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Immigration and Claims Subcommittee of the
House Judiciary Committee

"Is the Department of Labor
Doing Enough to Protect U.S. Workers?"

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Disclosure

I have received no compensation or reimbursement, directly or indirectly, from any third party to produce or present any of these materials.

Summary

The only real protection for U.S. workers that exists in the H-1B visa program is the annual quota. The quota provides the marginal protection of limiting the amount of damage the H-1B program can cause to the U.S. workforce.

The most significant reason U.S. Workers have little protection from H-1B abuse is the structure H-1B program itself:
1. Restrictions on enforcement
2. Poor collecting, reporting and sharing of data.
3. The business importing and contracting out H-1B guest workers.
4. Many practices that reasonable people would consider abusive are permitted under the law.

H-1B employers have learned they have little risk of engaging in abuses practices and apparently no longer see need to conceal them.

Restrictions on Enforcement

The statutes governing the H-1B program include bizarre restrictions on the Department of Labor that are intended to ensure the law does not get enforced. These include:

- 8 U.S.C. § 1182 (n)(1)(G)(ii) Limits the approval process for Labor Condition Applications to Checking the form is filled out.
- 8 U.S.C. § 1182 (n)(2)(G)(i) Requires the personal approval of the Secretary of Labor to launch an investigation.
- 8 U.S.C. § 1182 (n)(2)(G)(iii) Prohibits investigations when the source of information is an employee of the Department of Labor.
- 8 U.S.C. § 1182 (n)(2)(G)(vii) Limits the sections that may be investigated.

As the system is set up now, the H-1B program relies entirely upon the H-1B workers themselves to complain about violations of the law. The statutes should state something to the effect, "The Department of Labor has the *authority to enforce* all provisions of the H-1B program."

Data Issues

The state of data collection and reporting in the H-1B program is such that the most basic questions about the program cannot be answered:

- How many new H-1B visas are approved each year?
- How many H-1B workers are in the country?
- What companies are employing H-1B workers and how many workers does each have?

The answer is, "No one knows."

With regard to the first question, the problem is a lack of data sharing. Presumably, USCIS has this information but it refuses to share or make public its data on visas actually issued. I urge Congress to make the data related to H-1B applications available in the same manner as the Labor Condition Application (LCA) data is now.

As to the number of H-1B workers in the county, there is simply no way to know under the current system. Once someone enters the country on an H-1B visa, the paper trail effectively ends. There is no requirement that employers file an annual report on the status of their H-1B guest workers. The H-1B disclosure data makes me suspect (see below) that a substantial number of people come to the U.S. on H-1B visas and simply disappear, not actually working for the company that sponsors them.

I find it disturbing that the Senate has passed legislation (Comprehensive Immigration Reform Act of 2006) to increase the size of the H-1B program when the Senate has no idea how large the program is already. This Senate bill is claimed to increase the annual number of H-1B visa from 65,000 to 115,000 when the current annual figure is probably close to 100,000 already. I estimate the Senate bill will immediately raise the H-1B numbers to about 175,000 and contains two provisions that will effectively remove all limits in the near future.

While I am on the topic of the Senate bill, I point out that it contains no reforms whatsoever to the H-1B program. It just makes the numbers bigger. This is particularly ironic considering this legislation is being billed as, not just "Immigration Reform" but rather, "Comprehensive Immigration Reform".

The H-1B Business

One unintended result of the H-1B program was the creation of the business of importing workers on H-1B visas ("H-1B Bodyshops"). In theory, the H-1B program is supposed to fill jobs where employers cannot find U.S. workers. In practice what has been created is a system of companies that simply import guest workers. Such companies may contract out guest workers to other companies; they may serve simply as "paper" employers as shown in many job postings; or they may simply serve as a conduit for illegal immigration. The H-1B program is set up so that nearly anyone can set up a corporation in their basement and start sponsoring guest workers.

As long as companies can place their guest workers with other companies it is impossible to have such a visa program operate rationally. Such subcontracting arrangements make it impracticable to:

- Protect the U.S. workers at companies that contract for foreign labor through third parties.
- Monitor where H-1B workers are or whether they are working at all.

Most importantly, this system of contract labor puts H-1B guest workers in direct competition with U.S. workers for jobs.

