

United States Senate

WASHINGTON, DC 20510

October 22, 2021

The Honorable Bernie Sanders
United States Senator
332 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Sanders:

While we obviously hold wildly different perspectives on the proposed reconciliation legislation and, more broadly, on economic, domestic, and foreign policy, there is one area in which we may be in agreement. For most of your career, you have been an outspoken critic of large-scale migration that displaces American workers—especially corporate-driven immigration policies—citing the substantial harm they inflict upon Americans’ job opportunities, wages, and employment conditions.

For example, in 2007, you said: “I think at a time when the middle class is shrinking, the last thing we need is to bring, over a period of years, millions of people into this country who are prepared to lower wages for American workers.”¹ I couldn’t agree more.

Therefore, you could imagine my shock in discovering that the “Build Back Better” reconciliation bill, which has been passed out of the applicable House committees, contains several breathtaking immigration provisions that have long been the crown jewel of corporate lobbying.

Entirely separate from the controversial provisions in the House bill providing legal status to illegal immigrants, the bill includes several provisions that effectively terminate, for at least 10 years, all numerical limits on the annual allotment of green cards. Of particular concern is the elimination of statutory caps on the entry of foreign workers employed by many of America’s largest and most powerful corporations.²

No corporate lobby has more consistently and vociferously lobbied for these uncapped foreign worker programs than the technology giants in Silicon Valley. These provisions are of, by, and for Big Tech, and the multi-multi-billionaires of Big Tech stand to benefit from them the most. Their effect will be to make Big Tech more powerful and unaccountable and to concentrate even more power in hands of fewer people.

¹ <https://www.washingtonpost.com/politics/2020/03/16/years-bernie-sanders-warned-that-increased-immigration-would-lower-wages-us-workers-now-he-barely-mentions-it/>.

² <https://docs.house.gov/meetings/BU/BU00/20210925/114090/BILLS-117pih-BuildBackBetterAct.pdf> (pp. 905-12).

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There's already been considerable bipartisan consternation about the growing influence of Big Tech over every facet of American life, as well as the extraordinary financial power accumulated in recent years by a few Big Tech titans, relative to the gains enjoyed by middle-class workers. I find it astonishing, therefore, that the "Build Back Better" plan includes a provision that would so sever America's working and middle class from the economic gains reaped by Big Tech CEOs.

These provisions will allow Facebook, Microsoft, Google, and numerous other technology companies across America to employ a functionally limitless supply of cheaper foreign labor in place of willing, able, and qualified American workers. It will also mean American workers currently employed by these companies will be far less likely to see wage gains or increased compensation because employers will have the leverage to easily replace them at less cost with workers imported from overseas.

Indeed, just recently, Facebook (market capitalization of roughly \$960 billion) reached a settlement in a lawsuit filed by the Department of Justice stemming from Facebook's invidious discrimination against hiring American workers. And yet here we are with a bill that includes the foreign labor provisions that Mark Zuckerberg's lobbying arm, FWD.us, has aggressively pushed Congress to enact.

I can think of nothing more dispiriting than telling an entire generation of young Americans, who are set to graduate from school and have had to endure the travails of the pandemic, that some of America's best and highest-paying jobs aren't available to them because Big Tech secured a corporate carve-out for unlimited foreign labor in the reconciliation bill.

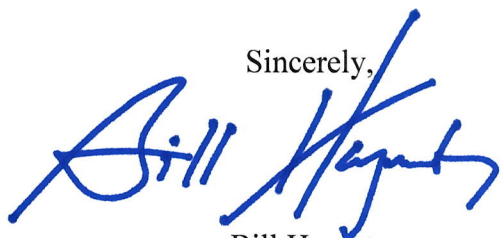
Indeed, among those most disadvantaged by these overseas labor provisions are African-American, Hispanic, and female workers seeking to enter Science, Technology, Engineering, and Math (STEM) fields. While recently home in Tennessee, I spoke with a group in Memphis about the need to lift up our students into good-paying STEM jobs—jobs that create the opportunity to transform their lives and set them on a pathway for family-sustaining careers. It's shameful that this legislation threatens to foreclose those opportunities to them.

The fact that this provision is never explained, justified, promoted, or mentioned in any of Democrats' material designed to "sell" the bill to the American public strongly suggests the guilty conscience of those who crafted it—understanding that it is designed to benefit only the wealthiest Americans.

Despite our disagreements on a number of policy issues, I cannot imagine that, based on your career's work, you could countenance the provision contained in the House bill, which amounts to an enormous corporate-special-interest giveaway. I am sure you must agree that the key to America's greatness is the strength of its middle class and that a provision that will allow America's richest billionaires to profit while blocking our most vulnerable citizens' pathway to the American middle class must be rejected.

Therefore, I hope that you will join me in publicly opposing these unlimited green card provisions and demanding they be stripped out of the legislation before it comes to a vote in the House.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Hagerty", with a stylized, cursive script.

Bill Hagerty
United States Senator