

Congress of the United States

Washington, DC 20515

December 4, 2025

Mr. Stephen Miller
Deputy Chief of Staff for Policy and Homeland Security Advisor
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C., 20500

Mrs. Kristi Noem
Secretary
Department of Homeland Security
300 7th Street, S.W.
Washington, D.C., 20024

RE: Fairness for High-Skilled Americans, Terminating the Optional Practical Training (OPT) Program

White House DCOS-P Miller and Secretary Noem:

We are writing to illuminate the Immigration and Customs Enforcement's (ICE) Optional Practical Training (OPT) guest worker program that was never authorized by Congress and broadly expanded by the Obama Administration. Americans have never been more ready to be put first. As President Donald J. Trump works diligently to deliver on the America First promise to our nation, we encourage you to identify OPT as a program that is dangerously unauthorized, abused, and costly to the American taxpayer.

OPT has never been riper for repeal. Created in 1992, OPT was never authorized by Congress, thus not subject to certain regulatory oversight. It circumvents the H-1B visa cap set by Congress by allowing aliens to overstay their F-1 student visas to work in STEM fields for up to three years in the U.S. if they completed just one year at an institution of higher education in the country. Advocates of OPT claim the program fills gaps in the U.S. workforce while providing students with experience, but it is filling a gap that the program itself has created by paying cheaper wages for aliens and putting American students last. The program does not offer any safeguards to protect American students.

Luckily, OPT was created by a pen and can be terminated by the President's pen. We cosponsor the House legislation, H.R. 2315, the Fairness for High-Skilled Americans Act, to codify a "clean" termination and prohibit any similar program unless explicitly authorized by Congress.¹ We encourage you, as the immigration advisors to the President, to swiftly terminate the OPT program so Congress can do its part to make the President's action permanent. However, any action to change OPT other than immediate termination could inadvertently codify the program, like the Deferred Action for Childhood Arrivals (DACA).

While H-1B visas are abused but receive some oversight, the effects of OPT on the American STEM workforce are difficult to capture due to poor recordkeeping. ICE admits "the total number of foreign students working at any point during the year may exceed the number of employment authorizations issued each year because STEM OPT extensions are two-year authorizations and OPT authorizations are granted on a rolling basis throughout the year."²

In 2024 alone, 194,554 foreign students obtained work authorization through OPT, (a 21 percent increase from 2023), and 95,384 foreign students through STEM OPT (a 54 percent increase from 2023), with greatest number of these students originating from India and China.³

¹ H.R. 2315, 119th Congress.

² U.S. Immigration and Customs Enforcement. (2024) "Student and Exchange Visitor Program 2024 SEVIS by the Numbers Report." ([Report](#))

³ U.S. Immigration and Customs Enforcement. (2024) "Student and Exchange Visitor Program 2024 SEVIS by the Numbers Report." ([Report](#))

Before the House Judiciary Committee, Jessica Vaughan of the Center for Immigration Studies, said OPT represents “the largest unregulated guest worker scheme in the United States.”⁴ The program rewards Big Tech and Big Pharma for circumventing the U.S. immigration system to hire foreign workers over Americans. The top companies abusing OPT include Amazon, University of California, Arizona State University, University of Texas, and Bright Mind Enrichment and Schooling (which created the Vaccination Rewards app), while those abusing the STEM two-year OPT extension are Amazon, Google, Microsoft, Meta, and University of California.⁵ These are not the small, American businesses in our districts innovating to put food on their tables this holiday season and support the next generation of domestic manufacturing. However, we can guarantee these small businesses are among those hit the hardest by OPT’s fleecing of payroll taxes.

The OPT program provides firsthand access to American domestic agricultural supply chains, defense research and development, fertility care, and critical infrastructure management. The 2024 Department of Homeland Security STEM designated degree list for OPT includes dairy science, livestock management, food technology, artificial intelligence, transportation and highway, telecommunications, nuclear engineering, mining and mineral engineering, semiconductor engineering, reproductive biology, missile and space systems, and experimental psychology, to name a few.⁶ Immigration Accountability Project recommends immediate termination of OPT due to the looming national security threat, citing a 2022 GAO report stating that ICE has not assessed OPT's vulnerability to Chinese espionage.⁷ ⁸ Why incentivize our adversaries to send their youth to work on critical investments in the U.S. STEM industry, providing a direct channel for foreign interference in U.S. technology?