The LCA disclosure data suggests that contract labor suppliers import the vast majority of H-1B computer professionals (over 2/3rds). The percentage of H-1B workers actually going to U.S. "high-tech" companies appears to be very small.

The use of contract labor is widespread in the computer industry. One change that has taken place over recent years is that very few companies now advertise for contract labor directly. Instead they employ "preferred vendor lists" to announce openings for contract labor. Companies that restrict their preferred vendors lists to "H-1B Bodyshops" effectively exclude U.S. workers from their positions.

The Need for Auditing

There is no effective way to monitor any program like H-1B without auditing. There needs to be a mechanism in place that allows the organization in charge of enforcement of the H-1B program to examine data, note patterns of suspicious activity, and conduct audits.

Sources of Information on Abuse

For those of us who follow the computer industry closely, it is not hard to find evidence of H-1B abuse. Signs of such abuse can be found:

- In Job Advertisements
- On Discussion boards for H-1B workers.
- In the U.S. and foreign press
- The H-1B Disclosure Data
- And the in the daily lives of computer professionals.

The types of abuse one encounters include:

- Direct Displacement of U.S. workers by foreign guest workers.
- "Benching" – Non-payment of wages during times of inactivity.
- False information on Labor Condition Applications
- Not paying wages according to labor certification
- Employers discriminating against U.S. workers.
- H-1B dependent employers not making a good faith effort to recruit U.S. workers
- Wages below the actual prevailing wage on labor certifications
- Low wages

I would like to direct your attention to some specific information that suggests violations of the law and warrants possible investigation, yet never gets acted upon.

Statements of H-1B Workers Themselves

The best place to get an idea of the types of violations going on in the H-1B program is to examine the discussion boards for H-1B workers. There are many of them on the Internet,

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including USENET and Yahoo! Here are some extracts all taken from the discussion forum at boards.immigrationportal.com and yahoo.com

> The old company has done lot of things against law..like not paying employees during bench, transferring technical approved labor to marketing people etc etc. !!

> My girl friend came to US in June, 2001 through a software company on H1 visa. Soon after she reached here, that company told her they can't pay her until they find a client/project for her. They even refused to pay bench salary…

> The employer seems to be selling off pre-approved LC to people and making money out of it. They earned good enough money out my work on client projects and had no problem then. Also, he kept me on bench w/o any pay for almost a month which I know is not legal...

> I got married on 25th Jan. What concerns me is that during 2002 I was on bench for 4 months and my W2's show less salary than what is projected in LCA.

> I am planning to quit my employer 3 months after my I-485 approval i.e in July 2005 and join a new company.The reason is that I would be coming on bench in July and my employer pays me half salary on bench.So I hope this reason would be sufficient enough to leave my employer to justify 5 yrs down the line when I go for US citizenship.

> I may try to transfer my H1B after I get few pay stubs from them. But, there was an agreement that I may have to work for them for couple of years. Can I show the reason, that my employer didn't pay for bench period , so I am transfering my H1B?

> I have been taken for a ride by a company called everest consulting located in NJ. they owe me some salary for benchtime and some more for when I was on project. Apart from this they have also encashed a bank gurantee of 100000(1 lakh INR) that they took from me in case i leave before one year.

> I am Ajay from delhi, I got the offer for USA Based Company for H1B, they want Rs. 65,000 RS for deposit which supposed to re-fund.

Such comments are typical rather than exceptional. It took me 15 minutes to find these. I stopped when I had a full page worth.

Displacement of U.S. Workers

This is an example from the U.S. media. U.S. Workers at Bank of American have to train their foreign replacements in order to collect severance pay, David Lazarus, "BofA: Train your replacement, or no severance pay for you", San Francisco Chronicle, June 9, 2006, p. D-1. The companies involved were Tata and Infosys, two of the largest users of H-1B visas.

I assume that Congress did not intended for situations like this to occur. Are the non-displacement provisions of 8 U.S.C. § 1182 (n)(2)(E) being complied with in a situation like this? If so, what means are being used to circumvent them?

