

# United States Senate

WASHINGTON, DC 20510-0803

April 2, 2018

The Honorable Kirstjen Nielsen  
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 Nielsen and Secretary Acosta:

Now that the Consolidated Appropriations Act for fiscal year (FY) 2018 has been signed into law, we urge you to take decisive action without delay 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 urge you to take immediate steps to re-open the petition process and adjudicate any pending labor certifications that demonstrate the requirements set forth in this legislation. We believe that your Departments can take these actions, using the authority provided under this law, without the need for additional rulemaking.

Under Division M, Extensions, Title II, Section 205 of the FY 2018 Consolidated Appropriations Act (P.L.115-141), the Secretary of Homeland Security, in consultation with the Secretary of Labor, has the authority to approve petitions for admission under the H-2B Nonimmigrant Temporary Worker program up to the new statutory level set in the bill for the current fiscal year.

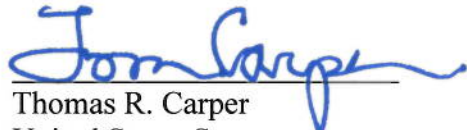
This authority was also provided in FY 2017. Despite this, only 15,000 additional visas were ultimately provided by the Secretary of Homeland Security even though Congress included language providing greater authority to issue additional visas to meet legitimate American seasonal business needs. Additionally, due to the late enactment date of the FY 2017 funding bill, and confusion at the Department regarding the need for additional rulemaking before exercising the new authority, the additional visas were provided very late in the season, and many businesses were unable to hire the seasonal workers they needed.

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 current fiscal year was reached on February 27, 2018. As a result, many small businesses are left unable to get the workers they need, leading to potential reductions in operating hours or closures. Under the authority provided by Congress, the Department of Homeland Security can immediately help businesses hire the workers they need and help local economies as they head into their peak seasons.

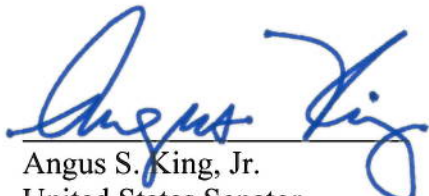
We encourage you to make efforts to allow for efficient processing for additional applications and request that you inform us as soon as possible as to the process you will use to issue additional visas and the number of additional visas you intend to issue. This will not only help to alleviate concerns 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.

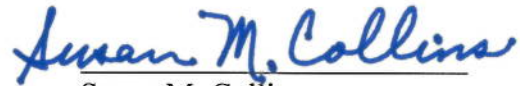
Thank you for your attention to this important issue. We thank you for your consideration of this request and urge that you act as soon as possible.


Sincerely,


  
Thomas R. Carper  
United States Senator

  
Thom Tillis  
United States Senator

  
Angus S. King, Jr.  
United States Senator


  
Susan M. Collins  
United States Senator

  
Christopher A. Coons  
United States Senator

  
Cory Gardner  
United States Senator

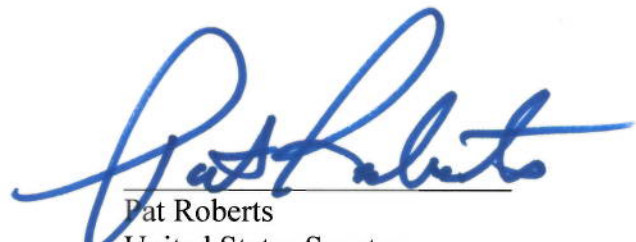
  
Jack Reed  
United States Senator

  
Mike Enzi  
United States Senator

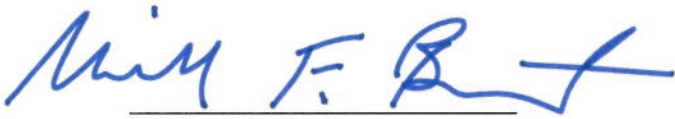
  
Jeanne Shaheen  
United States Senator

  
Todd Young  
United States Senator

  
Sheldon Whitehouse  
United States Senator

  
Pat Roberts  
United States Senator





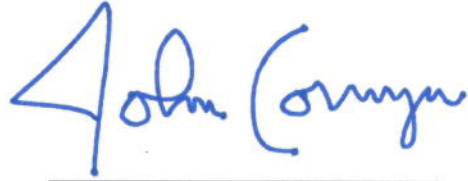
Michael F. Bennet  
United States Senator



