May 12, 2017

The Honorable John F. Kelly  
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 Kelly and Secretary Acosta:

Under Division F – the Department of Homeland Security Appropriations Act, 2017, Title V, Section 543 of the FY 2017 Omnibus Appropriations bill, 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. Now that this omnibus has been signed into law, we encourage you to take swift and decisive action to ensure that small and seasonal businesses in our states can get the workers necessary to ensure a successful season. Due to the time-sensitive nature of seasonal businesses, we also encourage you to take immediate steps to re-open the petition process and adjudicate any pending labor certifications that demonstrate the requirements set in the legislation.

Small and seasonal businesses help our local communities thrive. In fact, small businesses across the country often rely on seasonal workers to help them operate during their peak seasons throughout the year. As you know, the statutory allocation for the fiscal year was reached on March 13, 2017. Because of this, many small businesses were not able to get workers they need, leading to potential reductions in operating hours or closures. Under the authority provided by Congress, the Department of Homeland Security (DHS) can immediately help businesses hire the workers they need and help local economies as they head into their peak seasons.

In addition to allowing for an H-2B cap adjustment, the FY 2017 Omnibus Appropriations Act provided resources to the Department of Labor’s (DOL) Office of Foreign Labor Certification to address the backlog of labor certification requests the agency is currently experiencing. Because seasonal businesses make the majority of their revenue during a short time period during the year, it is imperative these businesses are able to operate at full capacity in order to maximize their earnings. Unfortunately, delays in processing times within both DOL and DHS have caused a great deal of frustration and uncertainty among seasonal businesses. We encourage DHS and DOL to make efforts to allow for efficient processing for additional applications. This will not only help to alleviate concerns among employers, but it will also reduce the inevitable time-consuming inquiries to your agencies. By taking the necessary steps now, your agencies can streamline the process and help employers get their employees sooner.
Thank you for your attention to this issue. We hope you will consider this request and act as soon as possible.

Sincerely,

Angus S. King, Jr.  
United States Senator

Thom Tillis  
United States Senator

Andy Harris, M.D.  
Member of Congress

William R. Keating  
Member of Congress

Susan M. Collins  
United States Senator

Thomas R. Carper  
United States Senator

John Barrasso  
United States Senator

Heidi Heitkamp  
United States Senator

Roy Blunt  
United States Senator

Jeff Flake  
United States Senator

Cory Gardner  
United States Senator

Christopher A. Coons  
United States Senator
John Thune
United States Senator

Amy Klobuchar
United States Senator

Orrin Hatch
United States Senator

Bill Cassidy, M.D.
United States Senator

Roger F. Wicker
United States Senator

Lindsey O. Graham
United States Senator

Lisa Murkowski
United States Senator

Jeanne Shaheen
United States Senator

Ron Wyden
United States Senator

M. Michael Rounds
United States Senator

Pat Roberts
United States Senator

Mike Enzi
United States Senator
Ralph Abraham, M.D.  
Member of Congress

Joyce Beatty  
Member of Congress

Jack Bergman  
Member of Congress

Mike Bishop  
Member of Congress

Susan W. Brooks  
Member of Congress

Steve Chabot  
Member of Congress

Mike Coffman  
Member of Congress

Barbara Comstock  
Member of Congress

K. Michael Conaway  
Member of Congress

Ryan A. Costello  
Member of Congress

Kevin Cramer  
Member of Congress

Henry Cuellar  
Member of Congress
Diana DeGette  
Member of Congress

Michael F. Doyle  
Member of Congress

John J. Faso  
Member of Congress

Bob Gibbs  
Member of Congress

Glenn Grothman  
Member of Congress

Gregg Harper  
Member of Congress

Clay Higgins  
Member of Congress

Bill Huizenga  
Member of Congress

 Lynn Jenkins  
Member of Congress

Bill Johnson  
Member of Congress

Joseph P. Kennedy, III  
Member of Congress

Ron Kind  
Member of Congress
Ann M. Kuster  
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James R. Langevin  
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Frank A. LoBiondo  
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Billy Long  
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David McKinley  
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Luke Messer  
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John R. Moolenaar  
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Member of Congress

Bruce Poliquin
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Jared Polis
Member of Congress

Tom Rice
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Tom Rooney
Member of Congress

Mark Sanford
Member of Congress

Kurt Schrader
Member of Congress

Pete Sessions
Member of Congress
Carol Shea-Porter
Member of Congress

Chris Stewart
Member of Congress

Glenn ‘GT’ Thompson
Member of Congress

Scott Tipton
Member of Congress

David A. Trott
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Fred Upton
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David G. Valadao
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Filemon Vela
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Tim Walberg
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Rob Woodall
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Kevin Yoder  
Member of Congress  

David Rouzer  
Member of Congress  

John H. Rutherford  
Member of Congress