

# The Programmers Guild

An Organization for those in Programming and related profession's who share our mutual interest.

## Special Legislative Issue – 1<sup>st</sup> Quarter 2004

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### H-1B Cap Drops to 65,000

On October 1, 2003 congress finally allowed the H-1B Cap to drop back to its historical level. *This was about 3 years to late for many of us.*

The H-1B visas allow foreign workers in a variety of skilled occupations, from accountants and biologists to fashion models and programmers, to remain in the US for up to six years. The number of H-1B visas was capped at 195,000 for fiscal years 2001 through 2003, when Congress allowed the cap to revert to 65,000.

The 65,000 annual cap is the historical level of new additional immigration allowed under the H-1B visa when it was created in a 1990 immigration act.

In 1998 legislation increased the number of H-1B visas from 65,000 to 115,000 in 1999 and 2000. This was done a last-minute tactical move was used to incorporate the H-1B bill into the omnibus spending bill so that it would escape attention by the public. As signed by President Clinton on October 21, 1998.

On Oct. 3, 2000 The Senate Oct. 3 approved legislation (S. 2045) by a vote of 96 to 1 raising the statutory cap to 195,000. This was done after intense lobbying by technology firms. The House followed suit later that evening, approving the bill by voice vote. This was done while Al Gore was debating George W. Bush that evening and most members of the house had gone home for the evening. Only 40 members of 435 were present. Also the timing assured that the media attention was focused on the presidential debate.

*We can thank Congresswoman Zoe Lofgren for spearheading this.*

In fiscal year 2001 (Oct 2000 to Oct 2001) over 195,000 H-1B workers entered this country. Plus an unknown number who were exempt from the cap.

### The L-1 Visa seen as a bigger threat than H-1B

The L-1 intra-company transferee visa was created by congress in 1970. Its main purpose was to enable large organizations with international operations to shift personnel to the United States. This visa has no cap, nor does it require a skills shortage to exist, or require a degree. It also does not have a prevailing wage requirement.

With the popularity of Outsourcing, (subcontracting out a department to a 3<sup>rd</sup> party) Foreign Outsourcing companies are using it to cheaply supply thousand of high tech workers to U.S. companies.

For example EDS which is using H-1B workers who are theoretically paid 90% of the prevailing wage is laying off thousands of workers due to losing outsourcing contracts to Foreign competitors.

Yet at the same time foreign outsourcing companies are grabbing market share by underbidding their computation. This is because the L-1 visa has no prevailing wage requirement allowing them to pay only 30 to 40% of the prevailing wage. Also the L-1 has no prohibitions against displacing American workers.

**Please see “Visa Comparison” on Page 7 for more information.**

The use of the L-1 Visa has surged 50% since 1998 to 329,000 admitted as of 2001 the latest year which data is published.

### Off-Shoring

#### Programmers Guild President Mr. Kim Berry featured in the Los Angeles Times.

The Los Angeles Times which has a circulation of over 1 million readers featured an article on Off-Shoring of jobs. “Off-Shoring Trend Casting a Wider Net” was on the front page of the Sunday, January 4, 2004 Business section. It even got several published reader responses the following Sunday.

**Please see the “Presidents Report” on Page 10 for more information.**

*Congratulations to Kim. Berry for getting his picture in the paper 3 times.*

### Numbers USA lets you fax your Rep on H-1B for free!

Numbers USA is an "immigration-reduction organization." It opposes efforts to use federal immigration policies to force mass U.S. population growth and to depress wages of vulnerable workers.

Throughout the year they have had a number of free faxes to congress available on their website many were on the H-1B

If you have never been to this site the URL is: (<http://www.numbersusa.com>) it is a great way to fax you representative if you do not own a fax machine.

### Senator Feinstein gets the message about the H-1B Visa from her constituents.

Well, the Programmers Guild has finally managed to light a fire under California Senator Diane Feinstein.

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## A word from the editor

As the news editor of the Programmers Guild newsletter starting in 2004 this is my first issue. I took this responsibility over from Mr. Paul Harahan who had done an excellent job since the beginning.

My goals as newsletter editor is to educate our membership and get them involved, and give the group some direction. Maybe even get some immigration reforms on the H-1B and L-1 Visa. Perhaps we could even do something about Off-Shoring of American jobs. Ben Franklin said "The pen is mightier than the sword." However, the participation of our membership will determine just how big that sword is.

Being that this is my first issue, I am off to a slow start. My plan is to pick up things throughout the year. Perhaps I will do 5 or 6 newsletters (rather than 4 quarterly) if I receive enough material. If you have any comments or submissions please email ([ProGuild@aol.com](mailto:ProGuild@aol.com)) I welcome feedback.

My first issue is the "**Legislative Issue**" which is aimed at bringing everyone up to speed on what is happening in congress. This is important because **2004 is an election year.**

In subsequent newsletters we may have "Off-Shoring Issue" or "Union Issue" or "Politics Issue" or any other subject may be explored.

In every issue there will be local chapter news and actions so we know what the Programmers Guild is doing.

A new regular feature on "**Other Organizations**" will be introduced so our membership will have a chance to explore other groups. These other organizations will be chosen based on how effective they are. For this issue I have chosen **TORWO** because as you will see they are very effective.

**Please see TORWO on Page 11 for more information.**

Mark Powell  
Newsletter Editor and VP Governmental Relations  
Westminster, CA

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## 2003 in Review

### PG Launches a Fax and Letter Writing campaign aimed at new Senate Majority leader Bill Frist

At the beginning of the year, former Senate Majority leader Trent Lott made some Un-Politically Correct statements at Strom Thurmond's birthday party. The press was all over it. As a result, the GOP controlled Senate elected a new majority leader, Senator Bill Frist of Tennessee.

The Programmers Guild noticed the changing of the guard and decided to use the opportunity to have a Fax and Letter writing campaign to make the new Senate leader aware of the H-1B and its abuses. **This campaign was launched February 28<sup>th</sup>** and was sent by email as an attachment to our membership. It contained letters targeted at Senator Frist, Edwards and Dole of NC. Members were also urged to send it to their own State's Senators.

The letters contained an attachment titled "**How to Underpay H-1B Workers**" detailing how in 2001 Bank of America (BofA) in Charlotte, NC "outsourced" its Human Resources (HR) functions. BofA used the H-1B to halve the salaries in their IT workers. It can be found at [www.programmersguild.org/Guild/h1b/howtounderpay.htm](http://www.programmersguild.org/Guild/h1b/howtounderpay.htm)

I personally know of 20+ members who participated. Responses were received from Senators Edwards (NC), Feinstein (CA), and Frist (TN) in late April early May..

**Those with Hotmail and Yahoo email accounts never received the email and did not participate.** These accounts have very limited space. Too many emails or email attachments cause you to not receive emails. If you have a Yahoo or Hotmail account listed with your membership to the Programmers Guild you should change it to your ISP's account.

### Siemens CD Details Americans Training their Replacements

WKMG in Florida a CBS Station had a special report titled "**Where did all the Jobs Go**" it was a 6 part special report that ran from February 16<sup>th</sup> through 19<sup>th</sup>. It detailed how Siemens employees were replaced by foreign workers and forced to train their replacements as part of their severance agreement. It gives a very good explanation of the differences between the H-1B and L-1 Visa and how they are used.

