

TESTIMONY OF BRUCE A. MORRISON

**CHAIRMAN
MORRISON PUBLIC AFFAIRS GROUP**

ON BEHALF OF

IEEE—USA

FOR THE HEARING

**“H-1B VISAS: DESIGNING A PROGRAM TO MEET THE NEEDS OF THE
U.S. ECONOMY AND U.S. WORKERS”**

PRESENTED TO THE

**COMMITTEE ON THE JUDICIARY
OF THE
UNITED STATES HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON IMMIGRATION POLICY AND ENFORCEMENT**

MARCH 31, 2011

TESTIMONY OF BRUCE A. MORRISON

Thank you, Chairman Gallegly, ranking minority member Lofgren, and distinguished members of the subcommittee for the opportunity to testify today. You have a vital job to do in these difficult economic times. We all want to help identify the opportunity for consensus on actions that the Congress can take to create jobs for Americans.

I am here today in my capacity as a representative of IEEE-USA, an organizational unit of the Institute of Electrical and Electronics Engineers, Inc. created in 1973 to support the career and public policy interests of IEEE's U.S. members. IEEE-USA represents over 210,000 engineering, computing and technology professionals and students. Its vision is to be the technical professional's best resource for achieving life long career vitality and to provide an effective voice on policies that promote U.S. prosperity.

The focus of this hearing is on the H-1B nonimmigrant category, so it may be helpful for me to provide a bit of historical perspective. I was the chairman of this subcommittee in 1990 when we defined the basic structure of the H-1B category in the Immigration Act of 1990, including the original 65,000 annual cap. Importantly, at the same time, we also increased the number of visas available for employment-based immigrants from 54,000 to the current 140,000, while shifting the focus of the immigrant visa categories toward higher-skilled immigrants. Our goal was to limit nonimmigrant admissions for filling "permanent" jobs in favor of the use of permanent immigrant visas—"green cards."

These changes were motivated by evidence that the pre-existing H-1 category was not sufficiently targeted on highly talented individuals, concern that the immigrant visa categories were too small and not targeted to high skills, and a belief that it is preferable to put those coming from abroad to fill permanent jobs on a path to become Americans. Regrettably, these objectives have not been adequately achieved over the past 20 years. Much of the debate over H-1B echoes what was said in the '80s and the visa categories for skilled employment-based immigrants are again backlogged.

It is clear from the debates over H-1B during the past 15 years that there will be continuing controversy over the "right" contours for that category. You are hearing different views on that controversy today. But while this debate continues, there is a more pressing problem that can and should be addressed: facilitating the employment of the many advanced degree graduates of STEM programs in America's top universities. While the percentages vary by school and program, it continues to be the case that a majority of these graduates are foreign born. This statistic should be a matter of concern, and an effective response to the underrepresentation of American students in STEM graduate programs is imperative. But this condition has existed for decades and any correction will take decades, as well. Meanwhile, we need these highly skilled graduates as part of our economy because their presence will expand jobs for Americans in two ways.

First, American technology firms need their skills for the research and product development that they are doing in the U.S. They need to draw from the full pool of U.S.-educated graduates, not

just the minority that are already Americans. If this talent pool is not available here, American firms will move jobs to where they can access the talent they need. When they do that, it is not just the foreign born who leave. Along with them go multiples of jobs now held by Americans. It is an outsourcing phenomenon that undercuts the U.S. job market for Americans in a range of professions.

Second, advanced degree STEM graduates are key contributors to innovation and increased productivity that will help grow whatever economy employs them. In America, they will enhance our productivity and prosperity, growing American jobs and the American standard of living. Or, they can take their skills—nurtured by our world leading universities—and put them to work building another country's prosperity. There are plenty of competitors in the world outside our borders ready to hire them.

In May and June, another class of advanced degree STEM graduates will join the workforce. Whose welcome mat will be most attractive? America has always won this competition in the past, but our competitors are increasingly aggressive in pursuit of this talent pool. And globalization has made it easier for multinational companies to go where the talent goes, rather than insist that the talent stay in America. With our unemployment so high, we desperately need to hold onto these jobs—those filled by Americans and those that can be filled by foreign-born graduates on their way to becoming Americans—as well as the jobs that their work will create.

