

# New H-1B hiring bill takes aim at tech firms

Lawmakers may be setting the stage for the fight over broader immigration reform

By Patrick Thibodeau

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Computerworld - The two lawmakers who successfully added H-1B hiring restrictions to the financial bailout bill earlier this year have introduced legislation that would bar any firm that lays off 50 or more workers from hiring guest workers.

This legislation, introduced by Sen. Bernie Sanders (I-Vt.) and Sen. Charles Grassley (R-Iowa), could potentially affect a broad swath of tech firms that have laid off large numbers of workers but continue hiring.

The high-tech industry overall has laid off more than 345,000 workers since August 2008, according to the two senators in the unveiling of what they called the Employ America Act.

"With the unemployment rate over 10%, companies that undertake mass layoffs shouldn't need to hire foreign guest workers when there are plenty of qualified Americans looking for jobs," said Grassley, in a statement yesterday.

In February, Grassley and Sanders [moved to prohibit](#) any financial services firm that received money from the Troubled Assets Relief Program (TARP) from hiring H-1B holders. That blanket restriction on hiring wasn't adopted, but Congress did agree to automatically make any firm receiving TARP funds "H-1B dependent."

A company is considered H-1B dependent if more than 15% of their workers are on the H-1B visa, but the TARP restriction applies regardless of the percent of visa holders on the payroll. Companies that are H-1B dependent must, among the things, make good faith efforts to hire U.S. workers first.

With the Senate expected to receive an immigration overhaul bill early next year, the prospects for any H-1B-related legislation is uncertain and probably unlikely to pass.

Grassley and U.S. Sen. Dick Durbin (D-Ill.) introduced the H-1B and L-1 Visa Reform Act of 2009 earlier this year (S.887) that would set a number of restrictions on H-1B use, including the so-called 50-50 provision that would prohibit any firm with more than 50 workers from having more than half workforce on H-1B or L-1 visas. That provision [is aimed at Indian outsourcing firms](#). The legislation also sets higher salary standards for visa workers as well as anti-fraud provisions.

Conversely, U.S. Rep. Jeff Flake (R-Ariz.) has proposed legislation that would to increase the H-1B cap and that would [exempt foreign graduates](#) of U.S. Ph.D. programs from counting toward a cap on H-1B visas.

The Sanders-Grassley bill would apply as well to companies hire workers on the H-2B visa, which is used in occupations such as construction, health care, food service, among others.

The bill wasn't available online Thursday.

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