If you have not already seen it please check out this link. <http://www.outsourcecongress.org/video/>

The MPG versions are about 240MB, so if you do not have broadband then send an email to me at; [:ProGuild@aol.com](mailto:ProGuild@aol.com) and I will mail you a copy of it.

Many members took a proactive approach of contacting their representatives by phone, talking to the aide who handles immigration issues. Then while on the phone asking if you can send some material including a copy of the Siemens CD along with the attachment from our prior campaign.

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## 2003 Continued

### Many PG Members contacted Congress

While on the phone with Senator Feinstein's aide, I discovered that other members of the Programmers Guild were talking to him too. (He even gave me some names.) This has also happened with James Sensenbrenner and other representatives.

Also in Northern California Terry Oldberg, Kris Moe, Norm Matloff and others set up several in person meetings with congressmen in that area. Also on the East Coast Sab Maglione and others have met with several congressmen too. However, unfortunately we were unable to obtain a requested meeting with California Senator Diane Feinstein.

### PG Reviews HR 2154 the John Mica bill - finds it fails to protect American workers

During discussions on the L-1 Visa the aide to congressman Mr. Dana Rohrabacher (R) CA-46<sup>th</sup> district. His aide asked me to review the legislation on her behalf.

After reviewing it and soliciting input from many other guild members. We found that it would be ineffective in curbing abuses of the L-1 Visa. **HR 2154 as written - Fails to protect Americans from losing their jobs to foreign workers. It fails to address the issues of Fraud or National Security relating to the L-1 Visa, plus it lacks provisions for enforcement.**

This was sent as a PowerPoint presentation explaining the problems and offering solutions. Mr. Rohrabacher's aide (was impressed) and thanked me for my efforts. The congressman would not waste political capital on an ineffective bill.

To get a copy of the complete PowerPoint L-1 presentation please make a request to: [ProGuild@aol.com](mailto:ProGuild@aol.com)

### Chile & Singapore FTA threat PG launches a Fax & Letter campaign

Our second letter writing campaign was in response to the Immigration Provisions in the Chile & Singapore Free Trade Agreement. It contained an immigration provision to let foreign workers in under a newly created "W" Visa. This visa would have unlimited renewals and act as a wormhole allowing workers from any country into the US. Also no worker protections at all would be given. Plus congress would be stripped of any powers to regulate this immigration porthole.

This campaign was emailed out to all of our membership in late **July 2003**, the email was distributed by Paul Hanrahan. This time it contained letters addressed to the **Senate Judiciary Committee** due to the number of members we broke it up into 3 regions; East Coast, Central US, and West Coast so people would only have about 6-8 letters to send. Due to the fact that some of the Judiciary members came out on our side we included "Thank You - Please continue your efforts" letters too.

## Numbers USA assisted us too

In the email instructions I also included links to NumbersUSA.com where people could use their free fax service as a compliment to the PG program. They also included some talking points too.

[www.numbersusa.com/hottopic/feinstein\\_talkingpoints.html](http://www.numbersusa.com/hottopic/feinstein_talkingpoints.html)

Misfortunately our efforts failed to block the Trade Agreement in the Judiciary and it did pass both houses. But some good did come from our efforts. See "**Feinstein Amendment Bars Immigration Provisions in Trade Agreements**" on Page 5.

### PG Members join a Coalition of groups supporting HR 2702 The L-1 Nonimmigrant Reform Act

Congresswoman Rosa DeLauro (D) CT-3<sup>rd</sup> district sponsored a bill to reform the L-1 Visa. It was loosely modeled after the Programmers Guild's response to HR 2154. It used many of our solutions including a **cap of 35,000 L-1 Visas** per year. A hard numerical cap is the easiest provision to enforce.

This legislation was introduced on July 10, 2003.

[www.house.gov/delauro/press/2003/L1\\_bill\\_7-10-03.htm](http://www.house.gov/delauro/press/2003/L1_bill_7-10-03.htm)

A coalition of organizations has been working hard contacting congressmen, explaining the harmful effects of the L-1 Visa on American workers. A concentrated effort is being made to both **gain Cosponsors** and to get **House Judiciary Committee Subcommittee on Immigration members** to support HR 2702.

We are maintaining a progress spreadsheet which identifies who these Judiciary committee members are. If you are interested in helping out please send an email to [ProGuild@aol.com](mailto:ProGuild@aol.com)

**Currently HR 2702 has 22 cosponsors. Status:** Referred to the Subcommittee on Immigration, Border Security, and Claims.

#### Recent cosponsors are:

Rep Schakowsky, Janice D. -	10/15/2003 [IL-9]
Rep DeFazio, Peter A. -	11/05/2003 [OR-4]
Rep Levin, Sander M. -	11/18/2003 [MI-12]
Rep Rohrabacher, Dana -	11/18/2003 [CA-46]
Rep Slaughter, Louise McIntosh -	12/8/2003 [NY-28]
Rep Pascrell, Bill, Jr. -	1/28/2004 [NJ-8]

For a complete list please see:

[thomas.loc.gov/cgi-bin/bdquery/z?d108:HR02702:@@N](http://thomas.loc.gov/cgi-bin/bdquery/z?d108:HR02702:@@N)

Remember the 108<sup>th</sup> Congress is from 2003 through 2004 so we need to all work together to get this bill passed this year.

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## 2003 Continued

Many other members took the initiative. We had a Bank of America protest after a fellow programmer a BofA employee in northern Cal. committed suicide due to the stress losing his job of having to train his replacement worker. These also include action on the State level. Sab Maglione spearheaded efforts in New Jersey to support a bill prohibiting Off-Shoring of State Services. Finally, PG has been actively building coalitions.

## 2004 and Beyond

### New York City Anti Off-shoring Rally January 21st & 22<sup>nd</sup>

As reported by Sab Maglione of the New Jersey chapter. Approximately 25 people attended today's anti-off-shoring rally in NYC on January 21<sup>st</sup> & 22<sup>nd</sup>. The rally took place at the Westin hotel located at 43St and 8 Ave. Individuals representing blue-collar and white-collar organizations were present and handed out fliers during a demonstration. Coming from the white-collar profession I was surprised at the synergies and problems I shared with my fellow blue-collar American labor force. Despite the cold temperatures I shared many interesting conversions with fellow demonstrators. Various media outlets covered the rally and were interested in our perspective on off-shoring, H&L visas. What we would do different as a CEO?

For details and a list of demonstrating originations please visit. [http://toraw.org/nyc\\_outsourcing\\_protest\\_rally.htm](http://toraw.org/nyc_outsourcing_protest_rally.htm)

Inside More than 150 corporate executives, many paying \$1,400 a head, listened intently for tips on how to move jobs overseas effectively. One speaker decided to bar the media from his presentation. His topic: Is offshore outsourcing unpatriotic? "I'd prefer not to comment," the speaker, Jeffrey Cohen of the consulting firm McKinsey & Co., said when asked why the session had been closed.

They contend that the flow of work to the lowest-cost supplier is a healthy market process that eventually pays off for the country losing jobs by giving companies the financial might to develop new products and technologies.

### Congress takes action on Off-shoring

Washington DC, in mid January 2004 a \$328 billion spending bill was passed by both houses. A provision in the massive spending bill passed last week though little noticed in the media is stirring up a storm in India, where it is seen as a backlash that will slow outsourcing. The law says that when the federal government decides to allow private companies to do work now being done by government employees, the private companies can't do the work outside the U.S. (The provision does not apply to the work that the government employees themselves were doing outside the country.)

