

ANDY HARRIS, M.D.
FIRST DISTRICT, MARYLAND

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES

AGRICULTURE, RURAL DEVELOPMENT,
FOOD AND DRUG ADMINISTRATION

HOMELAND SECURITY

LABOR, HEALTH AND HUMAN SERVICES,
EDUCATION



Congress of the United States

House of Representatives

Washington, DC 20515

June 26, 2018

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

The Honorable R. Alexander Acosta
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20510

Dear Secretary Nielsen and Secretary Acosta:

On behalf of seasonal employers in our states we urge you to allocate additional visas pursuant to the authority provided to you through the FY 2018 Omnibus Appropriations Act. The 15,000 visas released by the Departments on May 31 are inadequate to meet the bona fide labor needs of seasonal employers, as evidenced by the fact that the number of petitions for these supplemental visas far exceeded 15,000. The economic fate of seasonal businesses and their U.S. workforce hangs in the balance.

Under Division M – Title II Section 205 of the FY 2018 Omnibus Appropriations Act, the Secretary of Homeland Security, in consultation with the Secretary of Labor, may approve petitions for admission under the H-2B Nonimmigrant Temporary Worker program up to the new statutory level set in the bill for this fiscal year.

The additional 15,000 visas have not met the demonstrated labor needs of seasonal businesses this year. Since the beginning of the fiscal year, the Department of Labor (DOL) has certified petitions for over 142,000 H-2B workers, including nearly 90,000 positions for workers beginning on April 1. DOL only issues final labor certification when it concludes that:

- There are not sufficient U.S. workers who are qualified and who will be available to perform the temporary services or labor for which an employer desires to hire foreign workers; and that
- The employment of H-2B workers will not adversely affect the wages and working conditions of similarly employed U.S. workers.

DOL's final certifications clearly demonstrate, as required by the FY 2018 Omnibus Appropriations Act, that there are not a sufficient number of U.S. workers who are willing, qualified and able to fill the nearly 90,000 positions so desperately needed by seasonal employers. For virtually every employer petition for which DOL has certified the insufficiency of US workers, the failure to issue additional visas will cause irreparable harm to the business

submitting the petition and its American workers. We, therefore, urge the Department of Homeland Security (DHS) to immediately resume processing additional H-2B visa petitions to meet the full demand of our small and seasonal businesses. As forms and procedures are already in place, we believe that no additional rulemaking is required for DHS to authorize these additional visas.

The lack of H-2B workers jeopardizes the survival of small and seasonal businesses and puts their American workers at risk of losing their jobs. We continue to hear daily from employers in our districts about business losses, harmful impacts to U.S. workers, and in some cases about the need to close their operations entirely due to the lack of workers.

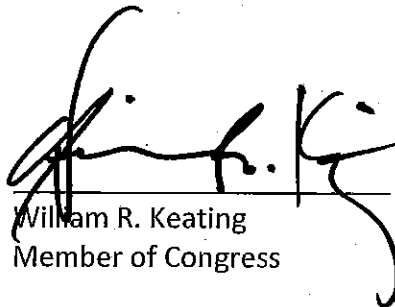
The H-2B program relies on well-vetted returning workers who come to the U.S. for seasonal employment and then go home. These workers are not immigrants. They provide an opportunity for U.S. businesses to operate at a greater capacity that meets the demand for their services, retain their full-time workers and contribute to their local economies. Seasonal workers help support many upstream and downstream jobs. Every H-2B worker is estimated to create and sustain 4.64 American jobs.

Relief for seasonal businesses that use the H-2B program is desperately needed. We urge you to immediately resume processing H-2B visa petitions up to the full number of H-2B visas authorized by the Fiscal 2018 Omnibus Appropriations Act.

