

United States Senate

Washington, DC 20510-1304

March 3, 2017

President Donald Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Trump:

I am disappointed that you have broken your campaign promise to take action on the first day of your Administration to reform foreign guest worker visas – especially the H-1B visa – to put American workers first. While I disagree with you on most issues, protecting American workers is one area where I hoped we might be able to find common ground.

Instead, in your first week as President, you signed Executive Orders to ban innocent women and children fleeing terrorism, establish a mass deportation force targeting up to eight million undocumented immigrants, and build a wall on the Southern border that will cost American taxpayers at least \$21.6 billion dollars. Rather than common-sense reforms to protect American workers, you have prioritized cruel and un-American policies that harm our economy, do not make us safer, and are inconsistent with our heritage as a nation of immigrants.

The H-1B visa is commonly known as the “high-skilled immigration visa,” but the reality is often very different. Instead of sophisticated tech companies hiring top-notch computer engineers for top dollar, the biggest users of H-1B visas are outsourcing companies that use loopholes in the law to displace qualified American workers and offshore American jobs. Recent media reports have documented the replacement of hundreds of American workers by H-1B visa holders across the country. In the most recent year for which data is available, the top 10 recipients of new H-1B visas were all outsourcing companies that specialize in offshoring American jobs.

Last year, you campaigned with American workers who were replaced by H-1B visa holders and pledged to end H-1B abuses, saying, “I will end forever the use of the H-1B as a cheap labor program, and institute an absolute requirement to hire American workers for every visa and immigration program. No exceptions.” As one step towards keeping your campaign promise, you should endorse bipartisan legislation to reform the H-1B visa program that I have sponsored for more than a decade with Senator Chuck Grassley (R-IA). Our legislation, which was cosponsored by your Attorney General, then-Senator Jeff Sessions, would end the use of the H-1B visa for outsourcing and require employers to hire American workers first, no exceptions.

You also should use your authority as President to protect American workers from H-1B abuses. For example, the Departments of Justice, Labor, and Homeland Security should

investigate the replacement of American workers by H-1B workers. In April 2015, I led a bipartisan letter with then-Senator Sessions and eight other Senators requesting such an investigation. You also should immediately revamp the annual distribution of H-1B visas, which is currently done by random lottery, to instead prioritize the highest-paid workers and the best and brightest graduates of American schools. This would make it much more difficult for outsourcing companies to game the allocation of H-1B visas, which currently results in these companies obtaining tens of thousands of additional visas every year.

The American people deserve an explanation for your decision not to pursue H-1B reforms on your first day in office. Commentators have pointed out that companies you own have sought to import at least 1,000 foreign guest workers while turning away hundreds of qualified American workers. I note with concern that in recent weeks one of your largest campaign donors has promised that you will not crack down on H-1B abuses and instead will seek to increase the number of H-1B visas granted each year. Just last week, your spokesman Sean Spicer suggested H-1B visa reform is not a top priority for your Administration. On Tuesday night, I listened in vain to your address to a Joint Session of Congress for any mention of H-1B visa reform to protect American workers. Instead, I heard more scaremongering about immigrants and immigration.

You must act immediately to prevent further harm to American workers. In early April, the government will conduct its annual lottery to decide which employers will receive Fiscal Year 2018 H-1B visas. So if you do not take action in the next few weeks, outsourcers will secure the right to import tens of thousands of low-wage foreign guest workers to replace American workers. This is in addition to hundreds of thousands of H-1B workers who are already employed by outsourcing companies in the United States.

I look forward to your prompt response.

Sincerely,



Richard J. Durbin
U.S. Senator