**This would prohibit contractors to the federal government from doing work overseas.** However it does not prohibit contractors from bringing people from overseas to do the work here. (That is why the H-1B and L-1 issue is so important.) Also City, State, & local governments are not effected.

As for the private sector, Senator John Kerry is looking at tax law changes to discourage shifting jobs abroad and requiring workers in call centers to identify the nation where they are located. Also about a dozen states are looking at putting curbs on the use of off-shoring in government contracts.

### Senator Feinstein hears about the H-1B from her constituents.

The cumulative effort's of the Programmers Guild and other organizations has finally started to pay off. Numerous people from California and other states took part in this effort throughout 2003.

In late February, she was contacted by many of our membership as part of a letter writing campaign aimed at the new Senate majority leader. Members were urged to target Bill Frist, and their own states senators. We have a large member presence in California senator Feinstein's home state. (Those who wrote her got an acknowledgment letter in late March.)

In early March I sent her a copy of the Siemens CD detailing how Americans were replaced by foreign workers and forced to train their replacement workers. Along with a Business Week article on the same subject.

Please see link for the CBS WKMG special report. <http://www.outsourcecongress.org/video/>

A series of phone calls, faxes, questions and responses with one of her immigrations aides followed. The end result was a request for an in person meeting during the late May 2003 recess at her San Francisco office. The Programmers Guild was prepared to send 4+ members including myself, Kris Moe, Terry Oldberg, and Dr. Norm Matloff.

Misfortunately, this was around the time of the California recall and we were unable to obtain a meeting. However, her recent actions tells us that her aide must have passed some of the information to her.

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### Where is CA Senator Barbara Boxer?

Many of our California members tried to contact her office. Yet her aides refused to take our calls or even talk to us. She is too busy securing campaign contributions (Million\$) from High Tech Companies for her reelection. Her staff must be under instruction to not take any H-1B related calls. In most cases we could not even get past the receptionist.

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### **Where is CA Senator Barbara Boxer?**

The GOP will be choosing a candidate to run against her on March 2<sup>nd</sup>. Anyone who is registered as a Republican should study their voting ballot now and checkout the websites of the GOP challengers. Senator Boxer is unchallenged in the Democratic primary, but she will be up for reelection in November. Perhaps a changing of the guard is in order

If anyone has had any better experiences contacting Senator Boxer's office, please email [ProGuild@aol.com](mailto:ProGuild@aol.com) we would gladly publish your experiences.

### **Feinstein gives floor speech on Singapore & Chile Trade Agreement** (Senate – July 25, 2003)

*The Chile & Singapore Trade Agreement contained an Immigration Provision which created a new "W" Visa which would act as a wormhole allowing 6800 high tech foreign workers to come here with no limitations on their stay. These workers could be from **any country** (they only have to pass through Chile or Singapore) and would be exempt from any current or future laws enacted by congress.*

Senator Diane Feinstein gave a very good speech arguing against the immigration provision in the Trade Agreement. In this speech she gave numerous examples of citizens who lost their jobs to people on H-1B visas. It *sounds like maybe she is reading her mail.* Below are some segments of her speech.

These agreements, as I read them, would create sweeping and permanent new categories of visas, regardless of whether Congress would deem these new entries valid or beneficial to our Nation's economy and welfare. Even more important, regardless of whether Congress might want to change these new categories at some later date, we cannot do it.

Specifically, I oppose these agreements because they would create entirely new categories of nonimmigrant visas for free-trade professionals, thus permitting the admission of up to 5,400 professionals from Singapore and up to 1,400 professionals from Chile each year.

They would permit an indefinite extension of these visas.

They would require the entry of spouses and children accompanying or following to join these professionals without limitation. So any number of family members can come in.

They would require, without numerical limit, the entry of business persons under categories that parallel three other current visa categories. In other words, require their entry under other categories, the B-1 business visitor visa, the E-1 treaty trader or investor visa, and the L-1 intra-company transfer visa.

As I said in the Judiciary Committee, I am **not** the Senator from Chile or Singapore. I am the Senator from California.

I am extremely trouble that despite these concerns, which were expressed by several members of both chambers of Congress, the President sent Congress implementing legislation that would effectively expand the temporary admissions program without the express consent to do so.

To read the full texts of her speech go to:

[//thomas.loc.gov/cgi-bin/query/C?r108:/temp/~r108p0TKSB](http://thomas.loc.gov/cgi-bin/query/C?r108:/temp/~r108p0TKSB)

### **Senator Feinstein, Republican Colleagues Urge President to Withdraw Proposed Free Trade Agreements with Chile and Singapore**

Prior to the vote on the Chile & Singapore Trade Agreement some members of congress objected: As members of Congress learned more about the visas in recent weeks, some have begun to kick up a fuss. House Judiciary Committee Chairman F. James Sensenbrenner Jr. (R-Wis.), whose committee has jurisdiction over immigration, was incensed to learn that a pact could rewrite visa law without going through his committee. He has demanded that U.S. Trade Representative Robert B. Zoellick apply tighter restrictions to them before Congress votes ye or nay. "It was very clear that Republicans on the Judiciary Committee do not like this process of changing immigration law through the fast-track procedure," says J. Robert Vastine president of the Coalition of Service Industries., an industry group that supports the two trade deals and the visa changes.

For more information please see the following link.

[feinstein.senate.gov/03Releases/r-trade.htm](http://feinstein.senate.gov/03Releases/r-trade.htm)

Other members of Congress were unhappy with the Trade Agreements Immigration Provision.

### **Senate Committee Approves Feinstein Amendment Barring U.S. Trade Representative from Negotiating Immigration Provisions in Trade Agreements**

September 4, 2003 in **Washington, DC** - The U.S. Senate Appropriations Committee approved an amendment offered by Senator Dianne Feinstein (D-Calif.) that would prohibit the Office of the U.S. Trade Representative from entering into trade agreements that contain immigration provisions or that otherwise amend immigration laws. This comes on the heels of President Bush signing the free trade agreements with Chile and Singapore, which contained sweeping immigration provisions.

The amendment was unanimously accepted as part of a \$37.6 billion FY 2004 funding measure for the Departments of Commerce, Justice, and State.

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The bill also includes \$250 million for the State Criminal Alien Assistance Program (SCAAP), which reimburse States and local governments for the costs associated with incarcerating illegal criminal aliens and funding for a number of important California projects including \$2 million for the California Anti-Terrorism Information Center, and \$750,000 for Los Angeles Community Law Enforcement and Recovery Program (CLEAR).

**"I strongly believe that trade agreements are not the appropriate vehicle for enacting immigration laws, because they interfere with Congress' plenary powers to regulate this nation's immigration policy, including the admission of foreign nationals."** Senator Feinstein said.

**"This amendment sends a clear and powerful message because, as our experience with the recent trade agreements with Chile and Singapore has shown, fast-track procedures offer no guarantee that the President or the U.S. Trade Representative will ultimately respect the opinions and advice of Senators and members of the House of Representatives."**

## **California Chapter Lobby's Congress by Terry Oldberg**

During the past year, Kris Moe organized a lobbying campaign in northern California. Kris's tenacity in calling Congressional offices resulted in meetings with 3 members of the U.S. House of Representatives plus the chief of staff of a 4<sup>th</sup> member. The members, all Democrats, were: Eshoo, Honda, Lofgren and Woolsey. Mike Golub, Janice Kuhl, Tracy Lyon, Norm Matloff, Kris, I and a large number of others represented the Programmers Guild at the meetings.

