Programmers Guild to Senate Judiciary Committee: American Jobs should be filled by Americans! PLEASE DON'T RAISE H-1B CAP

Congress has virtually destroyed the U.S. computer programming profession by flooding in foreign workers under the **H-1B visa**, which has no provision that employers even consider qualified U.S. workers before being granted the visa. American students now fear entering the profession.

While supporters claim that this visa is necessary to resolve a "worker shortage," often U.S. workers are forced first train their replacements before being displaced. In contrast, employers never hire H-1B workers to train their U.S. workers.

The H-1B visa has spawned the "foreign worker bodyshop" industry, where foreign entities such as **TATA Consulting** can legally hire exclusively foreign workers and aggressively market them against U.S. workers. **R-Systems** in El Dorado Hills, CA, is another such firm comprised of underpaid Indians doing California state contracts, transferring much of the work back to India.

88% of Tata's workers are age 30 or under. Of the thousands working in the U.S., virtually none are U.S. citizens. Meanwhile U.S. programmers over age 40 cannot find jobs. Where is EEOC?

Most positions being filled by H-1B workers do not require exceptional skills, pay below market wages, and could easily be filled by U.S. workers. In Roseville, CA an H-1B visa was granted to a "dental assistant trainee" earning $7 per hour. H-1B accountants in San Francisco are earning $16 per hour.
Is this a labor shortage, or a shortage or employers willing to pay a fair wage? Couldn't these positions be filled with Americans?

U.S. Jobs should be filled by Qualified Americans when Available

If this committee intents any action on the H-1B, it should be to amend such that "**employers first attempt to recruit U.S. workers before the DOL may grant their labor condition application (LCA) for an H-1B worker**" and to only grant the visa to the principals, not to bodyshops that have no direct need for the workers.

Selling out Americans for $500 a head?

The Federation of American Immigration Reform (FAIR) reports on that this Committee, fully aware that H-1B displaces and harms Americans, is considering selling out our careers for $500 a head:

"This Thursday, the Senate Judiciary Committee is expected to consider allowing 60,000 more H-1B visas to be issued per year for the next five years...The proposal, backed by Chairman Arlen Specter (R-PA) and Sen. Edward Kennedy (D-MA), authorizes 60,000 new H-1B visas and a new $500 fee, which Congress expects to raise $30 million annually to off-set spending in other parts of the federal budget."

This is unconscionable class warfare, driven by special interests such as the American Immigration Lawyers Association (ALIA), which has turned selling out American workers into a $200 million business.

Alternate Proposal

The Programmers Guild offers an alternate solution: Raise the H-1B fee to $5000 per year. This would be a small percentage of the total wage/benefit package of the workers and would serve as an incentive to employers to hire U.S. workers when they are available.

At the current cap of 65,000 per year, this proposal would **raise $325 million** annually - ten times the return that the alternate proposal would raise. It would have the side effect of protecting U.S. jobs.
The choice is $30 million or $325 million per year.

On August 26, 2005, CNN reported on the Lou Dobbs program that DOL was holding 50,000 H-1B positions open exclusively for foreign workers, and refused to disclose the list of openings so that qualified Americans could apply.

Please see the links at top center at **www.programmersguild.org** for more information on how the H-1B program is being abused.

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