



**Congress of the United States**  
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July 20, 2011

The Honorable Hilda Solis  
Secretary, U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20515

Dear Secretary Solis,

I am writing regarding the H-2B visa program, which permits businesses to employ foreign workers for temporary positions in the United States when no qualified, willing American workers are available for the job. A recent report by the South Florida newspaper, *The Palm Beach Post*, has drawn attention to the H-2B visa program's requirement that employers advertise openings for temporary jobs in the local community before seeking foreign labor.

The report revealed that with over 1,500 H-2B visas authorized in 2010, Palm Beach County leads Florida in the number of authorized foreign workers despite a local unemployment rate of over 11 percent. In South Florida, many of the hospitality, restaurant, and resort industry jobs covered by the H-2B visa program last anywhere from seven to ten months. With so many Floridians out of work, there is no question that many of these positions would be attractive to local residents.

Community groups are rightly concerned that the Department of Labor's requirement that before importing foreign workers, employers must advertise job openings in two newspaper ads, one of which must be in a Sunday edition, is simply inadequate in these economically challenging times. Additionally, there are concerns that the Department of Labor's enforcement of this policy may be too lax, given that it neither requires employers to submit copies of the ads nor has established standards for their content. Across the country, it is unfortunately common practice for employers to place perfunctory, nondescript ads for low-wage job openings in local papers while simultaneously recruiting foreign workers with extravagant and descriptive advertisements abroad.

One significant challenge that employers face in filling these positions is a matter of timing. For an unemployed worker seeking income as soon as possible, a job opening advertised by a resort that does not begin for several months is often not a viable option. Businesses, often struggling to fill these positions, advertise the available jobs months in advance in order to ensure enough time to complete and have approved H-2B visa applications to fill any gaps in their workforce.

In the coming weeks, I will be meeting with owners of local resorts, country clubs, and other businesses to discuss these issues in more detail. In my preliminary discussions with employers, I have found that in many cases they share my goal of employing more local residents. Employers with seasonal business cycles face unique challenges in hiring workers for temporary positions, as do the local residents of a community where tourism, hospitality, and other service sectors are a fundamental part of the economy.

As my discussions with community groups and employers move forward, I have several issues of concern that I would like addressed:

- What steps can be taken to have employers advertise job openings closer to the start of the job and still afford the employer enough time to complete H2B visa applications if necessary?
- What steps can be taken to ensure that employers are publishing advertisements to US workers and foreign workers that are more standardized in their content?
- In the past five years, what rule changes have been made to the H2B program?

I appreciate your prompt attention to this matter. It is my hope you are receptive to the concerns of the South Florida community, and that we can work together to improve what is clearly an imperfect system.

Sincerely,

A handwritten signature in blue ink that reads "Ted Deutch". The signature is written in a cursive, flowing style.

Theodore E. Deutch  
Member of Congress