

Congress of the United States
Washington, DC 20515

May 5, 2015

The Honorable Thomas E. Perez
Secretary
U.S. Department of Labor
200 Constitution Ave. NW
Washington, DC 20210

The Honorable Jeh C. Johnson
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

The Honorable Loretta E. Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Secretary Perez, Secretary Johnson, and Attorney General Lynch:

As members of the Southern California Delegation, we write to express our concerns regarding the alleged abuse of the H-1B visa program by Southern California Edison (SCE).

We learned that SCE began downsizing its workforce last year, laying off hundreds of American workers and replacing them with contracted foreign H-1B workers, while at the same time outsourcing a majority of its information technology (IT) work. Unfortunately, such practices are not uncommon and have become increasingly popular in the IT industry. We urge you to investigate these practices.

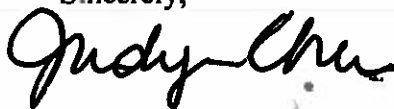
The intent of our immigration laws is to protect American workers, while allowing foreign workers with unique and specialized skills to contribute to our economy through our skilled guestworker programs. The H-1B program can play an important role in accomplishing this goal, by allowing employers to fill slots for which adequately trained Americans are not available. However, we believe SCE's practices run contrary to the very spirit of the law. SCE hired the two biggest foreign owned IT consulting companies, Infosys and Tata, to replace American workers with temporary H-1B workers to do the very same jobs and for less. Reports from laid off workers that they were forced to train their H-1B replacements seems to indicate their replacements had no superior skills. Further, according to USCIS data, the average wage for

an H-1B employee at Infosys in FY 13 was \$70,882 and for Tata it was \$65,565 compared to the average wage of a Computer Systems Analyst in Rosemead, CA, (SCE headquarters), which is \$91,900.¹ At a time of economic recovery, where good paying and stable jobs are hard to come by, these practices are extremely troubling and must be examined.

Specifically, we urge you to examine the Labor Conditions Applications certified by the Department of Labor to determine whether the requirement was satisfied that “the hiring of non-immigrant workers will not adversely affect the working conditions of workers similarly employed in the area of intended employment.”² Further, we urge the Department of Justice, to examine whether any acts were committed that exhibit unfair employment practices related to immigration. To this end, please notify us what frontend and backend measures the Department of Homeland Security and the Department of Labor have in place to ensure the hiring of H-1B workers are not adversely affecting working conditions of similarly situated employees.

Again, we respectfully request that you investigate the replacement of American SCE workers with H-1B holders, and whether any labor, immigration, or civil rights violations occurred. Thank you in advance for your consideration, and we look forward to your response.

Sincerely,



Rep. Judy Chu



Rep. Linda Sanchez



Rep. Adam Schiff

¹ Ron Hira, “New Data Show How Firms like Infosys and Tata Abuse the H-1B Program,” Economic Policy Institute, Feb. 19, 2015, available at <http://www.epi.org/blog/new-data-infosys-tata-abuse-h-1b-program/>

² 20 CFR 655.732. See also, Labor Condition Application for Nonimmigrant Workers, ETA Form 9035CP available at http://www.foreignlaborcert.doleta.gov/pdf/ETA_Form_9035_LCA_Non_Immigrant_General_Instructions.pdf