

**PRESIDENT**

Daniel Stein

**EXECUTIVE DIRECTOR**

Bob Dane

**BOARD OF DIRECTORS**

Donald A. Collins Jr., Chairman

Duane Austin

Douglas E. Caton, Maj. Gen., USAR (Ret.)

Kevin Donaleski

James Dorcy

Sarah G. Epstein

Dale M. Herder, Ph.D.

Frank Morris, Ph.D.

S. Blake Swensrud II

**NATIONAL BOARD OF ADVISORS**

The Hon. Brian Bilbray, Co-Chairman

Donald A. Collins Sr., Co-Chairman

Nancy Anthony

The Hon. Louis Barletta

Sharon Barnes

Gwat Bhattacharjie

Gerda Bikales

J. Bayard Boyle Jr.

Hugh Brien

John Brock

Pat Choate, Ph.D.

Clifford Colwell, M.D.

Thomas Connolly

Alfred P. Doyle, M.D.

Dino Drudi

Paul Egan

Bob Eggle, Capt., USAR (Ret.)

Don Feder

Robert Gillespie

Joseph R. Guzzardi

Hessie L. Harris

Sheriff Thomas Hodgson

Glenn Jackson

Carol Joyal

The Hon. Richard Lamm

Roy C. Lierman

Donald Mann

Jack Martin

K.C. McAlpin

Scott McConnell

James G. McDonald, Esq.

Paul K. Nachman

Peter Nuñez

Fred Pinkham, Ph.D.

Randall Pullen

Bruce S. Reid

Teela Roche

The Hon. Alan Simpson

The Hon. Lamar Smith

John Philip Sousa IV

Alan N. Weeden

The Hon. Curtin Winsor Jr.

*FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest*



FEDERATION FOR AMERICAN IMMIGRATION REFORM

January 8, 2020

The Honorable Chad F. Wolf  
Acting Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Acting Secretary Wolf,

On behalf of the Federation for American Immigration Reform's (FAIR) over 2 million members and supporters nationwide, I am writing to urge you to protect the job opportunities and wages of blue-collar American workers by refusing to issue any additional H-2B guest worker visas above the annual statutory cap of 66,000. I know how much you care about ensuring wages continue to rise for American workers and appreciate the significance of low unemployment rates among those communities historically least likely to benefit from economic growth.

Since President Trump took office in January 2017, Congress has repeatedly given the Secretary of the Department of Homeland Security (DHS) the authority to raise the H-2B cap. Each time, former Secretaries John Kelly, Kirstjen Nielsen, and Kevin McAleenan did so. FAIR values the primacy of the American worker, and stands for the proposition that the H-2B program – like all guest worker programs – should only be a last resort labor option when it's proven that no local workers are available.

Some employers have become accustomed to using foreign workers under unethical conditions for so long that they've come to just expect them to be made available; often creating the structural exclusion of all low-skilled and less-educated Americans. In an instance where the cap was raised, employers did not use all of the extra visas, indicating that there are not truly work shortages in their industries as they claim. They simply want cheaper, foreign guest workers. It is time to break this cycle.



Congress has once again given you the authority to raise the cap by thousands. We urge you to remember that Congress capped the H-2B program for a reason, and your discretion should be rigorously defended as grounded in actual labor force needs. If Congress desired to raise the cap, lawmakers could pass appropriate legislation doing so. These matters do not belong in spending bills.

Research from both the Economic Policy Institute and the Center for Immigration Studies (CIS) shows that employers pay H-2B *less* than Americans when performing the same jobs. This leads to depressed wages for U.S. workers competing for these same jobs in the same geographic area. Many of those shut out of jobs or experiencing wage depression are less educated, less skilled Americans who are already marginalized. The availability of H-2B workers ensures that it remains difficult for these Americans to find work at sufficient wages; rising wages are the key to returning more Americans to the labor force.

America's labor market is tightening. This is, undoubtedly, a good thing for poorer and less-educated Americans looking for work. The tight labor market is creating incentives for employers to increase wages, offer new benefits, and hire people they previously would overlook. Flooding the job market with cheap, low-skilled foreign workers is a betrayal of the very workers President Trump has consistently pledged to protect. As he accurately noted on the campaign trail, "the influx of foreign workers holds down salaries, keeps unemployment high, and makes it difficult for poor and working-class Americans – including immigrants themselves and their children – to earn a middle-class wage."

Furthermore, the main argument cited by cheap-labor-dependent businesses for increasing the H-2B cap is that there are significant labor shortages in the largest H-2B occupations. This is false. According to the most recent data compiled by the Bureau of Labor Statistics (BLS), the unemployment rate for leisure and hospitality is 4.9 percent, 4.7 percent in farming, fishing, and forestry occupations, and 4.6 percent for construction – all higher than the national unemployment rate of 3.3 percent.

The outlook is even grimmer when accounting for the workforce participation rate. Of adults 25 and older with no high school diploma, only 46.3 percent were in the workforce. Those with a high school diploma but no college experience fared only slightly better at 58.0 percent. These are the Americans competing with H-2B workers for low-skilled jobs and opportunities; they will not be coaxed into these jobs so long as there are guest workers in these labor sectors.

We are hearing reports that after consulting with the Department of Labor (DOL), your agency may be considering going well beyond previous cap increases. We believe this would

be a mistake. You have a unique opportunity to send a clear message to certain special interests that business as usual is over and that DHS will no longer arbitrarily raise the H-2B visa cap. We respectfully urge you to refuse to increase the H-2B cap and pressure businesses to hire their fellow American citizens, even where it requires extra diligence and commitment from the employer.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Stein". The signature is fluid and cursive, with the first name "Dan" and the last name "Stein" clearly distinguishable.

Dan Stein