March 13, 2018

The Honorable Mitch McConnell
Senate Majority Leader
The Capitol S-230
Washington, DC 20510

The Honorable Chuck Schumer
Senate Minority Leader
The Capitol S-221
Washington, DC 20510

Dear Leader McConnell and Leader Schumer:

On March 1, 2018, United States Customs and Immigration Services (USCIS) announced that it had received a sufficient number of petitions from U.S. businesses to reach the statutory H-2B cap for Fiscal Year (FY) 2018. As such, USCIS, following applicable regulations, conducted a lottery to randomly select enough petitions to meet the cap. The 98,000 non-immigrant seasonal workers requested by businesses prior to that date far exceeded the statutory cap of 33,000 for the second half of the fiscal year.

As a result, small and seasonal businesses across the country that are vital to the local economies of their states have been locked out of a program they rely on to obtain the workforce they need to fulfill seasonal, temporary, and peak-load jobs when those roles are not able to be sourced from local labor.

Already this year, small businesses in our states have expended significant resources and time searching for American workers who are willing and able to fill seasonal positions. Despite these efforts, at a time when unemployment rates are very low at 4.1 percent, American workers are simply not available to fill these jobs. Without action from Congress, the lack of H-2B workers will cripple these small businesses, their American workers, and the economy.

We are committed to finding a permanent legislative solution to this ongoing problem, but as you know, operating at full employment for the summer months is critical for the small and seasonal business in our states. We therefore find it imperative that Congress include language to provide relief from the current statutory cap in the upcoming appropriations bill for FY2018.

Following language passed by Congress for FY2017, the Department of Homeland Security increased the cap by 15,000 more visas, though the authority from Congress to do so unfortunately came too late in the year to provide the necessary relief to many of the seasonal businesses in our states. We urge that you include language in the FY18 omnibus package requiring the caps to be increased in order to avoid a similar situation unfolding this year and help employers get trusted employees in position as soon as possible.
We appreciate your prompt consideration of this request in accordance with all applicable rules and look forward to working closely with you.

Sincerely,

Mark R. Warner  
United States Senator

Dan Sullivan  
United States Senator

Thomas R. Carper  
United States Senator

Lisa Murkowski  
United States Senator

Angus S. King, Jr.  
United States Senator

John Thune  
United States Senator

Tim Kaine  
United States Senator

Cory Gardner  
United States Senator

Christopher A. Coons  
United States Senator

Amy Klobuchar  
United States Senator

Jeanne Shaheen  
United States Senator

Tina Smith  
United States Senator
Michael F. Bennet  
United States Senator

Ron Wyden  
United States Senator

cc:
The Honorable Thad Cochran, Chairman, Committee on Appropriations  
The Honorable Patrick Leahy, Vice Chairman, Committee on Appropriations  
The Honorable John Boozman, Chairman, Chairman, Subcommittee on Homeland Security  
The Honorable Jon Tester, Ranking Member, Subcommittee on Homeland Security

M. Michael Rounds  
United States Senator

Mike Enzi  
United States Senator

Susan M. Collins  
United States Senator