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Senators protect fragile compromise on H-1B visas, fend off immigration bill amendments

By [J.D. Harrison](#), Published: May 14 | Updated: Wednesday, May 15, 4:30 AM

Senators behind a sweeping immigration reform bill managed to defend their fragile compromise on Tuesday from a seige of amendments to expand or restrict a visa program for highly skilled workers beyond what was initially proposed in the legislation.

The discussions were part of the Senate Judiciary Committee's continued markup of [the comprehensive immigration package](#) introduced by a bipartisan group of senators, known as the Gang of Eight. Their proposal would greatly enhance border security, provide a path to citizenship for many undocumented workers and allow more highly educated and entrepreneurial immigrants into the country.

In that final section, a portion dealing with skilled labor, the most controversial measure is a proposal to expand the visa program for highly trained workers, known as [the H-1B program](#). The provision would raise the annual cap on H-1B visas from 65,000 to 110,000, with room to expand to 180,000 depending on visa demand and unemployment.

On Monday, lawmakers pitched several amendments to further expand the program, including one from Sen. Ted Cruz (R-Tex.) to increase the limit five-fold to 300,000.

Cruz described the original legislation as a “a step in the right direction, I think it’s a positive step, but I don’t think it goes nearly far enough,” calling the 180,000 cap still “arbitrarily low.”

He later pointed to research showing that [skilled immigrant workers](#) help create jobs for Americans, filling gaps in the labor market for high-demand positions in fields like science, technology, engineering and mathematics (known as STEM).

However, the amendment was met with strong opposition from critics of the visa program and the authors of the original bill. It was voted down 15-4 by the committee — and several others like it followed suit.

The discussions are part of an ongoing tug-of-war between technology firms that say the country cannot supply enough skilled workers, whose demands have been championed largely by Sen. Orrin Hatch (R-Utah), and labor groups who say those firms are simply trying to [avoid hiring more Americans](#). The labor groups have backing on the Judiciary Committee from Sen. Chuck Grassley (R-Iowa).

In the middle, there are the authors of the legislation, who are trying to fend off what some have called “poison pill” amendments that seek to derail the fragile compromise they struck last month. On Tuesday, they persuaded the committee to shoot down each provision they labeled as a potential “deal-breaker.”

“We have come to careful balance on H-1B,” Sen. Chuck Schumer (D-N.Y.), one of the authors, said during the hearing, noting that “some people think the balance is too far in the direction of labor... and some people think the balance is too far in favor of high-tech.”

Indicative of the political tightrope the authors are walking, Sen. Jeff Flake (R-Ariz.), a member of the [Gang of Eight](#), said he fully supported Cruz’s proposal; however, he said he had to “reluctantly oppose” the amendment in order to keep the legislation afloat.

Schumer argued that the bill expands the program to the meet demands from business leaders but takes plenty of new precautions to protect against misuse of the H-1Bs, which he hopes will appease the labor groups.

Sen. Chuck Grassley (R-Iowa), who has long criticized the program, pushed back against the latter assertion, warning that the bill does not go far enough to stop employers from passing over talented Americans.

On Tuesday, he introduced an amendment requiring employers to make a more concerted effort to hire American employees before seeking foreign labor. In a separate measure, he urged lawmakers to require federal officials to audit at least one of every hundred employers who hire [H-1B workers](#), citing a study from the Department of Homeland Security that found 20.7 percent of H-1B holders were associated with some of type of fraud or program violation.

Nevertheless, both provisions were dismissed in rather lopsided votes — again, with help from members of the Gang of Eight.

“The notion that we are going to do an audit just to say we have a percentage audit... I think is the wrong approach,” said Flake, noting that the audit process can be expensive for employers, even if they have done nothing wrong. “I think absent a legitimate complaint, we shouldn’t put that burden on businesses.”

The committee will continue fielding and discussing new amendments on Wednesday.

http://www.washingtonpost.com/business/on-small-business/senators-protect-fragile-compromise-on-h-1b-visas-fend-off-immigration-bill-amendments/2013/05/14/8dd1a550-bcdc-11e2-97d4-a479289a31f9_story.html