

Testimony of
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“Should Congress Raise the H-1B Cap?”

Before the
House Subcommittee on Immigration, Border Security, and Claims

March 30, 2006

Mr. Chairman, thank you for the opportunity to testify today.

U.S. companies and their competitors are waging a global battle for talent. American companies hire and recruit globally. In some cases, this means hiring foreign-born individuals on H-1B temporary visas, many times off U.S. college campuses as part of the normal recruitment process. Some assert the only reason U.S. employers would hire H-1B professionals is because they would work more cheaply than Americans. But this fails to grasp that international students form a majority of graduate students in science and engineering on many college campuses. Moreover, as Members of the Committee know well, there are many talented people in this world who were not fortunate enough to be born in the United States.

Whether it is the father of modern computing John von Neumann, founder of Intel Andrew Grove, Internet godfather Tim Berners-Lee or countless others, America’s openness to talented individuals – regardless of their place of birth – has been our great strength.

In 2005, U.S. universities awarded 55 percent of Masters degrees and 67 percent of PhDs in electrical engineering to foreign nationals, according to the American Association of Engineering Societies.

Below is the percentage of foreign nationals enrolled among full-time students in graduate programs at universities of interest to Members of the subcommittee:

Indiana University: computer science (63% foreign); electrical engineering (71%).

University of Texas at Austin: computer science (67%); electrical engineering (76%).

Iowa State: computer science (73%); electrical engineering (72%).

Rice University: computer science (67%); electrical engineering (56%).

University of Virginia: computer science (55%); electrical engineering (64%).

University of Southern California: computer science (80%); electrical engineering (78%).

Stanford University: computer science (41%); electrical engineering (63%).

University of Arizona: computer science (57%); electrical engineering (86%).

University of Massachusetts: computer science (50%); electrical engineering (68%). (Source: National Science Foundation)

Do we want to educate these individuals and send them out of the country to compete against U.S. firms, or wouldn't it be better to assimilate this talent and allow them to create jobs and innovations here in America?

Since long regulatory delays and inadequate employment-based immigration quotas make it virtually impossible to hire an individual directly on a green card (permanent residence), the availability of H-1B visas is crucial, otherwise skilled foreign nationals, particularly graduates of U.S. universities, could not work or remain in the United States. It can take often four years or more for a U.S. employer to complete the process for sponsoring a skilled foreigner for permanent residence due to U.S. government processing times and numerical limitations. No employer or employee can wait four years for the start of a job. It is worth noting that America also gains considerably from foreign nationals educated outside the United States. Such individuals bring with them substantial human capital that America essentially receives without cost.

The annual cap on H-1B professionals, first established in 1990, is inadequate. Since 1996, the 65,000 annual limit on H-1B visas has been reached in almost every year. This shortfall compels employers either to wait several months for the next fiscal year to

employ prospective employees in the United States, to hire new people outside the country, or to lose them to foreign competitors. Many companies concede that the uncertainty created by Congress' inability to provide a reliable mechanism to promptly hire skilled professionals has led to placing more human resources outside the United States. In this respect, the H-1B limitations imposed by Congress are most damaging to young, fast-growing companies that do not possess the option of placing personnel overseas.

One such company is MagiQ Technologies in New York, selected by *Scientific American* as one of the nation's most innovative companies for its breakthroughs in quantum cryptography. Four H-1B visa holders work on products that help support the 20-person firm but international competition for top talent is brutal. "We've lost the chance to hire top people in the field because of the H-1B cap being reached. That made it easier for our foreign competitors," said company CEO Robert Gelfond. He also notes that even when new hires are not lost, waiting several months for key personnel is expensive and can cost firms dearly in the marketplace.

The Immigration System Has Grown Worse for Employers

Despite the increased competition for talent and the tremendous changes in the U.S. and world economy over the past 16 years, with modest exceptions, the U.S. immigration system for high-skilled professionals has not changed since 1990 – except that it has become worse. Companies now pay hefty fees, endure longer waits, and submit to more restrictive regulations than in the past.

Prior to 1990, Congress placed no numerical limitation on the number of skilled foreign nationals employers could hire in H-1 temporary status. In the Immigration Act of 1990, Congress arbitrarily chose an annual cap of 65,000 and introduced several requirements in establishing a new H-1B category.

It is clear that nobody considers the 65,000 annual limit on H-1Bs a sacrosanct number, as Congress has changed this limit at least three times in the past 8 years. In FY 2006, the immigration service stopped taking new H-1B applications in August 2005. Even the recently added 20,000 exemption from the H-1B cap for those who graduated with an advanced degree from a U.S. university was exhausted by January 2006.