Sincerely,



Andy Harris, M.D.
Member of Congress



William R. Keating
Member of Congress



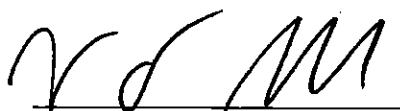
Jack Bergman
Member of Congress



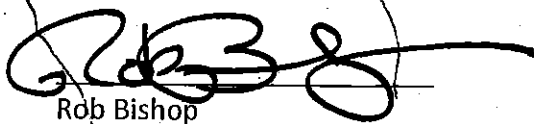
Chellie Pingree
Member of Congress



Steve Chabot
Member of Congress



Vicente Gonzalez
Member of Congress



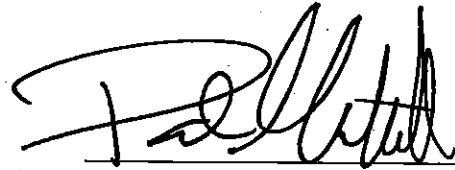
Rob Bishop
Member of Congress



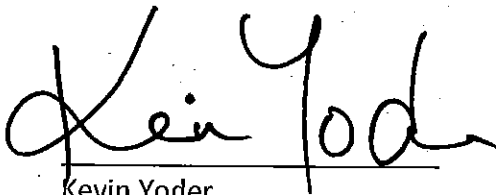
Glenn 'GT' Thompson
Member of Congress



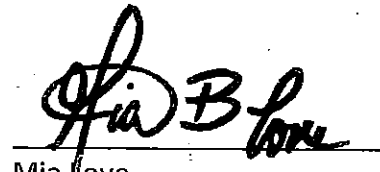
Ann McLane Kuster
Member of Congress



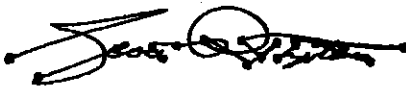
Paul Mitchell
Member of Congress



Kevin Yoder
Member of Congress



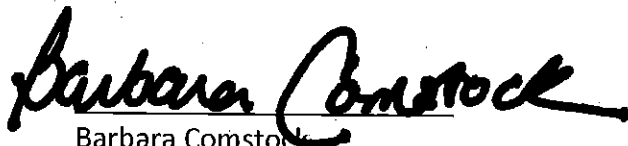
Mia Love
Member of Congress



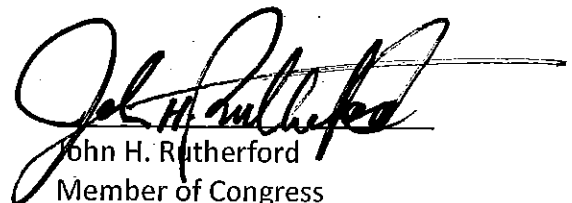
Scott Tipton
Member of Congress



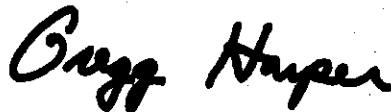
Tom Rice
Member of Congress




Barbara Comstock
Member of Congress



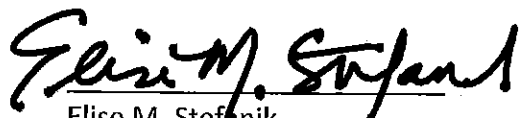
John H. Rutherford
Member of Congress



Gregg Harper
Member of Congress



Roger Marshall, M.D.
Member of Congress




Elise M. Stefanik
Member of Congress



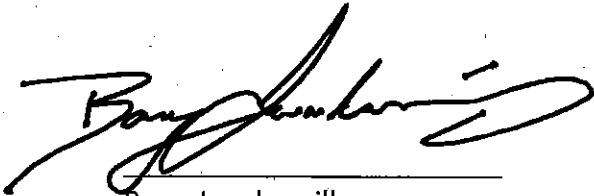
Chris Stewart
Member of Congress



Jim Renacci
Member of Congress



Bob Gibbs
Member of Congress



Barry Loudermilk
Member of Congress




Thomas A. Garrett, Jr.
Member of Congress



Ken Buck
Member of Congress



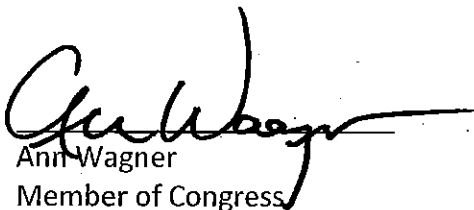
Ralph Abraham, M.D.
Member of Congress



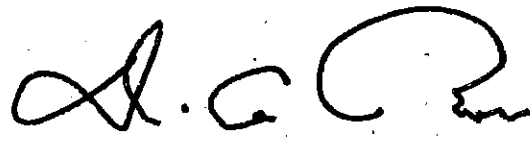
David Rouzer
Member of Congress



