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Congress of the United States
House of Representatives
Washington, DC 20515
November 9, 2021

HOUSE ARMED SERVICES COMMITTEE

SUBCOMMITTEE ON READINESS
SUBCOMMITTEE ON INTELLIGENCE,
EMERGING THREATS AND CAPABILITIES

HOUSE COMMITTEE ON AGRICULTURE

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SUBCOMMITTEE ON
COMMODITY EXCHANGES, ENERGY,
AND CREDIT
SUBCOMMITTEE ON
GENERAL FARM COMMODITIES
AND RISK MANAGEMENT

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

Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas and Director Jaddou:

RECEIVED

By ESEC at 3:06 pm, Nov 10, 2021

I am writing on behalf of American Textile Company (ATC), a manufacturer of utility bedding products that employs approximately 347 workers in Tifton, GA, with an urgent request for the Department of Homeland Security (DHS) to provide 150 ("one hundred fifty") H2B visas to support their manufacturing operations throughout the United States.

Last week I met with Mr. Lance Ruttenberg – the President and CEO and third generation owner of ATC – who shared with me that the acute manufacturing worker shortage that our country is now facing is having a detrimental impact on his manufacturing operations in Tifton and in parallel manufacturing sites in Duquesne, PA, Dallas, TX, and Salt Lake City, UT.

Beginning in May 2021, ATC has been working with the Department of Labor and immigration experts to demonstrate need and meet the requirements to qualify for H2B visas. During the past half year, at considerable time and expense, ATC has documented the extraordinary efforts they have undertaken to recruit manufacturing workers in the U.S. Among other things, ATC has increased wages, added bonus incentives, brought on full-time recruiters, worked with third party agencies, and launched a formal U.S. hiring campaign. These efforts have barely made a dent in filling the job openings they continue to have across the country.

Last month, ATC received the labor certificate from the Department of Labor and was in the process of submitting the final I-129 petition for 150 workers from the Northern Triangle country of El Salvador when it learned that the H2B visas for the current period had been fully allocated to other petitions. While ATC is prepared to enter the lottery for the next cycle, the likelihood of success is greatly scaled back while any workers that are placed will come too late to support ATC's acute employment needs this fall.

I ask your assistance in reopening the quota with supplemental visas so that ATC can fill those 150 slots this month. Your quick action can help ensure that ATC is able to find its way out of the crisis it is now experiencing.

Thank you for your time and immediate attention to this urgent request.

Sincerely,

A handwritten signature in cursive script that reads "Austin Scott". The signature is written in dark ink and is positioned above a horizontal line.

Austin Scott
Member of Congress



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

January 4, 2022

The Honorable Austin Scott
U.S. House of Representatives
Washington, DC 20515

Dear Representative Scott:

Thank you for your November 9, 2021 letter to the Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS). Secretary Mayorkas asked that I respond on his behalf.

DHS appreciates the concerns you raised regarding the need for H-2B nonimmigrant workers to support the operations of American businesses in Georgia and other sites across the country. We acknowledge your request that DHS provide supplemental H-2B visas to prospective temporary workers similar to those covered by the May 25, 2021 Temporary Final Rule.

On December 20, 2021, DHS and the Department of Labor announced the forthcoming publication of a joint temporary final rule to make available an additional 20,000 H-2B visas for fiscal year 2022 (FY 2022).¹ These visas will be set aside for U.S. employers seeking to employ additional workers on or before March 31, 2022. Please note that these visas will not be allocated to specific employers, but instead, will be made available—until the 20,000 limit has been reached—to all employers in accordance with criteria to be set out in the joint Temporary Final Rule.

This supplemental H-2B visa allocation consists of 13,500 visas available to returning workers who received an H-2B visa, or were otherwise granted H-2B status, during one of the last three fiscal years (FY 2019, 2020, or 2021). The remaining 6,500 visas, which are exempt from the returning worker requirement, are reserved for nationals of Honduras, Guatemala, El Salvador, and Haiti.

Please be assured that DHS and USCIS understand the H-2B program's significance to American businesses, including those of your constituents, and is committed to the efficient and lawful management of the program.

¹ <https://www.dhs.gov/news/2021/12/20/first-time-dhs-supplement-h-2b-cap-additional-visas-first-half-fiscal-year>

The Honorable Austin Scott

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Thank you again for your letter and interest in this important issue. 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", followed by a long horizontal flourish.

Ur M. Jaddou
Director