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PASCRELL ANNOUNCES COMPREHENSIVE WORKER VISA LEGISLATION:

H-1B VISA REFORM WILL RETURN AMERICAN JOBS TO AMERICAN WORKERS

PATERSON—U.S. Rep. Bill Pascrell, Jr. (D-NJ-8) today announced introduction of H.R. 4378, the “Defend the American Dream Act of 2005.” Pascrell’s legislation is the only comprehensive federal legislation designed to reform the flawed H-1B visa program that is being abused by corporations to hire employees for low wages, fewer benefits, and poor working conditions.

“My legislation faces the Americans who have high tech degrees in one hand, and pink slips in the other,” stated Pascrell, the author of the Defend the American Dream Act. “We must address this fundamentally broken program that is tearing down the labor standards American workers have worked so hard to build-up. The “Defend the American Dream Act” is real job creation plan. It returns the American dream to thousands of workers who have worked hard to advance the cutting edge of global technological advancement.”

Joining Pascrell to make the announcement at Department of Labor Northern Regional Service Center in Paterson, NJ was Sona Shah, a tech worker from Montclair, New Jersey who was displaced by a H-1B worker, and the Institute of Electrical and Electronics Engineers.

“This H-1B visa and other such guest worker programs have provided a vehicle for employers to discriminate against and exploit, both American and guest workers,” said Sona Shah. “The negative ripple effect on the American economy, tax base and intellectual capital for America is staggering. We need Congressman Pascrell’s bill because the H-1B visa as it currently stands is riddled with loopholes that enable abuse with no system for accountability.”

“In report after report, government investigators have found serious weaknesses and failings in the H-1B program,” IEEE-USA President Gerard A. Alphonse said. “Contrary to the law’s intent, the program can be used to fill any job at almost any wage, and the vast majority of employers are not required to recruit American workers first. IEEE-USA applauds Rep. Pascrell for drafting a bill that addresses these serious problems.”

Pascrell, a leading voice in Congress for American workers and worker rights exercised his commitment to reforming the H-1B visa program in the 108th Congress when he first introduced the “Defend the American Dream Act of 2004.” The legislation was drafted after the Pascrell met with displaced tech workers at a town hall meeting.

The current legislation in the 109th Congress includes stronger language to reform the visa program. It will lower the cap on H-1Bs, require that all employers prove that they are hiring qualified American workers first, and greatly will strengthen and increase enforcement and accountability provisions for the program.

The main provisions of the, “Defend the American Dream Act of 2005” are listed below.

1) Strengthens Essential Safeguards for Affected Workers

- i. Requires employers of H-1B non immigrants to use one of three specified methods (whichever results in higher wages) to determine wages for purposes of required wage attestations.
- ii. Requires that employers actively recruit American workers and make copies of labor application available to public 30 days ahead of filing.
- iii. Prohibits employers from placing, outsourcing, leasing or otherwise contracting for the placement of an H-1B nonimmigrant with another employer.
- iv. Creates a private right of action for persons harmed by an employer's violation of labor condition requirements.

2) Improves H-1 B Program Administration and Enforcement

- i. Increases visa processing efficiencies and reduces backlogs and delays by centralizing basic administrative responsibilities in the Department of Labor.
- ii. Enhances compliance and reduces fraud and abuse by authorizing random audits of labor condition applications and related H-1B visa applications.
- iii. Increases monetary penalties for willful violators.

3) Limits H-1B Admission Ceilings and Authorized Stays

- i. The H-1B visa quota would be reduced to its originally authorized level of 65,000 per year.
- ii. Authorized stays would be limited to a single, 3-year, non-renewable term or 2 years, renewable for additional years, for a total of 4 years.

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