

To: Career & Workforce Policy Committee

From: Vin O'Neill

Subject: Proposed Consolidation of IEEE-USA Positions on Immigration Reform Issues

As Congress prepares to reconcile differences between House and Senate-passed immigration reform proposals, IEEE-USA maintains position statements on five separate but related immigration reform topics. These include:

- [Ensuring a Strong High Tech Workforce for the 21st Century](#) (Feb. 2000)
- [The Graduate Student Exemption to the H-1B Visa Cap](#) (Nov. 2004)
- [The H-1B Visa](#) (Feb. 2003)
- [The L-1 Visa For Intracompany Transfers](#) (Nov. 2003) and
- [Visa Processing](#) (Nov. 2004)

Rather than reviewing and refreshing each one separately, it has been recommended that we try to consolidate all of our positions on immigration under a single title. Accordingly, Chris Brantley and I have drafted a proposed composite entitled “Ensuring a Strong High Tech Workforce in the 21st Century.” (Copy attached)

This proposed position sets forth recommendations on educational and immigration policies generally and provides more specific recommendations on permanent, employment-based (EB) admissions, temporary guest-worker (H-1B and L-1) admissions, student (F) admissions and visa processing reforms, all of which are addressed in the Comprehensive Immigration Reform Act (S 2611) as passed by the Senate on May 25th. In preparing this consolidated statement, we have also tried to remove outdated and extraneous information and opinion.

Action Requested - Review and approve the proposed consolidation as a substitute for existing positions on immigration reform issues

Ensuring a Strong High-Tech Workforce in the 21st Century

Proposed Revision – May 2006

A comprehensive strategy for building and maintaining a strong high-tech workforce is imperative if the United States is to retain its leadership in technology and innovation in an increasingly competitive global economy.

Demand for qualified technical professionals will continue to grow as the economy expands and America's workforce ages. At the same time, globalization of the high-tech workforce is challenging U.S. technical professionals to compete in terms of productivity, innovation and cost, in a rapidly changing market for technical services. The challenges facing U.S. high-tech professionals in the job market are formidable, especially for recent graduates with limited experience and for older professionals who must keep pace with rapid changes in technology on their own time and on their own dime. With a multitude of career choices available, America's best and brightest may be discouraged from pursuing technical careers unless the U.S. finds a way to ensure challenging and rewarding opportunities for future generations of engineers in this new global paradigm.

IEEE-USA believes that the key elements of a comprehensive strategy for ensuring a strong U.S. high-tech workforce include:

- enhanced support for teaching of fundamental math, science, communications and problem-solving skills in grades K-12
- improved lifelong learning opportunities for U.S. citizens and legal permanent residents; and
- balanced reforms in the nation's legal immigration system to facilitate the timely admission of skilled foreign-born engineers and scientists to study and work in the United States while safeguarding educational and employment opportunities for U.S. citizens and legal permanent residents.
- reforms of the nation's skilled guest worker programs (L-1 and H-1B visas) designed to eliminate abuses and ensure comparable wages.
- changes in the nation's immigration laws to facilitate the legal permanent admission of foreign students who receive advanced degrees in disciplines needed to strengthen U.S. economic and technological competitiveness.

- eliminating unnecessary delays and expediting the entry and egress of trusted visitors who are coming to the United States to participate in mutually beneficial educational, scholarly and research collaborations.

This statement was developed by the Career and Workforce Policy Committee of the IEEE-United States of America (IEEE-USA) and represents the considered judgment of a group of U.S. IEEE members with expertise in the subject field. IEEE-USA is an organizational unit of the Institute of Electrical and Electronics Engineers, Inc., created in 1973 to advance the public good and promote the careers and public policy interests of the more than 220,000 electrical, electronics, computer and software engineers who are U.S. members of the IEEE. The positions taken by IEEE-USA do not necessarily reflect the views of IEEE or its other organizational units.

BACKGROUND

Because of the need to develop and maintain a strong high-tech workforce to ensure America's continuing economic and technological competitiveness, IEEE-USA makes the following policy recommendations:

Educational Reform Recommendations

What America needs are new and more coherent strategies for improving the preparation of younger workers, retraining mid-career and older workers and making more effective use of people with high-tech skills that were developed in non-traditional ways

IEEE-USA urges American business organizations, educational institutions, government agencies, labor unions and professional societies to make substantial, long-term commitments to improving education, training and lifelong learning opportunities for U.S. citizens and legal permanent residents. We recommend that these key players work collaboratively to support:

1. Pre-college Education: To improve the teaching of fundamental math, science, communications and problem-solving skills in grades K-12 in order to better prepare students for careers in high tech fields and increase the technological literacy of our society.
2. Post-Secondary Education: To increase the cost-effectiveness and relevance of technical and professional science, engineering and technology education programs in the nation's colleges and universities;
3. Continuing Education and Training: To enable professional, technical and support personnel to obtain the continuing education and training they need to remain productive in rapidly changing, technology-driven occupations;
4. Education Technology: To make better use of new and emerging Internet-based technologies to meet changing individual needs and enhance the

effectiveness, convenience and affordability of traditional and non-traditional instruction;

5. Under Represented Groups: To improve technical educational and employment opportunities for members of traditionally under-represented groups, including women, minorities, handicapped, economically disadvantaged and, in certain fields, older Americans

Immigration Recommendations

The domestic supply of talent needed to meet future needs is broader and more resilient than policymakers generally assume. Immigration is a necessary adjunct, but should not be allowed to become a substitute for development of our domestic talent pool. To ensure a proper balance, reforms to the legal immigration system are needed to ensure that permanent, temporary and student admissions programs can respond to changing economic conditions without undermining the strength of our domestic scientific and engineering resources.

