

April 24, 2023

Acting Secretary Julie Su  
Office of the Secretary  
Department of Labor  
200 Constitution Ave. NW  
Washington, DC 20210

Dear Acting Secretary Su:

I write to you today regarding continued issues Maine's seasonal small businesses face with the H-2B visa program. Delays in the Department of Labor's ability to process Foreign Labor Certifications is significantly impacting the capability of small businesses in Maine—which rely on seasonal or temporary workers to operate efficiently—to participate in the H-2B program. Specifically, I am writing to request information about how the Department of Labor could reform and expedite the review and approval of Foreign Labor Certifications which are required by all businesses before they can acquire H-2B visas.

Maine's tourism industry is a significant part of our state's economy, supporting the jobs of nearly 145,000 Maine people. In order to meet the demand of the millions of visitors to our state each year, Maine businesses need H-2B workers to supplement their local workforce. Without their help, many hotels and restaurants in the state would be unable to open or would have to curtail their operations, hurting local communities and Maine workers employed by these businesses. Given the current tight labor market and record low unemployment, I am committed to ensuring that the H-2B program works efficiently for Maine small businesses so they do not continue to suffer from a lack of workers, and reforming the Foreign Labor Certification process is a good place to start.

I have heard from many seasonal small businesses that applying for this certification is an incredibly time consuming and cumbersome process in which a slight misstep may result in a several week delay—this is on top of the weeks or even months that the standard processing takes. This timeframe is completely unfeasible for seasonal businesses in Maine who often have only a few short months to earn the majority of their profits. Even if a business is approved within the standard processing time, they often are unable to get H-2B employees in time due to this delay. While larger employers can hire lawyers to ensure all requirements are being met on-time, the complicated and cumbersome nature of this process has been a particularly adverse barrier for the “mom and pop” shops in Maine.

ANGUS S. KING, JR.  
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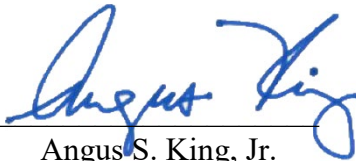
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Given these serious concerns, I write to ask how the Department of Labor plans to reform and expedite the review and approval of Foreign Labor Certifications to ensure that small businesses are able to have their H-2B applications processed in a timely and efficient manner?

I look forward to working with the Department to see how we can support efforts to reform the Foreign Labor Certification process to both protect US jobs while also giving seasonal small businesses an opportunity to take advantage of the H-2B program.

Sincerely,



Angus S. King, Jr.  
United States Senator

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