

laid-off Edison worker told the columnist that company supervisors told a group of workers last year: “We can get four Indian guys far cheaper than the price of you.”

Worse yet, most of the 500 jobs that had been held by Americans will eventually just move overseas. According to the Los Angeles Times, Edison admits that eventually about 70 percent of the work will shift overseas permanently.

Edison describes the 400 layoffs as a “transition” to the foreign IT consulting companies that “will lead to enhancements that deliver faster and more efficient tools and applications for services that customers rely on.”

Then it adds further: “[T]hrough outsourcing, [Edison’s] information technology organization will adopt a proven business strategy commonly and successfully used by top U.S. companies that [Edison] benchmarks against.”

With respect to replacing American workers with H-1B workers, Edison says the company “is not hiring H-1B workers to replace displaced employees.” Edison’s cynical defense is built upon a very shameless exploitation of a loophole in the H-1B laws. That loophole says that technically Edison isn’t the H-1B workers’ employer; the two foreign consulting companies are. The H-1B workers are just contracted out for extended, potentially multiyear periods from the foreign consulting companies to the American company, Edison. Thus, Edison argues that it is not subject to the requirements under the immigration laws that I spoke of earlier. They argue that because they are not the employer who petitioned directly for the H-1B workers, they—Edison—don’t have to abide by the working condition requirements or the 90-day rule.

The condemnation of this attack on American workers has been very quick and, quite frankly, bipartisan. On February 10 over 300 members of the International Brotherhood of Electrical Workers rallied in Irvine, CA, in support of their fellow Edison employees. Several Members of Congress have expressed concern about the situation. On February 17 the Economic Policy Institute sent a letter to the Secretary

of Labor asking him to investigate the Edison layoffs. Specifically, the institute asked the Secretary of Labor to determine whether Edison, the foreign consulting companies, or any of the parties involved in these layoffs violated the requirements that the hiring of H-1B workers not “adversely affect the wages and working conditions of U.S. workers comparably employed.”

I echo the request of the Economic Policy Institute. The prohibition on adversely affecting U.S. workers can reasonably be applied to situations, such as in the Edison case, where the H-1B workers are contractors at a worksite rather than employees.

I also draw your attention to a powerful February 16 Los Angeles Times editorial entitled “End H-1B visa program’s abuse.” The Los Angeles Times calls Edison’s action “part of a years-long trend among companies of misusing H-1B visas to undercut wages and offshore high-paying American jobs.” The Los Angeles Times concludes that the H-1B program, although perhaps well-intentioned, is “broken” and that “Congress needs to fix it.” And, of course, I could not agree more, as evidenced by all the amendments I offered in 2013 on the immigration bill.

This situation with Southern California Edison is not new. It is happening time and time again. American workers are losing out because the law is not strong enough to protect them, so it needs to be fixed.

Any proposal to reform the H-1B program must include substantially increased protections for U.S. workers such as I have proposed many times in the past. These protections must at a minimum include the requirement that companies first recruit here at home before they import more foreign workers. We also need to reform the H-1B wage requirements so that U.S. workers’ wages would no longer be undercut by H-1B workers’ wages. There also needs to be more oversight of the program, including random audits of those who use the program.

Tightening the law to ensure that U.S. workers have the first opportunity at high-paying, high-skilled jobs in this country is a no-brainer. Yet there is so much opposition to this philosophy. I just cannot believe the opposition. As I

stated earlier, the majority in the last Congress—and that happened to be a bipartisan majority—pushed for changes to the H-1B program but voted against every single amendment I offered to ensure that U.S. workers were given priority.

Now there is a lot of fanfare and a lot of talk about a high-skilled bill that has been reintroduced in the Senate that would increase the annual number of H-1B visas. The sponsors of the bill claim it will “boost our competitiveness in the global economy.” This bill only makes the problems worse. It doesn’t plug the loopholes. It doesn’t make sure American workers are put before foreign workers. It doesn’t ensure that employers don’t use the program to pay cheaper wages, which then in turn disadvantages U.S. workers.

The H-1B program could be a very worthwhile program. According to the original intent, I obviously would support it because we want workers to do the jobs that need to be done in America, but it should first be people who are already here.

Our employment-based immigration programs could have served and could again serve a valuable purpose if used properly. However, they are being misused and abused. They are failing the American worker. Reforms are needed to put integrity back into the programs and to ensure that American workers and students are given every chance to fill vacant jobs in this country. So I am putting my colleagues on notice that I am committed to this effort. As chairman of the Judiciary Committee, I don’t intend on allowing legislation to move through this body without reforms to the H-1B program that protect American workers.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:05 p.m., adjourned until Wednesday, February 25, 2015, at 9:30 a.m.