

Senator Chuck Grassley
Questions for the Record
U.S. Senate Committee on the Judiciary
“Immigration Reforms Needed to Protect Skilled American Workers”

1. TO MR. BENJAMIN E. JOHNSON

- Do you believe that the replacement of Southern California Edison workers by H-1B workers discussed at the hearing is allowed under the H-1B laws, and if so, do you believe it should continue to be legal?
- In your written testimony you state that “skilled immigrant workers do not take American jobs, but complement American workers.” How is this an accurate statement in light of the layoffs that happened at Southern California Edison, Northeast Utilities, and other companies around the country?

2. TO MR. BJORN BILLHARDT

- Should the law give priority for visas to any specific categories of H-1B workers, and if so, which categories? I don't think it makes sense to restrict the nature of the H1-B visa program by category of employment. It should be up to employers to offer jobs – at fair wages – to the people they feel they need to grow their businesses. The next Henry Kissinger, Albert Einstein, or Cary Grant may have a degree in literature or graphic design and any government bureaucracy that tries to define which employment backgrounds are worthier than others to contribute to the American Dream will likely do more harm than good.
- During the hearing you said that “there are clearly some abuses of the system and they're clearly committed by companies that have a certain profile.” What are the abuses you are aware of and what is the company profile you had in mind? I was reacting to testimony of the other witnesses – I do not have personal knowledge of any abuses. In general, ensuring that the H1-B program is used only for legitimate purposes of augmenting the US workforce with highly skilled – and fairly compensated – foreign talent is a goal I wholeheartedly support.
- Do you believe that what Southern California Edison did is an “abuse” of the H-1B program? I do not know enough about Southern California Edison to comment on this specific case.

3. TO PROFESSOR RON HIRA

- Do you believe that the replacement of Southern California Edison workers by H-1B workers discussed at the hearing is allowed under the H-1B laws, and if so, do you believe it should continue to be legal?
- Should the law give priority for visas to any specific categories of H-1B workers, and if so, which categories?
- We frequently hear that the majority of the students in graduate schools in engineering and computer sciences are international, and their education is often subsidized by the US government. Mr. Billhardt provided one such example in his testimony. Is the H-1B program being used primarily to retain these students?
- Could you explain the ways by which you understand firms use the H-1B and L-1 programs to facilitate the offshoring of US jobs and describe the impacts on the US workforce and economy of such offshoring?
- During the hearing we heard about an American Enterprise Institute study (Madeline Zovodny, “Immigration and American Jobs”) that concludes that each H-1B creates 1.83 additional jobs for Americans. There was also reference to a 2008 National Foundation for American Policy study that concluded that each H-1B worker creates 5 new jobs (see <http://www.nfap.com/pdf/080311h1b.pdf>). Are you familiar with the studies in question? Do you agree with the studies’ conclusions?
 - Does the AEI study or any other similar study you know of measure the job-creating powers of *American* workers?
- During the hearing there was discussion of a 2013 article by the Brookings Institution (“H-1B Visas and the STEM Shortage”) that stated that “H-1B workers are paid more than U.S. native-born workers with a bachelor’s degree generally (\$76,356 versus \$67,301 in 2010) and even within the same occupation and industry for workers with similar experience.” Do you agree with the conclusions in that Brookings article?
- If the minimum wage for exempting H-1B Dependent employers from recruitment and non-displacement were raised from \$60,000 to \$95,000, would this solve the problems in the H-1B program?
- Do the top H-1B employers generate large numbers of patents?
- How does the H-1B program impact the racial and gender diversity of STEM workforce?
- What is the “B-1 in lieu of H” visa category provided for in the State Department’s Foreign Affairs Manual? What is your understanding of the way in which this visa category is used to bring foreign workers to the U.S. outside of the H-1B and L-1 programs?

4. TO MR. JOHN MIANO

- How should the OPT program be reformed to better protect U.S. workers?
- Does S.744 or the “I Squared” bill solve the problems associated with the OPT program?
- Could you explain the ways by which you understand firms use the H-1B and L-1 programs to facilitate the offshoring of U.S. jobs and describe the impacts on the U.S. workforce and economy of such offshoring?
- What is the “B-1 in lieu of H” visa category provided for in the State Department’s Foreign Affairs Manual? What is your understanding of the way in which this visa category is used to bring foreign workers to the U.S. outside of the H-1B and L-1 programs?
- How does the H-1B program impact the racial and gender diversity of STEM workforce?
- On February 24, 2015 USCIS announced the publication of a final rule granting employment authorization to tens of thousands of H-4 spouses of H-1B workers. What is your understanding of the legal authority upon which USCIS is basing this regulation? Is it the same employment authorization authority that DHS asserts underlies the OPT program? DACA?

5. TO MR. JAY PALMER

- Could you please expand on the type of work that you saw was being done by foreign workers in B-1 business visitor status at U.S. client company worksites?

6. TO PROFESSOR HAL SALZMAN

- April 1 is the opening day of the Fiscal Year 2016 H-1B filing season. Many believe that all 85,000 cap-subject H-1B visa slots will be allocated within days of the opening day of the H-1B filing season and that such demand for H-1B visa numbers means that the U.S. suffers from a shortage of tech workers able to fill those jobs. During the hearing you remarked that this phenomenon does not indicate a shortage of U.S. workers for those jobs so much as a shortage of *discounted* labor. Could you please expand on your answer?
- According to a 2012 publication by the U.S. Chamber of Commerce, the unemployment rate among petroleum engineers is 0.1 percent. Is the appropriate response to a low unemployment rate in a particular STEM field necessarily to increase levels of H-1B visas?

- According to the testimony provided by Mr. Johnson, the unemployment rates for some STEM occupations appear low. Do low unemployment rates indicate full employment in these fields?
- Could you explain the ways by which you understand firms use the H-1B and L-1 programs to facilitate the offshoring of US jobs and describe the impacts on the U.S. workforce and economy of such offshoring?
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- The employment projections made by the Bureau of Labor Statistics are often used to predict shortfalls in the future domestic supply of STEM workers. Could you explain whether these projections show a shortfall?