

AFL-CIO

LEGISLATIVE ALERT

November 15, 2017

The Honorable Robert Goodlatte
Chairman
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Re: "Protect and Grow American Jobs Act of 2017"

Dear Chairman Goodlatte and Ranking Member Conyers:

On behalf of the AFL-CIO, I write to express our serious concerns with the substitute amendment to H.R. 170. In our view, the substitute falls far short of the sweeping reforms needed in the H-1B visa program. H.R. 170 must be substantially strengthened before it will be effective in meeting the important purpose of preventing the misuse of the H-1B program as a vehicle for outsourcing,

As currently structured, the H-1B program allows employers to suppress wages, create a captive workforce, and make previously full time jobs into temporary jobs. The low rates of retention of H-1B workers proves that the program is routinely used to replace stable, middle class jobs with a contingent, disposable workforce that employers can underpay and replace at will. At a time when working people are still suffering from decades of wage stagnation, Congress must take action to reform visa programs that hold down wages, increase worker vulnerability and reduce social mobility for deserving workers.

While we welcome the provisions in H.R. 170 that would raise wage requirements, protect against displacement, and increase the scope and funds available for enforcement of the program's rules, we are disappointed that they would apply only to H-1B dependent employers. As a result, most H-1B employers will continue to be able to pay H-1B workers at levels well below those of equivalent U.S. workers, and they will still not be required to look first for a qualified U.S. worker, or to commit that they will not displace existing U.S. workers. Moreover, the bill fails to change the structure of visa programs that keep H-1B workers under the control of a single employer.

While the bill would limit the ability of H-1B dependent employers to continue their current outsourcing practices, it would place no additional requirements on other employers who place H-1B workers at third party worksites. It would also raise the threshold definition for H-1B dependent employers, making fewer companies subject to the requirements in the bill and therefore protecting fewer working people. Moreover, the bill ignores the reality that many

outsourcing companies routinely use other skilled visas in lieu of H-1B visas, making regulations focused narrowly on a single visa ineffective at changing business practices.

We urge you to support amendments to H.R. 170 that will prevent outsourcing by all employers, not just some, and will prevent employers from merely shifting their practices to utilize other, more easily exploitable visa programs. We look forward to working with you in the future to pursue the more fundamental reforms needed to ensure that our work visa programs are not used to suppress workers' rights and wages. We can build an immigration system that would help to lift labor standards and support the dignity and rights all working people, and the AFL-CIO has a concrete set of proposals to do just that.

Sincerely,



William Samuel, Director
AFL-CIO Government Affairs Department

WS/aeb

American Federation of Labor and Congress of Industrial Organizations

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