

January __, 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 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 Congress does not provide significant and permanent H-2B cap relief, 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,
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