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## TECH FIRMS PRESS TO SHAPE SENATE BILL'S VISA RULES

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WASHINGTON—Senators reviewing bipartisan immigration legislation are battling behind the scenes over new rules on visas for highly skilled workers, a fight that pits Silicon Valley against lawmakers who say the industry must do more to boost American workers.

High-tech firms have pumped millions of dollars into television ads supporting the legislation, which would give the companies access to tens of thousands of additional highly skilled foreign workers. But those visas could come with strings attached, as the bill also includes rules aimed at pushing companies to hire U.S. workers before turning to foreign labor.

Facebook Inc. FB -1.58% Chief Executive Mark Zuckerberg, Microsoft Corp. MSFT +0.61% CEO Steve Ballmer and other technology executives have appealed privately to lawmakers and the White House this past week to try to water down some of those rules and let them have easier access to foreign programmers and engineers. While lawmakers backing the bill are keen to keep the industry's support, several senators signaled this week they are nervous of making any changes to the legislation that appear to favor foreign hires over Americans.

The Senate action is taking place in the judiciary committee, which is examining a broad overhaul of immigration law crafted by a bipartisan group of eight senators. The bill includes many provisions that technology firms want, such as an increase in high-skilled visas to 110,000 annually from the current 65,000. There also is a new visa for some founders of start-ups.

As the committee considers changes to the bill, the tech industry has found an unlikely ally in Sen. Orrin Hatch. The 79-year-old Utah Republican has had multiple conversations recently with Mr. Zuckerberg, who is 50 years his junior. Mr. Hatch has offered a series of tweaks to the immigration proposal that would ease restrictions on many tech firms.

The matter could come to a head as early as Thursday, when several of Mr. Hatch's amendments could get a vote. "There's a whole high-tech world that's getting up in arms if we don't do this right," Mr. Hatch said. "They alone could make this bill very difficult to pass."

One dispute focuses on a requirement in the bill that says companies may not use a high-skilled visa to fill a job before first posting the position on a government website and offering it to an "equally or better qualified" U.S. citizen who applies. Technology firms argue that the government shouldn't have a say on who is most qualified for a job and fear the provision exposes companies to the risk of litigation.

Mr. Hatch would change that provision so that it applies only to companies with more than 50 employees in which 15% or more of the workforce is already on a high-skilled visa. That would exclude Facebook, Microsoft, Google Inc. GOOG -1.25% and many other tech firms.

"What we'd like is deference," said Scott Corley, executive director of Compete America, a lobbying collective of tech firms including Google, Intel Corp. INTC -0.97% and Microsoft. "There's no one-size-fits-all solution to hiring highly skilled workers."

Another measure bans companies from "displacing" an American worker within 90 days of attempting to hire a foreign worker. Mr. Hatch and tech companies want to narrow that language so that it more directly bans replacing an American with a foreign hire.

Sen. Richard Durbin, the No. 2 Senate Democrat, said Wednesday he was open to suggestions from Mr. Hatch that didn't disrupt the legislation's basic tenets. But Mr. Durbin was unlikely to agree to any significant changes, according to an aide.

Mr. Durbin and his ally on the issue, Sen. Charles Grassley (R., Iowa), have worked to make sure firms don't bypass U.S. workers. On Tuesday, the judiciary committee approved an amendment from Mr. Grassley that requires employers to provide additional information in their online job postings.

The tech industry hasn't threatened to turn on the legislation, but if these measures aren't changed, "it would seriously dampen the enthusiasm our industry has for the bill," Mr. Corley said.

In the House, a bipartisan group of eight lawmakers trying to hash out its own immigration bill is still negotiating the details of its proposal. One dispute centers on who would pay for health-care coverage for the 11 million illegal immigrants already living in the U.S., according to a Republican aide.