



North America's Building Trades Unions

May 22, 2017

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The Honorable John F. Kelly
Secretary
Department of Homeland Security
300 7th Street SW
Washington, DC 20024

The Honorable Alexander Acosta
Secretary
Department of Labor
200 Constitution Ave. NW
Washington, DC 20210

Dear Secretary Kelly and Secretary Acosta:

As you know, the Fiscal Year 2017 Consolidated Appropriations Act includes a provision granting the Secretary of Homeland Security, in consultation with the Secretary of Labor, the discretion to issue H-2B visas for FY 2017 well past the annual cap of 66,000. On behalf of the more than two million members we collectively represent in the United States, we write to urge you to reject new petitions for H-2B visas until the program's flaws are properly addressed. It is imperative that U.S. workers are adequately protected before adjudicating on any new H-2B applications.

Our members in the construction and landscaping industries are disproportionately impacted by the H-2B program, which is intended to allow employers to use guest workers to fill seasonal positions if they can prove that they are unable to find U.S. workers. However, H-2B employers include large companies, not just small and seasonal businesses. Rather than providing a livable wage to attract U.S. workers, employers often use loopholes to flout oversight and hire exploitable foreign labor, driving down labor standards industry-wide. This is an incredible missed opportunity for U.S. workers seeking jobs.

The truth is that the H-2B visa program is a rampantly abused program that too frequently depresses wages, erodes basic labor protections, and leaves foreign workers vulnerable to horrific and inhumane treatment. It allows companies to use private wage surveys to determine pay, a practice which has consistently been used to pay less than the prevailing wage standard determined by the Department of Labor. In addition, unscrupulous employers are incentivized to make it almost impossible for U.S. to find advertised work opportunities before H-2B visas are requested. Outrageously, because of lax oversight and enforcement workers who do apply and have the requisite qualifications are often dismissed.

Despite ample evidence of fraud and abuse, sweeping provisions to deregulate and tacitly expand H-2B are frequently wedged into omnibus legislation without any debate or deliberation. Instead of rushing to expand the program, lawmakers should first reassess its value and its impact. An H-2B expansion runs directly counter to President Trump's recent executive actions to 'buy American and hire American,' and which were specifically crafted to instruct relevant federal agencies to take prompt action to crack down on fraud and abuse in our immigration system in order to protect workers in the United States and their economic conditions.

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The appropriations bill places the Departments of Homeland Security and Labor in a position to stand up for American workers. Since the language does not specify a timeframe, there is no reason to rush to issue new visas. We strongly urge you to exercise discretion and respect the annual cap on H-2B visas currently mandated by law, and to deny all new petitions until the program's shortcomings are addressed.

Most respectfully,

North America's Building Trades Unions

International Brotherhood of Electrical Workers

International Association of Heat and Frost Insulators and Allied Workers

International Brotherhood of Boilermakers

United Association Union of Plumbers, Fitters, Welders, and Service Technicians

International Union of Bricklayers and Allied Craftworkers

International Union of Elevator Constructors

International Union of Operating Engineers

International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers

Operative Plasterers' and Cement Masons' International Association

International Union of Painters And Allied Trades

Laborers' International Union of North America

United Union of Roofers, Waterproofers, & Allied Workers

International Brotherhood of Teamsters

International Association of Sheet Metal, Air, Rail and Transportation Workers