Employment-Based (EB) Immigrant Visa Reforms

Instead of continuing to increase our national dependence on temporary guest workers, IEEE-USA believes that legal permanent immigrants should be the preferred source of supply for skilled professionals and other knowledge workers needed to satisfy labor market demands that can not be met through enhanced education and training opportunities for American workers. IEEE-USA urges employer and employee organizations to work together to support enactment of balanced reforms in the nation's permanent immigration system, including:

1. Changes in the Permanent Admissions Process: To expedite the permanent admission of well-qualified, foreign-born professionals; and
2. Safeguards for U.S. Citizens: To ensure that the expedited admission of foreign born professionals does not adversely affect educational and employment opportunities for similarly qualified U.S. citizens.

H-1B (Specialty Occupation) Visa Reforms

In order to reduce the adverse effects of the H-1B temporary admissions on job opportunities, wages and working conditions for citizens, legal permanent residents and foreign nationals who have been legally admitted to work temporarily in the United States, IEEE-USA urges Congress to:

1. Establish a "Hard" H-1B Admission Cap and Limit Authorized Stays
 - The H-1B visa quota should be capped at (165,000), including exemptions for educational institutions, related research organizations and foreign professionals with advanced degrees in STEM fields from US schools.
 - Authorized stays should be limited to a single, non-renewable term.

2. Strengthen Essential Worker Safeguards

- Require that H-1B workers be paid a prevailing wage that is not less than the median salary paid to similarly qualified U.S. workers in their intended area(s) of employment.
- Extend recruitment and retention attestation requirements that currently apply to H-1B dependent employers to all employers of H-1B workers.

3. Improve H-1B Program Administration and Enforcement

- Increase visa processing efficiencies by centralizing basic administrative functions currently performed by the Departments of Labor, Homeland Security and State.
- Enhance compliance and reduce fraud and abuse by authorizing random audits of labor condition applications and related H-1B visa petitions.

4. Increase the Effectiveness of Skills Training for Displaced Professionals

- Give employers and individual professionals more flexibility in the choice of qualified training providers.
- Use training vouchers to enable individuals to better meet specialized, short-term instructional needs.

5. Facilitate Federal Agency and Congressional Oversight

- Mandate the timely publication of statistics on program utilization by H-1B visa holders and sponsoring employers.
- Commission periodic analyses of the impact of the H-1B and other temporary guest-worker programs on labor market conditions for highly skilled professionals in the United States.

L (Intra-Company Transfer) Visa Reforms

IEEE-USA supports the legitimate use of the L visa program to facilitate the periodic transfer of employees within multinational corporations and allow foreign personnel with executive, managerial and other specialized skills to accept temporary assignments in the United States. We believe, however, that use of the L visa program to reduce labor costs in the United States by displacing U.S. workers should be viewed as a violation of the nation's immigration laws.

IEEE-USA recommends that Congress examine instances in which U.S.-based employers have replaced citizens and legal permanent residents with foreign nationals admitted to the United States on L visas, assess the impact of such practices on employment opportunities for U. S. workers, and enact remedial legislation to distinguish between legitimate and illegitimate uses of the L intra-company transfer visa program. We believe that such legislation should:

- require that the use of the L visa not result in the displacement of U.S. workers;
- mandate that L visa workers be paid prevailing wages while in the United States;
- add other appropriate safeguards for U.S. and foreign workers;
- establish transparent administrative and enforcement requirements;
- provide for timely investigation and adjudication of complaints; and;
- authorize appropriate civil and monetary penalties to deter abuses.

F (Student) Visa Reforms

In many crucial disciplines, including electrical engineering and computer science, upwards of 50 percent of Ph.D. degrees earned at U.S. colleges and universities are awarded to foreign nationals. While in the United States, these students work on cutting-edge research, often funded jointly by taxpayers and industry. U.S. immigration policy should encourage advanced degree recipients with job offers from U.S. employers to remain in the United States, rather than returning home or moving to another country upon completion of their studies.

IEEE-USA supports the enactment of Federal legislation to establish a new temporary (F-4) student visa program to enable qualified foreign nationals to pursue advanced degrees in science, technology, engineering or mathematics at accredited institutions of higher learning in the United States. Such program should explicitly authorize the expedited adjustment of student visa holders to legal permanent resident (green card) status upon successful completion of their graduate studies.

Visa Processing Reforms

Increased concerns about national security after September 11 resulted in serious delays and backlogs in the processing of visas for international visitors. New security measures created significant barriers for legitimate travelers and fueled a misperception that these visitors were no longer welcome here. This was particularly unfortunate in that it discourages the open exchange of scientific and technical knowledge and harms the United States' ability to attract international students, scholars, scientists, and engineers, who contribute to our nation's global leadership.

While steps have been taken to improve the system, IEEE-USA recommends that Congress and the Administration continue to streamline and improve America's visa processing system in order to eliminate unnecessary delays and expedite the entry and egress of visitors who are coming to the United States to participate in mutually beneficial educational, scholarly and research collaborations and who pose no threat to national security.

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