Fall 12-13-2013

# Partisanship and Opportunities for Additional Bipartisanship in Tech Immigration and Privacy Reform

Arielle E. Segal
*University of San Francisco*, ae1segal@gmail.com

CAPSTONE


Partisanship and Opportunities for Additional Bipartisanship in Tech Immigration and

Privacy Reform


Presented to College of Arts and Sciences faculty at the University of San Francisco

In Partial Fulfillment of the Requirements of the Degree of Master of Public Affairs


By

Arielle Segal, November 2013

Partisanship and Opportunities for Additional Bipartisanship in Tech Immigration and

Privacy Reform


In Partial Fulfillment of the Requirements of the MASTER OF PUBLIC AFFAIRS by

Arielle Segal

COLLEGE OF ARTS AND SCIENCES UNIVERSITY OF SAN FRANCISCO


Submitted November 2013

Under the guidance and approval of the committee, and approval by all the members, this


Capstone has been accepted in partial fulfillment of the requirements for the degree.


Approved:

FIRST ADVISER _____ Date _____

SECOND ADVISER_____ Date _____

THIRD ADVISER _____ Date _____

**Author Release/Non-Release Form**

The University of San Francisco and the College of Arts and Sciences have permission to use my M.A. thesis project as an example of acceptable work. This permission includes the right to duplicate the manuscript and allows the project to be checked out from the College Library.

Print Name: Arielle Segal

Signature:

Date: November 22, 2013

The University of San Francisco and the College of Arts and Sciences **may not** use my M.A. thesis project as an example of acceptable work. Duplication of the manuscript as well as circulation of the work is prohibited.

Printed Name: _____

Signature _____

Date _____

Table of Contents:

Introduction

The high-tech sector current has stronger connections to the Democratic Party than the Republican Party. This strong link between Democrats and tech is seen in policy agendas, campaign contributions and specific legislation. Unlike many other business sectors, tech hubs, like Silicon Valley, pride themselves on their open-minded, innovative and forward thinking views. Although, there are growing tech sectors in Republican held districts and states, Democrats still largely monopolize tech politics as a whole. However, despite historical Democratic dominance, recent legislation indicates that key Republicans are now also advocating for many tech issues. Yet, in spite of recent party cooperation, this paper explores why it is that the tech sector is still predominantly aligned with Democrats. In order to comprehend why this is, it is necessary to first understand how the tech sector first became politicized. By utilizing firsthand accounts of political outreach efforts in Silicon Valley, as well broader theory on tech's open-mindedness, this paper will demonstrate how Democrats held an advantage in tech from the beginning of Silicon Valley's politicization; an alliance that in many tech heavy regions still holds today.

Secondly, this paper will look at opportunities to overcome the tech sector's partisan history. Specifically, this paper will examine two salient political case studies relevant to the tech sector. The first issue is legislation regarding privacy concerns, much of which initially sprung from the NSA surveillance leaks perpetrated by Edward Snowden in 2013. The second issue this paper will analyze is the recent legislative efforts for immigration reform. The complicated and frustrating H-1B visa application process greatly affects the tech sector's recruitment efforts. This paper will analyze and

compare partisanship in legislation sponsorship and co-sponsorship on these two issues and examine variances in partisanship. Not only are these two topics salient issues in the tech community, but these issues also have very different participants and will likely reveal surprising partnerships and alliances in both parties.

Lastly, by analyzing these two case studies, this paper will outline strategies for tech's success on these two issues. Through this analysis, it is clear that factors such as committee assignment, constituency, political climate and campaign donations play a role in issue support. Further, many observers incorrectly label these proposed bills as bipartisan. Upon closer inspection, most of this legislation would actually classify as either co-partisan or cross partisan. Both of cross partisanship and co-partisanship represent less party collaboration than bipartisanship suggests. Moreover, it is clear that on immigration and privacy reform, tech can no longer depend chiefly on Democratic support, as Republicans continue to play a larger role in these two issues.