Currently, H-1B dependent employer supplying contract labor must inquire whether the labor will displace U.S. workers and must have no knowledge that the contract labor will displace U.S. workers. The current non-displacement provisions are useless as a practical matter. First of all they only apply to H-1B-dependent employers. Most importantly, the system of protection is backwards. In contract labor situations, the statute places the burden of the marginal protections with the supplier of H-1B labor rather than the employer of the displaced workers. The employer is the party most likely to be aware of and able to prevent the displacement of U.S. workers, so much so that in nearly all cases I am aware of, the employer required the displaced U.S. workers to train their guest worker replacements in order to collect severance pay. Finally, the statute promotes willful ignorance. There is no penalty for an employer that gives a false response to the required inquiry.

Although I am aware of many cases where H-1B workers have displaced U.S. workers, I know of no case where an enforcement action has been brought under this provision. Should such an action be brought, I suspect that the parties involved will claim that U.S. workers were not displaced but rather there was some form of an "outsourcing" arrangement.

H-1B Wages

I have addressed the problem of the prevailing wage system for H-1B workers previously so I will only mention it here again briefly. Employer prevailing wage claims on LCAs are extemely low compared to the wages actually paid to U.S. workers. The wages to be paid to H-1B workers on LCA are also extremely low compared to U.S. wages.

Those are just the overall wages for H-1B workers. In many cases the wages being reported on LCAs are simply ludicrous (e.g. $21,000 for a computer programmer in Beverly Hills).

My examination of wages has been limited to those in computer programming occupations. EE Times did a similar analysis for wages of H-1B engineers and got with similar results, Roman, David, "H-1B pay drags down all salaries", EE Times, June 19, 2006.

In the prevailing wage area, Congress has made enforcement of the law impossible. This is not only due to the restrictions placed on the DoL but also the wide latitude given to employers. By allowing employers to choose the prevailing wage using nearly any source, in most cases it is impossible to verify whether the prevailing wage claim is even

the published value because the DoL may not have access to the source of the prevailing wage claim. Even when the wage source is available, in most cases I have examined using non-government sources for the prevailing wage, it is impracticable to tell what job classification the employer actually used to make claim.

Are H-1B workers employed at the location or in the occupation they are certified for?

Here is an example of how the data in the H-1B LCA disclosure data suggests suspicious behavior in the H-1B program. Table 1 ranks cities by the number of LCAs for computer programming workers that specify them as the work location.

Rank	City	LCAs
1	New York, NY	5,632
2	San Jose, CA	2,297
3	Edison, NJ	2,276
4	Houston, TX	2,157
5	Atlanta, GA	2,087
6	Redmond, WA	2,044
7	Chicago, IL	1,944
8	Dallas, TX	1,713
9	Irving, TX	1,513
10	Newark, NJ	1,477
11	Santa Clara, CA	1,393
12	Iselin, NJ	1,223
13	Jersey City, NJ	1,169
14	Los Angeles, CA	1,145
15	San Diego, CA	1,128
16	San Francisco, CA	1,053
17	Boston, MA	1,020
18	Reston, VA	981
19	Austin, TX	951
20	Fremont, CA	950

Table 1. LCAs for Computer Programming Workers by Work Location, FY 2005

New York, the nation's largest city is not surprisingly at the top. San Jose, in Silicon Valley, is not a surprising second. However, more LCAs were filed with the work location Edison NJ (pop. 97,687), Iselin NJ (pop. 16,698), Newark NJ (pop. 273,546), and Jersey City NJ (pop. 240,055) than for Los Angeles CA (pop. 3,694,820)

Let me take this analysis to the next step. Since the data for actual H-1B visas issued is not available, I present a qualitative (as opposed to quantitative) analysis of what is happening in NJ.

According to the H-1B disclosure data, 7,500 LCAs were filed for computer programming occupations that specified NJ as the work location in FY 2003. On average, there are about 3 LCAs for each H-1B visa. That ratio suggests that these LCAs translate into about 2,500 H-1B programmers coming to NJ.

In contrast, during the three-year period from 2002 to 2005 New Jersey gained a total of 1,830 computer programming and mathematical jobs according to the BLS. (From the LCA disclosure data alone, one cannot tell if or when a particular LCA got translated into

a visa. Therefore, I have used a three-year window because we can be certain that any visas resulting from LCAs filed in FY 2003 would fall within it.) Using the most conservative of qualitative comparisons, there are simply more H-1B programmers coming to NJ than there are jobs.

