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November 7, 2007

## Please remove the H-1b increase from H.R. 4065

Delivered by Fax to:

(toll-free switchboard: 800-614-2803)

Rep. Brian Bilbray [R-CA]	(202) 225-2558
Rep. Howard Coble [R-NC]	(202) 225-8611
Rep. David Dreier [R-CA]	(202) 225-7018
Rep. Tom Feeney [R-FL]	(202) 226-6299
Rep. Elton Gallegly [R-CA]	(202) 225-1100
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Rep. Daniel Lungren [R-CA]	(202) 226-1298
Rep. Sue Myrick [R-NC]	(202) 225-3389
Rep. Jon Porter [R-NV]	(202) 225-2185
Rep. James Sensenbrenner [R-WI]	(202) 225-3190

Dear Republican U.S. Congressmen,

H.R. 4065 is a bill *"To amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes."*

Among the provisions of H.R. 4065 is: SEC. 1402. INCREASE IN H-1B VISA NUMBERS, which would increase the base H-1b annual cap from 65,000 to between 130,000 and 195,000. These figures do not include renewals and do not include the exemptions granted to universities and non-profit organizations.

### How does increasing the number of H-1b visas relate to border security and immigration enforcement?

As you are aware, the H-1b visa contains no requirement that qualified Americans be given preference for these U.S. jobs. CALTRANS, for example, has sponsored dozens of H-1b workers, even though qualified Americans were reachable on civil service lists for these positions.

In response to the revelation in the **Cohen & Grigsby YouTube video**<sup>1</sup> that, in the PERM process of sponsoring H-1b workers for green cards, employers and immigration attorneys go to great lengths **to disqualify** American candidates, **Rep. Brian Bilbray** is quoted by FOX News on June 23, 2007:

"This is a kind of abuse of the law that makes people so skeptical about so many of our immigration laws. And frankly, if they're openly saying that they have no intention of hiring American citizens at the first crack of employment, frankly, I think that's crossing the line."<sup>2</sup>

<sup>1</sup> <http://programmersguild.blogspot.com/2007/06/youtube-gate-cohen-grigsby-train-how-to.html>

<sup>2</sup> <http://www.foxnews.com/story/0,2933,286377,00.html>

Rep. Bilbray: Why do you now advocate a massive increase in this flawed immigration program?

Increasingly, Indian consulting firms (off-shorers and cross-border body shoppers) such as InfoSys and TATA are displacing U.S. consulting firms. These predatory firms undermine U.S. competitiveness by providing the conduit to transfer U.S. jobs and technology back to India. Their employees are predominately Indians working on H-1b or L-1 visas. These firms actually boast of paying wages 25% below market rate.<sup>3</sup>

Our wage per employee is 20-25 per cent less than US wages for a similar employee. Typically, for a Tata Consultancy Services (TCS) employee with five years experience, the annual cost to the company is \$60,000-70,000, while a local American employee might cost \$80,000-100,000. – *TCS vice president Phiroz Vandrevalla*

**Please explain to U.S. technology workers why you support increasing a visa program that forces Americans to compete with BS degreed foreigners for wages that are often under \$45,000.**

In May 2007 Oracle VP Robert P. Hoffman opposed an amendment by Senator Sanders that would have added a \$1200 annual fee on H-1b workers – which would have funded scholarships for American citizens studying engineering, mathematics, or computer science – calling the fee an “*onerous tax increase*.”<sup>4</sup> Oracle has about 1,850 H-1b on staff. Thus, the annual cost to Oracle would have been slightly over \$2 million, providing \$15,000 scholarships for 143 American students. Senator Sanders has recently re-introduced this bill, and again industry lobbyists adamantly oppose a program to help more Americans get through college.

Just this week U.S. Sen. Chuck Grassley (R-Iowa) charged that the H-1b program takes jobs away from American workers.<sup>5</sup> Among the H-1B reforms sought by Grassley and Durbin are rules requiring employers to attest that they aren't displacing U.S. workers by hiring H-1B visa holders and that they have taken "good-faith steps" to hire American citizens.

**Please explain why your HR 4065 does not include the U.S. worker protections of Senators Sanders, Durbin, and Grassley. Do you support U.S. jobs going to foreign workers even when qualified Americans are available, and need the work?**

What evidence do you have that there is a tech labor shortage in the U.S.? Over the past several years wages have dropped when adjusted for inflation. Please open the classified section of the Sacramento Bee – or your local major newspaper – and identify the display ads that are screaming for workers.

The number of tech jobs in the U.S. today is roughly the same as in 2000: 3.6 million. H.R. 4065 would flood in up to 1.2 million foreign workers into this flat job market in just six years. This WILL substantially harm American college graduates, who, unlike their foreign competition, are likely burdened by large student loans. New grads will unjustly be passed over by experienced foreign workers, and younger Americans will be dissuaded from entering the profession.

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<sup>3</sup> <http://programmersguild.blogspot.com/2007/05/india-now-denies-their-prior-admission.html>

<sup>4</sup> <http://programmersguild.blogspot.com/2007/05/oracle-objects-to-providing-15000.html>

<sup>5</sup> <http://www.computerworld.com/action/article.do?command=viewArticleBasic&articleId=9045798>

**Please explain to Americans why you believe that the natural market supply and demand forces cannot fill every labor need within the U.S. with U.S. workers.**

Nobel economist Milton Friedman states, "There is no doubt, that the [H-1B] program is a benefit to their employers, enabling them to get workers at a lower wage, and to that extent, it is a subsidy."<sup>6</sup>

A primary duty of Congress is to *protect the Liberty interests of their constituents*. U.S. tech workers have a liberty interest to work in their chosen profession, and to earn a fair market wage for doing so.

Speaking for myself, I support the “enforcement only” provisions of HR 4065. But please do not let it be a **Trojan Horse** for a devastating flood of tech guest workers.

**American tech workers ask that you remove the unrelated H-1b increase provision from HR 4065.**

Sincerely,

Mr. Kim Berry  
President, Programmers Guild  
[www.programmersguild.org](http://www.programmersguild.org)  
email: kim-AT-programmersguild.org

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<sup>6</sup> <http://www.computerworld.com/careertopics/careers/labor/story/0,10801,72848,00.html>