

U.S. Senator David Vitter

Questions for the Record

“Immigration Reforms Needed To Protect Skilled American Workers”

March 17th, 2015

Bjorn Billhardt

- (1) You mostly discussed your experiences with the H1-B visa program, but there are many other programs that were discussed during the hearing. What is your opinion of some of these other programs, such as the Optional Practical Training program and the “B in lieu of H” program, that have an even greater potential for exploitation by large companies due to the lack of regulations in place regarding the granting of these visas?

- a. Would you personally use these programs if the opportunity presented itself?

Thank you for this thoughtful question. I, in fact, did use the OPT. This one-year study extension program allowed me to stay in the US after I completed my business studies. It was essential for me to be able to stay one year without having to prove to a federal bureaucracy that I have extraordinary abilities or enter the lengthy and uncertain process of filing the H1-B while still in school. More importantly, I know many immigrants for whom the OPT was an essential stepping stone without which they would have needed to return to their home country within weeks of completing their studies.

I don't see how many abuses can happen under the OPT – to my knowledge, this program is not open to workers from abroad but geared to US students, most of whom have been studying in the US funded by US taxpayers. Discontinuing this program would most certainly make more of them leave rather than allowing them to find the right job here in the US and contribute to our economy.

I know less about the B program, but it seems like an essential tool for multinational businesses like Daimler or Toyota that want to open manufacturing facilities in the US and create US jobs. I did not use the B program, but if I had started my career in Germany, I could very much see myself having used it to transfer to a US facility to continue my career in the US.

- (2) Hypothetically, if you were to select a foreign worker with a visa to replace an American worker, would you have the American worker train the worker that would replace him before making the replacement?

- a. Is that part of the American dream you discussed? Is that an ethical practice?

I think this question is conflating two issues. In a free market economy, employers need to be free to replace employees using ethical and legal employment practices to improve the operation of their business. At times, when one employee is replaced with another for legitimate business reasons, the transfer of knowledge is essential to the smooth operation of the business. This process is never easy and

often heart-breaking (and full of risks) for all sides involved yet an economy that does not allow business owners and managers to make these tough decisions is not truly a free market economy.

The practice of transferring knowledge from one worker to another, however, is in my mind not related to the question of whether America should continue to provide opportunities for people from other countries to join the American Dream or, alternatively, close its doors to the outside world and shut down a process that was instrumental in founding this country and making it the greatest nation on earth.

- (3) What is your opinion of companies like Google, knowing that they use consulting companies like Infosys to exploit these visa programs, which gave you so much opportunity, by taking advantage of cheap foreign labor and funnel temporary workers in and out of the country that have no intention of obtaining a green card?

I think that there are many easy ways in which true abuses of the system can be curbed without changing the basic nature of the very successful temporary H1-B program. Not everyone that comes on an H1-B visa wants to or will obtain a green card and stay. Many Americans enjoy being able to work abroad for a few years, and many people from other countries find value in living and contributing their skills here for a few years. Coming to the US on a temporary basis without intention of staying is not an abuse of the system by itself. 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.

Benjamin Johnson

- (4) You said that foreign workers positively impact the wages and employment opportunities of native-born workers across our economy in you opening statement, but the rising number of unemployed recent college graduates and the firsthand account of Infosys's desire to bring in cheap labor through these various programs tell a different story. How do you reconcile your views with the reality of large companies abusing the programs?
- (5) You also referred to these foreign workers on visas as "skilled" in a blanket manner, yet there are quite a few immigrants using the program that are not skilled as evidenced through testimony and other information submitted into the record. Will you continue to use that term in such a broad manner after hearing and reading the information presented during the hearing?
- (6) In your testimony, you praised the Optical Training Program for foreign students, despite it being used to circumvent the H-1B program and supply large corporations with cheap foreign labor because there are no requirement that the OPT workers be paid the locally prevailing wage or even the actual wage being paid to similarly qualified employees. Are you willing to concede that this program needs to be better regulated with wage requirements and policing measures?
- (7) Do you agree that the "B in lieu of H" visa, AKA B-1 Business Visitor Visa, is another problem that, at the very least, needs fixing through the development of guidelines clarifying the scope of activities permissible given that immigrants with this classification are typically employees of

foreign IT consulting companies who are being sent to the U.S. to perform services for a U.S. client company?

- a. Doesn't this fact seem to fly in the face of the intended purpose of the program?