



INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS AFL-CIO & CLC

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April 5, 2017

Dear Representative,

On behalf of the International Federation of Professional & Technical Engineers (IFPTE), I am writing regarding HR 1303, the *H-1B and L-1 Visa Reform Act of 2017*. IFPTE, which represents upwards of 90,000 workers, asks that you add your name as a cosponsor to this bill.

For over 25 years, the H-1B program has weakened bargaining power for both foreign and US workers in the STEM labor market, while giving employers more bargaining power.

Much to his credit, Congressman Bill Pascrell (D, NJ), who is the sponsor of HR 1303, correctly recognizes that countless highly technical workers throughout the United States are being unjustly replaced by H-1B and L-1 Visa recipients. For example, in 2015 Disney World laid off 250 IT workers and replaced them with H-1B workers. In order to receive their severance pay and have a chance of being rehired elsewhere within Disney, the workers were forced to train their replacements, and as one worker said, "to make sure they were doing my job correctly."ⁱ The same thing happened at Southern Cal Edison, when the utility replaced 500 of their workers with H-1B visa holders in 2015ⁱⁱ.

Sadly, this race to the bottom practice is not unique to the private sector. As recently as last November, eighty public sector IT workers employed by the University of California, San Francisco were given their walking papers and replaced by H-1B visa workers. Here again, the fired workers were forced to train their replacements.

Ironically, in past sessions, Congress nearly worsened this "out-sourcing in reverse" phenomenon by attempting to increase the allotment of H-1B visas. Senator Hatch (R, UT), who is a leading supporter of providing the tech industry with access to cheap labor through the H-1B program, said in a March 30th Mercury Times op-ed that, "I'm working on updating I-Squared for the new Congress and plan to reintroduce it in the coming weeks." If last Congress' version of I-Squared is any indication, American and permanent resident high-tech workers should be very worried.

Mr. Hatch's I-Squared legislation in the 114th Congress (S. 153), which was also sponsored by Senators Amy Klobuchar (D, MN) and Chris Coons (D, DE), undermines our nation's workforce by driving down wages for current high-tech workers, and would have a dramatic negative impact on students who are considering pursuing degrees in Science, Technology, Engineering and Math (STEM). Not only would the Senators' I-Squared bill have increased the numbers of H-1B visas from 65,000 annually to 195,000, it would have also given companies seeking H-1B workers the legally binding thumbs-up to not only refuse to recruit American workers before hiring an H-1B worker, but also the ability to fire American workers in favor of H-1B workers.

Fortunately, not all lawmakers are in the same camp on H-1B visa policy as Senators Hatch, Klobuchar, and Coons. Senators Durbin and Grassley have co-sponsored legislation in past sessions to provide real reforms to the H-1B program so that foreign workers were not working as indentured servants, and so that American and permanent resident workers could not be fired and replaced with less costly H-1B workers.

Representative Pascrell's new bill, HR 1303, calls for a concrete overhaul of the H-1B and L-1 Visa programs.

Among the reform provisions of HR 1303 that IFPTE believes will improve the H-1B program are:

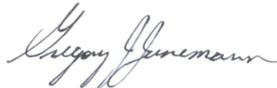
- Prohibits companies from firing American and permanent resident workers and replacing them with H-1B workers;
- Requires companies to attest that they have attempted to recruit American and permanent resident workers;
- Would give priority to H-1B visa seeking employers that pay the highest salaries;
- Would stem the ability of outsourcing firms that successfully scoop up the lion's share of the annual allotment of H-1B visas from being able to then lease out the visas to other employers;
- Authorizes the DOL to conduct random audits of H-1B employers to ensure that employer attestation claims are accurate;
- Calls for increased H-1B Labor Condition Applications fees, giving the DOL much needed resources to help enforce, investigate and generally provide adequate oversight of the H-1B program;

Lastly, HR 1303 also provides better worker protections related the L-1 Visa, under which multinational companies transfer workers into the United States, ultimately leading to the displacement of American high tech workers. Specifically, the legislation puts in place a minimum wage standard for L-1 Visas, something that is not currently in place. Like the H-1B program reforms, this bill also prohibits companies from firing American and permanent resident workers and replacing them with L-1 Visa workers.

The *H-1B and L-1 Visa Reform Act of 2017* is a bill that will go a long way toward protecting American jobs, while adding worker and wage protections for H-1B and L-1 Visa workers. IFPTE ask that you cosponsor this legislation.

Thank you for your consideration. If you have any questions, please contact IFPTE legislative director, Matt Biggs at (202) 239-4880.

Sincerely,



Gregory J. Junemann,
President

ⁱ New York Times, *Pink Slips at Disney, But First Training Foreign Replacements*, 6/3/2015

ⁱⁱ Computerworld, *Southern California Edison workers, "beyond furious" over H-1B replacements*, 2/4/2015