

18 May 2006

The Honorable Jeff Flake  
United States House of Representatives  
424 Cannon House Office Building  
Washington, DC 20515

Dear Congressman Flake:

As you are aware, there is a proposal in the Senate, part of the immigration bill (S. 2611), to vastly increase the H-1B temporary work visa program. The plan would almost double the number of visas available each year to 115,000, not including as many as 50,000 additional visas that are exempt from the cap, and allow the visa cap to increase automatically by 20% every year the cap is reached. This represents a massive increase of a troubled program.

The H-1B visa program was designed to provide companies with short-term access to skilled foreign workers when no qualified American worker could be found with a needed skill. However, in the past 15 years the program has been radically changed. Today, the visas can be used to fill virtually any job and require no shortage of American workers. Worse, a requirement that companies pay their H-1B workers the prevailing American wage has proven to be woefully ineffective, even after Congress tightened the rule in 2004.

The most compelling indictment of the H-1B program comes from the Department of Labor. The DOL has published the applications for H-1B visas filed before FY 2006. By looking at which applications were approved, we can see how the visas are really being used. These applications reveal that virtually every application for an H-1B is approved, regardless of the type of job being filled, the prevailing wage cited, or even gross errors on the form itself.

Attached is a list of egregious H-1B applications from Arizona. All were approved by the DOL. Their problems are very clear. For example, the DOL approved H-1B visas for an Aircraft Technician and a Warehouse Manager. In 2005 the major airlines were laying-off employees, including technicians. Yet Evergreen Air Center was given permission to hire a non-American despite the abundance of available Americans with these skills. I also doubt America faces a shortage of people with the skills to be a Warehouse Manager. But since companies do not need to show that they can't find an American before turning to H-1B visas, the DOL had no choice but to approve the applications.

Of even greater concern are the prevailing wages cited in the applications found on the attachment. For example, a programmer in Arizona can expect to earn almost \$60,000, on average - twice the prevailing wage listed by Vensoft. Graphic Designers in Arizona make \$16.00 per hour, 60% more than the amount cited by Editorial Services & Consulting. The average wage earned by Architects in Arizona is over \$60,000, more than twice the prevailing wage listed by Oz Architects. Animators earn at last \$15.00 per hour in Arizona - and computer

animators usually earn more than average. (All of these figures were taken from the BLS and are specific to wages earned in Arizona last year.)

Worst of all, are teachers in Whiteriver really paid only \$23,413 per year?

The answer to this question is: “We have no idea.” As these examples show, the prevailing wage found on applications for H-1B visas has little to do with actual wages. Applications are frequently approved by the DOL with prevailing wages that are obviously too low, including seven where the prevailing wage is actually listed as “ZERO” and ten where the listed prevailing wage is less than the minimum wage! All 17 were approved.

These results should not surprise us. In 2003, the GAO found that:

“(The Department of) Labor is limited to ensuring that the employer’s application form has no obvious errors or omissions. It does not have the authority to verify whether information provided by employers on labor conditions, such as wages to be paid, is correct.” [GAO Report #00-157. Pg.5]

A casual look at visa applications from Arizona shows that this is still the case. The DOL has no legal authority to check any of the data found on H-1B applications. It must approve all applications, even if they flagrantly violate the spirit of the H-1B program.

IEEE-USA urges you to take a hard look at how the H-1B program is really being used. If you do you will find a program that is badly in need of reform and unnecessarily harming both American and non-American workers. We urge you to oppose any attempt to expand this program until adequate reforms can be made to correct these problems.

There is an alternative to expanding the H-1B program and increasing our economy’s dependence on a flawed, harmful program. Congress could reform our permanent immigration system for skilled foreigners. Doing so would level the playing field for all talented workers, allowing current and future Americans to compete fairly. This would also allow the American economy to capture the talents of the world’s best and brightest workers permanently, rather than just for a few years with the H-1B.

The examples cited above are among the most egregious examples of H-1B visas from Arizona, but they are not unique. Many of the 7,800 approved H-1B applications from Arizona have similar shortcomings. IEEE-USA hopes that you will look at these examples before agreeing to expand a program that allows talented computer programmers, architects and even teachers to be paid a fraction of what they are worth.

Sincerely,



Ralph W. Wyndrum, Jr., Eng.Sc.D  
IEEE-USA President

(Similar letter faxed to the following Members of Congress: Representatives. Jeff Flake, Mark Green, Trent Franks, James Sensenbrenner, Jr., Mike Pence, Steve King, John Hostettler, Senators Russ Feingold, Evan Bayh, Charles Grassley, Herbert Kohl).