



---

Portfolio Media, Inc. | 111 West 19th Street, 5th floor | New York, NY 10011 | www.law360.com  
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

---

# Competition Bill Sparks Fight Over STEM Green Card Caps

By **Mike LaSusa**

Law360 (May 13, 2022, 5:48 PM EDT) -- A proposal to exempt science, technology, engineering and math graduates from green card caps is proving to be a sticking point for lawmakers negotiating a bill to boost U.S. competitiveness against China, with critics arguing the proposal doesn't fit the purpose of the legislation.

Proponents say eliminating green card caps for STEM graduates with a doctorate or equivalent degree would give the U.S. a leg up in economic competition with China by helping the U.S. science and technology industry attract and retain top talent.

But several lawmakers expressed skepticism about the connection between those issues on Thursday at the first meeting of a bipartisan committee made up of members of both houses tasked with hashing out differences between the two chambers' competition bills.

"This is a China-centered bill. It's not an immigration or climate bill," Sen. Chuck Grassley, R-Iowa, said at the meeting.

The STEM green card proposal faces a rocky road ahead in part because it was included only in the House version of the legislation, **passed by Democrats** in February in a party-line vote.

That procedural history could make Republicans hesitant to support provisions that could be seen as giveaways to Democrats.

"We're starting with a controversial, partisan product," Rep. Frank Lucas, R-Okla., said at Thursday's conference.

Additionally, critics on both the right and the left are likely to revive arguments that encouraging immigration of STEM graduates from abroad could undercut U.S. workers by expanding employers' access to cheaper foreign labor.

Hal Salzman, a professor at Rutgers University who studies STEM labor markets, told Law360 that he and others have conducted research that backs up those arguments.

"It keeps wages low, it allows high turnover, and it creates this secondary labor market between indentured servitude and disposable," Salzman said of policies that expand employers' access to foreign STEM workers.

In contrast, supporters of the STEM green card proposal say it isn't meant to encourage companies to replace swaths of U.S. workers with cheaper foreign labor. Rather, they argue, it's aimed at ensuring the world's best and brightest STEM talents aren't barred from the U.S. by numerical limits.

"This is a matter of national security," Rep. Zoe Lofgren, D-Calif., said at Thursday's conference. "The businesses and individuals will not wait for Congress to act. They'll look to our global competitors."

The overwhelming majority of speakers at Thursday's conference highlighted the importance of keeping the U.S. technology industry ahead of China's to ensure the U.S. maintains an economic and military edge over its chief global rival, and backers of the green card provisions hope national security arguments will resonate on both sides of the political aisle.

Stewart Verdery, a former U.S. Department of Homeland Security official who now works as a lobbyist, told Law360 that Republicans should set aside concerns over how the provisions passed the House and focus instead on the substance of the proposal.

"I'm hoping people look at the merits of this, not how we got to this point," said Verdery, who joined dozens of other former national security officials in a **recent letter** urging lawmakers to back the green card proposal.

Even if the green card provisions don't make it into the final competition bill, lawmakers on Capitol Hill are engaged in separate negotiations seeking to come up with a bipartisan immigration reform package that could provide a vehicle for the proposal.

But previous attempts at finding bipartisan consensus on a broad immigration bill have repeatedly **run aground**, raising skepticism about whether anything will ultimately come of those talks.

"I don't know whether it's too likely at this point," said immigration attorney Michael Freestone of Tully Rinckey PLLC.

Given the challenges of passing comprehensive immigration legislation, the competition bill might be the best hope for the STEM green card provisions, Verdery said.

A broad immigration package would have to tackle border security, asylum policy and other hot-button issue areas where the two parties rarely find agreement, but the bipartisan consensus around the need for countering China's technological advances could bridge the partisan gap and push the STEM green card provisions over the finish line, Verdery said.

"It's a fairly unique opportunity for Republicans to support a high-skilled [immigration] provision that could become law without having to compromise or negotiate on those more controversial issues," he said.

--Editing by Jay Jackson Jr.