

Congress of the United States
Washington, DC 20515

September 14, 2018

The Honorable Kirstjen M. Nielsen
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

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Dear Secretary Nielsen,

As you prepare the congressionally mandated report from the U.S. Department of Homeland Security (DHS) on the H-2B visa program, we ask that you consider the importance of the program to seasonal businesses in Pennsylvania and across the country. Pennsylvania is among the highest 10 states that use the H-2B visa program, impacting the local economy of each of our Congressional districts.

The H-2B visa program supports America's employers by allowing them to hire temporary workers for labor-intensive jobs in a wide-range of industries, including landscaping, hospitality, construction, and roofing. A majority of companies that use the H-2B program are small businesses. Before using the program, these businesses must demonstrate that they are unable to find available, qualified American workers to fill these positions and that hiring H-2B workers will not adversely affect the wages and working conditions of U.S. workers with similar employment. According to a U.S. Chamber of Commerce and Immigration Works USA report, there is actually a positive correlation between hiring H-2B workers and an increase in wages within given occupations.

With labor shortages across the country and a four-percent unemployment rate in June 2018, American employers struggled to find the U.S. workforce they need. These employers overwhelmingly provide safe, fair working conditions and follow all rules and regulations to avoid abuse of any kind. When they were unable to find the employees they needed, many of these businesses looked for other legal opportunities to fill their workforce needs, including through the H-2B visa program. However, many were unable to receive H-2B workers this year. This has regrettably meant that employers have had to scale back their business, let-go some of their American workers, and forgo potential business opportunities, leaving their companies and employees unable to compete in today's economy.

The Seasonal Business Alliance, a group of seasonal employers who use the H-2B program throughout Pennsylvania, conducted a case study on the impact of the H-2B program throughout

the Commonwealth. Within a regional survey, they found that each business that received H-2B workers earned almost \$1.1 million on average more and sustained or hired more than six American workers than if they did not receive H-2B employees. This is not just clear in Pennsylvania, but also around the country. On average, 4.7 American workers are sustained per one H-2B worker. When H-2B workers are hired, businesses grow, leading to greater job creation and economic viability. Unfortunately, the opposite is true when businesses are unable to receive H-2B workers. Businesses in Pennsylvania who did not receive H-2B workers this year have already lost nearly \$1.6 million on average this season. When these employers do not receive the workforce they need to succeed, it has a significant impact on their ability to keep and grow their businesses.

In June 2018, the U.S. Department of Labor released data showing that the number of open jobs exceeds the number of job seekers, which highlights the need for non-immigrant visa availability to help fill workforce gaps. The program's current congressionally-mandated 66,000 visa cap does not meet current workforce needs. As you prepare your report on the H-2B program, we ask that you include meaningful recommendations to support American employers, including some type of exemption to the current visa cap for well-vetted employers or workers. We look forward to your response and thank you for your work on this important issue.

Sincerely,



Keith J. Rothfus
Member of Congress



Glenn 'GT' Thompson
Member of Congress



U.S. Citizenship
and Immigration
Services

October 16, 2018

The Honorable Keith J. Rothfus
U.S. House of Representatives
Washington, DC 20515

Dear Representative Rothfus:

Thank you for your September 14, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

Thank you for the information you provided on the need for workers in Pennsylvania and the utility of the H-2B program. I share Secretary Nielsen's opinion that Members of Congress have the best understanding of their constituencies and the needs of their local employers, and so are best situated to know the correct number of H-2B visas needed to support American businesses without harming American workers, as well as whether any exemptions from the annual H-2B cap are appropriate.

Further, I share the Secretary's desire to work together with Congress to limit H-2B visas to employers with truly temporary needs and to find solutions to most effectively allocate available H-2B visas throughout the year. I appreciate your involvement in efforts to improve the H-2B program. As you mention in your letter, in the coming months, DHS will be submitting a congressionally mandated report that details options for addressing the issue of late-season filers in the H-2B program that are currently unable to obtain H-2B workers.

Thank you again for your letter and interest in this important issue. Representative Thompson, who co-signed your letter, will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the U.S. Citizenship and Immigration Services Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink that reads "L. Francis Cissna".

L. Francis Cissna
Director