

## Buy and Hire American, to the Extent Possible

### Federal Publications Seminars

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On April 18, 2017, at the headquarters of Snap-On Incorporated, a Wisconsin-based manufacturer, Donald J. Trump signed an Executive Order titled "Buy American, Hire American". The Hire American portion, explained in all of two paragraphs in Section 5, requires the Attorney General and Secretaries of State, Labor, and Homeland Security to "consistent with applicable law, propose new rules and issue new guidance, to supersede or revise previous rules and guidance if appropriate, to protect the interests of United States workers in the administration of our immigration system". The second paragraph is a bit more specific inasmuch as it states that these folks ought to "suggest reforms to help ensure that H-1B visas are awarded to the most-skilled or highest-paid petition beneficiaries." Among those in attendance were likely Snap-On's H-1B employees, since the company is a perennial petitioner for H-1B workers at its Kenosha, Wisconsin location.[1]

Of the items mentioned in the Executive Order, neither the wage requirements, the qualification requirement, nor the number of visas issued may be revised by the President alone. Why? Each are set by statute[2] and require approval by both the Senate and the House of Representatives in order to be amended. Of course, any lawyer or even history buff knows this. President Truman, for example, was frustrated by his inability to roll back the regional biases proposed in H.R. 5678, now known as the Immigration and Nationality Act of 1952.[3]

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