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LEGISLATIVE ALERT!

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September 19, 2011

The Honorable Tom Harkin, Chairman
Subcommittee on Labor, Health and Human Services,
Education and Related Agencies
Senate Committee on Appropriations
Washington, D.C. 20510

Dear Chairman Harkin:

On behalf of the AFL-CIO and its many affiliates that represent workers employed in the industries that most frequently seek to employ H-2B guest workers, I am writing to urge you to support the final H-2B wage methodology rule issued by the Department of Labor (DOL) on January 19, 2011, entitled "Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program." We also urge the Subcommittee to allocate adequate funds to enforce this rule.

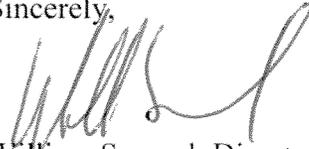
AFL-CIO affiliates represent workers in construction, janitorial services, landscaping, food services, amusement, gambling, and recreation. We have a strong interest in the methodology DOL uses to calculate the prevailing wages to be paid to H-2B guest workers. The AFL-CIO fully supports the Labor Department's wage methodology rule and applauds Secretary of Labor Hilda Solis and the Department for their efforts to protect U.S. workers from displacement and adverse wage effects and to improve wages and working conditions for H-2B workers.

Historically, DOL based H-2B prevailing wage rates on wages determined by collective bargaining agreements. If no collective bargaining agreement existed, prevailing wage determinations were based on two other worker-protective statutes enforced by DOL: the Davis-Bacon Act (DBA) and the Service Contract Act (SCA). In 2005, DOL significantly changed its methodology for calculating the H-2B prevailing wage by eliminating the mandatory use of DBA and SCA wage determinations. The final rule promulgated on January 19, 2011 would largely return to the method of setting H-2B prevailing wage rates in effect prior to 2005.

For nearly a decade, the Bush administration's harmful H-2B regulation gave corporations unbridled power to use the H-2B program to drive down wages and working conditions. The final H-2B rule takes a much-needed step towards re-establishing the rule of law in the H-2B program.

The AFL-CIO urges the Subcommittee to support the final H-2B wage methodology rule and to oppose any efforts to deny funding to enforce the rule.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Samuel', written in a cursive style.

William Samuel, Director
GOVERNMENT AFFAIRS DEPARTMENT