In Congress, H-1B issue pits tech workers against farm groups

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June 12, 2008 (Computerworld) WASHINGTON -- When U.S. Rep. Zoe Lofgren (D-Calif.) led a U.S. House hearing today on bills that would make it easier for highly educated foreign tech workers to stay in the U.S., she had almost everything she needed to make her case. Underscore the word *almost*.

At the hearing, Lofgren's legislative effort was backed by the leading professional engineering group, the Institute of Electrical and Electronics Engineers Inc. (IEEE-USA); the Semiconductor Industry Association; and an academic group, the Association of International Educators.

What Lofgren didn't have was the support of everyone on her Subcommittee on Immigration, Citizenship and Refugees, Border Security and International Law.

"I think we should give the high-tech industry the innovators they need," said fellow committee member Rep. Luis Gutierrez (D-Ill.). But what do lawmakers tell foreign workers who labor on farms and apply pesticides -- that "you're not really smart?"

Gutierrez called farm workers "just as critical and relevant to the innovation of that industry" as tech workers are to IT innovation. And he urged the committee to take a "holistic approach" to immigration so that the most vulnerable "are not stigmatized by actions of the Congress."

Gutierrez' argument encapsulated why efforts to raise the caps on H-1B visas and green cards face a difficult time in Congress. Last year's failed attempt at immigration reform has turned the issue into an all-or-nothing fight for many lawmakers, which has so far stymied efforts by tech groups to win support for expanding the H-1B cap. The outlook for Lofgren's effort is uncertain at best.

She recently introduced three bills intended to make it easier for U.S. firms to hire graduates of U.S. universities who earn a degree in science, technology, engineering or mathematics. One bill, HR 6039, would exclude these graduates from the annual 140,000

limit on skills-based employment visas. A companion bill was introduced earlier this month in the Senate by Sens. Barbara Boxer (D-Calif.) and Judd Gregg (R-N.H.).

In response to Gutierrez' argument, Edward Sweeney, who chairs the Semiconductor Industry Association's Semiconductor Workforce Strategy Committee and is vice president of worldwide human resources at National Semiconductor Corp., said his industry is dealing right now with the loss of "job creating talent."

Every day, said Sweeney, foreign graduates are returning home, where they create jobs "to compete against us." Gutierrez countered by describing the threat of deportation or the risk of jail facing an undocumented worker in a meatpacking plant.

Stating the case for the IEEE was Lee Colby, an electrical engineer and 36-year employee of Hewlett-Packard Co. who now runs his own circuit design consulting company. "At this point, it's difficult to get enough engineers in the United States to staff our research and development labs," said Colby, calling that situation "somewhat pitiful."

He continued: "We definitely need talent from overseas to correct this situation."

The only person on the panel called to testify in opposition was Mark Krikorian, executive director of the Center for Immigration Studies, who argued that highly skilled workers are not really that highly skilled.

"Contrary to the claims of the lobbyists, these workers aren't necessarily the best and brightest," said Krikorian, citing a study by Norman Matloff, a computer science professor at the University of California at Davis.

But Sweeney said the semiconductor industry applies for up to 4,000 green card workers a year and he said those workers, many with masters degrees and above, "are crucial" to product research. "They are making north of $100,000 a year," he said.