The number of LCAs for computer programmers in New Jersey for FY 2004 and FY 2005 were 12,800 and 15,700 (about 9,000 more workers). If the actual data for H-1B visas were available, it is likely we would find that there are 4 to 5 H-1B programmers who are supposed to be in NJ for every new programming job.

I have to conclude that many H-1B NJ programmers are either not working in NJ or they are not working as programmers. We have documented cases of shell employers that were simply selling H-1B visas to foreign workers so they could get into the country and disappear, see for example Martin, John P., "Feds seize millions from man held in illegal immigrant scheme", Newark Star-Ledger, Jan. 14, 2006, p. 1.

New Jersey is not unique in having such a high LCA to jobs ratio. The LCA disclosure data suggests several states, including California, Illinois, Maine, George, and New York, have more H-1B programmers coming in than there are new programming jobs. Several states have an influx of H-1B programmers while they are actually losing programming jobs.

Multiple Employers at the Same Address

Here is another example of something that raises suspicion within the LCA disclosure data. One frequently finds multiple employers using the same address. To illustrate, at 402 Main St. Suite 100 in Metuchen NJ there are two employers that have filed LCAs for 19 "Programmer/Analysts" in FY 2005

- This is the address of The UPS Store # 4260

Eleven employers, all located at 200 Centennial Ave., Suite 200, Piscataway NJ, collectively filed over 250 LCAs in FY 2005

- This is the address of a branch of Regus Virtual Offices (www.regus.com).

Obviously there are no H-1B workers working at these locations. So where are they?
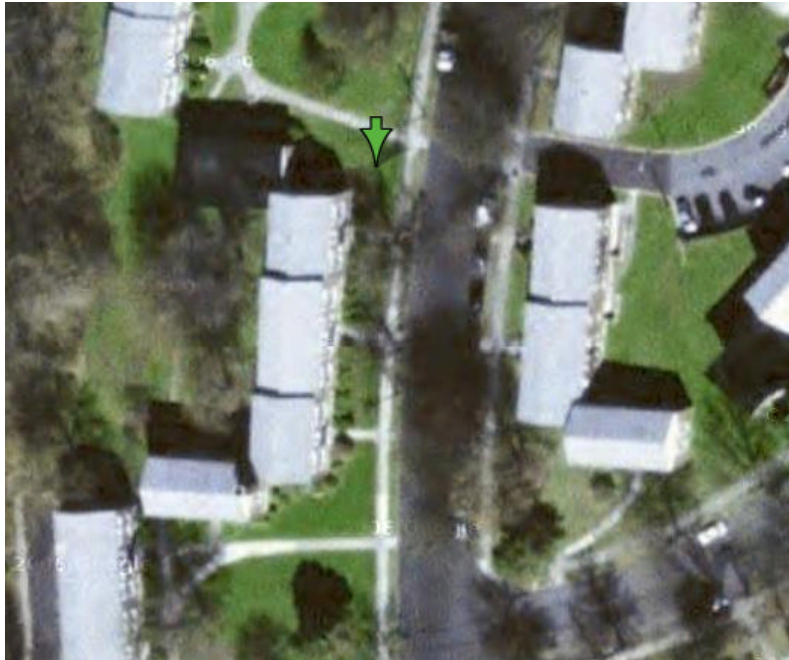
These are not isolated examples. There are many more in NJ alone and I have found similar arrangements all over the country.

Employers Operating Out of Residences

From the LCA disclosure data one can find many H-1B employers operating out of residences.
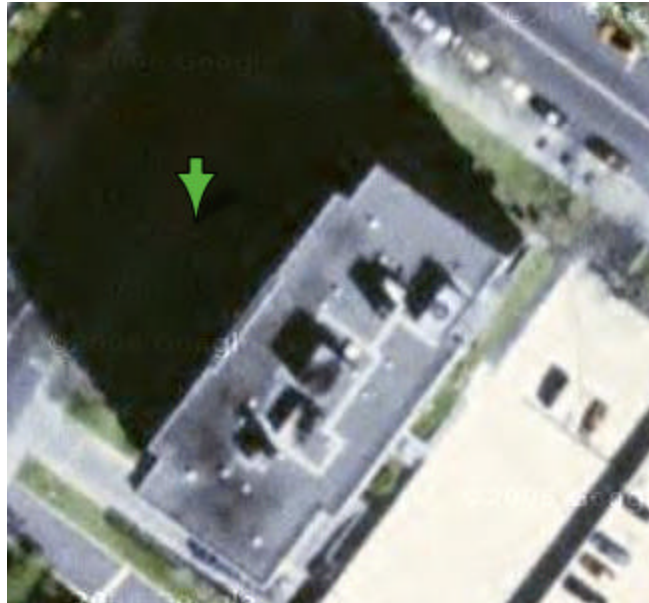
This apartment complex in Bloomfield NJ houses a company that filed LCAs for 8 computer programmers.

