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# United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*  
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April 16, 2015

## Via Electronic Transmission

Ms. Virginia M. Rometty  
Chairman, President and Chief Executive Officer  
International Business Machines Corp.  
Armonk, New York 10504

Dear Ms. Rometty:

It has come to my attention that IBM will be laying off employees in the United States this year while at the same time apparently seeking to hire thousands of H-1B visa holders. I understand that some IBM employees have been provided notice that they will lose their jobs by July, and that some of these layoffs will affect Iowans.

I appreciate the contributions that IBM has made to the country, and specifically to the economy of Dubuque, Iowa. However, I'm concerned about reports of mass layoffs that ultimately result in the replacement of American workers with cheaper foreign workers. I understand that IBM employs many H-1B and L visa holders as well as foreign students with work authorizations. And, in the midst of planning layoffs in the U.S., IBM petitioned for 5,800 H-1B visas on April 1 of this year.

The intent of the H-1B visa program was to assist companies in filling high-skill jobs where there are not sufficient American workers to meet their employment needs. Our visa programs were never intended to facilitate the replacement of qualified American workers with foreign workers, nor did Congress envision that companies would retain foreign guest workers rather than similarly qualified American workers, when companies cut jobs.

I have made great efforts to protect the American worker during my service in the United States Senate. I have co-sponsored legislation to overhaul the H-1B and L-1 visa programs to give priority to American workers and to crack down on employers who give preference to foreign workers and deprive qualified Americans of high-skilled jobs. I also support strengthening educational opportunities for American students and workers so that Americans can compete successfully in this global economy. I know IBM is also committed to improving educational and career opportunities for those who enter STEM fields.

However, I'm concerned about IBM's planned mass layoffs. Therefore, during these times, it's imperative that IBM ensures that American workers have priority over foreign workers in

keeping their jobs. To learn more about IBM's plans and how the layoffs will affect U.S. workers, I would like you to respond to the following questions by April 29, 2015.

1. What are the different types of jobs that are being eliminated by IBM? How many employees in each area will be cut?
2. Are any of these jobs being cut currently held by H-1B or other employees with temporary worker visas (e.g. L-1, B-1)? If so, how many?
3. How many of these jobs being eliminated are filled by U.S. citizens? By lawful permanent residents? Of those positions, is IBM retaining similar ones filled by foreign guest workers? If so, how many?
4. Are any of the jobs being eliminated on account of a decision to outsource a company function to a third-party service provider that will place foreign workers at IBM worksites? If so, how many such foreign contract workers will be placed at IBM worksites in the United States and what visa status will they have?
5. Please provide me with the number of foreign workers who have been hired by IBM in the last twelve months in the U.S., and the type of visa that these foreign workers hold.
6. Please provide me with the number of foreign workers who will be hired by IBM between now and the time of the planned layoffs, and the type of visa they will hold.
7. Please provide me with a list of the job descriptions and locations for each of the approximately 5,800 petitions that IBM filed with U.S. Citizenship and Immigration Services for H-1B visas on April 1, 2015.

Finally, as I have made clear, during a layoff, employers should not be retaining H-1B or other foreign visa holders over qualified American workers. Our immigration policies are intended to protect U.S. workers when employers look abroad and import foreign workers. I encourage IBM to ensure that Americans are given priority in job retention during these upcoming layoffs.

Thank you in advance for your cooperation.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Judiciary Committee