

# High-tech industry big immigration bill winner

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In this May 9, 2013, file photo Sen. Orrin G. Hatch, R-Utah, confers with Sen. Chuck Grassley, R-Iowa, right, and Sen. Chuck Schumer, D-N.Y., left, as the Senate Judiciary Committee meets to address immigration reform on Capitol Hill in Washington. More than any other group, the high-tech industry got big wins in the immigration bill approved last week. It amounted to a bonanza for the industry, granting unlimited green cards to foreigners with certain advanced U.S. degrees, and greatly boosting visas for highly skilled foreign workers. And thanks to Hatch's intervention, the industry succeeded in greatly curtailing controls sought by Sen. Dick Durbin, D-Ill., not shown, who aimed to protect U.S. workers. (AP Photo/J. Scott Applewhite, File)

(AP)—More than any other group, the high-tech industry got big wins in an immigration bill approved by the Senate Judiciary Committee last week, thanks to a concerted lobbying effort, an ideally positioned Senate ally and relatively weak opposition.

The result amounted to a bonanza for the industry: unlimited [green cards](#) granting permanent residency status for foreigners with certain advanced U.S. degrees and a huge increase in visas for highly skilled foreign workers.

And thanks to the intervention of Republican Sen. Orrin Hatch of Utah, the industry succeeded in greatly curtailing controls sought by Democratic Sen. Dick Durbin of Illinois, aimed at protecting U.S. workers.

In exchange, Hatch voted for the bill when it passed the committee, helping boost its bipartisan momentum as it heads to the Senate floor next month. For Durbin and his allies in organized labor, winning Hatch's support was a bitter victory.

"There was an agreement with the tech industry and Sen. Hatch said he wanted more, and that was what it took to get his vote," Durbin said in an interview.

The tech industry "really used Senator Hatch's vote to improve their position in the bill. I understand that," Durbin said. "But I think in fairness now, I hope the industry is satisfied and they will not push this any further."

Hatch countered: "Look, these are companies looking to contribute to the [American economy](#) in a way that benefits American workers and American-trained foreign workers."

Even before the Judiciary Committee took up the bill, industry had seen key pieces of its wish list granted. The legislation written by four Democratic and four Republican senators awards a permanent resident green card to any foreigner with a job offer in the U.S. and an advanced degree in science, technology, engineering or math from a U.S. school. It also raised the limit on the H-1B visas that go to highly skilled immigrants from 65,000 a year to as many as 180,000.

But the increase in H-1B visas was accompanied by new requirements aimed at ensuring American workers get the first shot at jobs. High-tech industry leaders say they never agreed to those provisions; Durbin insists they did.

Once the bill's language became public last month and tech industry officials began absorbing the details, they turned their attention to the next front in the battle: the [Senate Judiciary Committee](#).

They found their champion in Hatch, whose state is an increasingly significant high-tech employer. Fortuitously, he had maximum leverage. Viewed as the one Republican swing vote on the committee, he was courted by the senators who wrote it, Durbin and Sen. Chuck Schumer of New York, among them.



In this May 20, 2013, file photo Senate Judiciary Committee members Sen. Chuck Schumer, D-N.Y., left, and Sen. Richard Durbin, D-Ill., confer on Capitol Hill in Washington as the committee assembled to work on a landmark immigration bill. More than any other group, the high-tech industry got big wins in the approved immigration bill that week. It amounted to a bonanza for the industry, granting unlimited green cards to foreigners with certain advanced U.S. degrees, and greatly boosting visas for highly skilled foreign workers. And thanks to the intervention of Sen. Orrin Hatch, R-Utah, not shown, the industry succeeded in greatly curtailing controls sought by Durbin, aimed at protecting U.S. workers. (AP Photo/J. Scott Applewhite, File)

Even as the tech industry remained largely supportive of the legislation in public, its lobbyists began working behind the scenes with Hatch's office on a series of amendments he would introduce in the committee to undo key provisions Durbin had pressed for.

The industry objected to using the unemployment rate in determining how much the number of H-1B visas could increase. One Hatch

amendment would have taken the jobless rate out of the equation.

A provision that required tech companies to offer a job to an equally qualified U.S. citizen over an H-1B holder was seen as unworkable by industry. Hatch sought to limit that requirement to companies most dependent on H-1B visas, thereby excluding many major U.S. companies.

The bill sought to bar companies from displacing a U.S. worker within 90 days of filing an application for an H-1B visa. Hatch also sought to limit that requirement to heavy H-1B hirers.

Durbin objected to the changes. Labor unions, which had been largely quiet on high-tech issues while focusing on other priorities including a pathway to citizenship for immigrants illegally in the U.S. and a separate visa program allowing lower-skilled workers into the U.S., also spoke up in opposition.

But the AFL-CIO labor federation's opposition never was seen as a serious concern by senators or aides involved. They were confident that labor would not pull its support for a bill offering citizenship to millions over a provision affecting relatively few union workers.

Ana Avendano, assistant to the AFL-CIO president for immigration and community action, acknowledged that the union's strong support for a path to citizenship hampered its leverage on other issues.

"We have not veered from our commitment to the path to citizenship. But we are equally committed to other parts of this bill, and it makes our fight for our priorities more difficult," she said. "Tech was extremely fortunate that they found an ally on the committee that could open up a deal that had been sealed."

There was little opposition from other fronts. The companies that are the heaviest H-1B users —and would therefore face the brunt of the restrictions under Hatch's proposals—include technology companies based in India that have scant lobbying presence or constituency in Congress. An organization representing U.S. engineers and tech workers, IEEE-USA, has little clout compared with companies like Microsoft and Facebook.

As the Judiciary Committee began wading through amendments to the bill, Hatch was negotiating with Schumer over his amendments. Schumer wanted Hatch's vote for the bill without alienating Durbin.

Last Tuesday morning, the committee's final day working on the bill, word went out: There was a deal.

When the details emerged, Hatch had won much of what he wanted.

The unemployment rate would no longer be a factor in how high the H-1B visa cap could go up, as long as it was not 4.5 percent or above for the highly skilled professions in question. Only those companies most heavily dependent on H-1B visas would have to offer jobs to qualified U.S. citizens first, although the definition of an H-1B-dependent company was tweaked to make it slightly narrower. And the provision barring displacement of U.S. workers within 90 days was also limited in much the way Hatch sought.

The committee approved the changes, with Durbin voting "yes," though only after making clear his discomfort with the outcome.

The AFL-CIO refused to sign off on the deal, but remained supportive of the overall bill.

The tech industry pledged its support for the bill, and promised not to

seek additional changes, according to Scott Corley, executive director of Compete America, which represents high-tech companies including Google, Intel and Microsoft.

In the aftermath, Durbin and labor officials accused the tech industry of taking advantage of Hatch's position on the committee in order to reopen a done deal, to the detriment of U.S. workers. But Corley insisted that the [tech industry](#) never had agreed to the restrictions in the original bill and was only trying to ensure the H-1B program would be workable for an industry that's good for American workers and the U.S. economy.

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