

Congress of the United States
House of Representatives
Washington, DC 20515-2802

June 24, 2010

The Honorable Hilda Solis
Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Dear Secretary Solis,

I am very concerned by the public service announcement you recorded which was recently released by the U.S. Department of Labor. In the announcement, you stated that “every worker in America has the right to be paid fairly, whether documented or not,” and invited individuals to make a “free and confidential” call if they believe their employer is engaging in unfair pay practices.

Many of my constituents understandably object to the Department of Labor providing taxpayer-funded legal advice to illegal immigrants. Businesses should not hire undocumented workers in the first place. As you know, U.S. law requires employees to present documents establishing their identity and authorization to work at the time they are hired. An employer must check those documents and cannot knowingly hire someone who is not authorized to work in this country. Companies that hire undocumented workers should be prosecuted to the fullest extent of the law.

Furthermore, the provision of taxpayer-funded assistance to undocumented workers raises serious legal questions. In the past, the U.S. Supreme Court has ruled that the enforcement of certain labor laws on behalf of undocumented workers would conflict with policies under U.S. immigration laws (*Hoffman Plastic Compounds, Inc. v. NLRB*, No. 00-1595 (S. Ct. 2002)).

For these reasons, I ask that the Department of Labor consider changing and reissuing the “fair pay” public service announcement. I believe verbiage clarifying the responsibilities of both employers and workers under the law is important. In addition, I respectfully request a response in writing from you describing why, in light of the potential conflicts in law, the Department of Labor believes that offering taxpayer-funded legal assistance to undocumented workers is appropriate. These resources could be more appropriately directed toward employers that knowingly hire illegal immigrants.

While I share your support for ensuring that workers receive every cent they earn, I also believe all branches of government must work together to uphold the rule of law in

our nation. Only an orderly and equitable system of legal immigration can ensure that both the security and labor needs of our nation are met, and the Department of Labor should play a key role in this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean Heller", written in a cursive style.

DEAN HELLER
Member of Congress