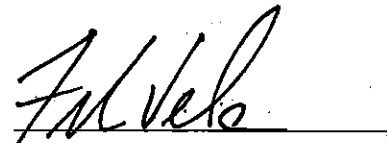
Mike Bishop
Member of Congress



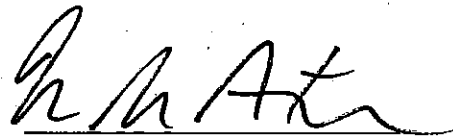
Ann Wagner
Member of Congress



Dennis A. Ross
Member of Congress



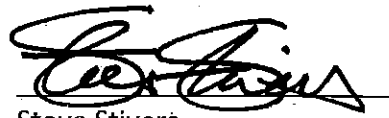
Filemon Vela
Member of Congress



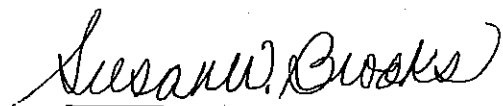
Tom MacArthur
Member of Congress



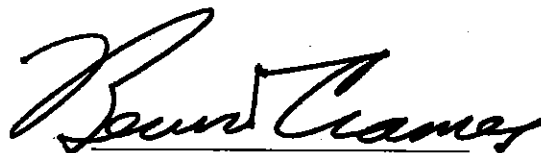
John Moolenaar
Member of Congress



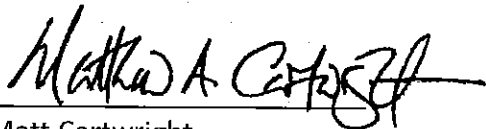
Steve Stivers
Member of Congress



Susan W. Brooks
Member of Congress



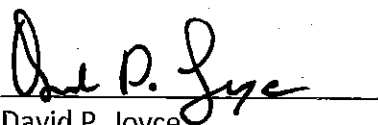
Kevin Cramer
Member of Congress



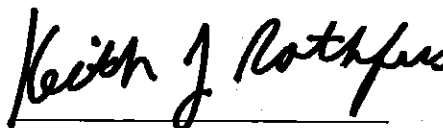
Matt Cartwright
Member of Congress



Chris Collins
Member of Congress



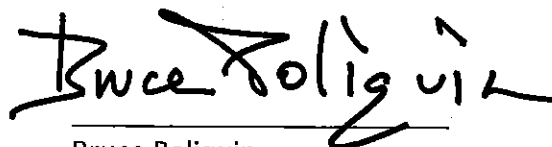
David P. Joyce
Member of Congress



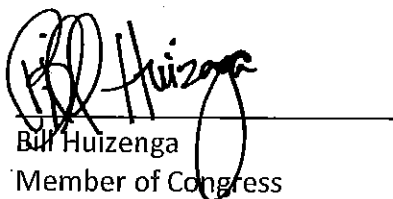
Keith Rothfus
Member of Congress



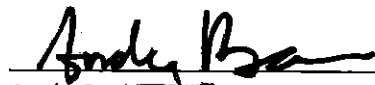
Scott Perry
Member of Congress



Bruce Poliquin
Member of Congress



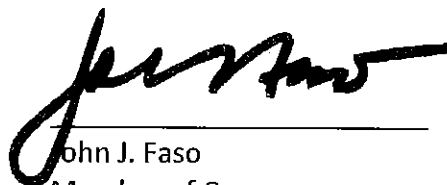
Bill Huizenga
Member of Congress



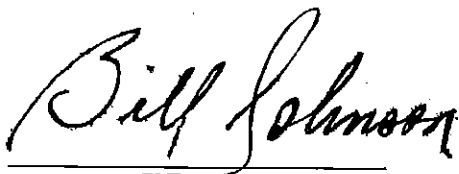
Andy Barr
Member of Congress



Carol Shea-Porter
Member of Congress



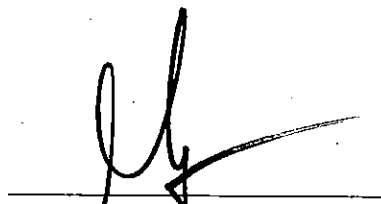
John J. Faso
Member of Congress




Bill Johnson
Member of Congress



David G. Valadao
Member of Congress



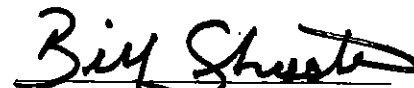
Garrett Graves
Member of Congress



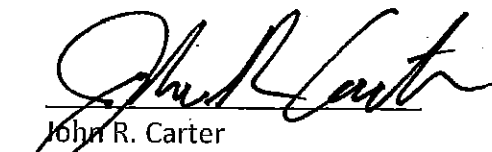
Luke Messer
Member of Congress



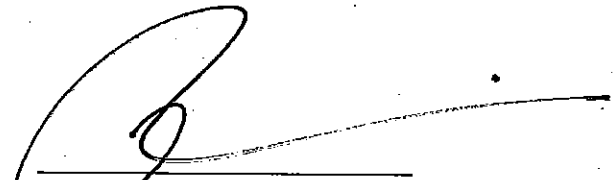
Robert Wittman
Member of Congress