During the meetings, we presented statistics demonstrating a more than 30% loss of programming jobs in the Congressional districts we were visiting; we pointed out that, at the depth of the Great Depression of the 1930s, general job loss was only 21%, yet this spawned massive legislative action. We pointed out that foreign programmers had been streaming into the country while this job loss was happening, implying a job loss much greater than 30% among American programmers. We called for legislative reform to keep this from happening.

In Petaluma California, Kris Moe, Terry Oldberg, Norm Matloff, Al Angulo, and Janice Johnson Kuhl (PG) met with Woolsey on July 31, 2003. Woolsey declared, early in our meeting with her, that we were "preaching to the choir." During follow up conversations on Sept. 10th Janice Johnson Kuhl learned that Lynn Woolsey (D-CA-06) was planning to Cosponsored HR 2702 which would put a cap of 35,000 on the L-1 Visa. Later, she backed up her words by signing on as a co-sponsor on Sept. 17, 2003 she was the 14<sup>th</sup> cosponsor.

Other results of this were mixed and generally disappointing. Lofgren, an ardent supporter of expansion of the H-1B program in the past, told us that she would use her position on the House Immigration Subcommittee to support reversion of the H-1B cap to 65,000 per year but nothing more. Eshoo expressed sympathy with the plight of programmers; she said she was not in a position to effect change by herself but said she would work on Lofgren. Honda refused to meet with us and was non-committal on action. Neither Lofgren nor Honda nor Eshoo has signed on as co-sponsor of a single visa reform bill.

Kris has reacted with various efforts to apply pressure to Lofgren and Honda. One of his many efforts includes, <http://www.byebyejobs.us>, addresses Lofgren's role in creating massive unemployment among her constituents.

## **New Jersey Chapter's Monthly Meetings**

The PG Dec, 9<sup>th</sup> monthly meeting was primary focused on the 1/6 meeting with Senator Launtenberg (federal). This is a follow-up meeting from our 3/2003 meeting. We will discuss the IT disclosure act, 5 proposed bill, tax loss analysis – all from the prior meeting. In addition we will be asking for support of the Chris Dodd bill with an amendment to include a cap and the Project Beilli-Deli I forwarded to all of you for input.

Sab Maglione recently had a conversion with the aide of NJ house representative Mike Ferguson regarding the Mica and DeLauro L1 bills. I asked if Ferguson cosponsors why would he not consider at least supporting the DeLauro bill. It was a lengthy conversation which the aide assured me that Ferguson is on our side. The reason he gave is that the Mica bill is a good bill and it does laced with loop holes. We discussed the loop holes and after awhile I conceded and said OK look the prior bill as well as the H1B visa were thought not to have been laced with loop holes. Actual practices proved that loops holes existed and the only one that prevailed was the cap. Though even the cap on the H1 has expectations. He finally conceded to the issue that if one tried hard enough gap can be found and a cap is not a bad idea. But he still could not support the DeLauro bill simply because the feeling is that it will not get passed whereas the Mica bill appears as it will pass as it is. Once passed or bought to committee than amendments can be made. After another 15+ minutes I was told a cap amendment can be considered. Another reason I was told why the DeLauro bill is not getting the support is not just the money but also because **representatives are afraid that companies will launch an email campaign via tier employees**. This they fear more than the lack of money.

*Gee, it is too bad that they are not afraid of their constituents including us unemployed and underemployed programmers.*

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# H-1B Visa VS L-1 Visa

## H-1B

**Intended use was to bring in Foreign Nonimmigrant workers when No Qualified Americans workers existed.**

**Current Cap 195,000 new visas annually. (1)**  
Exempt categories are not counted toward the cap.

**Visas are limited to 6 years.**  
Visas can now be extended indefinitely (HR 2215 Sec 11030A).

**Companies can't displace U.S. workers. (2)**  
Only applies to 1% of companies – 99% Can Displace Workers.

**Employers must pay 90% of the prevailing wage.**  
Wages paid are usually about half the prevailing wage. Yet employers can still be in compliance, because of the loopholes which the industry lobbyists have written into the law.

**Must file documents with Department of Labor.**

### Notes:

- (1) Senate Bill (S. 2045) raised the Cap to 195,000 annually for 3 years starting October 1, 2001. (The fiscal year for Visas runs from October through October.) This bill was not renewed and expired October 1, 2003. The current cap has reverted back to its pre 1998 level of 65,000. However various exempt (from cap) categories have been created over the years. For example in 2000, Congress exempted H-1B visas granted to universities from the annual quota
- (2) Worker protections only applied to 1/10 of 1 percent (0.1%) or 50 companies out of 50,000 companies who use H-1B visas. **These worker protections were useless.** These protections may have expired along with the current bill. Because they were useless, it make's no difference.

## Potential Bills

In the Bush Immigration (and illegal alien Amnesty) proposal he has asked congress to create a massive guest worker program. Not only does this include an amnesty for 8-12 million illegal aliens. It also includes **unlimited levels of legal immigration.** **This would make any H-1B caps meaningless.**

**The silver lining is:** With new polls showing his popularity plummeting after proposing a guest-worker / amnesty earlier in the month, Pres. Bush made only generalized mention of the plan toward the end of his annual State of the Union address to Congress on Jan. 20, 2004.

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## L-1

**Intended use was for Intra-Company Transfers of Foreign Nonimmigrant Executives and Managers.**  
And those with a critical specialized knowledge of a company's products.

**Not subject to a cap (Unlimited in number)**

**Visas are limited to 7 years.**

**Companies never have to show that qualified U.S. workers are unavailable.**

**No prevailing wage requirement.**

**L-1 does not contain a degree requirement.**

**No Labor Condition Application to the DOL.**

**Used by outsourcing firms in place of H-1B.**

## Bills to Reduce the L-1

**H.R. 2702**, A bill introduced by Rep. Rosa DeLauro to reform the L-1 visa program by placing an annual cap on L-1 visas. (**Best**)

**Title:** To amend the Immigration and Nationality Act with respect to the admission of L-1 intra-company transferee nonimmigrants.

**Sponsor:** Rep DeLauro, Rosa L. [CT-3] (introduced 7/10/2003) **Cosponsors:** 22

**Latest Major Action:** 9/4/2003 Referred to House subcommittee. Status: Referred to the Subcommittee on Immigration, Border Security, and Claims.

### Key Points of this bill:

1. A cap of **35,000** annual L-1 visas allowed.
2. Banning the practice of filing blanket petitions to hire L-1 workers.
3. Prohibit L-1 visa to any firm that has laid off an American worker within 6 months.
4. Add a prevailing wage requirement.
5. Require L-1 worker to have employed for 2 years at current employer.

**We believe a Numerical Cap is the best solution.**

This bill and other bills can be found at:

<http://thomas.loc.gov/home/thomas.html>

Help others support these bills email; [ProGuild@aol.com](mailto:ProGuild@aol.com)

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# H-1B Visa

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## Potential Bills

He backed off from the most egregious details of his proposal as outlined earlier this month, speaking only in very general terms.

