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March 30, 2018

The Honorable Kirstjen Nielsen
Secretary
Department of Homeland Security
Washington, DC 20528

The Honorable Alex Acosta
Secretary
Department of Labor
Washington, DC 20210

Dear Secretary Nielsen and Secretary Acosta:

The National Roofing Contractors Association (NRCA) strongly urges you to move forward expeditiously to provide additional visas for the H-2B seasonal worker program for 2018 in accord with the surging demand for workers in construction and other industries. The problem of workforce shortages in the roofing industry is approaching crisis proportions, and more H-2B visas are the only government policy tool available to help address this urgent matter.

Established in 1886, NRCA is one of the nation's oldest trade associations and the voice of professional roofing industry employers worldwide. NRCA's 3,600 member companies represent all segments of the industry including: contractors, manufacturers, distributors, consultants and other employers who employ more than 250,000 workers in all 50 states. NRCA members are typically small, privately held companies with the average member employing 45 people and attaining sales of about \$4.5 million per year.

As you know, the Consolidated Appropriations Act for fiscal year (FY) 2018 (P.L. 115-141), signed into law by President Trump on March 23, provides the Secretary of Homeland Security, in consultation with the Secretary of Labor, with the authority to approve additional petitions for admission under the H-2B Nonimmigrant Temporary Worker program up to the new statutory level set in the law for the current fiscal year. It is our understanding that you may use this new authority to provide additional H-2B visas in accord with demand without further rulemaking, and we urge you to do so as expeditiously as possible. Decisive action is necessary to ensure that seasonal businesses get the workers they need for a successful 2018 in a timely manner. Due to the time-sensitive nature of this matter, 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 the new law.

Prompt action by the Dept. of Homeland Security and Dept. of Labor is vital to addressing the workforce shortage situation in the roofing industry. The H-2B program is critical to many employers, including numerous NRCA members, who all too often cannot find local workers to fill job openings during the busy summer season. The program provides an opportunity for businesses to operate at greater capacity during peak season, retain their full-time workers and contribute to their local and state economies. Seasonal workers help support many upstream and

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downstream jobs. In fact, every H-2B worker is estimated to create and sustain 4.64 American jobs, according to a study commissioned by Immigration Works USA and the U.S. Chamber of Commerce.

Unfortunately, the program's annual 66,000 cap (33,000 for each half of the fiscal year) on visas is woefully inadequate to meet the demands of a growing economy and the lowest nationwide unemployment rate in a decade - only 4.1 percent. Given that the program is hugely oversubscribed for 2018, many employers will be shut out of obtaining the workers they need unless the Trump administration uses the new authority provided by Congress to issue additional visas according to economic demand. Without additional visas being made available, it will be much more difficult for roofing contractors to utilize the H-2B program in 2018, thus causing them to turn away customers and reduce the level of work for their American workers. For many employers this will cause irreparable harm to their business.

The H-2B program is extremely costly and complicated for employers to use, yet many roofing contractors turn to it because it is the only way they can hire legal seasonal workers in today's labor markets. The program requires employers to undertake extensive recruitment of American workers, gain approval from government agencies and pay a premium wage, among other requirements.

Again, NRCA strongly urges you to use the new authority provided by Congress and move forward expeditiously to provide additional H-2B visas for 2018 in accord with the surging demand for workers in today's growing economy. Such action is critical to sustaining economic growth in the roofing industry at this time.

Thank you for your careful consideration of NRCA's views on this important issue. If you have questions or need more information, please contact Duane Musser, NRCA's vice president of government relations, at 202-546-7584 or dmusser@nrca.net.

Sincerely,



Jim Barr
Barr Roofing Company, Abilene, TX
Chairman of the Board, NRCA



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The Honorable Kirstjen Nielsen
Secretary of Homeland Security
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**U.S. Citizenship
and Immigration
Services**

August 27, 2018

Mr. Jim Barr
Chairman of the Board
National Roofing Contractors Association
324 Fourth Street, NE
Washington, DC 20002

Dear Mr. Barr:

Thank you for your March 30, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

Your letter urges Secretary Nielsen and Secretary Acosta to approve additional H-2B petitions pursuant to the H-2B visa provisions contained in the Consolidated Appropriations Act, 2018 (Public Law 115-141), which was signed by the President on March 23, 2018.

This provision authorized Secretary Nielsen, in consultation with Secretary Acosta, to determine whether to increase, and if so, by how many (within specified parameters), the number of available H-2B visas for fiscal year (FY) 2018. In making her decision to increase the number of H-2B visas, the Secretary carefully weighed several factors, including whether U.S. workers may be harmed by any such increase.

On May 31, 2018, the U.S. Department of Homeland Security (DHS) and U.S. Department of Labor published a temporary final rule increasing the cap on H-2B nonimmigrant visas by up to 15,000 additional visas through the end of FY 2018. The Secretary does not intend to reopen the supplemental cap for FY 2018.

As with the essentially identical provision in the FY 2017 Omnibus, DHS did not ask for, and does not believe it is appropriate to have, the discretion to authorize the issuance of additional H-2B visas, in general, and specifically under a supplemental cap. I share Secretary Nielsen's opinion that Members of Congress have the best information to know the correct number of H-2B visas needed to support American businesses without harming American workers because congressional representatives have the best understanding of their constituencies and the needs of their local employers.

Further, I share the Secretary's desire to work together with Congress to find solutions to most effectively allocate available H-2B visas throughout the year, while also protecting U.S. workers in the process. DHS will be submitting a congressionally mandated report that details options for addressing the issue of late-season filers in the H-2B program, resulting in their inability to obtain H-2B workers. This report will include suggestions on how the program

Mr. Jim Barr

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can better serve our national interest. In the meantime, DHS continues to take steps of its own in this regard, including advising members of the public who may have information about a participating employer who is abusing the H-2B program on how to file a report through ReportH2BAbuse@uscis.dhs.gov.

Thank you again for your letter and interest in this important issue. Should you wish to discuss these matters further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Francis Cissna". The signature is stylized with a large "L" and a cursive "Cissna".

L. Francis Cissna
Director