The Market Has Determined H-1B Visa Use

As the table below shows, the market has determined the use of H-1B visas. When Congress raised the limit to 195,000 a year in FY 2002 and 2003, in both years fewer than 80,000 visas were issued against the cap, leaving 230,000 H-1B visas unused in those two years. Firms did not hire more H-1Bs just because the cap was higher.

Any cap should be set high enough to avoid creating backlogs and long hiring delays. Returning to the 195,000 annual limit, with an uncapped exemption for graduates with an advanced degree from a U.S. university, would be a sensible policy. If the limit is lower than 195,000, the law should provide for increasing the ceiling by 20 percent following any year the annual cap is reached, as proposed in the Senate. Past legislation increased enforcement and taxed U.S. employers for each new H-1B professional hired, funding scholarships, science programs, job training, and anti-fraud activities. Having established this framework, the goal of new legislation should be to provide certainty for employers and prevent the nearly annual scramble in Congress to address H-1B visas.

H-1B VISAS ISSUED AGAINST THE CAP BY YEAR

<u>Year</u>	<u>CAP*</u>	<u>#Issued</u>	<u>#Unused</u>
1992	65,000	48,600	16,400
1993	65,000	61,600	3,400
1994	65,000	60,300	4,700
1995	65,000	54,200	10,800
1996	65,000	55,100	9,900
1997	65,000	65,000	0
1998	65,000	65,000	0
1999	115,000	115,000	0
2000	115,000	115,000	0
2001	195,000	163,600	31,400
2002	195,000	79,100	115,900
2003	195,000	78,000	117,000
2004	65,000	65,000	0
2005	65,000	65,000	0
2006	65,000	65,000	0

Source: Department of Homeland Security. *Does not include exemptions from the cap.

Scholarships, K-12 Programs and Job Training for U.S. Students and Workers

In 1998, Congress wanted to balance increased access to skilled H-1B professionals with greater educational and training opportunities for U.S. students and workers in science and engineering. The American Competitiveness and Workforce Improvement Act of 1998 (Public Law 105-277) established the H-1B Nonimmigrant Petitioner Account funded by a \$500 fee (now \$1,500) on each new petition (and the first renewal of H-1B status) for H-1Bs sponsored by U.S. companies.

Since 1999, employers have paid more than \$1 billion in such fees. The money has provided National Science Foundation (NSF) scholarships for approximately 40,000 students. The amount of the scholarship has risen from \$3,125 to \$10,000. An early evaluation of the NSF scholarships conducted by the General Accounting Office (GAO) concluded: “The program is attracting a higher proportion of women and minorities than are included among computer science, engineering, and mathematics degree awardees.” The GAO also interviewed student recipients. “One student told us that even though she excelled in math in high school, she only considered becoming a math major after she learned about the scholarship opportunity.”

H-1B fees paid by employers also have funded hands-on science programs for middle and high school students, most notably Information Technology Experiences for Students and Teachers (ITEST) through the National Science Foundation. “The ITEST portfolio consists of 53 local projects that allow students and teachers to work hand-in-hand with scientists and engineers on extended research projects, ranging from biotechnology to environmental resource management to programming and problem-solving.” According to the National Science Foundation, “ITEST impacts 75,000 students (grades 6-12), 3,000 teachers and 1,300 parent/caregivers.”

More than 82,000 U.S. workers and professionals have completed training through programs funded by the H-1B fees as of December 31, 2005, according to the Department of Labor Employment and Training Administration. In addition, the Bush Administration recently has used the H-1B fees to provide multi-year grants to communities for training and economic revitalization. Through the WIRED (Workforce Innovation in Regional Economic Development) initiative, the U.S. Department of Labor is providing \$195 million in grants to thirteen regional economies.

These totals do not include the impact of property taxes paid by U.S. companies, which are a key source of public school funding, nor do they include the individual efforts and donations made by American firms and entrepreneurs. For example, the Intel Corporation spends \$100 million annually on math and science education in the United States. The Oracle Corporation donated \$8.5 million in cash and \$151 million worth of software to schools around the country in 2004. The Bill and Melinda Gates Foundation, funded from the sale of Microsoft stock by founder Bill Gates, has spent more than \$2.6 billion since its inception on grants to improve education in the United States.

