

Table of Contents

(Note: add 814 to page numbers here to get the page numbers in the published version.)

- I. Introduction, p.1
- II. History and Usage Trends, p.4
  - A. Early History of the H-1B Program, p.4
  - B. Legislation to Expand/Reform the Program, p.7
    - 1. ACWIA 98 (1998 expansion bill), p.7
    - 2. AC 21 (2000 expansion bill), p.12
    - 3. Post-AC 21, p.14
- III. Primary Focus on Computer Programmers, p.17
  - Definition of *programmer* (including software engineers, etc.). Reason why lesser emphasis on engineering.
- IV. The Industry's Claims to Need H-1B Workers, p.19
  - A. General Investigations of a Possible Worker Shortage, p.19
    - 1. The ITAA reports (industry lobbying group), p.19
    - 2. The Lerman Analyses and Similar Studies (Urban Institute), p.20
    - 3. The Veneri Paper (Dept. of Labor), p.21
    - 4. The DOC (Dept. of Commerce) Reverses Its Position, p.22
    - 5. The Computing Research Association's View (consortium of U.S. university computer science departments), p. 22
    - 6. The IT Workforce Data Project (Sloan Foundation-funded research group), p.23
    - 7. The Congressionally-Commissioned NRC Report, p.24
    - 8. The Wharton School Analysis (U. Penn business professor Peter Cappelli), p.25  
Cappelli concludes that the claimed "shortage" was nothing more than a "shortage" of cheap labor.
    - 9. Issues of Potential Bias, p.26
    - 10. The Matloff Analyses, p.29
  - B. Claims of a Skills Shortage, p.31
    - 1. (Claimed Need for Stringent) Applicant Screening on Skill Sets, p.31
    - 2. The Cappelli Principle Again, p.32
    - 3. An Incentive/Pretext to Hire More H-1Bs, p.34
    - 4. Upping the ante, p.35
    - 5. A Self-Perpetuating Process, p.36

- 6. Talent, Not Skill Sets, Is What Counts, p.37
- C. Claims of a Shortage of Bachelor’s Degree Holders in Computer Science, p.39
  - 1. University CS Enrollment Figures, p.39
  - 2. Slow Growth in CS Starting Salaries, p.41
  - 3. Non-CS Majors, p.43
- D. Claims of a Shortage of PhDs and Master’s Degree Holders, p.43
- E. Claims That H-1Bs Are “the Best and the Brightest,” p.47
- F. Conclusions, p.49
- V. H-1Bs As a Source of Cheap Labor, p.50
  - A. De Facto Indentured Servitude of the H-1Bs, p.50
  - B. Methodological Issues, p.55
  - C. Quantitative Evidence, p.56
    - 1. Work by Papademetriou and Yale-Loehr (former DOL researcher and immigration attorney, resp.), p.56
    - 2. The UCLA Study, p.57
    - 3. The Matloff Study, p.58
    - 4. The NSF Study, p.60
    - 5. The DOL Audit, p.61
    - 6. INS/BLS Data, p.62
    - 7. The NRC Study, p.62
    - 8. Issues of Firm Size, p.64
  - D. Other Issues, p.66
    - 1. Long Work Hours for H-1Bs, p.66
    - 2. Even the Industry Admits H-1Bs Are Used to Reduce Labor Costs, p.67
    - 3. The Alternative of Shipping Work Abroad, p.68
    - 4. Legal Fees, p.70
  - E. Conclusions, p.70
- VI. Adverse Impacts on American Workers, p.71
  - A. General Impact Issues, p.72
  - B. Adverse Impacts on American Workers Over 40, p.73
    - 1. Langbein Study (American University), p.74
    - 2. The NRC Report, p.74
    - 3. Manager Surveys, p. 76
    - 4. Resulting Attrition, p.78
    - 5. Skill Sets, p.80
  - C. Impacts on New Graduates in Computer-Related Areas, p.81
  - D. Impacts on PhDs, p.83

E. Immigrant Entrepreneurship, p.85

F. Conclusions, p.87

VII. Proposals for Reform, p.87

A. Why the Current Laws and Regulations Fail, p.88

B. A Proposal for Reform, p.92

VIII. Overall Conclusions, p.99