John Thune  
United States Senator



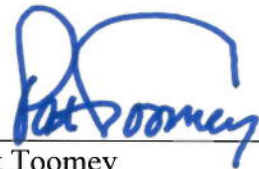
Mark R. Warner  
United States Senator



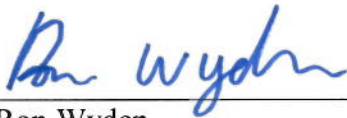
John Cornyn  
United States Senator



Heidi Heitkamp  
United States Senator



Pat Toomey  
United States Senator



Ron Wyden  
United States Senator



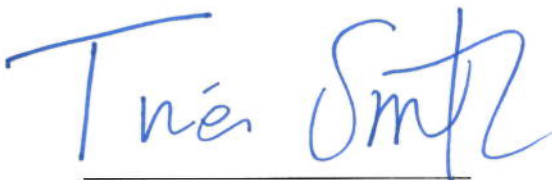
Roy Blunt  
United States Senator



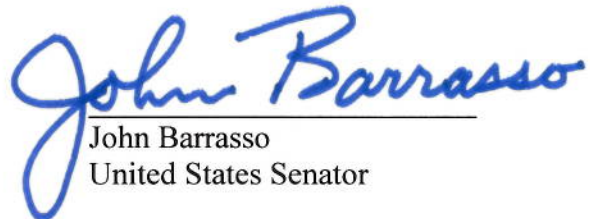
Amy Klobuchar  
United States Senator



M. Michael Rounds  
United States Senator



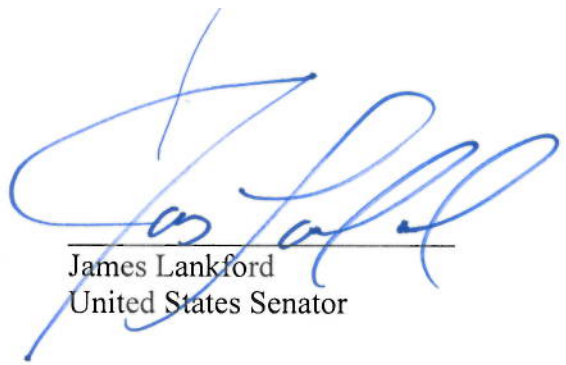
Tina Smith  
United States Senator



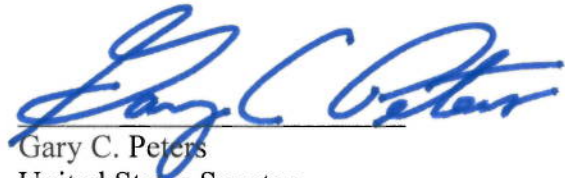
John Barrasso  
United States Senator



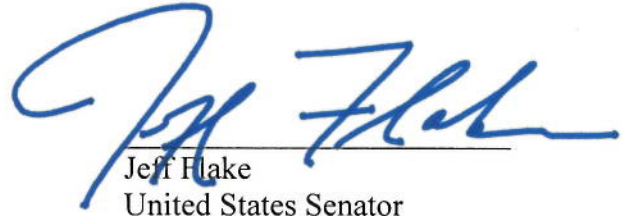
Debbie Stabenow  
United States Senator



James Lankford  
United States Senator



Gary C. Peters  
United States Senator



Jeff Flake  
United States Senator



Lindsey O. Graham  
United States Senator



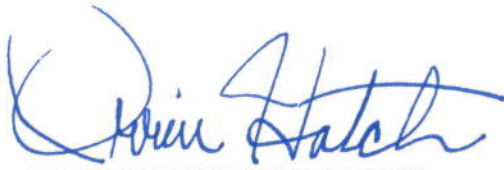
Dan Sullivan  
United States Senator



Rob Portman  
United States Senator



Bill Cassidy, M.D.  
United States Senator



Orrin Hatch  
United States Senator