cannon House Office Building  
Washington, D.C. 20515

The Honorable Chuck Schumer  
Minority Leader  
United States Senate  
322 Hart Senate Office Building  
Washington, D.C. 20510

Dear Speaker Pelosi and Leaders McConnell, McCarthy and Schumer:

We write to you today regarding the H-2B temporary guest worker program. As all of you are aware, we have been working in a bipartisan, bicameral fashion for years to find an acceptable, permanent legislative solution to the problems plaguing this program. Our work has had one goal: to provide the appropriate amount of non-immigrant, temporary workers needed to supplement our American workforce and sustain our economy.

As recent filings show, there is no doubt that the statutory cap of 66,000, which was set more than three decades ago, is wholly inadequate to meet the demands of today’s seasonal businesses. Recently, due to the strong national economy, employers have struggled to find U.S. workers for seasonal positions which are, on average, 6-9 month jobs. As such, there has been a marked uptick in the number of seasonal employers that, as a last resort, turn to the H-2B guest worker program for the employees they need to sustain their businesses during peak times. This increased demand, coupled with Congress’s inability to meaningfully reform the program to meet the economy’s needs, has caused an increasingly urgent issue of visa scarcity where employers are simply unable to attain sufficient workers to meet their labor demands.

In fact, this year, shortly after midnight on January 1, 2019, the Department of Labor’s iCERT system, through which employers seeking H-2B workers request temporary labor certifications—a necessary step in the H-2B application process—was inundated with a record number of requests and almost immediately crashed. In the brief moments before system failure, iCERT received in excess of 97,000 applications for the 33,000 available visas for the second half of the fiscal year. The iCERT System’s failure is a direct and predictable result of Congress’ inability to address the insufficient availability of H-2B visas.
If significant and permanent 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 cap 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. Continuing with the status quo of failing to reform the H-2B program will only result in more closures or scale backs for these businesses. In any agreement to end the current partial lapse in government funding, we owe our constituents, and seasonal business owners relying on this vital program, a thoughtful and lasting legislative solution to the H-2B visa shortage.

We look forward to working with you on this issue, and we are hopeful that you will include a meaningful solution to the H-2B guest worker shortage in any government funding agreement.

Sincerely,

Thom Tillis  
United States Senator

Angus S. King, Jr.  
United States Senator

Chellie Pingree  
Member of Congress

Thomas R. Carper  
United States Senator

William Keating  
Member of Congress
Lisa Murkowski  
United States Senator

M. Michael Rounds  
United States Senator

Michael B. Enzi  
United States Senator

Cory Gardner  
United States Senator

Todd Young  
United States Senator

Rob Portman  
United States Senator

Dan Sullivan  
United States Senator

Christopher A. Coons  
United States Senator

Amy Klobuchar  
United States Senator

Doug Jones  
United States Senator

Tina Smith  
United States Senator

Jeanne Shaheen  
United States Senator

Michael F. Bennet  
United States Senator

Mark R. Warner  
United States Senator
Michael McCaul
Member of Congress

Robert Wittman
Member of Congress

John R. Carter
Member of Congress

Diana DeGette
Member of Congress

C.A. Dutch Ruppersberger
Member of Congress

Brian Mast
Member of Congress

Fred Upton
Member of Congress

Peter Welch
Member of Congress

H. Morgan Griffith
Member of Congress

Ken Calvert
Member of Congress

Tom Cole
Member of Congress

Susan W. Brooks
Member of Congress
John Shimkus
Member of Congress

Blaine Luetkemeyer
Member of Congress

Bill Flores
Member of Congress

Bill Huizenga
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

Tim Walberg
Member of Congress

Don Young
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Bill Johnson
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Steve Stivers  
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Larry Buschon, M.D.  
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Ann Wagner  
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Garret Graves  
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Steve Chabot  
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Adam Kinzinger  
Member of Congress

Henry Cuellar, PhD  
Member of Congress

Doug Lamborn  
Member of Congress

Frank Lucas  
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Brad Wenstrup  
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Brett Guthrie  
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Roger Williams
Member of Congress

Rob Woodall
Member of Congress

Rodney Davis
Member of Congress

Bruce Westerman
Member of Congress

John Moolenaar
Member of Congress

John Curtis
Member of Congress

John H. Rutherford
Member of Congress

Ted S. Yoho, DVM
Member of Congress

Pete Stauber
Member of Congress

Randy Weber
Member of Congress

Vicente Gonzalez
Member of Congress

Lloyd Smucker
Member of Congress
David Kustoff
Member of Congress

Ralph Abraham, M.D.
Member of Congress

Clay Higgins
Member of Congress

Tom Rice
Member of Congress

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

Barry Loudermilk
Member of Congress

Tom Malinowski
Member of Congress

Susan Wild
Member of Congress