

March XX, 2017

The Honorable Rodney Frelinghuysen
Chairman
House Appropriations Committee
H-305 The Capitol
Washington, DC 20515

The Honorable Nita Lowey
Ranking Member
House Appropriations Committee
1016 Longworth House Office Building
Washington, DC 20515

The Honorable John Carter
Chairman
Homeland Security Subcommittee
House Appropriations Committee
2006 Rayburn House Office Building
Washington, DC 20515

The Lucille Roybal-Allard
Ranking Member
Homeland Security Subcommittee
House Appropriations Committee
1016 Longworth House Office Building
Washington, DC 20515

Dear Chairman Frelinghuysen, Ranking Member Lowey, Chairman Carter, and Ranking Member Roybal-Allard:

We write to respectfully request that you prioritize reauthorization of the returning worker exemption for the H-2B seasonal worker visa program. Under normal circumstances, this language would likely require inclusion in the Department of Homeland Security Appropriations Act; but given the urgent needs of the seasonal and small businesses in our districts, we ask that you include such language in any forthcoming appropriations vehicle to fund the government for the remainder of FY 2017.

Numerous seasonal and small business employers have contacted our offices expressing the importance of the H-2B visa program to the success of their operations, and have requested that Congress act immediately to remedy this situation. The H-2B program allows qualifying U.S. employers to bring foreign nationals to the United States to fill temporary nonagricultural jobs. Employers use the H-2B program to supplement their workforce when they cannot find local workers to fill seasonal, temporary jobs in many fields including landscaping, hospitality, amusement park operation, forest management, sugar manufacturing and refining, and other industries. These workers are not immigrants and provide the opportunity for U.S. businesses to operate at a greater capacity, retain their full-time workers throughout the rest of the year, and contribute to all levels of the economy. It is estimated that every H-2B worker yields 4.64 American jobs.

The returning worker exemption (RWE) under the H-2B visa program is intended to allow participating businesses to certify which workers were previously granted H-2B visas, confirm they are returning to the same job, and designate them accordingly on their applications. This designation means that those under the RWE will not count toward the overall cap, which is set at 66,000 (33,000 for each half of the fiscal year). Without reinstating the RWE, many businesses will be shut out of the program altogether. We are already hearing from employers that have relied on this program in the past who are concerned they may not be able to fulfill

contracts. Some have already been forced to turn away new business, resulting in the need for them to lay off American workers whose jobs are supported by H-2B workers.

The RWE was in effect for FY 2016 but was not included in the most recent Continuing Resolution passed at the end of the 114th Congress, meaning the authority to administer the RWE has now lapsed. Furthermore, the final receipt date for petitions to U.S. Citizenship and Immigration Services (USCIS) for the first half FY 2017 was reached on January 10, 2017. Companies that were unable to secure H-2B visas for their workers under the cap set for the first half of the fiscal year have been notified by USCIS that it is very unlikely that their request will make the second half of the cap without the RWE in place.

Relief for seasonal businesses that use the H-2B program is urgently needed and cannot wait. We wish to work with you to reauthorize the RWE as soon as possible to ensure that our small businesses that rely on this program can continue to thrive, support American jobs, and contribute to our growing economy.

Thank you for your thoughtful consideration of this request. Should you have any questions or concerns, please do not hesitate to contact our offices.

Sincerely,