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

Andy Harris, M.D.  
Member of Congress

Chellie Pingree  
Member of Congress

Susan M. Collins  
United States Senator

Thomas R. Carper  
United States Senator

Jack Bergman  
Member of Congress

William Keating  
Member of Congress
James E. Risch  
United States Senator  

Ron Wyden  
United States Senator  

John Barrasso  
United States Senator  

Joe Manchin III  
United States Senator  

Jerry Moran  
United States Senator  

Johnny Isakson  
United States Senator  

Pat Roberts  
United States Senator  

Lindsey Graham  
United States Senator  

Tim Scott  
United States Senator  

Mike Crapo  
United States Senator  

Bill Cassidy, M.D.  
United States Senator  

Kevin Cramer  
United States Senator  

Roger Wicker  
United States Senator
Michael McCaul
Member of Congress

John R. Carter
Member of Congress

C.A. Dutch Ruppersberger
Member of Congress

Fred Upton
Member of Congress

H. Morgan Griffith
Member of Congress

Tom Cole
Member of Congress

Robert Wittman
Member of Congress

Diana DeGette
Member of Congress

Brian Mast
Member of Congress

Peter Welch
Member of Congress

Ken Calvert
Member of Congress

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

Blaine Luetkemeyer
Member of Congress

Vicky Hartzler
Member of Congress

Chris Stewart
Member of Congress

Tim Walberg
Member of Congress

Bill Johnson
Member of Congress

Bill Flores
Member of Congress

Bill Huizenga
Member of Congress

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

Chris Collins
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Don Young
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Steve Stivers  
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Ann Wagner  
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Garret Graves  
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Steve Chabot  
Member of Congress

Adam Kinzinger  
Member of Congress

Henry Cuellar, PhD  
Member of Congress

Doug Lamborn  
Member of Congress

Frank Lucas  
Member of Congress

Brad Wenstrup  
Member of Congress

Brett Guthrie  
Member of Congress
Bob Gibbs
Member of Congress

Ken Buck
Member of Congress

K. Michael Conaway
Member of Congress

Thomas Massie
Member of Congress

Anthony Gonzalez
Member of Congress

Trent Kelly
Member of Congress

Billy Long
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Robert Latta
Member of Congress

Jason Crow
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Kelly Armstrong
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Don Bacon
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David P. Joyce
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Kay Granger  
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Ed Perlmutter  
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Joe Wilson  
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Steve Watkins  
Member of Congress

Mike Bost  
Member of Congress

Ron Estes  
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Matt Cartwright  
Member of Congress

Jason Crow  
Member of Congress

Lucy McBath  
Member of Congress

Dan Newhouse  
Member of Congress

Dusty Johnson  
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David Schweikert  
Member of Congress
Roger Williams  
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Rob Woodall  
Member of Congress

Rodney Davis  
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Bruce Westerman  
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John Moolenaar  
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John Curtis  
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John H. Rutherford  
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Randy Weber  
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Vicente Gonzalez  
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Lloyd Smucker  
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Paul Mitchell  
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Josh Gottheimer  
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