

# American Federation of Labor and Congress of Industrial Organizations



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March 6, 2007

The Honorable Edward M. Kennedy, Chairman  
Committee on Health, Education, Labor and Pensions  
428 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Michael B. Enzi, Ranking Minority Member  
Committee on Health, Education, Labor and Pensions  
428 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Kennedy and Ranking Member Enzi:

I wish to express strong concern with the composition of the panel before the Committee on Health, Education, Labor and Pensions (HELP) for tomorrow's hearing entitled "Strengthening American Competitiveness for the 21st Century." I am deeply disturbed that the panel consists only of Bill Gates and excludes the voice of workers. Working people just elected a Congress on a platform of economic justice; the least we expect is that workers will be given a voice on matters that are at the heart of that agenda. The way you have structured this hearing guarantees that you will only be given the corporate perspective on this important issue.

Mr. Gates will no doubt once again advocate the massive expansion of the H-1B guest worker program as a solution to keeping America competitive. We could not disagree more.

Simply put, there is no justification for massively increasing the size of the H-1B guest worker program, other than to continue to provide corporations a steady stream of exploitable workers. That runs completely contrary to an economic justice agenda and is not in the interest of workers in our nation. Guest worker programs like the H-1B program are detrimental to all workers in the U.S., both American workers and foreign workers who are imported through the H-1B program.

The H-1B program has become the preferred mechanism for employers in professional and technical sectors to keep labor standards from rising. As the National Research Council concluded, "the current size of the H-1B workforce relative to the overall number of IT professionals is large enough to keep wages from rising as fast as might be expected in a tight labor market."

Congress adopted the H-1B program in 1990 as a means to assist employers in addressing a temporary labor shortage in high tech industries. The program was never intended to address long-term labor shortages. Seventeen years later, as unemployment rates in the high technology sector have increased substantially, employers are still calling for more increases in the number of temporary foreign workers that they can import into the U.S. labor market.

The AFL-CIO repeats its call for policymakers to focus attention on the true solution to current and anticipated skills shortages in the high-tech and information technology (IT) sectors: training of current workers, investment in educational opportunities, and reform of our permanent employment-based immigration system.

The primary focus for policymakers and for industry should be to ensure that our workers are prepared for job demands of today, to predict future skills needs, and to encourage government, industry, and labor to work together to ensure that our workforce is fully prepared to meet those needs. Instead of tackling these important policy challenges, the simple expansion of the H-1B temporary foreign worker program shifts attention to a program with little agency oversight that is readily susceptible to fraud and abuse of U.S. and foreign workers alike.

The Government Accountability Office (GAO) has issued several reports related to the H-1B program. It issued a report in June 2006 that focused on Department of Labor (DOL) oversight of employers' compliance with H-1B program requirements, which are the only safeguards against abuse and displacement of workers. GAO concluded that the DOL "does not use its full authority to oversee employers' compliance with programs requirements" and that it "lacks quality assurance controls and may overlook some inaccuracies."

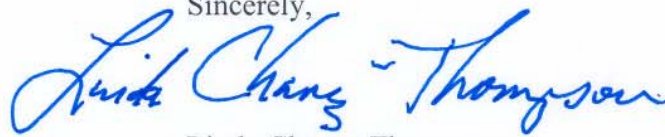
We recognize that even with necessary investments to training and educational opportunities in the fields of math and science for our domestic workforce, employers may still encounter long-term labor shortages. The answer to those shortages should not be the expansion of temporary worker programs that are failing American workers, but rather a reform of our permanent employment-based visa system.

The permanent employment system isn't working, mainly because it is based on a system of arbitrary caps that are the result of political compromise that have no relation to economic realities. The current number of visas available, for permanent jobs 140,000 per fiscal year, was set by Congress more than a decade ago and has not changed. While economic demands certainly have changed, the fundamental policy behind our permanent immigration system remains valid. Employers that demonstrate they cannot find workers in the United States to do jobs that are permanent (that is, not seasonal or temporary in nature) should be able to bring in foreign workers under conditions that guarantee that

there will be no negative impact on the wages and working conditions of other workers in that industry. The key to protecting U.S. labor standards is to ensure that new foreign workers come in with fully enforceable rights.

It is irresponsible for Congress to contemplate yet another increase in the total annual number of H-1B visas available when it has done nothing to address the myriad and well-documented problems associated with the H-1B temporary worker program. Nor is it responsible for Congress to allow corporations to import more and more workers under conditions that have detrimental impacts on entire industries instead of focusing its energy on finding long-term solutions that involve access to training and educational opportunities for domestic workers, and on reform of our permanent employment-based immigration system.

Sincerely,

A handwritten signature in blue ink that reads "Linda Chavez Thompson". The signature is written in a cursive, flowing style.

Linda Chavez Thompson  
Executive Vice President, AFL-CIO

cc: All members of the Committee on Health, Education, Labor and Pensions