“So, isn't that what the H-1B is designed to do?” No, not really. As a temporary, nonimmigrant category that ties employees to particular employers, it is not America's most effective welcome mat. What makes America unique in the world is its process of turning newcomers into Americans. These STEM graduates, like generations before them, do not want to be “temporary workers” valued only as long as they are of interest to a “temporary employer.” Rather, they are skilled individuals, often with families, who seek a secure place in a competitive workplace and a welcoming community. They want to stay permanently in America and become Americans. And this “Ellis Island” model of immigration is what sets us apart in the global competition for talent.

The IEEE-USA represents electrical, electronics and computer engineers. While 80% are native born, 20% are immigrants. Student chapters abound, with their mixture of “grown-up here” and “came from abroad” students. But there is a consensus among the membership. These members do not want to be part of a system that uses “temporary visas” to advantage or disadvantage some employees over others. They want a workplace where the competition is fair because the playing field is level. With “green cards” you do not have to write endless rules regarding portability and prevailing wages. The job market sorts all this out. Employers keep their workers by providing an attractive employment opportunity. Employees keep their working conditions up by having options. That is the better way to attract and keep foreign-born talent without adversely affecting American workers or exploiting the foreign born.

In short, there are no problems for which green cards are not a better solution than temporary visas. And there are no problems with the H-1B program itself that a system built on green cards will not help to fix. So we are asking this Subcommittee to change the subject—from H-1B to green cards—at least long enough to address the opportunity to retain this spring's new STEM

graduates permanently in America and to help their predecessors to not continue having to wait in endless lines for their dates to come up in the green card queue.

Today the bipartisan leadership of the Judiciary Committee and this Subcommittee received a joint letter from IEEE-USA and the Semiconductor Industry Association (SIA). It is remarkable. Organizations composed of the largest high tech employers on the one hand, and the largest organization of high-tech workers on the other, agree that Congress should focus on green cards, not guest worker visas. This is a sign pointing in the direction that we hope this Subcommittee will go.

This is immigration we're talking about. So, of course there are lots of things to disagree about. But there are some things we clearly can agree on—and we think we should focus on those things. As always, immigration policy should be shaped by what is in our national interest and good for Americans, not by what potential immigrants might prefer.

First, we have 9% unemployment. So our top priority has to be to create and keep jobs in America. We can debate “how.” But that is a “what” we all share.

Second, there is a broad political consensus available to build on, that green cards for STEM graduates, starting **this** year, is one of the best available tools for growing jobs in America.

And it's not just jobs—it's the whole economy, including our crippled housing market. No matter how good the jobs, workers on temporary visas are renters. Legal permanent residents with good jobs can qualify for mortgages. They will buy houses.

So what does this mean specifically? Here are some suggestions:

- Create a category for advance degree STEM graduates from quality American universities and move them out from the green card caps. Consider imposing fees on their immigrant petitions to fund STEM education for Americans.
- Create incentives for employers to petition for green cards at the beginning of the employment of skilled foreign-born employees, rather than keeping them in “temporary” status.
- Recapture unused visas from the 1990s (when bureaucratic delays pushed demand away from green cards and into H-1B) so that the long queues of skilled employees can get their green cards now. Create an annual rollover of unused visas to eliminate unused visas in the future.
- Eliminate the per-country limit on employment-based visas, recognizing that the biggest talent pools come from the biggest countries in the world—India and China.
- Impose 30-day processing time limits on labor certification audits, petition adjudications, adjustment of status adjudications and visa interview scheduling to facilitate use of green cards rather than H-1B.

- Provide for continuing renewal of Optional Practical Training (OPT) status on an annual basis (after initial period of 17 months to coincide with May to October transition) if sponsored by a current employer and there is a green card process ongoing (whether for that employer or another).
- Provide for filing of adjustment of status applications based on approved (or concurrently filed) employment-based petitions during periods when visas are not available for the beneficiary for the applicable category to allow the green card process immediately without reliance on H-1B.

The American competitive advantage in immigration is the Ellis Island model. It's not about adding foreigners to our economy. It is adding skilled people who want to become Americans. Giving American employers enough green cards to hire **new** Americans means more jobs **for** Americans—not just those born abroad, but all of us.