

Grassley introduces H-1B visa reform bill amid immigration reform discussions

By Jennifer Martinez - 03/18/13 07:20 PM ET

Sen. Charles Grassley (R-Iowa) introduced a bill on Monday that is targeted at reforming the H-1B and L visa programs, which have faced scrutiny in previous years.

Grassley, the ranking member of the Senate Judiciary Committee, hopes the measures in his bill will be added to the comprehensive immigration reform legislation that's currently being crafted by a bipartisan group of eight senators. He has voiced skepticism about the H-1B temporary worker program and introduced similar legislation in previous years with Senate Majority Whip Dick Durbin (D-Ill.), a member of the so-called gang of eight.

The Iowa Republican's bill will add another variable that members of the "gang of eight" will have to consider when drafting the section of the immigration reform bill that applies to highly skilled and educated foreign workers. Members will have to find an area of compromise between the oversight and enforcement mechanisms included in Grassley's bill and the plea from major tech companies for an increase in the number of H-1B visas available to high-skilled foreign workers.

“Somewhere along the line, the H-1B program got side-tracked. The program was never meant to replace qualified American workers, but it was instead intended as a means to fill gaps in highly specialized areas of employment,” Grassley said in a statement. “The legislation will benefit the American worker, while still ensuring that U.S. companies get the specialized workers they need.”

Among the reform measures included in Grassley's bill, it would require prospective H-1B employers to list available positions on a Department of Labor-sponsored website for 30 days before submitting a temporary worker visa petition for a foreign worker. It would also require all companies to make a good faith effort to hire American workers first, before considering foreign workers.

The bill would allow the departments of Labor and Homeland Security to conduct random audits of companies to ensure they are adhering to the rules of the H-1B visa program. The measure would also ensure that an H-1B application from a company that employs 50 or more workers will be accepted only if they can prove that less than half of their workforce is H-1B and L visa holders.

Tech companies have been pushing for Congress for years to increase the number of H-1B visas available to highly-skilled and educated foreign workers, as well as free up additional green cards for them. They have argued that H-1B visas are needed to hire high-skilled foreign workers right away for time-sensitive projects while their petitions for green cards go through the lengthy approval process.

Tech companies also argue that H-1B visas are key to helping them to bring foreign employees based abroad to work in the U.S. temporarily on special projects, which helps them keep jobs in the U.S. and create other job openings in the country. Companies argue that they have struggled to fill positions for engineering and research jobs because of a shortage of American workers with the requisite skills needed to fill those positions.

They say the existing immigration rules make it hard for them to keep top foreign talent in the U.S., so those educated STEM graduates and skilled workers are forced to move abroad, taking their skills and job-creating potential with them.

Grassley and Durbin have criticized the H-1B visa program in the past and said employers have abused it to bypass hiring foreign workers. When releasing Grassley's new bill, his office pointed to past data showing that the program lacks sufficient oversight and offshoring companies have previously abused the program.

Read more: <http://thehill.com/blogs/hillicon-valley/technology/288887-grassley-introduced-h-1b-visa-reform-bill-amid-immigration-reform-discussions#ixzz2O0wCrFVY>