

Congress of the United States
Washington, DC 20515

The Honorable Harold Rogers
Chairman
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

The Honorable Nita Lowey
Vice Chairwoman
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

May 23, 2016

Dear Colleagues:

We write to ask you to reject any provision in any appropriations legislation that would increase the number of excessive foreign, low-skilled, temporary workers in the United States. *Senator Sessions has raised these concerns in nearly identical form with your counterparts in the Senate.*

As you know, the FY 2016 Consolidated Appropriations Act contained a provision that exempted from the annual cap of 66,000 H-2B visas any aliens who previously held H-2B status in the previous three fiscal years: so-called "returning workers." Congressman Brat offered an amendment to strike that section, but our leaders did not allow the House to consider it. We understand that certain members of the House seek to make this "returning worker" exemption permanent. Doing so would be a grave error.

Fundamentally, a cap must be a cap. Not counting H-2B workers against congressionally defined caps is misleading to the American people, and it is detrimental to wages of and job opportunities for American workers.

Blue-collar American workers have long endured a strategy by crony special interests to reduce their wages by encouraging an excess of foreign workers. Millions of foreign workers have been brought to the United States, while countless jobs have gone overseas. According to the Bureau of Labor Statistics, the total labor force participation is 62.8 percent; the rate for those with less than a high school diploma, 46.6 percent; and, for those with a high school diploma or the equivalent, 57.2 percent. The unemployment rate for those with less than a high school diploma is 8.4 percent, with 967,000 unemployed and seeking work. The unemployment rate for those with a high school diploma or the equivalent is 5.2 percent, with 1,853,000 unemployed and seeking work. And these statistics do not reflect the number of those workers who are currently underemployed.

Put another way, millions of Americans who are currently unemployed or underemployed directly compete for the jobs that are often filled by H-2B workers: e.g. landscapers, hotel

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workers, loggers, construction workers, amusement and recreation attendants, and restaurant servers. These are not the temporary agricultural workers we hear so much about.

Congress may not be able to flip a switch and correct all of the damage that has been inflicted on these hardworking men and women, but we can ensure that we do not inflict further harm upon them by adding to the labor force with cheap foreign labor.

At some point we have to choose. Do we serve special interests or do we create conditions that will allow for at least a modest rise in wages? This is surely preferable to mandating wage increases. American workers are having a tough time. Wages are flat or have fallen since 2000. A somewhat tighter labor market will cause some rise in wages. Now is not the time to increase labor flows.

Our constituents understand that low-wage American workers are being harmed because we have fundamentally lost track of free enterprise principles. Bringing in low-wage foreign workers is not the solution. The solution is to remove the distortions that have devastated our economy and produced 0.5% economic growth in the first quarter of this year.

In December, the Congressional Budget Office conducted a flawed analysis of the effect of this provision's inclusion in the FY 2016 Consolidated Appropriations Act. That analysis, which ignored historical trends and available data related to this provision, concluded that it would result in "only 8,000 additional workers" in FY 2016. Further, Speaker Ryan's office publicly emphasized that this provision was temporary, resulting in only 8,000 additional workers for one year, and stating that after this temporary increase, "the provision expires." Senate Sessions, Chairman of the Senate Judiciary Subcommittee on Immigration and The National Interest, has asked the Congressional Budget Office to provide a new analysis that addresses the flaws in their earlier analysis and incorporates the available data. He has not yet received a reply but expects that including this provision for an entire fiscal year will result in substantially more temporary workers in FY 2017.

This is an important issue, and it says something about the priorities Congress has. It is desirable that we avoid an even more contentious debate over this issue than last year.

Thank you for your consideration of this matter.

Sincerely,



Dave Brat
Member of Congress



Mo Brooks
Member of Congress

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Walter Jones
Member of Congress



Louie Gohmert
Member of Congress



Gary Palmer
Member of Congress



Steve King
Member of Congress



Brian Babin
Member of Congress

cc: The Honorable Paul D. Ryan, Speaker
The Honorable Kevin McCarthy, Republican Leader
The Honorable Nancy Pelosi, Democratic Leader