

United States Senate

WASHINGTON, DC 20510

June 6, 2018

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable R. Alexander Acosta
Secretary
U.S. Department of Labor
Washington, D.C. 20520

Dear Secretary Nielsen and Secretary Acosta:

We are writing to express our concern over the Department of Homeland Security's decision last week to provide an additional 15,000 H-2B temporary nonagricultural visas without improving protections for American workers and visa holders and increasing enforcement of wage and workplace safety laws.

We understand and sympathize with the needs of employers who rely on seasonal H-2B workers when the U.S. workforce cannot meet the labor demand, but without careful management the H-2B program can put all workers at risk. H-2B workers are particularly vulnerable to recruitment and workplace abuses, as well as human trafficking and debt bondage. H-2B workers who are brought to the United States lack access to justice and effective protections against retaliation and abuse.

Moreover, studies show that wages for U.S. workers have stagnated,¹ and there has been a significant "long-term decline in the labor force participation rate"² for U.S. workers in H-2B fields. In one recent study, employers using H-2B workers were found to undercut the wages of similarly employed U.S. workers by nearly twenty-five percent.³ In short, a large body of

¹ Costa, Daniel, *the H-2 B Temporary Foreign Worker Program - For Labor Shortages or Cheap, Temporary Labor?*, Jan. 19, 2016, Econ. Plcy Inst. available at <http://www.epi.org/publication/h2b-temporary-foreign-workerprogram-for-labor-shortages-or-cheap-temporary-labor/> ("The evidence presented here- flat wages and persistent high unemployment rates in the top 15 H-2B occupations for the past decade- sheds doubt on claims that there are labor shortages in the top 15 H-2B occupations") [hereinafter Costa].

² See Department of Labor, Bureau of Labor Statistics, *Labor Force Statistics from the Current Population Survey*, available at <https://data.bls.gov/timeseries/LNS11300000> (showing a reduction from 66 percent to 62.9 percent, from 2007 to 2017; statistics generated on May 15, 2017).

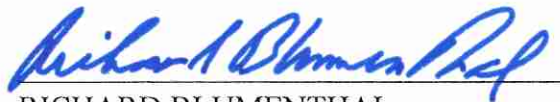
³ Daniel Costa, Economic Policy Institute, *The H-2B temporary foreign worker program: For labor shortages or cheap, temporary labor?*, <http://www.epi.org/publication/h2b-temporary-foreign-worker-program-for-labor-shortages-or-cheap-temporary-labor/#epi-toc-8>.

evidence suggests that increasing reliance on the H-2B program as currently structured reduces wages, pushes U.S. workers out of jobs, and may, in some cases, discourage them from ever applying again. Increases in the number of H-2B visas without strengthening worker protections and enforcement of labor and employment law will only exacerbate these problems.

Given our concerns with the H-2B program, we request that you provide a detailed written report to the Senate Judiciary Committee describing how and why you arrived at your decision to provide an additional 15,000 H-2B temporary nonagricultural worker visas.

We are counting on you to help us protect American workers. Thank you in advance for your cooperation with this request. If you have questions, please contact Sam Simon at Sam_Simon@judiciary-dem.senate.gov or (202) 224-6724, or Brad Watts with Senator Grassley at (202-224-5225).

Sincerely,



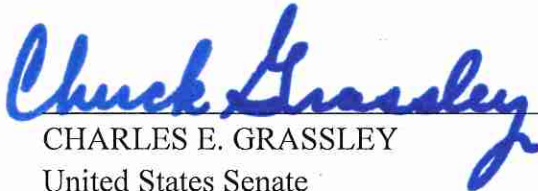
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