<div align="center">The History of Tech's Politicization</div>

In order to properly examine how Democrats began to dominate Silicon Valley politics, it is important to have firsthand accounts of the initial political outreach. Sara Miles' *How to Hack a Party Line: The Democrats in Silicon Valley* offers a firsthand account of Democratic political outreach beginning in the mid 1990s. Additionally, David Callahan's *Fortunes of Change* offers a theoretical perspective on why wealthy tech executives often vote as Democrats, even though Republicans may better represent their monetary and business interests. Callahan theorizes these motivations range from specific stances on issues that tech leaders align with, to the physical geographic regions

of the country in which tech sectors are located.  Another reason Callahan cites is the

increasingly globalized market in which Democrats appear tolerant while conservative

Republicans are increasingly seen as xenophobic (Callahan, 2010).

   Sara Miles contributes the link between Democrats and tech to several key

stakeholders who worked to reign in Democratic support from the previously non-

political tech sector. Prior to the release of *How to Hack a Party Line,* Miles covered

technology for *Wired Magazine* and the *New York Times*. She was immersed in the

emergence of Silicon Valley tech politics in the early 1990s to early 2000s. Miles

attributes much of this initial outreach to Wade Randlett, a Democratic fundraiser living

in San Francisco, who described himself as "passionately centrist"(Miles, 2001, p.6).

Like many other moderate Democrats at the time, Randlett fit into the growing category

of "New Democrats", describe as "steering the Democratic Party away from 'failed

socialist experiments'…that tried to redistribute wealth and regulate business" (Miles,

2001, p.7). As the 1996 election approached, Randlett set out to target more centrist,

moderate voters in Silicon Valley, and solidify their support in President Clinton's

reelection.  Yet, despite Randlett's moderate, business friendly credentials and bay area

roots, he needed someone from inside the tech industry to partner with him. In mid 1996

Randlett met tech entrepreneur John Doerr (Miles, 2001, p.25), who Sara Miles described

as "arguably the most powerful man in Silicon Valley" (Miles, 2001, p.26). Upon

meeting Doerr, Randlett quickly believed he could be an important asset. Though Doerr

had previously been uninvolved in politics, the emergence of Proposition 211 motivated

Doerr become politically engaged (Miles, 2001, p.28).

Proposition 211 was "designed to open the door for shareholder lawsuits against executives in California" (Miles, 2001, p.28). Proposition 211 angered and motivated tech executives to organize and create The California Technology Alliance. This organization was the tech sector's first statewide political action committee and Wade Randlett was hired to run their campaign against Proposition 211 (Miles, 2001, p.29). Clinton and many other Democrats had previously sided with proponents of Proposition 211. However, because this issue was so important to Silicon Valley, many influential campaign officials began to pressure Clinton to reverse his position (Miles, 2001, p.34). After large fundraising and outreach efforts by The California Technology Alliance, Clinton reversed his public support for Proposition 211(Miles, 2001, p.35). Once Clinton denounced Proposition 211, 75 of the Valley's leading executives formally endorsed Clinton and confirmed to many other industry leaders that President Clinton was good for business (Miles, 2001, p.35). Following these endorsements, in November of 1996, Proposition 211 was defeated (Miles, 2001, p.35). In total, the No on Proposition 211 campaign raised $40 million dollars and broke records for money spent on a single ballot-initiative campaign. In the 1996 election, President Clinton also won 56 percent of the vote in Santa Clara County, where much of Silicon Valley resides. This victory represented a larger margin of support than any previous Democratic candidate had received in Silicon Valley (Miles, 2011, p.36).

Not soon after Clinton's reelection did Democrats begin thinking about Al Gore running for President in 2000 election (Miles, 2001, p.44). Gore was referred to as the "geek veep" and from the beginning he spent time "poking into every hot issue facing the administration on the cyber frontier: e-commerce, computers in school, the next

generation Internet, the Human Genome Project, encryption, the R&D budget" and more

(Miles, 44, 2001). Wade Randlett soon became involved in Gore's leadership PAC.

Additionally, Randlett was hired to lead Democratic Politics for the newly formed

organization TechNet (Miles, 2001, p.70). TechNet was created in the summer of 1997,

and the organization included CEOs, industry leaders and the region's first industry wide

federal PAC (Miles, 2001, p.66).  Although the group is bipartisan, Randlett's

Republican counterpart at TechNet, Dan Schnur, quickly recognized that Democrats had

a clear advantage and head start on Silicon Valley outreach efforts (Miles, 2001, p.73).

