

Jobs Saved by Congress

But perhaps not for long

by Rob Sanchez

On November 2, 2005 Sen. Robert Byrd's words rang out on the floor of the Senate: "*This is baffling! It's baffling!. Baffling!!!. It is baffling, I say!*" Byrd's valiant speech on behalf of American workers failed to shame Senators from burying a provision deep inside the Omnibus Spending Bill of 2005 – a provision destroying thousands of American jobs. Byrd's lament didn't dissuade the Senate from voting in favor of a dramatic increase of employment-based visas by an 85-15 vote.¹

The betrayal against American labor began when Arlen Specter (R-PA) and Ted Kennedy (D-MA) introduced an amendment to the Omnibus Spending bill that would allow the government to sell an additional 350,000 employment based visas to foreign nationals who yearn to work in the United States. Specter and Kennedy proposed to sell thousands of visas, ostensibly to raise money to pay off a small portion of the U.S. budget deficit. Supporters of the scheme, such as Saxby Chambliss (R-GA) and Bob Kyl (R-AZ), claimed that by selling these visas the U.S. could raise \$113 million to help pay for our \$2.6 trillion federal budget. Sen. Chambliss made a comment on the floor of the Senate that was all too typical, and it illustrates the depravity of these politicians: "The reconciliation package passed by the Senate Judiciary Committee, by a vote of 14 to 2, will generate \$45 million annually from H -1B visa fees."² Only in Washington, D.C. would there be politicians who think that it's a good idea to balance an infinitesimal percentage (less than a hundredth of one percent) of the U.S. budget by forcing unemployment on thousands U.S. workers.

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Typically most of the foreigners who enter the U.S. on employment-based visas are seeking our most desired jobs in fields such as engineering, computer programming, science, teaching, and medicine. Employment-based visas are valued by industry because the importation of foreign labor into the United States is viewed as an effective method to cut labor cost by replacing U.S. workers with migrants who are willing to do similar work for lower salaries and fewer benefits.

Despite the fact that middle class workers are having increasing difficulty finding meaningful employment, and despite the fact that salaries for U.S. workers are declining, the Senators of the 109th Congress seemed unfazed. Thousands of Americans would lose jobs because of the Senatorial visa sale – and yet it didn't seem to occur to any of them that unemployed citizens cease to be taxpayers, and therefore contribute to the national debt. This lame-brained scheme would end up costing the treasury over \$3 billion in lost income tax revenue but most of the Senate seemed undaunted by this fact.³

The Specter/Kennedy fund raising scheme was a phony excuse that Senators used to hide their sell-out to a consortium of powerful corporate special interest groups known as the "cheap labor lobby." Wads of corporate cash were spent to lobby the Senators and the lure of that money was the most significant factor in the near unanimous decision to vote in favor of the visa increase. Microsoft spent so much time and money on Capitol Hill lobbying for the H-1B increase that some Washington insiders were calling the legislation the "Bill Gates" bill.

Arlen Specter's amendment included the sale of 90,000 employment based Green Cards for permanent residency, and to sweeten the pot further, approximately 270,000 spouses and children of the visa holders would be given authorization to work in the United States. Employers would get an additional 30,000 H-1B temporary guest-worker visas on top of

the current 85,000 per year cap. All told up to 350,000 foreigners would be given permission by Congress to work in the United States, and many of them would become permanent residents.

Sneaking the enormous visa increase into the Omnibus Spending Bill was a slam dunk in the Senate, but it sank like a lead balloon on December 19th when the House of Representatives passed the budget bill with no visa increase. Perhaps the proposed visa increase never got off the ground in the House, because they were pushing for a competing bill to reform immigration called the “The Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005,” or H.R. 4437.

Nevertheless, attempts were still made to slip visa increases into HR 4437, most notably by the two Arizona representatives. Jeff Flake (R-AZ) failed in his misguided effort to put language in HR 4437 spelling out the need for an expanded foreign guest worker program, while an amendment by J.D. Hayworth (R-AZ) that boosted the number of employment based Green Cards from 140,000 a year to 205,000 was quietly removed when House members began to sour on visa increases. Hayworth realized that his amendment had no chance to be approved so he decided to let it die.⁴ Hayworth’s amendment would have raised the number of Green Cards by 65,000 which is the current cap on the H-1B visa. I questioned Hayworth’s office in Washington as to whether the increase was based on the H-1B cap and the answer was that he got the number from the limit on adult siblings. Apparently that 65,000 number isn’t

One of Hayworth’s staffers explained to me that Hayworth feels the U.S. needs foreign workers and therefore it’s better to give them permanent residency than to give them temporary guest worker visas. Hayworth also claims that he opposes amnesty and yet he doesn’t seem to understand that his Green Card giveaway is tantamount to giving amnesty to visa over-stayers and H-1Bs who want to become permanent residents. Hayworth is known as an Arizonan who is tough-on-immigration so it was quite a surprise when he voted against HR 4437. To read Hayworth’s convoluted rationale used to justify his vote against H.R. 4437 read his *Washington Times* op-ed “Time for an Immigration-Enforcement Bill” dated 12/17/2005.⁷

just for H-1B!

