In the [FY19 DHS appropriations bill](https://www.appropriations.senate.gov/imo/media/doc/Bill%20FY19%20Consolidated%20Appropriations%20Act.pdf) (pg 1161), Congress directed USCIS the ability to release up to 69,320 additional H-2B visas.

Secretary Nielsen has the ability to continue to process H-2B visas applications up until the new cap is met. Rulemaking is not necessary. In past years employers need to retest the labor market because of the gap in time between the original labor cert and the release of the additional visas but this is not the case this year.   
  
The association I belong to estimates that about 15% of users experienced a gray screen when attempting to file their application with DOL on January 7th. The affected users were not able to file their applications in a timely fashion. The result is that these users are now shut out of the program. [DOL has admitted](https://www.foreignlaborcert.doleta.gov/news.cfm) that they were routed to servers that were not properly configured. Why should they be disadvantaged for an issue that was no fault of their own?   
  
Without H-2B workers, seasonal businesses cannot meet their obligations and will be forced to default on contracts, lay off dedicated full-time U.S. workers, cancel orders with their U.S. vendors and, in the worst-case scenario, close their businesses.