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AMERICAN COUNCIL OF ENGINEERING COMPANIES

July 10, 2020

The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Wolf:

On behalf of the American Council of Engineering Companies (ACEC) – the voice of the business of engineering – I am writing to express our concerns about the presidential proclamation signed on June 22, 2020 that would suspend H-1B and L visas, among others. This sudden barrier to employing highly-skilled engineering professionals will disrupt the operations of engineering firms across the country, and we respectfully request a waiver for the engineering industry.

Founded in 1906, ACEC is a national federation of 52 state and regional organizations representing more than 5,600 engineering firms and 600,000+ engineers, surveyors, architects, and other specialists nationwide. ACEC member firms drive the design of America's infrastructure and built environment. Because of the critical shortage of engineers in this country, H-1B and other employment-based visa programs allow engineering firms to pursue their vital work of building the nation's infrastructure when American citizens are not available to fill these jobs.

The National Science Foundation has reported incremental growth in bachelor's degrees in engineering since 2000, but these very modest increases are not nearly enough to meet the demands of a robust and growing economy, particularly in recent years. The engineering workforce is also getting older, and nearly 30 percent of all engineering and science degree holders in the labor force are 50 or over and expected to retire in the next 15 years. Moreover, the National Science Foundation reports that in 2015 half of engineering master's degrees awarded by U.S. universities were earned by foreign nationals on temporary visas, including 70 percent of master's degrees in electrical engineering.

America's engineering industry will always hire qualified Americans first, and we support investments in STEM education and other initiatives to attract more young people to the engineering profession. However, the data above clearly demonstrates that the industry needs access to the best and brightest around the world in order to fill key

positions. Engineering firms employ highly skilled, technically sophisticated professionals, often at the mid-career level, using H-1B visas as well as L-1 visas for individuals with specialized knowledge of the firm's operations that cannot easily be transferred to new hires.

During the pandemic, engineering firms have worked to ensure continuity of operations across all types of infrastructure and provided support to critical industries. These services include infrastructure safety inspections to assess deterioration; completion of ongoing construction; assessing the ability to repurpose infrastructure for pandemic response; renovating to protect public and worker health and safety; designing needed changes to existing infrastructure and new infrastructure; providing support for operations and maintenance of existing infrastructure; and similar activities.

These critical functions will be impacted directly should the proclamation remain in effect for the engineering industry. All engineering firm employees, including those with H-1B and L-1 visas, are critical to an engineering firm's ability to continue this essential work. Accordingly, we respectfully urge the Departments of Homeland Security, State and Labor to provide a waiver for engineering firms from the visa suspensions delineated in the presidential proclamation of June 22, 2020.

Thank you for your consideration and please let us know how we can assist in this matter.

Sincerely,

A handwritten signature in black ink, reading "Linda Bauer Darr". The signature is written in a cursive, flowing style.

Linda Bauer Darr
President & CEO



U.S. Citizenship
and Immigration
Services

July 17, 2020

Ms. Linda Bauer Darr
President and Chief Executive Officer
American Council of Engineering Companies
1015 15th Street Northwest
Washington, DC 20005

Dear Ms. Darr:

Thank you for your July 10, 2020 letter expressing support for nonimmigrant engineering professionals and their employers. Acting Secretary Wolf asked that I respond on his behalf.

The Department of Homeland Security (DHS) is committed to preserving and upholding the nation's prosperity and economic security. We recognize that there are immigration-related challenges that individuals, employers, and others face as a direct result of the national emergency and as the first phases of reopening begin. We carefully analyze these issues and leverage our resources to effectively address these challenges within our existing authorities. DHS continues to act to protect the American people and our communities and is considering a number of policies and procedures to improve the employment opportunities of U.S. workers during the coronavirus (COVID-19) pandemic.

President Trump recently issued a "Proclamation Suspending Entry of Aliens Who Present a Risk to the U.S. Labor Market Following the Coronavirus Outbreak."¹ The presidential proclamation temporarily restricts certain categories of visas from being issued to protect jobs for American workers while our economy recovers from the effects of COVID-19. This does not affect those currently working in the United States in valid nonimmigrant classifications. The proclamation also does not prevent individuals in possession of valid H, J, or L visas prior to the effective date of the proclamation from entering or re-entering the country in these categories, if they have been abroad, provided they have not otherwise rendered themselves inadmissible.

You recommended that nonimmigrants who will be filling engineering positions be exempt from the limitations imposed by the Proclamation. We kindly defer to our colleagues at the Department of State on this issue, as visa processing and issuance is under their area of responsibility.

¹ Further clarification was provided in the "Proclamation on Amendment to Proclamation 10052."

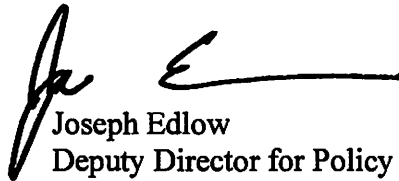
Ms. Linda Bauer Darr

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It is important for us to emphasize that U.S. Citizenship and Immigration continues to accept and process requests for immigration benefits, and the Proclamation does not affect our adjudication of petitions and applications related to the H, J and L programs. In addition, we have taken decisive actions to help accommodate applicants and petitioners during the pandemic.²

Thank you again for your letter and your interest in this important matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joe Edlow', with a long horizontal stroke extending to the right.

Joseph Edlow
Deputy Director for Policy

² For policy updates, operational changes, and COVID-19 information, please visit uscis.gov/coronavirus.