He gave his plan just a modest paragraph late in the speech and "asked" merely for generalized changes rather than "urging," "calling" or "challenging" that legislation be introduced or setting any kind of deadline for putting something on his desk.

His short time spent on immigration appeared to be the longest period of the hour-long speech without applause. Only at the end when he called for bringing illegal aliens out of the shadows did he get a modest level of applause.

The only positive development is that this may get others involved outside of the high tech area. It has certainly angered many people in the GOP base.

Also California Senator Diane Feinstein (a Democrat) has spoken out against it too. Please see the Los Angeles Times.

<http://www.latimes.com/features/printedition/magazine/la-tm-growth04jan25.story>

Numbers USA ([www.numbersusa.com](http://www.numbersusa.com)) has a great deal of information on the subject along with some free faxes.

[http://www.numbersusa.com/hottopic/bush\\_guestworkerplan.htm](http://www.numbersusa.com/hottopic/bush_guestworkerplan.htm)

<http://www.numbersusa.com/press/BushPropAnal.html>

## Bills to Reduce the H-1B

**H. R. 2688**, A bill introduced by Rep. Tom Tancredo to repeal the H-1B visa program.

**Title:** To amend the Immigration and Nationality Act to repeal authorities relating to H1-B visas for temporary workers.

**Sponsor:** Rep Tancredo, Thomas G. [CO-6] (introduced 7/9/2003) **Cosponsors:** (none)

**Latest Major Action:** 9/4/2003 Referred to House subcommittee. Status: Referred to the Subcommittee on Immigration, Border Security, and Claims.

*Misfortunately, it will be difficult to reduce the H-1B to Zero. But it is worth it to support Tom Tancredo he is consistently on our side. This is not the first time he has created a bill to abolish the H-1B.*

*If we can keep the cap down to 65,000 that will be considered a battle won. (But there's still a war.)*

# L-1 Visa

*Continued from Page 7*

## Bills to Reduce the L-1

**H.R. 2849 and S. 1452**, The USA Jobs Protection Act of 2003 introduced by Rep. Nancy Johnson and Sen. Chris Dodd to reform the L-1 and H-1B visa programs, including no-layoff and prevailing wage protections for American workers. (**Good**)

**Title:** To amend the Immigration and Nationality Act with respect to the H-1B and L-1 visa programs to prevent unintended United States job losses, to increase the monitoring and enforcement authority of the Secretary of Labor over such programs, and for other purposes.

**Sponsor:** Rep Johnson, Nancy L. [CT-5] (introduced 7/24/2003) **Cosponsors:** 28

**Related Bills:** S.1452 (Senate version no cosponsors)

**Latest Major Action:** 9/4/2003 Referred to House subcommittee. Status: Referred to the Subcommittee on Immigration, Border Security, and Claims.

### Key Points of this bill:

1. **H-1B** - Reduces from 15 percent to 0 percent the "dependency" threshold for ANY H-1B request. (Increases the number of companies subject to worker protections from less than 1% to 100%)
2. Restricts blanket petitions to hire **L-1** workers.
3. Prohibit **L-1** visa to any firm that has laid off an American worker within 6 months.
4. Add **L-1** visa prevailing wage requirement.
5. Require L-1 worker to have employed for 2 of last 3 years at current employer.
6. Prohibits subcontracting of **L-1** visas (3<sup>rd</sup> party ban). (May still leave a loophole.)
7. Reduces the time an **L-1** worker can remain in the U.S. from 7 to 5 years for managerial; and from 5 to 3 years for "specialized knowledge" workers

*It's too bad this Bill doesn't contain a cap on the L-1.*

**H.R. 2154**, The John Mica Bill (**Fair/Poor**)

**Title:** To amend the Immigration and Nationality Act to prevent an employer from placing a nonimmigrant who is an intracompany transferee with another employer.

**Sponsor:** Rep Mica, John L. [FL-7] (introduced 5/19/2003) **Cosponsors:** 19

**Latest Major Action:** 6/25/2003 Referred to House subcommittee. Status: Referred to the Subcommittee on Immigration, Border Security, and Claims.

**This bill is weak and leaves a very large loophole.**

For a complete analysis of this bill please send an email to [ProGuild@aol.com](mailto:ProGuild@aol.com) and I will send you a PowerPoint presentation detailing the loopholes in this Bill.

## Joint Programmers Guild and WashTech Meeting with the New Jersey Chapter (Minutes of January 2004 Meeting)

Tuesday, January 13, 2004; 6:45 - 8:45 pm  
Morris County Library, Public Meeting Room  
30 East Hanover Avenue, Whippany NJ  
973-285-6930 (main circulation desk)

Thirty people braved the cold to attend the January Programmers Guild meeting. Derek Schultz called the meeting to order at 6:45 pm, distributed the Program/Handout and offered opening remarks.

Derek noted that the Programmers Guild has worked with several groups in NJ and the northeast who actively support technical / professional workers, including IEEE-USA/PACE, the American Engineering Association, and TORAW. The Guild also has worked closely with CWA, especially on state legislative efforts, and with WashTech (a CWA "national local"). In fact, about half of the WashTech members in NJ are also members of the Programmers Guild. Further, TechsUnite has been essential for communicating and building community in NJ and the northeast, and has been a key networking tool / medium for the Guild. Of the 16,000 WashTech and TechsUnite subscribers, roughly 2300 of them are in New Jersey.

There ought to be more joint action in New Jersey among the Guild and WashTech and TechsUnite. So this "joint Programmers Guild-WashTech" meeting is one way to start getting everyone in touch with one another and working together (regardless of which organizations they belong to) -- after all, we're all in this together!

Derek announced that Mr. Alan Sous -- candidate for Congress in the 8<sup>th</sup> NJ Congressional District -- was expected to arrive later and offer remarks and that members of the press might also be in attendance. (As it turned out, another candidate for Congress -- Bob Dodge from the Allentown, PA area -- also was in attendance; Mr. Dodge introduced himself later in the meeting.) We are very fortunate to have Congressional candidates interested in issues of concern to technical/professional workers... and of concern to American families, in general!

### OLD BUSINESS:

December Meeting (12/9/03) -- Paul Ward reviewed the minutes from the previous Guild meeting; the minutes were approved.

State Anti-Offshoring Bills (A2425/S1349) -- Sab Maglione, Sam Kreifus, Boris Galinsky, and Derek reported on the status of re-introducing the Turner anti-offshoring bill. On 1/9/04, Lou Dobbs had film of Senator Turner, and reported that she planned to re-introduce the bill this month (perhaps this week). As Izabella had suggested at the December meeting, we should discuss with Turner whether modifications to strengthen the bill

are feasible and/or appropriate. Sam reviewed the timeline of Turner's bill (S1349/A2425), and of our contacts with Assemblyman Steele's office (Chair, State Government Committee). Sam agreed to send out his findings.

Derek briefly reported on other state-level anti-offshoring efforts. Thirteen states seem to have some effort underway, in some form. Derek distributed a preliminary table of state-level bills summarizing preliminary information on state-level efforts

For a copy of "State Level Bills" from the meeting please send an email request to <mailto:smaglione@hotmail.com>

The table includes bills addressing offshoring of government contracts (e.g., Turner's S1349 / A2425), as well as consumer right-to-know / disclosure bills addressing offshore call centers (e.g., NJ A3529). This draft table needs to be fleshed out; Alan Gauthier offered to begin filling the gaps in the table. (Thank you, Alan!)