In an important respect, Congress has not upheld its part of the deal made in 1998. At the time, employers received more than 100,000 H-1B visas a year for three years, while enduring new enforcement measures and the imposition of a \$500 fee. Today, the enforcement measures have been made permanent and the fee has tripled to \$1,500, plus a new \$500 “anti-fraud” fee. Meanwhile, the H-1B cap has dropped back to 65,000, albeit with some exemptions.

Black and Female Representation in Science and Engineering Jobs Has More Than Doubled Since 1980

One argument made in the past against raising the H-1B cap is that foreign-born scientists and engineers may “crowd out” women and minorities seeking to enter these fields. Data from the National Science Foundation show this is not the case. Between 1980 and 2000, the share of black Americans in science and engineering occupations more than doubled from 2.6 percent to 6.9 percent, as did the share of women, from 11.6 percent to 24.7 percent. This happened at the same time that “the percentage of foreign-born college graduates (including both U.S. and foreign degreed) in S&E jobs increased from 11.2 percent in 1980 to 19.3 percent in 2000,” according to the National Science Foundation.

Addressing Concerns About H-1Bs

Some argue that the entry of H-1B visa holders harms some U.S. workers. This is a questionable assertion. Yet even if this were true, it would not justify preventing all American employers from gaining access to skilled foreign-born professionals in the

United States or denying opportunity to these highly educated individuals, particularly international students who graduate from American universities. Leaving immigration aside for one moment, we know that the competition created by new businesses, new college graduates, new high school graduates, and imports of goods and services all may affect someone. But we do not try to block all of these because we have learned the cost of trying to prevent competition invariably far outweighs the benefit.

It is a dim view of humanity to assume that opportunity for some must mean misery for others. I'll summarize responses to some of the criticisms of H-1B visas.

First, the National Science Foundation and other sources show foreign-born scientists and engineers are paid as much or more as their native counterparts.

Second, H-1B professionals change jobs all the time. This is confirmed by government data, employers, and attorneys. In fact, generally speaking, the majority of H-1B hires by large companies these days first worked for other employers.

Third, the back wages owed to H-1B employees among the small number of employers whose actions warranted investigation and government-imposed penalties average less than \$6,000 per employee, no more than the typical government and legal fees paid by most employers to hire H-1B visa holders. And among those employers, few if any are well-known companies. Generally, of the small number of violations no more than 10 to 15 percent of H-1B violations in a year are found to be "willful" by the Department of Labor, indicating the extent of abuse is limited.

Fourth, if companies simply wanted to obtain services based only on wages, then U.S. companies would move all of their work outside the United States, since the median salary for a computer software engineer is \$7,273 in Bangalore and \$5,244 in Bombay, compared to \$60,000 in Boston and \$65,000 in New York, according to the Seattle-based market research firm PayScale.

Fifth, foreign-born individuals are hired in addition to – not instead of – native-born workers. The evidence indicates that native-born and foreign-born work together in companies all across America. In the nation's largest technology companies, typically no more than 5 to 10 percent of the employees work on H-1B visas at any one time. There are very few businesses with even a majority of workers in H-1B status and, indeed, any

firm with more than 15 percent of its workforce made up of H-1Bs is subjected to more stringent labor rules under U.S. law.

Finally, it is not possible to conclude employers underpay H-1B visa holders based on prevailing wage data filed with the Department of Labor. Under Section 212(n)(1) of the Immigration and Nationality Act, an employer hiring an individual in H-1B status must pay at least “the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question” or “the prevailing wage level for the occupational classification in the area of employment, *whichever is greater.* . . .” Therefore, any analysis that relies solely on prevailing wage data is inherently flawed.

The wage data maintained by the Department of Labor are simply listings of the minimum an employer can pay an H-1B professional for a particular job. The data showing what an employer actually pays an H-1B visa holder are contained on the I-129 forms filed with U.S. Citizenship and Immigration Services (USCIS). Unlike the prevailing wage data at DOL, the forms filed with USCIS are not normally available to the public. To examine this issue, the National Foundation for American Policy asked a respected law firm to select a random sample of H-1B cases from among its client base. They represented different occupations but the vast majority of the H-1Bs were in high technology fields. Among the 100 randomly selected cases, *the average actual wage was more than 22 percent higher than the prevailing wage.* This is not meant to be definitive proof that actual wages are always, on average, 22 percent higher than prevailing wages. However, it does show, along with the other evidence, that any analysis utilizing prevailing wage data to claim H-1B professionals are underpaid is not reliable.