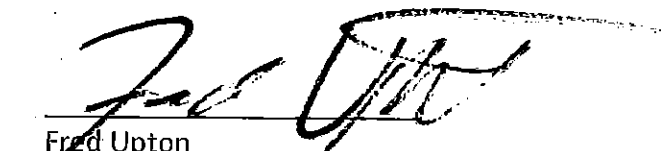
Bill Shuster
Member of Congress



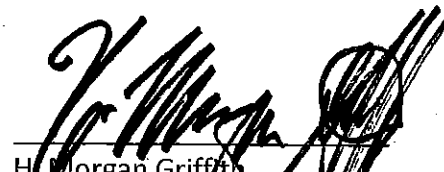
John R. Carter
Member of Congress




Brian Mast
Member of Congress




Fred Upton
Member of Congress




H. Morgan Griffith
Member of Congress



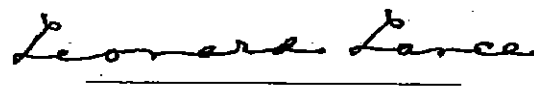
Mark Sanford
Member of Congress



John Shimkus
Member of Congress



Peter Welch
Member of Congress



Leonard Lance
Member of Congress



Richard M. Nolan
Member of Congress



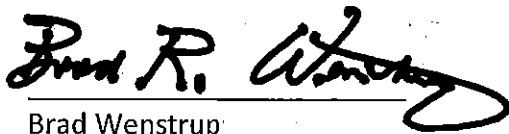
Diana DeGette
Member of Congress



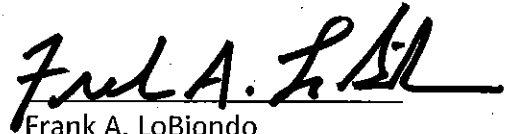
Frank Lucas
Member of Congress



Dutch Ruppersberger
Member of Congress



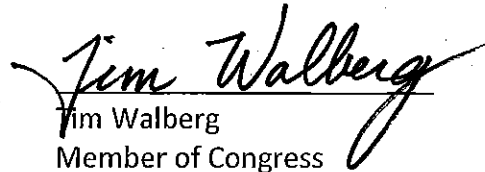
Brad Wenstrup
Member of Congress



Frank A. LoBiondo
Member of Congress



K. Michael Conaway
Member of Congress



Jim Walberg
Member of Congress



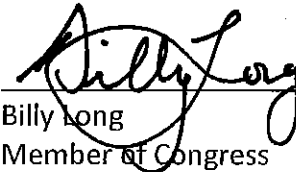
Bill Flores
Member of Congress



Mike Coffman
Member of Congress



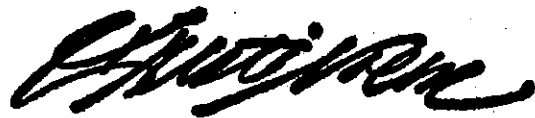
Robert Latta
Member of Congress



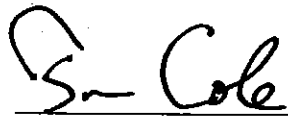
Billy Long
Member of Congress



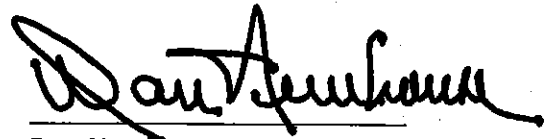
Randy Hultgren
Member of Congress



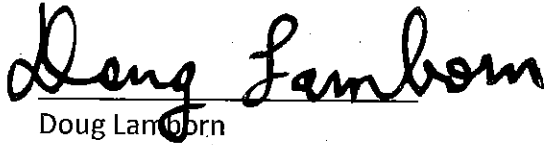
Kristi Noem
Member of Congress



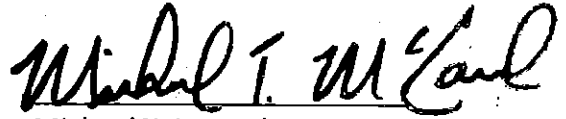
Tom Cole
Member of Congress



Dan Newhouse
Member of Congress



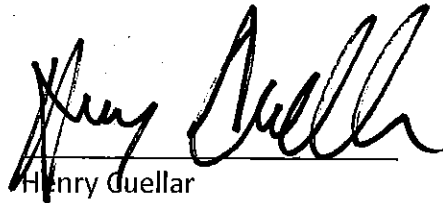
Doug Lamborn
Member of Congress



Michael T. McCaul
Member of Congress



Steve Pearce
Member of Congress



Henry Cuellar
Member of Congress