**Legislative Meetings Summary.** During the discussion of Turner's bill, Sab and Boris mentioned several meetings that had been held earlier in 2003. Derek distributed a draft table summarizing legislative meetings that PG members had participated in during 2003 (Attachment C). Derek noted that he had assembled the table based on notes, emails, and other files in his archive, but that 1) the table had a number of gaps and questions, and 2) he was sure that he had failed to capture all the various meetings that had been held last year. Moreover, his records only go back to Autumn 2002, so the many meetings that had been held since the PG was founded in 1999 weren't captured. The table also doesn't capture the meetings, Congressional testimonies, and other activities of PG members going back to 1994. Nonetheless, Derek urged that the table might be a starting point for trying to capture a record of our legislative activities for last year and moving forward. Please feel free to help flesh out this table ==> send updates to [derek@techsunite.org](mailto:derek@techsunite.org).

**Call Center / IT Disclosure Bills** (A3529, IT Disclosure, & S1873) -- No additional information was available on these call center / disclosure bills at both the state and Federal level (including S1873 -- John Kerry's Call Center Consumer's Right to Know Act). (However, on 1/9/04, Lou Dobbs' show mentioned this bill in a way that suggested the bill was not yet dead.)

**Senator Lautenberg Meeting** (POSTPONED: was scheduled for 1/8/04) -- John DeMartinis was unable to attend but sent a report. He had been notified on 1/6/04 that the meeting with Sen. Lautenberg's (and, potentially, Sen. Corzine's) staff members had been postponed. He has pursued contacting John Bang (Legislative Aide to Sen. Lautenberg) in order to reschedule the meeting. Further details will be announced as they become available.

*Continued on Page 10*

**Leadership Changes** -- John Miano (founder, Programmers Guild) briefly announced changes in leadership. Because of time demands from starting a new career in teaching, Mike Rinaldi has resigned from the PG Board of Directors. **Derek Schultz will be in charge of the PG meetings in New Jersey**, so if anyone wants to get something on the agenda for a meeting, contact Derek ([derek@techsunite.org](mailto:derek@techsunite.org)).

**Congressman Pascrell Meetings** (12/11, 12/15, 12/30) -- Sona Shah outlined three meetings she and other PG members had with Congressman Bill Pascrell (12/11, 12/15, 12/30), as well as current plans for working with Pascrell. Sona then turned the floor over to Mr. Alan Sous.

Mr. Sous outlined his purpose in running for Congress (in the same district as Mr. Pascrell), offered his views on offshoring / outsourcing, and described aspects of his background relevant to labor and workplace issues. We appreciate his interest in our concerns and the time and effort he took to speak to us.

Sam Kriefus noted that Congressman Charles Schumer, who had seemed mostly indifferent to our concerns last year, recently seemed to have become an advocate against offshoring and outsourcing to foreign workers. Sam urged that we approach him again.

Note: Sona, Kai Barrett, and Al Crincoli had previously developed and emailed a table of information for contacting New Jersey legislators. For a copy, contact Sona ([sona\\_kai@yahoo.com](mailto:sona_kai@yahoo.com)).

## **Board Completes Transition**

### **By Terry Oldberg**

A bit over a year ago, John Miano announced that he was going to law school and no longer available to the Programmers Guild in anything more than an advisory capacity. At the time, John was doing most of the work and making most of the decisions that kept the organization afloat. The Board of Directors had been appointed by John and it lacked the capacity for doing simple things such as proposing, debating and voting issues. On the other hand, the organization's new bylaws called for an elected board that actually set policy.

The problems of getting to the required state have largely been overcome. The Board recruited 8 candidates for 7 positions on the Board and held elections. The elected Board then established a Yahoo group as its medium of communications and adopted a procedure by which it could be used to propose, debate and vote issues.

The first order of business was to establish the "executive branch" that was sketched out in the bylaws and fill it with people who could take over John Miano's functions. To this end, the Board established an organizational structure for the executive branch and recruited people to fill all of the positions except librarian. Is anyone willing to be librarian?

## **Presidents Report**

### **By Kim Berry**

I have been an activist for population stabilization for nearly 20 years, including membership in CAPS and FAIR. I entered the H-1b issue with my own webpage at [www.familyinjustice.com/hlb/](http://www.familyinjustice.com/hlb/). I then became a founding board member of NAEA (National Association for the Employment of Americans). In August 2003 I was on the staff and developed the website for "Ken Hamidi for Governor" [www.governorken.org](http://www.governorken.org). We protested Bank of America on Labor Day – photos at the "Events" link.

I've written some letters to the Editor and appeared in numerous articles found on the "Documents" page of [www.naea.us](http://www.naea.us). On January 4, 2004 I was profiled on Business page one of the LA Times. For the complete article please see: [www.naea.us/docs/latimes\\_kimberry.html](http://www.naea.us/docs/latimes_kimberry.html)

I received my BS Computer Science in 1990 and currently work with Delphi, ASP, VB, and SQL 2000.

From 1997 through 1999 I had a good-paying position at Hewlett-Packard Roseville (near Sacramento) developing firmware for their 64-bit servers. Now that facility has cut its headcount from 6000 to 4000 in less than three years, and Intel headquarters in nearby Folsom recently purged its IT staff. Both of these companies are ramping up operations in India. The DOL granted Intel over 8000 LCAs for H-1B worker in 2002 alone.

I am fortunate to be working at a small company Prestwood Software [www.prestwood.com](http://www.prestwood.com), and I enjoy the work much more than developing firmware.

I have been active in the nonimmigrant visa issues for over a year. The return to a 65,000 quota is insufficient. The DOL should not be issuing any LCAs unless the employer has made a good faith effort to hire a U.S. worker. And Congress needs to understand that the benefits of outsourcing – if any – are short-lived, and not worth the long-term consequences of unemployment and loss of technology. But since outsourcing is difficult to fight, the Guild should focus on protection of U.S. workers from displacement by nonimmigrant visas.

### **Goals for 2004**

Above all I believe the Programmer's Guild should remain an autonomous organization. Merging with more powerful organizations would dilute the PG into non-existence. However we should be forming alliances and supporting other groups in lobbying and protesting.

**A primary goal is a makeover of the website.** We should strive to have a website comparable with other organizations by April. **The Board should consider restoring the Yahoo discussion forum**, which brought in outside visitors and provided a single email of the daily posts.

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## Presidents Goals for 2004

*Continued from Page 10*

The new website should contain a “**position page.**” Details will be left to the Board, but I presume we support suspending or abolishing the H-1B and L-1 visas; We oppose WTO Globalization that forces Americans to compete for jobs with billions of people who live in the poorest conditions on Earth. There is some good legislation that the PG should be formally supporting.

**I plan to push our members to become more active.** We should form an “**action alert**” list of members who agree to receive a few emails per month. This would be a request, such as to phone a Congressman.

The Programmers Guild needs a process for drafting and submitting letters. For example, any member may submit a draft to a board member, and, after board review and approval I could mail the hardcopy and provide a PDF version for the website.