We would be remiss if we did not underscore the uncharted impacts of OPT on Social Security solvency. OPT fleeces taxpayers to support a foreign workforce that is exempt from Federal Insurance Contributions Act (FICA) and Medicare payroll taxes and thus, not paying into Social Security. NumbersUSA reports OPT costs the Social Security and Medicare trust fund \$4 billion annually.⁹ Essentially, employers receive a taxpayer-sponsored discount for hiring foreign workers—a use of tax dollars most Americans would overwhelmingly disagree with.

Simply put, OPT strips opportunities from American students to reward businesses who employ foreign labor through lower wages and little to no benefits. F-1 visas are intended for foreign students to study in the U.S., not to replace Americans in the workplace. At the bare bones of this argument, OPT is costly to the American taxpayers who subsidize this employment of foreign students, and abused by foreign STEM pupils, posing a significant threat to U.S. national security.

The President enacted the historic Working Families Tax Cuts Act to promote economic growth for everyday Americans after four sleepy, stagnant years. We simply cannot afford to let OPT taint its success. H.R. 2315, the Fairness for High-Skilled Americans Act, will permanently prohibit this reckless program and put Americans first.

⁴ Subcommittee on Immigration Integrity, Security, and Enforcement. (2025, June 25) “Restoring Integrity and Security to the Visa Process.” ([Written Testimony](#))

⁵ Jackson, Jon. (2021, August 04) “These States Are Renewing Incentives in Bid to Get More People Vaccinated.” *Newsweek*. ([Article](#))

⁶ *Homeland Security Investigations, National Security Division*. (2024, July 22) “DHS STEM Designated Degree Program List.” ([List](#))

⁷ *Immigration Accountability Project*. (2025, March 10) “OPT: Unauthorized Program that Harms American Graduates.” ([Fact Sheet](#))

⁸ *Government Accountability Office*. (November 2022) “CHINA: Efforts Underway to Address Technology Transfer Risk at U.S. Universities, but ICE Could Improve Related Data.” ([Report GAO-23-106114](#))

⁹ *NumbersUSA*. “Fact Sheet: Optional Practical Training (OPT).” ([Fact Sheet](#))

We request your swift assistance terminating OPT so Congress can put an end to this tragedy once and for all. Thank you for your steadfast commitment to putting American students, American small businesses, and American economic prosperity first.

Sincerely,



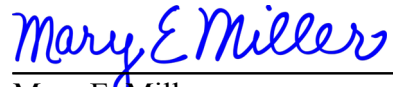
Paul A. Gosar, D.D.S.
Member of Congress



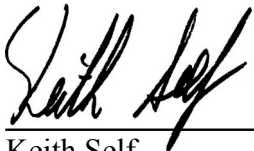
Chip Roy
Member of Congress



Troy E. Nehls
Member of Congress



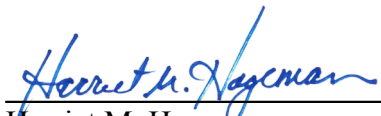
Mary E. Miller
Member of Congress



Keith Self
Member of Congress



Barry Moore
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Harriet M. Hageman
Member of Congress



Warren Davidson
Member of Congress



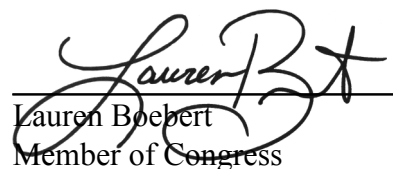
Andy Ogles
Member of Congress



Michael Cloud
Member of Congress



Josh Brecheen
Member of Congress



Lauren Boebert
Member of Congress

A handwritten signature in black ink, reading "Elijah Crane". The signature is fluid and cursive, with the first name "Elijah" and last name "Crane" clearly distinguishable. It is positioned above a horizontal line.

Elijah Crane

Member of Congress