

# **H-1B bill give U.S. workers first shot at tech jobs Legislation proposed in the Senate would also boost the Labor Department's enforcement powers on the visa program**

## **Infoworld**

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Two U.S. senators have proposed legislation that would toughen the H-1B visa program - especially its enforcement provisions -- while also attempting to give U.S. workers first crack at technology job openings.

The bill, called the H-1B and L-1 Visa Fraud and Abuse Prevention Act of 2007, was introduced in Congress last Thursday by Sens. Dick Durbin (D-Ill.) and Chuck Grassley (R-Iowa), who announced the filing on Monday. As part of the announcement, the two lawmakers said the measure would authorize the U.S. Department of Labor to hire 200 additional employees "to administer, oversee, investigate, and enforce the H-1B program."

It also would enable the DOL to conduct random audits of employers that use H-1B visas and give the agency more power to investigate H-1B applications. Currently, the DOL can investigate applications only for "completeness and obvious inaccuracies." Durbin and Grassley said their legislation would give the DOL authority to check applications for "clear indicators of fraud or misrepresentation of material fact" and double the review period from seven days to 14.

In addition, the measure would require companies to advertise job openings for 30 days on the DOL's Web site before submitting applications to hire H-1B workers. And the DOL would be required to post on its site summaries of all the H-1B applications it receives.

The bill also includes a variety of other provisions, including one that would prohibit employers from hiring H-1B workers and then outsourcing them to other businesses and another that would require companies to pay prevailing wages to both H-1B and L-1 visa holders.

Supporters of the H-1B program, primarily IT industry trade groups, said foreign nationals are needed to fill critical jobs for which there aren't enough U.S. workers. But opponents claim that H-1B holders are being used to depress the wages of U.S. workers and to support offshoring efforts.

Durbin and Grassley announced the filing of their bill on the same day that the U.S. Citizenship and Immigration Services agency began accepting H-1B applications ([download .pdf](#)) for the federal government's 2008 fiscal year, which begins Oct. 1. Demand for the visas is expected to be brisk, with the annual cap of 65,000 standard visas potentially being reached within a day or two. An additional 25,000 H-1B visas are set aside for workers with advanced degrees from U.S. universities.

A spokesman for the IEEE-USA, the political lobbying arm of the Institute of Electrical and Electronics Engineers Inc. said the Washington-based professional association would

support the Durbin-Grassley legislation. The IEEE-USA has long sought reforms to the H-1B program.

Compete America, a Washington-based industry group that supports raising the H-1B visa cap, didn't have an immediate comment about the new bill. In contrast, when U.S. Reps. Luis Guterrez (D-Ill.) and Jeff Flake (R-Ariz.) last month introduced an immigration reform bill that included a proposal to increase the annual H-1B cap to as many as 180,000 visas, Compete America quickly issued a statement in support of that measure.

The legislation filed by Durbin and Grassley also includes several provisions that would affect the L-1 visa program, which lets multinational corporations relocate employees to the U.S. through intracompany transfers. For example, the bill would prohibit so-called blanket petitions for L-1 visas, requiring companies to submit a separate application for each visa they're seeking.

Grassley and Durbin are both on the Senate Judiciary Committee, and a spokeswoman for Grassley's office said that the bill would be referred to that panel for a hearing.