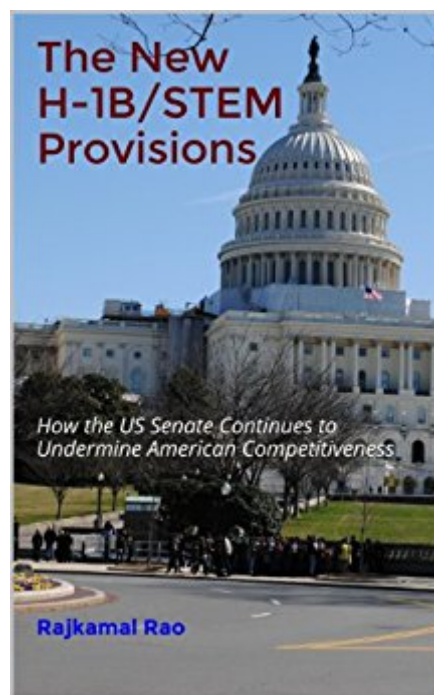




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The New H-1B/STEM Provisions: How The US Senate Continues To Undermine American Competitiveness



Synopsis

The H-1B visa, a tool that allows American companies to import foreign workers for short durations, has been coded into US immigration law for decades. For as long as this visa has been in existence, abuse, however, has been common. The abuse is more prevalent as it relates to the so-called Science, Technology, Engineering and Mathematics (STEM) professions. The United States Senate, in June 2013, with heavy backing from the technology industry, voted 68-32 to pass a comprehensive immigration bill. The massive legislation unveiled a complex set of proposals to help close these loopholes and strengthen the H-1B program as part of a broader approach to immigration reform. But a closer look at the STEM provisions reveals that while some proposals are good, there are many new ideas that have the potential for creating even more damage to the United States than the original H-1B program. The book will show that many of the claims that the technology industry is making regarding worker shortages are at best hype, and at worst, plainly false. If enacted into law, the new provisions could result in depressed wages for STEM professions for generations, a systemic erosion of STEM work-force quality, an even lower participation by Americans in STEM fields and the creation of a vast permanent under-class of high technology workers in corporate America (that are not native born) creating intellectual property and national security headaches for the United States. The objective of this book is to make readers aware of these complex provisions and describe, at a more fundamental level, the human angle of this storied program. The book examines how the business model of the Indian IT majors will forever change under the new proposals - frankly, a good thing because the playing field is finally set level. And it brings to light serious flaws in an earlier link in the supply chain - the higher education lobby and its aggressive recruitment of foreign students to study in the US. Some provisions in the proposed legislation are extremely generous to foreign students and have the potential to harm not only the STEM profession but also the overall US labor workforce for generations. The Senate bill is not law yet - and with the House of Representatives ruling out voting on the Senate bill and taking a more peace-meal approach to immigration - there is a fair chance that the Senate bill will die, leaving all of the current H-1B provisions in place. Or, given the brinksmanship record of Congress in recent years - where important legislation is often pushed to the verge of a disaster before bills are passed - there is a possibility that the two bodies will agree at least on H-1B and STEM reform in the middle of the night and pass a stand-alone bill or tuck it into some unrelated omnibus bill such as Food Stamps or Transportation. But the H-1B program is definitely at a critical impasse. It is seriously flawed as it currently exists and does not meet the intent of Congress when the law was first authorized in the 1950s. The Senate bill addresses some of these flaws but swings the

pendulum too far to favor the high technology industry, and in doing so, has the potential to alter not just the American STEM labor market, but rather the US as a nation, forever.

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