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2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

November 1, 2016

President Janet Napolitano
Office of the President
University of California
1111 Franklin St., 12th Floor
Oakland, CA 94607

Dear President Napolitano:

As you may know from prior comments I have made, I believe that the University of California's plan to outsource IT staff, including 80 jobs at the San Francisco campus, should be reversed.¹ Based on your service as the Secretary of Homeland Security, the department with principal jurisdiction over immigration, I am sure you know that using the H-1B program to replace the University's IT staff would be a misuse of this visa category.

The H-1B program's intended purpose is to promote American competitiveness by providing access for U.S. employers to highly-skilled foreign nationals needed to fill critical skills shortages.² It is meant to supplement – *not replace* – the American workforce. Congress never intended that the H-1B program be used to undercut wages for domestic workers or to facilitate offshoring of U.S. jobs.

I recognize that the H-1B program, including enforcement mechanisms, is in dire need of reform, as is the case with our entire immigration system. I have been working on and will continue to seek legislation that will accomplish this goal. Nevertheless, I think it is proper to expect our major public institutions, such as the University of California, to comply with both the letter and the spirit of the law.

In addition to the problems posed by using our immigration system in this manner, the University of California's outsourcing plan raises serious public policy concerns related to

¹ Patrick Thibodeau, "University of California's Outsourcing is Wrong, Says U.S. Lawmaker," Computerworld (Sept. 9, 2016) available at <http://www.computerworld.com/article/3118552/it-careers/university-of-california-s-outsourcing-is-wrong-says-u-s-lawmaker.html>.

² See Ruth Ellen Wasem, "H-1B Visas: Legislative History, Trends over Time, and Pathways to Permanent Residence," CRS Memorandum (Mar. 20, 2006) ("When Congress enacted the Immigration and Nationality Act of 1952, the H-1 nonimmigrants were described as aliens of 'distinguished merit and ability' who were filling positions that were temporary.").

ensuring patient safety and safeguarding patient privacy. Missteps in these areas could expose the University to significant litigation risk.

I urge you to reconsider using the H-1B program to outsource American IT jobs. Not only will this protect American workers, it will avoid unnecessary risks to patients and California's taxpayers caused by offshoring the University's critical IT enterprise. The University of California should thoroughly examine these public policy issues before moving forward with the outsourcing contract.

Thank you for your consideration.

Best wishes,

A handwritten signature in blue ink, appearing to read "Zoe Lofgren", with a long horizontal flourish extending to the right.

Zoe Lofgren, Ranking Member
Subcommittee on Immigration and Border Security