

The New York Times

BILL TO KEEP GRADUATES IN U.S. FAILS IN THE HOUSE

By Julia Preston
September 20, 2012

A Republican bill to provide permanent resident visas for foreigners who graduate from American universities with advanced degrees in science and technology failed to pass the House on Thursday, a setback for technology companies that had strongly supported it.

Republican leaders called the vote under a fast-track procedure that limits debate but also requires a two-thirds majority to pass. The final tally was 257 to 158, with all but a few Republicans joined by 30 Democrats in voting yes, well short of passage.

The bill, sponsored by Representative Lamar Smith, Republican of Texas, chairman of the House Judiciary Committee, would have eliminated an annual lottery and instead allocated 55,000 visas for legal permanent residency, known as green cards, each year to foreigners who have completed master's and doctoral degrees from American universities in the STEM fields: science, technology, engineering and mathematics. The lottery now distributes the same number of green cards to foreigners from countries with low rates of immigration to the United States.

While Congressional Republicans have taken a hard line on illegal immigration, they said they wanted to show before the November elections that they were ready to pass a measure to fix a widely acknowledged flaw in the legal immigration system.

A fierce fight broke out during the brief floor debate on Thursday, with Democrats strongly opposed to ending the lottery. Democratic leaders accused Republicans of partisan posturing by rushing a vote on an immigration issue when, they said, bipartisan accord was within reach. There is uncommonly broad consensus in Congress on the legislation's underlying goal – keeping talented and highly educated foreign science graduates in the country so they can work and start businesses.

The bill would “help us create jobs, increase our competitiveness and spur our innovation,” Mr. Smith said after the vote. “Unfortunately, the Democrats voted today to send the best and brightest foreign graduates back home to work for our global competitors.”

Democrats had voted “against economic growth and job creation,” Mr. Smith said.

Democrats were led in their challenge by Representative Zoe Lofgren of California, whose district includes many Silicon Valley technology companies and who had offered a competing bill last week. While saying “it pains me greatly” to vote no, Ms. Lofgren said the Republican proposal had “another, in my opinion, more sinister purpose – to actually reduce legal immigration levels.”

Ms. Lofgren's proposal would have created 50,000 new green cards for foreign science graduates, without eliminating or reducing the lottery.

Representative John Conyers Jr. of Michigan, the ranking Democrat on the Judiciary Committee, said, "We strongly oppose a zero-sum game that trades one legal immigration program for another."

Democrats want to preserve the lottery because many immigrants who come through it are from Africa and small Asian nations. Leaders of the black, Hispanic and Asian-American caucuses in the House released a letter this week opposing the bill.

Mr. Smith said the lottery was vulnerable to fraud and created security risks, since he said terrorists could use it to gain residence in the United States.

Technology and business groups had mobilized an all-out show of support for the bill. Several dozen major employers, including Adobe, Apple, Microsoft and Oracle, sent their own letter on Wednesday appealing for a bipartisan effort to pass some legislation to provide new visas.

Currently, many foreign science and technology graduates who finish their advanced studies either have to leave the country or remain on restrictive temporary visas and wait, sometimes for years, for permanent green cards.

After the vote, Democrats appealed to Republicans to return to negotiations to find a compromise. "There is too broad a consensus in favor of this policy to settle for gridlock," said Senator Charles E. Schumer, Democrat of New York, who presented his own proposal this week to add new green cards for highly skilled foreigners.

But disappointed Republicans predicted there would be little time to take up a visa measure again in a year-end session that is already overloaded with major business.