Research Shows No Negative Impact on Native Professionals

Critics make assertions about the wages of H-1B professionals not out of concern for the H-1B visa holders but because the critics believe the competition harms native workers. As noted, it is possible that a policy that results in increased competition can affect some people but remain good policy nonetheless. For example, a moratorium on opening new restaurants in an area would help existing restaurant owners and their employees but would be bad for consumers and entrepreneurs who live nearby, as well as

workers seeking opportunity. For that reason such protectionist policies are rare in America and their rarity is a primary reason for America's economic success relative to other nations. (See William W. Lewis, *The Power of Productivity*, University of Chicago Press, 2004.)

Still, there is little evidence that native information technology (IT) workers are harmed by an openness towards H-1B professionals. A study by Madeline Zavodny, a research economist at the Federal Reserve Bank of Atlanta, found, "H-1B workers [also] do not appear to depress contemporaneous earnings growth." As to unemployment, the study concluded that the entry of H-1B computer programmers "do not appear to have an adverse impact on contemporaneous unemployment rates." The study also noted that some results "do suggest a positive relationship between the number of LCA [Labor Condition] applications and the unemployment rate a year later." Zavodny concluded: "None of the results suggest that an influx of H-1Bs as proxied by Labor Condition Applications filed relative to total IT employment, lower contemporaneous average earnings. Indeed, many of the results indicate a positive, statistically significant relationship." This would mean H-1B employment is actually associated with better job conditions for natives, according to the study, which could be because H-1B professionals are complementary to native professionals.

Research on the Wages of Foreign-Born Professionals

Under the law, employers hiring H-1B professionals must pay the greater of the prevailing wage or "the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question." Employers sponsoring individuals for an employment-based immigrant visa must also pay employees at least the market wage.

Research by Paul E. Harrington, associate director of the Center for Labor Market Studies at Northeastern University, shows foreign-born and native professionals earn virtually identical salaries in math and science fields. Salaries in computer or math sciences were actually higher for the foreign-born among bachelor degree holders and doctoral degree holders and the same for recipients of master's degrees. He found similar salaries for natives and foreign-born at all three levels in life sciences, as well as at the

doctoral level in engineering, and a greater edge for natives at the bachelor and master's level for engineering.

National Science Foundation data indicate that foreign-born professionals actually earn more than their native counterparts when controlled for age and the year a science or engineering undergraduate, master's, or doctorate degree is earned. The National Science Foundation reports: "Because foreign-born individuals in the labor force who have S&E (science and engineering) degrees are somewhat younger on average than natives, controlling for age and years since degree moves their salary differentials in a positive direction—in this case, making an initial earnings advantage over natives even larger – to 6.7 percent for foreign-born individuals with S&E bachelor's degrees and to 7.8 percent for those with S&E PhDs."

Enforcement and Fines Show Little Evidence of Underpayment of H-1Bs

One way to obtain an upper-bound estimate of possible underpayment of wages to H-1B professionals is to examine Department of Labor (DOL) enforcement actions against employers. The evidence indicates that even among the highly stratified sample of the relatively small number of employers whose actions warranted investigation and government-imposed penalties (136 nationwide in 2004), the amount of back wages owed by even those employers is small. In fact, on average, it is no more than the typical government and legal fees paid by most employers to hire H-1B visa holders.

Between 1992 and 2004, in all DOL investigations, the average amount of back wages owed to an H-1B employee was \$5,919. While it is true that the Department of Labor's enforcement of H-1Bs is primarily complaint-driven (though Congress has provided a mechanism for self-initiated DOL investigations), it is telling that among the cases investigated relatively few violations have been found to be labeled "willful" and/or result in debarment. DOL found employers either committed paperwork violations or misread employer obligations in a non-willful manner in the vast majority of the investigations conducted. In FY 2004, DOL found willful violations in only 11 percent (15 of 136) of its investigations that became final.

The violations typically found over the past dozen years rarely seem to be committed by any well-known companies. Of the \$4.8 million owed in back wages in

2004, more than half (53 percent) came from findings against just 7 companies, none of whom are household names.

Employer Legal and Processing Fees for H-1Bs

Under the law, U.S. employers are obligated to pay H-1B professionals the same wage as “all other individuals with similar experience and qualifications for the specific employment in question.” But unlike with a native-born worker, the hiring costs to an employer do not end with the acceptance of a job offer. To hire a foreign national on an H-1B visa a U.S. employer must incur the following costs: approximately \$2,500 in legal fees; \$1,500 training/scholarship fee; \$1,000 “premium processing” fee (not required but routinely used to overcome long processing times); a new \$500 antifraud fee; a \$190 immigration service fee; around \$125 in additional incidental costs (Federal Express, etc.), and a \$100 visa fee. These combined costs total \$5,915.

