

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 the Department of Homeland Security (DHS), 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, 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,