H-1B Increase on Congress’ Agenda

Legislation has passed the U.S. Senate and is pending in the U.S. House of Representatives that would roughly double the size of the H-1B temporary visa program. If an immigration reform bill passes this year, the H-1B increase will almost certainly be part of the bill unless legislators hear from their voters soon.

The bills are part of Congress’ on-going efforts to pass comprehensive immigration reform. While most media attention has focused on issues like amnesty and boarder security, the legislation would also profoundly change high-skill immigration into the United States.

At the moment, both the House and Senate are supporting legislation that will increase the H-1B visa cap from its current 65,000 visas to around 180,000 visas annually. Along with new and existing exemptions from this cap, the total number of H-1B visas available each year would likely be around 250,000, up from 130,000 now.

The Senate bill (S. 744, which is the big comprehensive immigration bill) also includes a number of useful reforms to the H-1b program. While these don’t undo the damage done by a cap increase, they will help. The reforms include:

* Improving the formula for calculating the prevailing wage, so that H-1B wages will be closer, although still less than, American wages
* Requiring most companies to hire American workers before turning to the H-1B
* A ban on most companies using the H-1b to outsource jobs
* Limiting companies to having only 50% of their total U.S. workforce on an H-1B

The House bill (H.R. 2131) includes none of these protections.

Between 2001 and 2012, the United States created, on average, 58,000 new STEM jobs each year. A recent analysis by IEEE Spectrum estimated that there are a total of 277,000 new STEM job vacancies each year, which includes retirees and individuals leaving the STEM workforce.

IEEE-USA opposes any attempt to raise the H-1B visa cap, and supports efforts to protect American and foreign workers from the unintended consequences of this visa program. At the same time, IEEE-USA recognizes that there are many highly skilled and innovative people around the world who were not born in the United States. It is in our country’s interest to let some of these people live and work here – but they must be allowed to live and work here as American citizens, not merely temporary workers.

The Senate bill includes a large expansion of the EB green card program, which IEEE-USA supports. The bill would create a new green card for every international student who earns a Masters or PhD in a STEM field in the United States. The House bill includes a more limited, but still very useful, version of this provision.

Problems with the H-1B program have been well documented. The most damming problem with the program is that more than half of the visas last year were used to replace American workers with lower-cost foreign workers. Outsourcing companies received around 55% of the visas. These companies employ tens of thousands of workers in the United States, almost none of whom are Americans.

IEEE-USA encourages everyone who is concerned about expanding the H-1B visa program to send an e-mail to their legislators as soon as possible. This can be done at IEEE-USA’s Legislative Action Center ([www.ieeeusa.org/policy](http://www.ieeeusa.org/policy), look in the upper right.) or at [www.house.gov](http://www.house.gov) and www.senate .gov.