

# United States Senate

WASHINGTON, DC 20510

October 22, 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

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. States with more temporary seasonal workers have higher employment rates among U.S. natives—in fact, the addition of one H-2B worker results in an additional 4.64 jobs for U.S. natives.<sup>1</sup> Furthermore, 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.”<sup>2</sup>

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<sup>1</sup> Zavodny, Madeline. Immigration and American Jobs. American Enterprise Institute, 15 Dec. 2011, [www.aei.org/researchproducts/working-paper/immigration-and-american-jobs/seek](http://www.aei.org/researchproducts/working-paper/immigration-and-american-jobs/seek).

<sup>2</sup> 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.

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 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,

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