On December 22nd when the final Budget Reconciliation Bill was passed by both the House and Senate the big surprise was that the cheap labor lobby failed to get their cherished visa increase. Analysts on both sides of the immigration issue expected a visa increase to appear when the budget bill went to conference committee. Shockingly the House prevailed over the Senate and the decision was made to leave out visa increases. Historically the corporate lobbyists have succeeded in pressuring Congress to slip visa increases into spending bills – the 20,000 increase in H-1B visas in the 2004 budget bill and the increase of H-1B visas from 65,000 to 115,000 in the 1999 budget bill are notable examples. This surprising defeat showed that the open-borders lobby may have a chink in its armor!

The big question remains: why didn’t Congress approve the visa increase?

It would be a mistake to conclude that 350,000 jobs were saved due to a new patriotic fervor in Congress to reserve our nation’s jobs for citizens. Without doubt, House members felt pressure from immigration reform groups such as NumbersUSA, FAIR, Californians for Population Stabilization, and a few dissident labor unions that organized call-in and fax campaigns, but the outcry they generated was not the sole reason the visa increases languished. While the debate raged in Congress most American workers didn’t know what was transpiring, and those few who did seemed far more interested in shopping for Christmas presents than calling their representatives to stop the insane sell-out of jobs.

Visa increases were most likely rejected because a minority of representatives such as Tom Tancredo (R-CO) opposed putting immigration provisions in the budget bill as a matter of principle, and pragmatists such as Lamar Smith (R-TX) wanted to avoid controversial provisions that could slow the approval of the critically urgent budget bill. Lamar Smith probably expressed a majority view when he said that “this is not the time or place for controversial immigration provisions. We’re going to need every Republican we can get to pass the budget reconciliation bill.”⁵

American workers got a reprieve when the House

refused to cooperate with the Senatorial sale of 350,000 visas to foreign workers who would compete for jobs in the U.S. labor market. Sensing defeat, the cheap-labor lobby probably didn't push hard for the visa increase when they realized that the amendment to budget bill was running into trouble in the House. Their long term goal is to get much larger increases in visas for their corporate constituencies so they might have decided to save the fight for another day. They intend to lobby for a much larger comprehensive immigration bill next year that will contain a guest-worker bill that would allow employers to obtain unlimited numbers of visas to import foreign labor into the U.S. As Gary Becker at the Stanford Hoover Institute argues, "I am proposing that H-1B visas be folded into a much larger, employment-based green card program. The annual quota should be multiplied and there should be no upper bound on the numbers from any single country."⁶

Corporate lobbyists have made it very clear that they will come back early in 2006 to push for unlimited numbers of employment based visas. Sandra Boyd, a spokesperson for the corporate funded lobby group CompeteAmerica made their intentions known on their website: "We will expect these issues to receive serious consideration by the appropriate

committees early next year."⁸

Barring a sudden desire for activism on the part of large numbers of American citizens there isn't much that will derail the push next year for more guest worker visas. Political apathy can no longer be the norm for U.S. citizens because their economic future is at stake. The question remains whether the American public will vigorously assert themselves when the fat-cat lobbyists descend on Capitol Hill, or whether they will sit idly by when the deal-making begins and the Congressional votes are bought.

Considering that in 2006 there are 435 House Representatives and 35 Senators up for re-election there is hope that visa increases could be blocked. If the American public speaks loud enough incumbents will decide that winning an election is more important than appeasing the corporate lobbyists. Let's be sure to make Congress understand that if they vote for more employment-based visas they can expect to lose the election – which means that they will have to pack their bags, go home, and look for a job in the "globalized labor market" that they created while they were still in office. ■

NOTES

1. <http://www.zazona.com/ShameH1B/MediaClips.htm>, November 2, 2005 Sen. Robert Byrd's speech on Senate H-1B increase.
2. "Deficit Reduction Omnibus Reconciliation Act of 2005," Senate, *Congressional Record*, November 02, 2005, p. S12189.
3. http://www.vdare.com/letters/tl_110205.htm "Tech Worker Calculates Specter/Kennedy H-1B Visa Scheme Means \$3 Billion Net Annual Loss To Treasury"
4. http://www.rules.house.gov/109/specialrules/hr4437/109hr4437_hayworth95.pdf – Rep. J.D. Hayworth's Amendment to increase employment based green cards.
5. <http://www.newsmax.com/archives/ic/2005/10/31/100049.shtml> – "Senate Debates 'Costs' of Illegal Immigration."
6. <http://www.dnaindia.com/report.asp?NewsID=1002419&CatID=9> – "H-1B visas: US lobbies push to help India."
7. http://www.competeamerica.org/news/alliance_pr/20051221_disappoint.html – "Compete America Disappointed as Immigration Provisions are Dropped from Final Budget Reconciliation Package."
8. <http://www.washingtontimes.com/op-ed/0051213-092318-3663r.htm> – "Time for an immigration-enforcement

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bill,” by J.D. Hayworth, *Washington Times*, December 14, 2005.