

United States Senate

February 25, 2026

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Noem:

I write today to request that you use the discretionary waiver authority granted to you as part of the Presidential Proclamation, "Restriction on Entry of Certain Nonimmigrant Workers," issued on September 19, 2025. The proclamation restricts entry into the United States through the H-1B visa program "except for those aliens whose petitions are accompanied or supplemented by a payment of \$100,000," but also provides discretionary waiver authority if the Secretary determines that it is "in the national interest and does not pose a threat to the security or welfare of the United States." I request that you immediately communicate your intention to waive the requirement for H-1B workers hired to address teacher shortages, especially in rural areas across America, and that this waiver is included in any future rulemakings from the Department. Also, in light of the weighted selection process that might be used to select cap-subject H-1B petitions, I also request H-1B applications for teachers be placed in the level IV (highest) category, considering the invaluable service they perform for underserved communities.

Although school districts across the country utilize the H-1B visa program to hire teachers, I want to focus on its importance for Alaska. In fiscal year (FY) 2024, 19 of the 53 school districts in Alaska depended on H-1B teachers to provide high-quality education, securing 142 new H-1B employment approvals and 66 continuation approvals in 2024. Most of these districts serve very small rural communities that are unconnected by road.

For example, approximately 60 percent of the teachers in the Kuspuk School District who serve the 325 students in the district's nine Western Alaska villages across an area the size of Maryland are on visas. All of the 376 students who attend the Alaska Gateway School District's six schools located in tiny towns in an area nearly the size of South Carolina benefit from H-1B teachers in the classroom as well as in afterschool and tutoring programs that students rely on to succeed. The district reports that these H-1B teachers are skilled, dedicated, and innovative professionals. The school district for the Kodiak Island Borough, the second-largest island in the U.S., also relies significantly on H-1B visas and would have to let at least 50 percent of its teachers go if they are subject to the \$100,000 payment.

Many of Alaska's school districts face severe teacher shortages and have struggled for many years to recruit and retain qualified teachers. Alaska has never produced enough teachers to meet the need. While districts engage in significant and costly recruitment efforts in the Lower 48, most are unable to recruit or retain U.S. citizen teachers who are willing to relocate to Alaska and live in very challenging conditions, including a lack of basic amenities such as access to the

internet, housing, and even running water. In many cases, teachers who are recruited do not stay long. While Alaska districts are investing in Grow Your Own programs, teacher apprenticeship pathways, and other innovative efforts, these will take time to produce results. In the meantime, the continued need for H-1B teachers is imperative.

Alaska's rural school districts have small budgets—particularly in light of the high costs to provide services in rural Alaska—due to small student populations. A requirement to pay \$100,000 per H-1B teacher would be impossible to meet. Additionally, these school districts will be at a disadvantage in the new, wage-weighted cap allocation for the H-1B lottery, which favors jobs that pay higher salaries. I do not believe that the President intended for the fee and the lottery weighting to apply to H-1B teachers, as it would only further hamstring students in rural and underserved communities from receiving a quality education.

I ask that you clarify your intent to waive the fee requirement for schools and include such a waiver in the regulations. I also request that K-12 teachers be given the highest weight available in any H-1B lottery, to reflect the importance of the work that they do. I appreciate the opportunity to work with you.

Sincerely,



Dan Sullivan
United States Senator

Cc: The Honorable Marco Rubio, Secretary of State