This condominium complex in Montvale NJ houses two companies that filed LCAs for 5 computer professionals.

This building is the apartment complex is known as "The Towers" in Passaic NJ. It houses an employer that filed LCAs for 8 computer programmers.

For all of these "employers", one has to wonder how many H-1B visas they actually got and where the workers actually are.

Job Advertisements that Suggest Abuse

For this example, I rely on a job posting from DICE.COM (id # 10121605, April 26, 2006). The job title is "H1-B Trf., Immediate Green Card at no cost (90/10 Billing Split)" The job description states:

> Either you have a project in hand or you find your own
> project and take home 90% of your billing rate you want
> our Sales team to secure a project for you then you take
> home 80% of billing. We will sponsor H1 , H1 Transfer or
> Greencard processing. We also offer great benefits.

The 90/10 – 80/20 split arrangement is common in postings soliciting H-1B workers. The large number of postings stating such an arrangement suggests many H-1B workers:

1. Are not being paid according to labor certification.
2. Have no real employment unless they find it themselves.
3. Have an "employer" on paper only.
4. Are not paid when the H-1B worker is not actively billing.

In this case, the posting excludes U.S. workers. Sometimes these postings will include citizens and permanent residents in their eligibility lists to avoid charges of discrimination. However, even with such inclusive language, postings with this type of split arrangement are clearly intended only for H-1B workers because U.S. workers who secure their own projects have no need for an "employer" to take 10% of the billing rate.

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"Job" Advertisements for visas

Below are some frames from animated "job" advertisements. They give every appearance of being advertisements for visas rather than for jobs.

This is the complete text from a job posting from the same site. Again, the advertisement is for visas and "green cards" rather than for work and it gives a split arrangement for pay. The "job" advertisement specifies no job requirements other than "experienced IT Consultants". The lack of skill requirements is typical in H-1B job ads and is in stark contrast to the extensive laundry list of job requirements that is customary for U.S. IT workers to overcome to get a job.

Keep 90% of bill rate for H1b transfers. {Company Name} Inc is a fastest growing product development and IT Consulting firm with offices in Sunnyvale, California and Wilmington, Delware.

- *We are constantly looking for experienced IT Consultants.*
- *H1B Transfers/ H4/L1/L2/B1*
- *Get 90% Billing (If you are on project and join our company with project)*
- *Get 80% Billing (If you want our Marketing team to find a project for you)*
- *Sponsor your H1, H1 Transfer and Greencard in EB2*
- *Immediate start on Green Card (PERM) Processing from California/Delaware's office.*
- *Excellent Marketing/sales Team*
- *Placements at Top-Notch Fortune 500 Companies*
- *Training/Accommodation*
- *We also offer great benefits*
- *100% Placement*
- *No Contract & No Bond*
- *Training: Both Weekend and Weekdays classes available.*
- *Assistance in resume preparation*
- *Assistance in Interview preparation.*
- *Please call us to discuss about the opportunity as well as the*
- *Immigration process in detail. You can reach us anytime @ {Telephone Numbers}*

Students/OPT:

- *Get FREE TRAINING, FREE ACCOMODATION, FREE H1B*
- *PROCESSING.*
- *We train you in ERP/ Business Analyst/ Data warehousing fileds.*
- *100% Placement*
- *Excellent Marketing/sales Team*
- *Placements at Top-Notch Fortune 500 Companies*
- *We also offer great benefits*
- *Training: Both Weekend and Weekdays classes available.*
- *Assistance in resume preparation*
- *Assistance in Interview preparation.*
- *We pay excellent Salary.*
- *Immediate start on Green Card (PERM) Processing*
- *Please call us to discuss about the opportunity as well as the immigration process in detail. You can reach us anytime @ {Telephone Numbers}*

An important feature in this job posting that is extremely common in visa-only advertisements is the inclusion of training as part of the package. Considering that

employers say they need H-1B workers because U.S. workers do not have the right skills, I find it ironic how many H-1B job postings include training programs.

