January 22, 2019

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
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

Bill Flores
Member of Congress

Blaine Luetkemeyer
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
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Tim Walberg
Member of Congress

Don Young
Member of Congress

Bill Johnson
Member of Congress

Steven M. Palazzo
Member of Congress
Bob Gibbs  
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Ken Buck  
Member of Congress

K. Michael Conaway  
Member of Congress

Thomas Massie  
Member of Congress

Anthony Gonzalez  
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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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Matt Cartwright  
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Ed Perlmutter  
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Jason Crow  
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Joe Wilson  
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Lucy McBath  
Member of Congress

Steve Watkins  
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Dan Newhouse  
Member of Congress

Mike Bost  
Member of Congress

Dusty Johnson  
Member of Congress

Ron Estes  
Member of Congress

David Schweikert  
Member of Congress
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  
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John H. Rutherford  
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Ted S. Yoho, DVM  
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Pete Stauber  
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Randy Weber  
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Vicente Gonzalez  
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Lloyd Smucker  
Member of Congress
David Kustoff
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Neal P. Dunn, M.D.
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Ralph Abraham, M.D.
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Barry Loudermilk
Member of Congress

Clay Higgins
Member of Congress

Tom Malinowski
Member of Congress

Tom Rice
Member of Congress

Susan Wild
Member of Congress