ADDIE C. ECKARDT

Legislative District 37

Caroline, Dorchester, Talbot, and Wicomico Counties

Budget and Taxation Committee

Health and Human Services Subcommittee

Joint Committees

Administrative, Executive,
and Legislative Review

Audit

Children, Youth, and Families

Fair Practices and State Personnel Oversight

Pensions

The Honorable Kirstjen M. Nielsen Secretary of Homeland Security Department of Homeland Security 245 Murray Lane, SW Washington, DC 20528

Dear Secretary Nielsen



THE SENATE OF MARYLAND ANNAPOLIS, MARYLAND 21401

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May 9, 2018

According to a 2018 report by the Business Economic and Community Outreach Network at Salisbury University, the Eastern Shore of Maryland Seafood and Aquaculture industry, which consists of commercial fishing and seafood product preparation and packaging, contributed over \$293 million to the State economy, more than any other region of the State, while supporting 1,944 jobs and adding nearly \$9 million in combined state and local tax revenue.

Several blue crab packing houses located in our legislative district are facing severe hardship because they have not received H-2B visas. These packing houses are where blue crab is purchased from harvesters, picked by pickers, and resold to seafood wholesalers. Although picking positions have been advertised locally, our packing houses have not been able to secure local labor for this work.

These packing houses are excellent contenders for the H-2B visa programs for numerous reasons: there is no local labor alternative, the packing houses have a superb compliance record, and the guest workers are treated very well. While others are vying for the remaining H-2B visas that have been authorized, we encourage you to do whatever you can to assist our packing houses – these are family-owned small businesses. The packing houses being referenced are as follows, all located in Dorchester County, MD: Russell Hall Seafood, Old Salty's, Lindy's Seafood, and A.E. Phillips. Dorchester County has been repeatedly identified as a designated distress county and these packing houses are critical to the economy of the county, the Eastern Shore, and Maryland. S.E.W. Friel, located in Queen Anne County, is in a similar situation.

Thank you for your consideration of this issue I urge any immediate action you are able to provide to resolve this dilemma; as well as your continued efforts to support working class businesses throughout our legislative district, our State, and our Nation. Please do not hesitate to reach out with any further questions.

Best regards,

Senator Addie C. Eckardt

CC: Congressman Andy Harris Senator Ben Cardin Senator Chris Van Hollen BY EXEC SEC



August 27, 2018

The Honorable Addie C. Eckardt The Senate of Maryland Annapolis, Maryland 21401

Dear Senator Eckardt:

Thank you for your May 9, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

Your letter urges Secretary Nielsen 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 consulation 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

The Honorable Addie C. Eckardt Page 2

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,

L. Francis Cissna

L. Francis Cissna Director