

Motor & Equipment Manufacturers Association

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October 14, 2020

Secretary Eugene Scalia
Department of Labor
200 Constitution Avenue, NW
Washington, DC 20510

Acting Secretary Chad Wolf
Department of Homeland Security
Nebraska Avenue Center, NW
Washington, DC 20528

Dear Secretary Scalia and Acting Secretary Wolf:

I am writing to express the concerns of the members of the Motor & Equipment Manufacturers Association (MEMA)¹ on three recent rules, two final and one proposed, regarding U.S. visa and wage policies.²

Individually each of these rules undermine the competitive position of the United States by making it more difficult for skilled workers to come to the United States to provide specialized training or research on H1B visas; or deterring the ability of talented foreign students to come to the U.S. on F, J and I visas. Together, these three rules reinforce the perception around the globe that America is not a good place for new investment, adding three potentially significant blows to our global economic leadership. These rules are already limiting the ability of our members to move forward on complicated technology development and deployment in the United States.

Specifically,

- The rule addressing H1B Non-Immigrant Visa Classifications makes it more difficult for manufacturers to bring overseas experts to the U.S. to train the U.S. workforce in state-of-the-art technologies. These assignments are highly specialized and of a short-term nature. If these experts cannot travel, then startup of new motor vehicle parts plant lines or crucial U.S. motor vehicle part research will be delayed. Specifically, this rule will constrain our members' ability to bring these vital temporary workers to the U.S. by narrowly defining who is eligible and instituting a more bureaucratic DHS monitoring and enforcement program. MEMA urges DHS to reconsider this potentially onerous new approach to H1B visas, which is slated by the final DHS rule to take effect on December 7.
- The Department of Labor already requires the payment of prevailing wage of the occupations in question when an H1B visa is awarded. In our industry, most skilled workers on temporary

¹ MEMA is the nation's leading trade association for motor vehicle parts suppliers and represents over 1,000 companies that manufacture components, technologies, and systems for use in passenger vehicles and heavy trucks.¹ MEMA members provide original equipment (OE) components and systems to new vehicle manufacturers, as well as aftermarket parts to maintain and repair vehicles in service. In total, vehicle part suppliers represent the largest sector of manufacturing jobs in the United States, directly employing over 871,000 people in all 50 states and generating 2.4 percent of U.S. GDP.¹ Our members lead the way in developing advanced, transformative technologies that enable safer, smarter, and more efficient vehicles.

² "Strengthening the H1B Non-Immigrant Visa Classification Program" (DHS Docket No. USCIS 2020-0018), "Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the U.S." (DOL Docket No. ETA-2020-0006), and "Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media" (DHS Docket No. ICEB-2019-0006).



assignment in this country hail from high wage developed nations. MEMA members are willing to engage in a discussion with DOL of how to assure these wages are paid. However, establishing a new bureaucratic requirement on October 8 with a final rule that offered no comment period could undermine the competitive advantage to the U.S. of the vital H1B program.

- Finally, MEMA believes that the DHS proposed rule on student visas will restrict the number of foreign student willing to study in the U.S. These students provide our industry with STEM talent that is often unavailable in the United States. The proposed rule alters the long-term U.S. principle of a “duration of status” timeframe for student visas. Unfortunately, if this rule is finalized students will no longer be able to obtain visas for the duration of their studies. Visas would be instead required for a limited period subject to renewal. Additional bureaucratic burdens would be imposed, taxing both college administrations and the students themselves.

The policy impacts of these rules as drafted are problematic to the growth of manufacturing here in the U.S. We at MEMA are ready to engage in a dialogue with the administration about what works, what does not, and what improvements could be made to our visa programs. We look forward to working with you to address these pressing issues.

Sincerely,

A handwritten signature in black ink that reads "Bill Long". The signature is written in a cursive, slightly slanted style.

Bill Long
President & CEO