While legal fees could be higher or lower depending on the law firm and the relationship with the employer, these figures do not include relocation costs, tax equalization, or additional in-house human resources costs associated with the extra work involved in employing foreign nationals. Nor do the costs include the expense of approximately \$10,000 that can be incurred by sponsoring a foreign national for permanent residence (a green card), which many large technology companies, in particular, will do. Critics rarely take into account that companies incur many additional expenses beyond simply the wages paid to H-1B visa holders.

H-1B Visa Holders Possess Labor Mobility

While the Department of Labor is unlikely to catch all underpayment of wages, the greater protection for both H-1B professionals and other workers is the freedom to change employers and the competition for their services. A myth has been perpetuated that H-1B visa holders are “indentured servants.” This is far from the truth. A sampling of U.S. employers and immigration lawyers found that individuals on H-1B visas change companies frequently. A number of S&P 500 companies related that the majority of their H-1B hires first worked for other employers. Independent immigration attorneys confirmed this. H-1B visa holders are individuals who understand the marketplace,

exchange information with others in the field, and are highly sought by employers. In fact, Congress made it easier for those in H-1B status to change jobs by allowing movement to another employer before all paperwork is completed.

Data from the Department of Homeland Security show that in FY 2003 more H-1B applications were approved for “continuing” employment than for initial employment. While continuing employment also includes H-1B professionals receiving an “extension” to stay at the same employer for an additional three years, anecdotal evidence indicates most “continuing” employment involves an H-1B visa holder changing to a new employer.

Critics do not explain why H-1B professionals who are said to be underpaid would remain en masse with their employers when they could seek higher wages with competing firms. Some argue that H-1B visa holders sponsored for green cards are reluctant to change employers because they will lose their place in the queue for labor certification and permanent residence. To the extent this problem persists the solution is to:

- 1) Streamline the labor certification process (progress has been made via DOL’s new PERM system).
- 2) Eliminate the labor certification backlog.
- 3) Allow premium processing (employers paying an extra fee) to speed green card processing at the immigration service.
- 4) Reduce the employment categories that require labor certification.
- 5) Expand the annual allotment of employment-based immigrant visas.

Major U.S. employers have supported such reforms, some of which were included in last year’s Senate-passed budget bill, though the measures failed to become law by not surviving the reconciliation process with the House of Representatives.

Not a Fixed Number of Jobs

Two misconceptions about immigration and labor markets affect people’s understanding of high-skilled migration. First, is the “lump of labor” fallacy, or the belief only a fixed number of jobs exist in an economy, which would mean that any new entrant

to the labor market would compete with existing workers for the same limited number of jobs. As the *Wall Street Journal* (February 4, 2006) noted recently about the U.S. economy, since “May of 2003, just under five million jobs have materialized. That is the equivalent of a new job for every worker in New Jersey.” The number of jobs available in America is not a static number, nor is the amount of compensation paid to workers fixed. Both grow based on several factors, including labor force growth, technology, education, entrepreneurship, and research and development.

Within sectors, jobs increase or decrease from year to year based on product demand and other factors. However, it is easy to ignore that people work today in companies and industries that did not even exist in the early 1990s. “When I was involved in creating the first Internet browser in 1993, I can tell you how many Internet jobs there were, there were 200. I can tell you how many there are now, there’s two million now,” said Marc Andreessen, a founder of Netscape.

Job creation is also worth considering. Indian and Chinese entrepreneurs have founded nearly one-third of Silicon Valley’s technology companies, according to research by University of California, Berkeley professor Annalee Saxenian. Given our immigration system, one can surmise a majority entered on H-1B visas. She writes, “Silicon Valley’s new foreign-born entrepreneurs are highly educated professionals in dynamic and technologically sophisticated industries. And they have been extremely successful . . . By 2000, these companies collectively accounted for more than \$19.5 billion in sales and 72,839 jobs.”

