

United States Senate

WASHINGTON, DC 20510

December 15, 2023

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Blinken,

We write to you with serious concern regarding the proposed regulations for the federal au pair program, which threaten the future of this successful and important cultural exchange initiative. Given the importance of this exchange program for advancing our public diplomacy and providing a flexible childcare option for American families, we respectfully request that you rescind the draft rule and develop a comprehensive plan to consult with key partners before proposing a second draft rule for public comment.

On October 30th, the U.S. Department of State published proposed regulations for the federal au pair program. Since publishing the draft rule, an unprecedented volume of comments have been submitted during the ongoing public notice and comment period. Our offices have received reactions from au pair programs and American families participating in the program who fear that the proposed changes will make this important program unworkable and inaccessible, further exacerbating the current childcare crisis facing American families.

The au pair program has been a lynchpin of the Educational and Cultural Affairs initiatives at the Department of State since its inception in 1989. The au pair exchange program gives young individuals the opportunity to spend up to two years in cultural immersion with a family in the United States in exchange for reliable and responsible childcare. Approximately 20,000 au pairs travel to the United States each year on the J-1 federal exchange program, providing an opportunity to learn the English language and culture while also engaging in continuing education. Importantly, this program provides flexibility to working American parents, especially those with unpredictable or non-traditional schedules such as active-duty members of the military, law enforcement and health care professionals.

It has been over a decade since changes were last made to the au pair program. We recognize and respect the importance in updating the regulations to better reflect evolutions in the program and ensure that it provides necessary protections and support for au pairs.

However, we are concerned by the lack of consultation with stakeholders in the drafting of this proposed rule as well as the broad scope of proposed changes. If finalized in the proposed form, these regulations would threaten the program's viability. The magnitude of comments submitted to the proposed regulation, far surpassing the expected level of feedback to a draft rule, demonstrates the extreme impact this proposal would have on the program. As a consequence of this proposal, thousands of American families are now concerned over the program's future and its economic viability in providing childcare for their children.

We recognize that these proposed regulations are not final and that public feedback must be considered before a final rule can be issued. However, the concerns with the current proposed regulations are so significant that additional coordinated consultation is clearly needed. Furthermore, the proposed regulations as currently drafted are causing significant damage to the au pair program by implying that the federal government is considering finalizing these regulations. Widespread fear of the impact of these potential changes will result in reduced registration by families and au pairs to participate in the program, even before any final rule is issued.

In order to preserve and strengthen the integrity of the federal au pair program, there must be a transparent and inclusive consultation process. We cannot afford to jeopardize the success of an important cultural exchange program that expands our public diplomacy, nor can we afford to endanger a critical and affordable childcare option.

In order to prevent further misinterpretation of the au pair program, we respectfully request that the Department of State rescind the proposed regulations and provide the undersigned with an outlined proposal for a consultation process in order to propose a second draft rule for public comment.

Thank you for your urgent attention to this matter.

Sincerely,



Jeanne Shaheen
United States Senator



Thom Tillis
United States Senator



Tammy Duckworth
United States Senator



James E. Risch
United States Senator

United States Senate

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Chris Van Hollen
United States Senator



Ted Cruz
United States Senator



Christopher A. Coons
United States Senator