



September 26, 2025

The Honorable Howard Lutnick
Secretary of Commerce
1401 Constitution Ave NW
Washington, D.C. 20230

Re: Presidential Proclamation: Restriction on Entry of Certain Nonimmigrant Workers
(Sept. 19, 2025)

Dear Secretary Lutnick:

On behalf of the members of the United States Chamber of Commerce, who are businesses of all sizes, I write concerning the President's recent proclamation implementing a \$100,000 fee on H-1B petitions.

Since 1990, the H-1B program has helped grow the U.S. economy, create American jobs, and lift wages for U.S. workers, by providing a path for a limited number of highly-skilled individuals located around the world to enter the United States and contribute to our economy.

Studies have demonstrated that the H-1B program contributes to increased domestic employment and higher wages. Studies that specifically looked at computer programming for example, found that "H-1B workers do not displace, but rather complement, [native workers]."¹ The arrival of H-1B workers in a metropolitan area is associated with greater employment and higher wages, in part because H-1B workers contribute to a dynamic and growing economic ecosystem.

Relatedly, other studies have found that when highly-skilled workers are not available through the H-1B system, this can cause companies to look to outsource entire functions.² This of course suppresses the domestic employment that would have complemented the highly-skilled worker here on an H-1B visa.

¹ Peri, G., Shih, K., & Sparber, C. (2014, April 20). The effects of foreign skilled workers on natives: Evidence from the H-1B visa lottery [Working paper]. University of California, Davis, Global Migration Center.

https://globalmigration.ucdavis.edu/sites/g/files/dgvnsk8181/files/2017-07/giovanni_the_effects_of_foreign.pdf.

² Glennon, B. (2020). How do restrictions on high-skilled immigration affect offshoring? Evidence from the H-1B program (NBER Working Paper No. 27538). National Bureau of Economic Research. <https://doi.org/10.3386/w27538>.

President Trump has embarked on an ambitious agenda, supported by the American business community, to attract more economic investment and support stronger economic and job growth through deregulation and permanent tax reform. To support this growth, our economy will require more workers, not fewer. As the President himself said in December about the H-1B program, "I always felt we have to have the most competent people in our country. We need competent people. We need smart people coming into our country. We need a lot of people coming in. We're going to have jobs like we've never had before."

That is why we are particularly concerned about the administration's new policy of imposing a \$100,000 fee on new H-1B visas. This additional fee is easily 10 to 20 times (more for smaller companies) above the current fees. This would clearly limit the ability of many companies, especially smaller firms, to hire the skilled individuals they need to grow their businesses and the American economy.

Specifically, we are concerned that:

1. The new \$100,000 fee will reduce the number of H-1B visa holders at a time when they are most needed. This will impede economic growth and job creation.

While the American workforce has grown by nearly 21 million people over the last 20 years, the number of H-1B visas has remained flat. To the extent that the new fee limits the number of visas that are economically viable, it will reduce the overall level of highly-skilled workers contributing to the American economy, stifling domestic job creation and wage growth. Further, the high cost of using an H-1B visa would serve as an incentive to relocate certain business functions overseas, thus resulting in a reduction in native employment alongside the reduction in H-1B workers.

2. The new \$100,000 fee will be especially detrimental to smaller firms.

For Fiscal Year 2025, there were 14,892 firms that secured only one new H-1B visa. Many of these are small to mid-size firms or start-ups. These firms are likely to have little ability to incur the additional \$100,000 in costs that have been proposed.

Contrary to the common notion that the H-1B program only impacts the professional services and information sectors, the program is actually used by a wide range of employers. According to data published by U.S. Citizenship and Immigration Services, of the 14,892 firms that were approved for just one H-1B visa:

- More than 1,400 are in the manufacturing sector;
- Approximately 1,300 are in the healthcare and social services sector;
- Over 900 are in the wholesale, retail or transportation and warehousing sectors; and
- Over 500 are in mining, utilities, or construction.

3. Depending on how it is implemented, the new fee could impair the ability of U.S. educated foreign students to contribute to our economy.

It is not clear whether the new fee would apply in cases where U.S. employers petition for an H-1B visa on behalf of recruits from U.S. universities who can change status without departing the United States. If applied to recruits from U.S. universities, the new fee would effectively terminate one of the few ways for foreign students who have been educated and trained in the United States to be able to remain and contribute to our economy.

4. To the extent that firms pay the new \$100,000 fee, it will reduce funds available to invest back into businesses, including in the form of higher wages and benefits for native employees.

For these reasons, we believe it would be beneficial for the administration to rescind the proclamation of September 19, 2025 imposing the new \$100,000 fee and instead we encourage the administration to work with Congress to look at reforms to the H-1B program that could accompany an increase in the number visas annually available to meet the needs of our growing economy.

Should the administration wish to maintain the proclamation, we urge you to offer further clarifications around its application that would address the questions detailed in the enclosed attachment.

Thank you for your consideration and for all the work you and the rest of the administration are undertaking to help grow the American economy.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley", with a large, stylized flourish at the end. The signature is positioned to the left of a vertical line.

Neil L. Bradley
Executive Vice President, Chief Policy Officer, and
Head of Strategic Advocacy,
U.S. Chamber of Commerce

Cc:

The Honorable Marco Rubio, Secretary of State
The Honorable Kristi Noem, Secretary of Homeland Security

ATTACHMENT

Below are some of the questions the U.S. Chamber of Commerce has received from our members regarding the scope and application of the proclamation of September 19, 2025, entitled “RESTRICTION ON ENTRY OF CERTAIN NONIMMIGRANT WORKERS”

- Will the Department of Homeland Security (DHS) or Department of State (DOS) publish regulations on how the fees will be collected, and will the public have an opportunity to comment on the proposed regulations?
- Consistent with the guidance from the DHS and DOS, is a “new” petition one that is filed for an employee who is counted for the first time against a fiscal year’s numerical quota (selected for that fiscal year’s visa lottery)?
- What do the Administration and the Executive Branch agencies deem a visa “renewal” for purposes of determining applicability of the fee?
- What evidence will be required to demonstrate that a particular H-1B beneficiary is not subject to the new \$100,000 fee? Would receipt for a petition filed or visa issued before September 21, 2025, be sufficient?
- How can the beneficiary applying for an H-1B visa demonstrate that the fee was paid?
- Is an amended petition, whether because of changed employer or working conditions, deemed a “renewal” and not subject to the fee?
- Does the fee apply to employers who are not subject to the H-1B visa’s annual numerical limit?
- How will the Administration and Executive Branch agencies assess whether a fee waiver is appropriately in the U.S. national interest?
- Will the fee apply to changes of status where an employee changes status from another visa category to H-1B?