

May 15, 2008

The Honorable Robert C. Byrd
Chairman, Committee on Appropriations
S-131 Capitol Building
Washington, DC 20510

Dear Chairman Byrd:

We are writing to urge your opposition to an amendment offered by Senator Mikulski to the supplemental appropriations bill that would build an exemption to the cap for returning H-2B guest workers.

Recently, the Southern Poverty Law Center released a report titled "Close to Slavery," which concluded that many employers who rely on H-2B workers engage in questionable recruiting tactics and subject workers to inhumane working conditions. These abuses often go undetected because there is little or no investigative resources or enforcement authority over the H-2B program.

The H-2B program is rife with abuses. The abuses typically start long before the worker has arrived in the United States, with recruiters commanding high fees and making false promises about wages, working conditions and location and length of employment. Once the workers arrive in the U.S. they lack the ability to enforce the most basic labor protections and often face deportation, blacklisting or other forms of retaliation. Many employers find H-2B temporary workers advantageous precisely because they will work for far lower wages and benefits than U.S. workers.

Better enforcement of labor standards for H-2B guest workers will not only help deter abuses of foreign workers, but will help protect the wages and benefits of American workers, who often compete for the same jobs. Insisting on fairness and transparency in the recruitment process, providing H-2B workers a meaningful way to enforce promises made to them by employers and giving them access to legal services will protect both them and U.S. workers in the same industries, often for the same companies.

The problems plaguing the H-2B temporary and seasonal guest worker program have been well documented, and until they are addressed, Congress should not vote to extend or expand any exemptions that would increase the number of H-2B visas beyond the current statutorily set cap.

Sincerely,

American Friends Service Committee (AFSC)
Asian Pacific American Labor Alliance, AFL-CIO
Building and Construction Trades Department (BCTD)
Change to Win (CTW)
Department for Professional Employees, AFL-CIO
Farmworker Justice
Interfaith Worker Justice (IWJ)
International Brotherhood of Teamsters (IBT)
International Federation of Professional and Technical Engineers (IFPTE)
Jobs with Justice (JWJ)
Labor Council for Latin American Advancement (LCLAA)
Laborers International Union of North America (LIUNA)
Low Wage Immigrant Worker Coalition (LWIWC)
National Council of La Raza (NCLR)
National Employment Law Project (NELP)
National Immigration Law Center (NILC)
Service Employees International Union (SEIU)
Southern Poverty Law Center (SPLC)
UNITE Hotel Employees and Restaurant Employees (UNITE HERE)
United Food and Commercial Workers (UFCW)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied
Industrial & Service Workers International Union (USW)

c: All Members of the Senate Committee on Appropriations