Via email and Fax

July 18, 2006

Bill Carlson, Chief
Division of Foreign Labor Certification
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

SUBJECT: Request DOL Release the FY 2007 LCA Data by August 1, 2006

Dear Bill Carlson,

In accordance with our discussion yesterday, I am submitting our request to you by the Programmers Guild – on behalf of displaced, unemployed, and underemployed U.S. tech workers – in the form of a letter.

Currently the Department of Labor's database contains the Labor Condition Applications (LCAs) filed by employers this fiscal year, representing roughly 65,000 unfilled U.S. tech jobs. In 99% of these LCAs, the employer was not required to first recruit U.S. workers before your office approved the LCAs for the positions to be filled by foreign workers on H-1B visas.

We contend that for most of these H-1B jobs there are sufficient U.S. workers to fill these jobs, and that U.S. workers should be given equal opportunity with foreign workers to be considered for these positions. (For example see the positions filled by H-1B workers in San Francisco: www.programmersguild.org/sfh1b/ - e.g. hotel clerks and $17/hour accountants.)

These positions will remain unfilled until October 1, 2006, when the H-1B floodgate will re-open. This is a short window of opportunity for U.S. workers to review the LCAs in their area and to apply for these jobs.

Although LCAs are public records, U.S. workers do not have access to these records. Since no statute or regulation precludes the release of the FY 2007 records now, it is DOL that is choosing to reserve 65,000 U.S. jobs exclusively for foreign workers.

The DOL has exported the LCAs for prior years to Access tables and placed them on the DOL website:

www.flcdatacenter.com/CaseH1B.aspx

But the prior year data represents jobs that have already been filled by H-1B workers. The value of the LCA data to U.S. workers is in searching them while the jobs are still vacant. The LCAs provide valuable information to U.S. job seekers, including employer, contact info, salary, and job title.

According to the DOL Foreign Labor Certification website:

> *Foreign labor certification programs are designed to ensure that the admission of foreign workers into the United States on a permanent or temporary basis will not adversely affect the job opportunities, wages, and working conditions of U.S. workers. [www.foreignlaborcert.doleta.gov/]*

Since disclosure of the FY 2007 LCA DB now could provide U.S. workers with a wealth of information about job opportunities, declining to release this public data now appears to violate the fundamental purpose of your division – to protect U.S. workers.

Among the "Guiding Principles" of the DOL ETA division is:

> 3) We will strive to turn individuals into career entrepreneurs by equipping them with the information they need to develop the knowledge, skills and abilities sought after in the new economy.

> 4) We will bolster opportunities for those less fortunate so they can gain the freedom to make sound economic decisions for themselves and their families.

Finally, on the home page www.dol.gov, Elaine Chao is quoted as: "Getting people back to work is what this Department does."

REQUEST

The Programmers Guild requests that the DOL FLC data center export the FY 2007 LCA data to an Access database and place it here:

www.flcdatacenter.com/CaseH1B.aspx

We do not believe that running such a query and export entails a significant amount of work. But if so, the Programmers Guild can find qualified programmers in the D.C. area who would be willing to assist at no charge.

We look forward to your timely assistance in this matter: LCAs delayed are LCAs denied.

Sincerely,

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