In the past year the media has awakened to immigrants taking jobs from Americans, and American jobs moving overseas. President Bush’s proposal to grant legal status to any foreigner who can secure a job offer has caused a public outcry across the nation. PG members need to be armed with talking points to write letters to the editor and call in to talk radio programs.

Kim Berry

### ***Editors Note:***

Programmers Guild President Kim Berry is currently working with a researcher at the California State Capitol who intends to educate legislators about offshoring and push tech worker protection bills. I am also communicating with DOL and EDD regarding the fake job ads that are being run to secure greencards under the RIR program for the nonimmigrant workers that have flooding into the U.S. job market."

### **Two goals things he hopes we can accomplish by end of April 2004:**

**a) Makeover of website and readdress content.**

**b) Get members more active via an "action alert" list.**

The original Programmers Guild site developed by founder John Miano, it is worth checking out. It can be found at:

[www.programmersguild.org/american.htm](http://www.programmersguild.org/american.htm)

It has not been kept up to date. Other websites are in progress. But so far the original is the best.

*Guest article from a partner organization*

**T.O.R.A.W.**

## **The Organization for the Rights of American Workers**

***By John A. Bauman President T.O.R.A.W.***

During 2001 and 2002, Jim Pace and John Bauman, two IT professionals from Connecticut, networked with a dozen colleagues on a regular basis. This group met every six weeks at local restaurants to keep in touch and discuss mutual interests. Over that period of time, they saw their members’ personal employment situations changing. First, one colleague became unemployed, then three and so on. Finding a new position was proving to be much more difficult than it had been in the past. By the time they met in October of 2002, only two of the group of twelve remained employed. The other ten were experiencing periods of unemployment that stretched for months, sometimes for more than a year. It was obvious to all what one of the major factors contributing to their situation was. Area companies were bringing in foreign workers on temporary work visas and laying off the domestic workforce.

In October 2002, John and Jim decided to expand beyond their group of twelve, to see how widespread the problem was, and to determine if there were effective ways to stem the tide. After contacting friends and colleagues, they were surprised by the response. They immediately received replies from 100, who wanted to join the organization.

Organization? There was no organization. However, within three weeks “TORAW” was born. We incorporated as a non-profit organization, built our website on the fly, formed TORAW’s Board, and developed our annual budget, bylaws and member Code of Conduct. We produced printed materials and determined the agenda and format for our first public presentation, which was held on December 3, 2002. Although TORAW is based in Connecticut, we currently have members in 27 other states.

### ***Initial Goals and Strategies***

TORAW’s main goals are to –

- Protect jobs of all American workers
- Safeguard the rights and humane working conditions of all workers here and abroad
- Reverse the depression of wages to maintain our quality of life
- Expose corporate abuse
- Promote fair trade - versus free trade - while preserving national security, intellectual property and personal privacy

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## **T.O.R.A.W.**

*Continued from Page 11*

From the birth of TORAW, its Board and its members understood the need to establish TORAW as a credible organization. We knew that if we were to succeed, we would have to maintain impeccable standards of ethics and integrity. It was vital that the public be confident in the reliability of our information and the integrity of our intentions for us to become an effective voice for change.

TORAW's strategy from the beginning was to concentrate its efforts in Connecticut. Early research showed that groups similar to ours across the country - many of which have been in existence for a number of years - had focused their efforts in Washington, DC. Years of reaching out to elected officials in DC had not produced any legislation that would eliminate or restrict the use of non-immigrant visas, such as the H-1B and the L-1. (It is important to note here that initially we believed the NIV issue to be our main problem). We believed that legislators would be more receptive to their own constituents. Consequently, we focused on our Connecticut U.S. senators and congressmen and our state senators and representatives. It appears that our strategies were on the mark. There are currently three bills under consideration in Congress that were proposed by legislators from Connecticut. Our intent is to expand our attention and efforts to other states. Consequently, we are currently developing a program for our out-of-state members.

### **Subsequent Research Led to Broadening our Scope**

The H-1B visa was the problem that we, our friends and colleagues, initially thought we were dealing with. TORAW was formed by a group of unemployed IT workers, that were initially unaware that these visas had, in fact, impacted a wide range of job categories. We soon learned that this was not a problem faced only by IT workers and that we would be reaching out to a much broader range of American workers.

Initial research in preparation for our very first public presentation made us aware that the H-1B visa issue was only the tip of the iceberg. We discovered the L-1 visa and its much more far-reaching ramifications. Subsequent research has led us to off-shoring, near-shoring, the WTO, international tax treaties and trade agreements, globalization, questionable corporate behavior often due to corporate greed, and on and on.

## **The Biggest Threat to American Jobs**

In the recent past, when millions of manufacturing jobs were going overseas, Americans were told that the country would shift to a service and information-based economy. We urged our children to pursue high-tech degrees, to secure their place in this 'new economy'. As we are now witnessing the mass migration of high-tech jobs due to offshoring, proponents of globalization are much more vague these days regarding the impact on the American worker. We've heard for a year from one source that 3.3 million jobs will be lost by 2015, only to hear in recent weeks from another source that the loss may be as high as 14 million jobs. We hear that new jobs and opportunities will replace these lost, high-paying IT jobs. Yet, no one seems to know where the replacement jobs in the U.S. will come from.

As stated in a Business Week article in February, "The truth is, the rise of the global knowledge industry is so recent that most economists haven't begun to fathom the implications." What we do know is that future projections are alarming--in terms of impact to both our nation's economy and to our American workforce.

We believe that our elected officials and our country's employers need a wake-up call. None will benefit in the long run from ignoring the needs, rights, and the value of the American worker. Continued shortsightedness will only result in long-term harm to our country's and all states' economies. We need stronger legislation that will be enacted and enforced to protect the job of every American worker. We need our government to enter into fair trade agreements that provide all businesses - large and small - fair opportunities to compete and remain solvent. Such agreements must also protect our country's intellectual property, safeguard our citizens' personal data and ensure our national security. We need America's corporations to recognize that *unemployed, underemployed, and discouraged* American workers will not provide a functioning marketplace for their goods and services. We agree with CNN's Lou Dobbs -- "The future these corporations save may be their own."

### **Our First Initiative - Promoting Public Awareness**

We knew from the start that the public was generally unaware of the issue of job losses caused by the offshoring of U.S. jobs and the use of non-immigrant visas. We believed that our main goal should be to educate ourselves, the public and our elected officials on the issues. Our activities have included the following:

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## **T.O.R.A.W.**

### **Promoting Public Awareness**

*Continued from Page 12*

#### **Educating Ourselves** - TORAW is very much a *think-tank*.

For us to be an effective and credible force to bring about reform and progress, we must continue to educate ourselves and to understand the critical issues that need to be addressed. We continue to strive to understand all the obvious and underlying issues, to gather and analyze ever-changing statistics, so that we may fully comprehend all that has displaced jobs here in Connecticut and across our country.

But it's a difficult task. Much of the data that we need comes from agencies such as BCIS (formerly known as the INS) and the Department of Labor (DOL) at both the state and federal levels. It is important to understand how difficult obtaining the statistics is. Agencies such as DOL and BCIS are months--sometimes years--behind in the entering of the statistics. Important data is missing, redundant or is difficult to comprehend. In addition, we understand the importance of following the local, national, and international news as reported by the media and on multiple groups' web sites, despite the often-biased news reported. Often, knowing and understanding the source -- and affiliations or background of that source -- of a news piece is just as critical as reading the actual news presented.