U.S. Workers Need Not Apply

While it has always been well known in the computer industry that certain companies hired exclusively computer professionals on visas, it was a practice that was generally kept hidden. U.S. workers know the big names in the business and do not apply to them. The "H-1B only" companies knew that if they actually got an application from a U.S. worker it was part of an effort at barristry and the action taken should be well documented.

Occasionally, a company would slip up and set down its visa-only recruitment practices in job postings. These companies tended to be small "H-1B bodyshops". During the early part of this decade the Programmers Guild filed about 2 to 3 discrimination complaints a year for this type of violation.

Recently, the practice of open recruitment of workers on visas has exploded. In the past six weeks I have collected over 1,500 advertisements from over 350 employers specifying guest workers to the exclusion of U.S. Workers. Here are some examples from advertisements that explicitly exclude U.S. workers that have been posted to job boards, such as MONSTER and DICE in the past six weeks:

> We are looking for candidates with the following background :
> * BS / MS final semester students on OPT
> * Candidates on H1 willing to transfer H1 to us

> Title: H1B -From India-Multiple positions
> Job description: We require candidates for H1B from North india.

> Requirements: CANDIDATES HOLDING H-1B VISA OR LOOKING FOR H-1 VISA REPLY ASAP.

> We are currently recruiting Graduates who are on OPT or have applied for the same to join and be a part of our growing organization.

> Now we are in the process of sponsoring H1 Visas for those who are currently in India, Malaysia and Singapore and who are looking out for career opportunities in the United States.

> H4 /OPT AND H1 TRANSFERS ONLY

> Job description: We have 5 open H1B positions that we are currently recruiting for.

> We are a full time marketing company of H1B & OPT Consultants.

> Job Title: for H1 (Visa) : Oracle 10G DBA with RAC and Cloning (from India only)

> Looking for consultants who has experience with INDIAN Fortune IT Companies

> We offer H1B services for L1 Visa Holders and new H1B for the right candidates in India…

> Job Title: JOB COUPLED WITH H1 VISA

I attribute the sharp rise in visa-only job advertisements to employers realizing that there is little enforcement in the H-1B program.

The DoL's Handling of Complaints

Up to now, I have presented evidence of abuse of the H-1B program that goes on out in the open for all to see where no action is taken. For this type of evidence, I have to conclude that the DoL does not have the power to investigate due to limitations imposed by Congress; erroneously believes it does not have to power to investigate; or simply does nothing because of institutional inertia. So now I would like to turn to what happens when abuse is proactively brought to the attention of the DoL.

The Programmers Guild has had good success in filing discrimination complaints with the Office of Special Counsel for Immigration Related Discrimination. The problem with such complaints is that the penalties for violation are insignificant and it is difficult to show damages. Specifically, who has been damaged and in what amount when an employer has effectively told all U.S. Workers not to apply?

A new problem has cropped up in that the volume of companies engaging in open discrimination against U.S. workers in favor of workers on visas has become so great that I believe it exceeds the Office of Special Counsel's ability to process them.

Since nearly all of the employers engaging in this open discrimination against U.S. workers are H-1B Dependent Employers, I decided to test the efficacy of the "good faith" recruitment requirement. I have collected 165 job posting from iGate Mastech, one of the largest users of the H-1B visa program. These are quotes extracted from these job postings:

- We provide GC Sponsorship and we do prefer H1B holders who may be interested in working with IGATE."
- Only looking for H - 1B visas and should be willing to transfer
- Looking for a Strong .Net Developer with the following skill sets, only H-1 B holder apply, and should be willing to transfer H - 1B .
- Only H-1s Apply , and should be willing to transfer H - 1 B
- Only H1 visa transfers - please do not waste your time, we (sic)

After examining these job postings, my conclusion was the company was not recruiting U.S. Workers in good faith. Quite the contrary, their job postings gave every appearance that they were actively discouraging U.S. workers from applying. In this particular case I had a huge number of examples of discriminatory job postings.

