

Congress of the United States
Washington, DC 20515

February 5, 2016

The Honorable Portia Wu
Assistant Secretary of Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Re: Delays in Processing H-2B Applications

Dear Assistant Secretary Wu,


We were pleased to achieve a productive dialogue between Department of Labor officials and congressional offices in December about how to make this program work better for American small businesses by minimizing the impact of certification delays on their hiring processes. However, we are now alarmed to learn that, in advance of the upcoming high season for the tourism and hospitality industries, particularly in our districts, countless employers across the country are experiencing unacceptable delays in the processing of their applications as a result of technical network problems. Our employers are already anticipating significant lost revenues as a result of these delays. These losses to employers, but also to the local economies that depend each year on a robust summer tourism industry, will only grow the longer it takes to resolve this issue. This is a critical situation that demands an urgent response.

These delays at the outset of employers' H-2B application processes are particularly detrimental because they further set employers back in being able to hire the H-2B workers necessary to operate their small and seasonal businesses. There are hundreds of employers who are still awaiting the initial approval notice from DOL. With each employer requesting anywhere between five and three hundred H-2B laborers, each application that DOL fails to process on time represents a substantial portion of each employer's workforce that will not be available at the start of the limited summer season. For businesses located in areas where the tourist economy lasts only a few months, these delays are devastating.


Further, many businesses will not be able to open at all while they await final certifications, leaving their U.S. coworkers without employment until H-2B workers arrive. To date, the delays will already result in one month of lost revenues for employers. For the small and seasonal businesses in our districts and across the country that rely on the H-2B program during their only busy season of the year, this one month of lost business can represent a loss between fifteen and twenty-five percent of the total revenue these employers make all year. Some businesses will fail as a result. These losses are amplified further when considering the resulting decrease in investments that will be made at the local level, affecting the longer term health of state and local economies and opportunities for American workers and their families at a time when they can ill afford these economic setbacks.

It is imperative that DOL work to remedy this processing issue as soon as possible. We appreciate our ongoing collaboration with the Department to strengthen and improve this program in order to best accommodate the important economic interests of our small and seasonal business constituents, as well as the labor rights of all of their employees. We look forward to hearing from you on the Department's plan for immediately resolving this issue and exercising flexibility in implementing strategies to mitigate these costs and best position employers to be up and running on time this season.

Sincerely,



William R. Keating
Member of Congress



Dan Benishek, M.D.
Member of Congress



Frank A. LoBiondo
Member of Congress




Patrick Meehan
Member of Congress



Chellie Pingree
Member of Congress



Fred Upton
Member of Congress



Andy Harris, M.D.
Member of Congress



Bruce Poliquin
Member of Congress

CC: *The Honorable Thomas E. Perez, Secretary, Department of Labor*