

United States Senate

WASHINGTON, DC 20510

October 23, 2024

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
Washington, DC 20528

The Honorable Julie Su
Acting Secretary
U.S. Department of Labor
200 Constitution Ave NW
Washington, DC 20210

RECEIVED

By ESEC at 4:05 pm, Oct 23, 2024

Dear Secretaries Mayorkas and Su:

We write on behalf of seasonal businesses in our states—including employers of housekeepers in tourist destinations, landscapers with defined seasons, seafood processors with short harvesting windows, and fairs and carnivals—who are struggling to hire a sufficient number of temporary, seasonal laborers to support their operations.

In light of these labor shortages, we strongly urge the Department of Homeland Security (DHS), in consultation with the Department of Labor (DOL), to utilize the authority provided by Congress in the FY2025 *Continuing Appropriations and Extensions Act* to release the maximum allowable number of additional H-2B visas for Fiscal Year 2025, as you did for Fiscal Year 2024. These visas will help employers handle their labor challenges, and provide additional certainty regarding their workforce planning decisions in the coming months. We urge you to promptly publish a temporary rule implementing the release of these supplemental visas.

Many employers turn to the H-2B program to meet their workforce needs to not only sustain their businesses, but also support their American workers. The H-2B program places requirements on employers to recruit U.S. workers, who are intentionally prioritized by the program and also receive demonstrated, positive impacts from their seasonal colleagues. In fact, a 2020 Government Accountability Office report concluded that “counties with H-2B employers generally had lower unemployment rates and higher average weekly wages than counties that do not have any H-2B employers.”¹

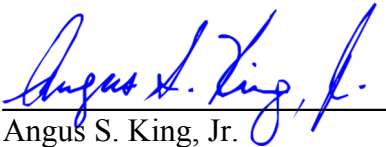
The most current employment data illustrates the workforce struggles of seasonal businesses nationwide. The Department of Labor’s Job Openings and Labor Turnover Surveys (JOLTS) show the rate of job openings have increased year over year for the industries that represent the top five H-2B occupations. As you know, the FY 2025 H-2B first half fiscal year cap was met on September 18, 2024—roughly three weeks earlier than the cap was met in FY 2024. The result is

¹ United States, Congress, “H-2B VISAS: Additional Steps Needed to Meet Employers' Hiring Needs and Protect U.S. Workers.” *H-2B VISAS: Additional Steps Needed to Meet Employers' Hiring Needs and Protect U.S. Workers*, GAO-20-230, U.S. Government Accountability Office, 2020, pp. 13–14.

that seasonal employers whose peak seasons are in late fall and winter are capped out before their period of seasonal need begins. Absent cap relief, these employers will be unable to receive temporary, U.S. government-vetted guest workers.

Congress has acknowledged this seasonal labor shortage by providing DHS with the authority to lift the H-2B visa cap for each of the past eight fiscal years. Given the growing demand for H-2B workers as employers continue to struggle with staffing shortages, we encourage you to promptly promulgate a temporary final rule for FY 2025 along the same lines as the FY 2024 rule.

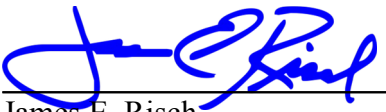
Sincerely,



Angus S. King, Jr.
United States Senator



M. Michael Rounds
United States Senator



James E. Risch
United States Senator



Christopher A. Coons
United States Senator



Cynthia M. Lummis
United States Senator



Susan M. Collins
United States Senator



Peter Welch
United States Senator



Chris Van Hollen
United States Senator



Lisa Murkowski
United States Senator



Raphael Warnock
United States Senator



Thomas R. Carper
United States Senator



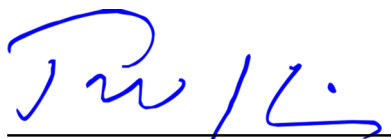
Benjamin L. Cardin
United States Senator



Dan Sullivan
United States Senator



John Hickenlooper
United States Senator



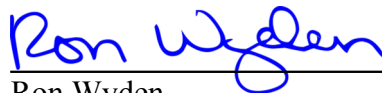
Tim Kaine
United States Senator



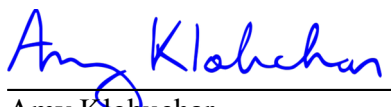
Michael F. Bennet
United States Senator



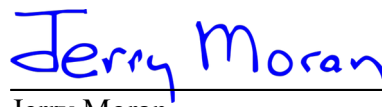
Mike Crapo
United States Senator



Ron Wyden
United States Senator



Amy Klobuchar
United States Senator



Jerry Moran
United States Senator



Jeanne Shaheen
United States Senator



Margaret Wood Hassan
United States Senator



Joe Manchin III
United States Senator



Cindy Hyde-Smith
United States Senator



Roger F. Wicker
United States Senator



John Barrasso, M.D.
United States Senator



George S. Helmy
United States Senator



Tina Smith
United States Senator



Sheldon Whitehouse
United States Senator



Kevin Cramer
United States Senator



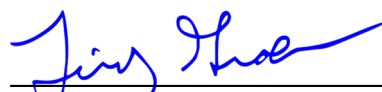
John Fetterman
United States Senator



John Cornyn
United States Senator



John Thune
United States Senator



Lindsey O. Graham
United States Senator



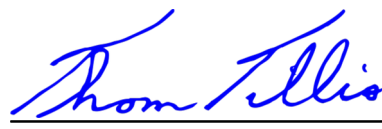
Maria Cantwell
United States Senator



Pete Ricketts
United States Senator



Mark R. Warner
United States Senator



Thom Tillis
United States Senator



Kyrsten Sinema
United States Senator



Tim Scott
United States Senator



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

January 15, 2025

The Honorable Angus S. King, Jr.
United States Senate
Washington, DC 20510

Dear Senator King:

Thank you for your October 23, 2024 letter to the Department of Homeland Security (DHS) regarding supplemental H-2B visas for fiscal year (FY) 2025. I am responding on behalf of the Department.

Recognizing the labor shortages facing U.S. businesses, on December 2, 2024, DHS and the Department of Labor (DOL) jointly published a temporary final rule (TFR) making available the maximum number of H-2B nonimmigrant visas authorized by Congress under the supplemental cap for Fiscal Year 2025.¹ At the same time, DHS and DOL continue to work together to reinforce robust protections for U.S. and foreign workers alike, including ensuring that employers first seek out and recruit U.S. workers for the jobs to be filled, as the H-2B visa program requires, and that foreign workers are not exploited by unscrupulous employers.

The supplemental H-2B visas will be available only to businesses that are suffering or will suffer impending irreparable harm and will be distributed in four allocations throughout the fiscal year. By announcing these supplemental visas at the outset of FY 2025, DHS is delivering on our commitment to ensure U.S. businesses can plan and find the temporary workers they need. More information about the FY 2025 supplemental H-2B visa allocation, eligibility, and filing requirements is available in the TFR and on the U.S. Citizenship and Immigration Services (USCIS) webpage.²

¹ 89 FR 95626, *Exercise of Time-Limited Authority To Increase the Numerical Limitation for FY 2025 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change Employer*.

² USCIS, "Temporary Increase in H-2B Nonimmigrant Visas for FY 2025," <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-2b-non-agricultural-workers/temporary-increase-in-h-2b-nonimmigrant-visas-for-fy-2025>.

The Honorable Angus S. King, Jr.

Page 2

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director