Exercising great care in our research is critical to maintaining our credibility. And no more was this more evident than when TORAW's President was invited to speak in Washington DC before Congressional Immigration Sub-Committee aides on the subject of H-1B and L-1 visas.

**Public Awareness Presentations** - TORAW has given these presentations throughout the state of Connecticut. The intent is to educate the public on the issues and to introduce our organization. These meetings are open to the public, the media and to our elected officials. Our speakers cover a wide range of topics which include NIVs (non-immigrant visas) such as H-1B and L-1 visas, off-shoring and near-shoring, and the impact on our economies etc. We speak on how and why TORAW was formed, and the strategies our organization is using to address these issues. We distribute handouts, which are the result of our extensive research. They provide statistics and more detailed information on the issues.

**TORAW Speaks to Other Groups** -- We have been invited to speak to several other organizations that share similar concerns and goals. Two such groups are The Programmers Guild and the Independent Computer Consultants Assoc. (ICCA).

**Advertising** -- To get our organization off the ground, we placed a full-page newspaper advertisement in the Connecticut Post in January. We have also distributed thousands of TORAW flyers throughout the state.

**Using the Media** -- It is important to note that, since our January *Connecticut Post* ad, TORAW has not had to pursue the media for coverage. In fact, the media has frequently come to us for interviews, which we are glad to grant. We have been featured on numerous TV newscasts -- both in Connecticut and across the country -- and have appeared on several radio talk shows. We have been featured in many magazine articles; including *Newsweek*, *CIO Magazine*, *Computerworld*, *Information Week*, and in newspapers, such as the *New York Times*, *Atlanta Journal* and the *London Financial Times*. We have also been invited to participate in press events scheduled by Senator Chris Dodd and Representatives Nancy Johnson and Rosa DeLauro.

**Rallies and Protests** -- We have gained much publicity and recognition by staging and taking part in protests. Examples are protest rallies held at the Offshore Outsourcing Conferences in New York City, the Stamford, CT UConn campus, and at the Connecticut Governor's Inauguration/State Workers Rally in Hartford.

**Meeting with Legislators** -- One main goal has always been to educate our elected officials on the issues. We were somewhat surprised to find that many of our legislators, especially on the state level, were totally unaware of some of the issues that TORAW addresses. Many had no idea what an H-1B was or that offshoring of our jobs was escalating at such an alarming rate. Numerous TORAW members have met with Connecticut's U.S. Senators and Representatives as well as many of our state officials. In fact, much of TORAW's success with our legislators has been due to the efforts of our members. The multitude of personal letters members have sent to their elected officials has helped pave the way for the meetings that subsequently took place between TORAW and these legislators. By the time representatives from TORAW walked into the offices of these legislators, the elected officials were already aware that they had concerned constituents who were seeking their assistance and leadership. These legislators have expressed their appreciation to TORAW for being able to provide them with facts and figures to further assist them in their efforts to protect the rights and jobs of American workers.

**Our first and probably most effective outreach to legislators occurred in April when seven TORAW members attended US Representative Nancy Johnson's town hall meeting.** Each spoke in turn and our issues soon became the focal point of her open meeting. Not only did this initiate our relationship with Rep. Johnson, but the event also garnered much publicity for our organization. As few as seven people, devoting just two hours of their time, proved to be a very effective strategy.

*Continued on Page 14*

## T.O.R.A.W.

Continued from Page 13

### An Early Accomplishment

We have had ongoing dialogues with all of our U.S. Senators and Representatives and have been most gratified by their bipartisan support. They acknowledge that saving American jobs is not a party issue, it is a *people* issue that extends across all political party lines.

As quoted by Computerworld Magazine (8/11/03) – “The controversial L-1 and H-1B visas are under assault in Congress, in large part because of the activism of a group of laid-off Connecticut IT workers (TORAW). Of the five bills that have been introduced this year to reform the two visa programs, three were written by Connecticut lawmakers.”

**HR 2702** – “L-1 Nonimmigrant Reform Act”  
Introduced in the U.S. House of Representatives by Rosa DeLauro (D-CT) – 7/10/03

**HR 2849** – “USA Jobs Protection Act of 2003”  
Introduced in the U.S. House of Representatives by Nancy Johnson (R-CT) – 7/24/03

**S 1452** - “USA Jobs Protection Act of 2003”  
Introduced in the U.S. Senate by Chris Dodd (D-CT) - 7/24/03

These bills are certainly worthy of consideration. Many changes can and do occur in committee. But waiting for the *perfect* bill doesn't even open up the dialogue. TORAW strongly encourages the deliberation of this legislation

### What We Have Learned

We have learned that we CAN be an effective force for change. We have learned that we CAN compete with the wealthy pro-business/anti-worker lobbyists. Our elected officials cannot be influenced by dollars from big business and lobbyists if they do not remain in office. They need us for that. Our wealth is not measured in dollars, but in the collective power of our voices and our votes.

### Epilogue:

These are the views and accomplishments of our organization during its first year of existence. Grassroots movements do work and we could not have accomplished so much without the hard work by our board, our member letter writing and especially the great interactions by myself with Jim Pace. While meeting with our legislators we listened to them to see what piqued their interest and Jim or I always came up with the right things to say, **what a synergy.**

### Thanks Jim !

Sincerely,

John A. Bauman  
President T.O.R.A.W.  
[www.toraw.org](http://www.toraw.org)

### Editorial

Senator Jeff Drozda of the Indiana state legislature created a bill to ensure that workers on state contracts will be Americans, i.e. U.S. citizens or permanent residents. This was prompted after the awarding of a \$15 million state contract to Tata which would employ mainly H-1B/L-1 programmers. His bill came under heavy attack, first from Indian lobbyists and later from farm interests, when India threatened to ban farm exports.

The bill: Provides that a contract for services entered into by a state agency must specify that only citizens of the U.S. and those authorized to work in the U.S. may be employed in the performance of services under the contract or any subcontract.

On February 2, the bill passed the Indiana State Senate by a vote of 38-10. This bill, if enacted, would prevent Indiana's government work from going off-shore, **but would NOT prevent H-1B's and L-1's from being imported** to do government work in Indiana.

[www.in.gov/legislative/bills/2004/PDF/SB/SB0004.2.pdf](http://www.in.gov/legislative/bills/2004/PDF/SB/SB0004.2.pdf)

The point I am making is that it does no good to keep jobs in the U.S. when they are filled by foreign workers. *Foreign workers taking away jobs here* “On-shoring” is just as bad as “Off-Shoring”.

#### In Next April's Issue

1. Technical Article – How to build Virtual Machines.
2. Problem Solving – How GM used the Web to revolutionized the auto reselling industry.
3. Guest Article – How to Lobby by James Pace.
4. News – Congress has Hearings on the L-1 Visa

If you would like to contribute to the newsletter please contact me at [ProGuild@aol.com](mailto:ProGuild@aol.com) all points of view are welcome.

**Membership info:** Annual dues are \$35 per year and may in some cases be tax deductible as a Professional Organization. (See your tax manual.) We also have a limited time \$1 per year membership for those who are destitute.

For New Member info: Please email:  
[info@programmersguildusa.com](mailto:info@programmersguildusa.com)

All organizations need money to survive. Existing member's dues are \$35 and due by March of this year. Please write your member number and current email on top of check.

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