

# Congress of the United States

Washington, DC 20515

[[DATE]]

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
Washington, D.C. 20528

Dear Secretary Mayorkas,

We write on behalf of seasonal businesses in our states who are struggling to hire enough temporary, seasonal laborers to support their operations.

On September 18, 2024, the FY2025 H-2B first half fiscal year cap was met. This was roughly three weeks earlier than in FY24. The result is seasonal employers with a late fall and winter dates of need are capped out, and absent cap relief, will be unable to receive their temporary, U.S. government vetted temporary guestworkers. The result will be longer lines and reduced services at America's ski resorts, a dramatic reduction in Louisiana crawfish and Maryland crab production, increased reliance on foreign seafood and a reduction in services and offerings from many of Florida and Michigan's hotels and resorts.

Fortunately, under the "FY2025 Continuing Appropriations and Extensions Act," the Secretary of the Department of Homeland Security (DHS), in consultation with Secretary of the Department of Labor (DOL), is authorized to provide expeditious H-2B cap relief for our local businesses' upcoming seasonal labor needs. We are very appreciative of DHS for exercising this authority in a timely manner in FY23 and FY24 and urge them to do the same this year.

The chronic labor shortages faced by seasonal employers for years have only been exacerbated by the changing dynamic of the American workforce since the pandemic. The Department of Labor's 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. Issuing the extra discretionary H-2B visas in a timely manner will help alleviate these workforce shortages and, in doing so, will help create and sustain the jobs of American workers who rely on the H-2B workers to support their duties during their peak seasons. When seasonal businesses have an adequate seasonal staff, they can expand their businesses and can take on additional contracts. Examples include seafood processors buying more seafood from American fisherman, hotels hiring more full-time, year-round management staff and landscapers increasing purchases from local vendors. Studies show seasonal workers support the jobs of between 3.2 and 4.6 full-time, year-round American workers.

While we are discussing the importance of the discretionary H-2B visas, we would appreciate clarification regarding the maximum amount allowed under law. Existing discretionary language states that the maximum allowed is, "the highest number of returning workers in any such fiscal year." In 2017, the State Department determined that 64,716 was the maximum number of visas that DHS could release. However, the State Department issued 69,320 H-2B visas<sup>1</sup> to returning H-2B workers in 2007, not 64,716. Therefore, we ask for clarification for the discrepancy and urge DHS to release the 69,320 visas instead of 64,716, if it is determined this is the allowable number.

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<sup>1</sup> [Nonimmigrant Visas Issued by Classification for Fiscal Years 2007-2011, Nonimmigrant Visas Issued by Classification for Fiscal Years 2007-2011 \(state.gov\)](#)

Regardless of the maximum allowed, we thank you for your support and are hopeful the FY25 rule will be published expeditiously, giving seasonal employers ample time to plan for their upcoming seasons.

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