On behalf of the Programmers Guild, I filed a complaint with the Wage and Hour division, alleging that iGate was not complying with the requirement to require U.S. workers in "Good Faith". As evidence, I submitted copies of 130 job postings from the company containing statements that would discourage any reasonable U.S. Worker not engaged in barristry from applying.

The response to this complaint from the Wage and Hour Division was, "You have not submitted sufficient evidence to show that there has been a violation of the H1B regulations we enforce."

This experience suggests to me that the Department of Labor is not eager to take on investigations of H-1B violations that are brought to its attention, even in the cases where it has the power to do so.

The problem for U.S. workers is even worse when there are no advertisements. There are a number of the largest H-1B dependent employers for whom I have never been able to find a job posting on the of the major job boards. I am at a loss as to how the "good faith" recruitment requirement can be enforced in cases there is no public evidence of hiring at all. Given Labor's response when there the company's actions were flagrant and easy to document, I cannot imagine action being taken against an H-1B dependent company that simply does not advertise jobs in the U.S.

Conclusion

Clearly not enough is being done to protect U.S. workers from abuse in the H-1B visa program. However, I would like to point out that while the data collected and made available on the H-1B program is woefully inadequate to monitor what is going on, the data we have for H-1B is better than what is available for other guest worker programs, such as L-1. That is saying a lot in this day of national security concerns where, even in the H-1B program, there is no tracking of foreign workers once they arrive in the country.

There are many people selling guest worker programs as a panacea for the national security concerns over the number of people who are in this country illegally. The inadequate monitoring of the H-1B (and the even worse monitoring of other guest worker programs should serve) should call into question the wisdom of such proposals. If we cannot tell how many H-1B workers are even in the county, transforming illegal aliens into guest workers will not enhance security. Common sense dictates that we get the existing guest worker programs under control before we add new ones. So far the calls for more guest workers programs have not created a sense of urgency for fixing the ones we have now.

Finally, I point out the need for improved monitoring of other guest workers programs in order to protect U.S. workers. We tend to address the H-1B program in isolation from other immigration programs but often H-1B is used in conjunction with other programs. To illustrate:

1. In the cases where I have seen the direct displacement of U.S. workers by H-1B workers, the foreign replacement workers have been on multiple types of visas, including L-1B and B-1 (and we are likely to see TN and E-3 added to that list in the future). If an H-1B dependent employer uses 2 H-1B workers and 7 L-1B

workers to replace 6 U.S. workers, has the non-displacement provision been violated?

2. If an H-1B dependent employer only recruits people with OPT or CPT status with the intention of transferring them to H-1B status, has it circumvented the "good faith" recruitment requirement of the H-1B program?

Recommendations

I make the following recommendations to address U.S. Worker protection issues in the H-1B program:

1. Remove all restrictions on enforcement of the law in the H-1B program.
2. Prohibit the displacement of U.S. workers by guest workers and make the employer, not the guest worker supplier, responsible.
3. Reform the prevailing wage system.
    a. Remove the limitations on the LCA approval process.
    b. Require the use of a standard, government-supplied prevailing wage source.
    c. Require guest worker wages to be at a percentile higher than the median (e.g 65th or 75th) for the occupation and location.
4. Collect and make better data available on the H-1B program. Specifically:
    a. Make the data on visa applications held by USCIS public as the current LCA disclosure data is.
    b. Require annual reports from employers, including an annual fee per visa, on wages paid and the status of all guest workers they employ. The annual fee should be paid until the employer demonstrates the worker has left the country, transferred to another employer or changed immigration status.
5. Enact similar monitoring and data sharing for other guest worker programs as well.
6. Prohibit the contracting of guest workers to other employers. Employers needing guest workers should apply for them themselves and take responsibility for them. Guest workers should be restricted to working in facilities controlled by their employer of record in the visa process.
7. Create a private cause of action to allow affected individuals to enforce the law when the government refuses to do so.
8. Limit the number of guest workers an employer may have to a percentage of U.S. employees (e.g. 5%).
9. Institute auditing and spot inspections.

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