

Congress of the United States
Washington, DC 20515

July 14, 2020

Secretary Eugene Scalia
U.S. Department of Labor 200
Constitution Avenue, N.W.
Washington, D.C. 20210

Dear Secretary Scalia,

As Members of Congress, we write to express our grave concerns regarding President Trump's Executive Proclamation on June 22, 2020 that will continue the suspension of family immigration, diversity visas, employment-based green cards, and nonimmigrant, temporary work visas until the end of 2020. This misguided attempt by the President to scapegoat immigrants for policy failures during the pandemic not only serves to hurt immigrants, but dismisses the true problem of a broken work visa program that is in desperate need of reform.

Throughout this administration, the President has continued to lament the alleged abuses of the immigration system while failing to address the systemic problems that have persisted and allowed businesses and employers to exploit and underpay immigrant workers, guest workers, and American workers. Immigrants and their families positively contribute to the United States economy through billions of dollars in taxes and spending on goods and services. We must not ignore their important contributions nor the need to protect labor standards when looking to improve our legal framework and institutions.

However, the department and the Trump administration have failed to make meaningful reforms to guest worker visa programs that improve labor standards and protections for all workers. The H-1B visa, which the President's proclamation has targeted, is one example. While the H-1B program permits employers to hire skilled and talented guest workers, government data show that in 2019, 60% of H-1B jobs were certified by the Department of Labor at wage levels that were well below the local median wage for the occupation in the local area.¹ H-1B program rules allow this wage suppression to persist but the department has failed to change these rules for the past three years.

As the department considers how to respond to the June Proclamation, we note the department has failed to issue enforceable COVID-19 safety standards that would actually protect workers during the pandemic. Equally troubling is the sparse number of inspections and non-existent

¹ <https://www.epi.org/publication/h-1b-visas-and-prevailing-wage-levels/>

enforcement in response to over 5,000 workplace safety complaints since the pandemic began.² While hundreds of workers have died from COVID-19, the absence of enforceable standards for workplaces and the lack of personal protective equipment has contributed to the outbreaks and fatalities that continue to occur at a rapid pace throughout the nation.³

Instead of abiding by the President's false narrative that immigrant workers are taking American jobs, we urge you to uphold strong labor standards to ensure that our immigration and workforce systems sustain viable migration pathways that promote equal rights and safe workplaces, and raise wages for all workers. This way our visa programs and labor institutions can boost economic growth.

This is not the time to divide our nation and blame immigrants for our broken system. If the Department decides to issue regulations pursuant to the June Proclamation, we strongly urge that these regulations for guest worker programs include provisions that ensure American workers have an opportunity to apply for open positions; that ensure guest workers are paid fairly according to local standards; and that ensure the Department takes its enforcement mission seriously by holding employers accountable for recruitment and hiring abuses, barring employers who commit labor abuses, and ensuring that all workers have adequate protections from retaliation and exploitation by unscrupulous employers.

Sincerely,



Joaquin Castro
Member of Congress



Judy Chu
Member of Congress



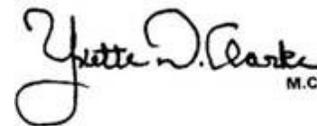
Vicente Gonzalez
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Robert C. "Bobby" Scott
Member of Congress



Raúl M. Grijalva
Member of Congress



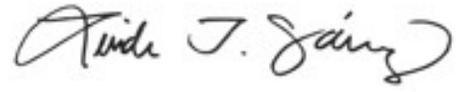
Yvette D. Clarke
Member of Congress

² <https://www.nytimes.com/2020/06/21/opinion/coronavirus-osha-work-safety.html>

³ <https://www.dispatch.com/news/20200518/eastern-ohio-prison-new-coronavirus-hot-spot-as-state-scalesbacktesting>



Karen Bass
Member of Congress



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