

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

NEIL L. BRADLEY  
EXECUTIVE VICE PRESIDENT &  
CHIEF POLICY OFFICER

1615 H STREET, NW  
WASHINGTON, DC 20062  
(202) 463-5310

May 21, 2018

The Honorable Kirstjen M. Nielsen  
Secretary  
Department of Homeland Security  
3801 Nebraska Avenue, NW  
Washington, D.C. 20528

The Honorable R. Alexander Acosta  
Secretary  
Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

2018 MAY 22 PM 12:39  
SCANNED/RECEIVED  
BY EXEC SEC

Dear Secretary Nielsen and Secretary Acosta:

The U.S. Chamber of Commerce urges you to take immediate action to authorize the maximum number of H-2B visas allowed by law. Without swift action on your part, employers across a range of industries, many of which are small businesses, will be unable to meet their workforce needs in the spring and summer months forcing them to reduce and in some cases cease operations.

The consequences of inaction, or even delayed action, are widespread and cannot be overstated. As companies reduce or cease operations, the American workers they already employ will be harmed and other businesses that supply goods and services to H-2B employers will be adversely impacted. Communities that rely on seasonal industries are likely to experience negative economic effects.

The 66,000 annual quota for H-2B visas is woefully inadequate to meet the seasonal labor needs of a whole host of businesses. With the unemployment rate currently at 3.9%, employers are having significant problems meeting their workforce needs; not surprisingly, employers have filed more H-2B labor certifications than they did at this point in time last year. In fact, the Department of Labor's most recent publicly available data on H-2B labor certifications indicate that for the first half of the fiscal year, the Department certified a need for 117,986 H-2B workers in the U.S.<sup>1</sup> This number will increase as additional positions are certified. Therefore, we urge you to allocate the maximum number of visas allowed under law, which per the notice issued in the Federal Register last year, is an additional 64,716 visas.

Quick action authorizing the maximum number of H-2B visas will enable American businesses to continue and expand their operations for the benefit of their American workers, their customers, and the communities in which they operate. Thank you for your attention to this matter.

<sup>1</sup> [https://www.foreignlaborcert.doleta.gov/pdf/PerformanceData/2018/H-2B\\_Selected\\_Statistics\\_FY2018\\_Q2.pdf](https://www.foreignlaborcert.doleta.gov/pdf/PerformanceData/2018/H-2B_Selected_Statistics_FY2018_Q2.pdf).

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley". The signature is fluid and cursive, with a prominent loop at the end of the last name.

Neil L. Bradley



**U.S. Citizenship  
and Immigration  
Services**

August 27, 2018

Mr. Neil L. Bradley  
Executive Vice President &  
Chief Policy Officer  
Chamber of Commerce  
1615 H Street, NW  
Washington, DC 20062

Dear Mr. Bradley:

Thank you for your May 21, 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. Neil L. Bradley  
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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](mailto: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 that reads "L. Francis Cissna". The signature is written in a cursive, slightly stylized font.

L. Francis Cissna  
Director