While nobody wishes anyone to lose a job, it is a common phenomenon in America, and one that cannot be blamed on H-1Bs, L-1s, or any other visa category. As Dallas Federal Reserve Bank economist W. Michael Cox and his colleague Richard Alm have explained, “New Bureau of Labor Statistics data covering the past decade show that job losses seem as common as sport utility vehicles on the highways. Annual job loss ranged from a low of 27 million in 1993 to a high of 35.4 million in 2001. Even in 2000, when the unemployment rate hit its lowest point of the 1990’s expansion, 33 million jobs were eliminated.” Cox and Alm further note, “The flip side is that, according to the labor bureau’s figures, annual job gains ranged from 29.6 million in 1993 to 35.6 million in 1999. Day in and day out, workers quit their jobs or get fired, then move on to new

positions. Companies start up, fail, downsize, upsize and fill the vacancies of those who left..." (*The New York Times*, November 7, 2003) While it is understandable why individuals come before Congress and plead to prevent competition for their company or employment category, attempts to limit competition do far more harm than good, as we have seen in countries with highly regulated labor markets.

Reform of Employment-Based Immigration

Regardless of what action Congress takes on the H-1B visa cap, there will remain a glaring deficiency in U.S. immigration policy if no changes are made to the employment-based immigration quotas. Simply put, the current 140,000 annual quota for employment-based immigration is inadequate. The State Department's Visa Bulletin for April 2006 shows that an employer would have needed to submit an immigration application five years ago to obtain a green card today for a professional in the employment-based third-preference category. Visa numbers are current only for those who submitted their paperwork by May 2001 (and that wait is even longer for nationals of India). If Congress fails to address this issue, then the situation will grow worse each year.

To help ensure that outstanding international graduate students and other highly skilled individuals can stay to work in America, legislation in the Senate would increase the annual allotment of employment-based immigrant visas (green cards) and provide exemptions from the immigration quota for those with advanced degrees in science and engineering from U.S. universities who work three years in the United States prior to their application for adjustment of status. It also would provide greater flexibility for international graduate students in science and engineering seeking employment after graduation and would eliminate the requirement that such individuals must prove they will not stay or work in the United States when first applying for their student visa. This last provision would be a logical extension of the law Congress passed in 2004 to exempt up to 20,000 international graduate students from being counted against the annual limit on H-1B visas.

If the annual depletion of H-1B visas or the lack of green cards in the employment categories cause international students to believe they will not be able to work in the

United States, then many will stop coming and will seek opportunities elsewhere. That would be a significant blow to U.S. companies and innovation in science and technical fields.

It is my understanding that some critics of H-1B visas favor at least some reforms aimed at increasing access to green cards for skilled professionals. Necessary reforms would include speeding or eliminating where possible labor certification. The Bush Administration can begin offering employers the option to pay an extra fee for quicker immigration processing – 30 days, rather than the current long delays. Combined with quicker processing times for labor certification at the Department of Labor, this would allow U.S. employers to hire highly sought after individuals directly on green cards – something impossible to do today. The ability to hire high skilled personnel directly on green cards would provide U.S. companies with a significant competitive advantage over their foreign competitors. But Congress must increase the quota for employment-based immigrant visas for American firms to gain this competitive edge.

Conclusion

The costs of Congress failing to increase both the H-1B cap and employment-based immigrant quotas, unfortunately, will be measured by the job creation, innovation, and research that do not take place in the United States. And these costs will be felt beyond the immediate future.

At the 2004 Intel Science Talent Search, the nation's premier science competition for top high school students, I conducted interviews to determine the immigration background of the 40 finalists. The results were astounding. Two-thirds of the Intel Science Talent Search finalists were the children of immigrants. And even though new H-1B visa holders each year represent only 0.03 percent of the U.S. population, it turns out more of the children (18) had parents who entered the country on H-1B visas than had parents born in the United States (16). In other words, if critics had their way, most of the coming generation's top scientists would not be here in the United States today – because we never would have allowed in their parents.

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Stuart Anderson is Executive Director of the National Foundation for American Policy, a non-profit, non-partisan public policy research organization in Arlington, Va. focusing on trade, immigration, and related issues. Stuart served as Executive Associate Commissioner for Policy and Planning and Counselor to the Commissioner at the Immigration and Naturalization Service from August 2001 to January 2003. He spent four and a half years on Capitol Hill on the Senate Immigration Subcommittee, first for Senator Spencer Abraham and then as Staff Director of the subcommittee for Senator Sam Brownback. Prior to that, Stuart was Director of Trade and Immigration Studies at the Cato Institute in Washington, D.C., where he produced reports on the military contributions of immigrants and the role of immigrants in high technology. He has an M.A. from Georgetown University and a B.A. in Political Science from Drew University. Stuart has published articles in the *Wall Street Journal*, *New York Times*, *Los Angeles Times*, and other publications.