All the while, despite the efforts of Republicans like TechNet's Dan Schnur,

Silicon Valley was becoming more ethnically diverse. This diversity proved to be

problematic for Republicans, whose representation and support was becoming

increasingly based in the whitest parts of the country (Callahan, 2010, p.25).  In *Fortunes

of Change,* David Callahan quotes Indian American businessman Raj Date, who

recognizes that "being well educated and working in global institutions, you're

necessarily multicultural" (Callahan, 2010, p.25). Callahan continues that given Silicon

Valley's booming opportunity and growing multiculturalism "the xenophobic drift of the

Republican Party"…was a growing problem for many young, tech entrepreneurs

(Callahan, 2010, 25). Further, Miles describes Silicon Valley as not only ethnically

diverse, but "the industry, like the Internet, was a place of unlimited opportunity where

only ability and ambition counted" (Miles, 2001, p.10).  Simultaneously, while the

residents of Silicon Valley were becoming increasingly cosmopolitan, so were Randlett's

and the Democrat's efforts.

By 1998, high-tech issues were also becoming mainstreamed as the number of people online grew from 58 million to 80 million in just one year (Miles, 2001, p.81). As the number of people online increased, so did Silicon Valley's influence and by the end of 1998, "high tech industries overall would spend $25.4 million on D.C. representations, up 30 percent from the previous year" (Miles, 2001, p.81). All the while, Al Gore's credibility was continuing to grow in Silicon Valley. Moreover, despite opportunities to reach out to tech, the right wing of the Republican Party "cared more about banning pornography on the Internet than about courting high tech" (Miles, 2001, p. 100). Thus, even when mainstream Republicans attempted to take advantage of opportunities on issues like H-1B expansion, Republicans such as Representative Lamar Smith spoke out against expansion and "decided he didn't like immigrants" (Miles, 2001, p.101).

Conservative Republicans' stance on immigration reform wasn't the only problem for outreaching to Silicon Valley. Callahan cites "the more educated you are, the more likely you are to question rigid hierarchy, be tolerant of cultural differences and reject traditional values" (Callahan, 2010, p.27). Given that many high-tech CEOs and employees are highly educated, according to Callahan's theory, they would likely be more accepting of different cultures and more supportive of immigration reform. Callahan further postulates that it is no coincidence that many of the largest tech hubs are located near progressive universities and liberal leaning regions of the country (Callahan, 2010, p.23). Silicon Valley is located near the progressive hubs Stanford, UC Berkeley and San Francisco (Callahan, 2010, p.23). Additionally, Research Triangle is in close proximity to University of North Carolina Chapel Hill and Duke, and the University of

Texas's is located in Austin. Both Austin and Research Triangle are progressive tech hubs in more conservative regions (Callahan, 2010, p.23).

The link between Democrats and tech has only continued to grow over the last several elections (Callahan, 2010, p.29). Nation wide surveys show that in 1990, high tech cities were only slightly more liberal than the average region (Callahan, 2010, p.29). However, after Randlett's outreach, in the 2000 election 21 high tech areas surveyed voted Democratic at a rate of 17 percent above the national average (Callahan, 2010, p.29). Further, despite losing both the 2000 and 2004 elections, this trend in high tech areas continued. During the 2004 election, Kerry polled higher than Bush by over 5 million votes in high tech cities, in spite of Bush winning the election by over 3 million votes (Callahan, 2010, p.29). In the 2008 election, this trend continued in Silicon Valley, with Obama winning 70 percent of the vote in Santa Clara County (Callahan, 2010, p.180).

With this background and these trends in mind, it is clear that Democrats have long held an advantage in tech politics. From this context, as well as recent voting records, Democrats also tend to be more supportive on many tech related issues, such as immigration reform and privacy concerns. However, these two issue areas also have key tech supporters on the right. The second segment of this paper will utilize case studies of tech immigration and privacy reform to demonstrate important legislative partnerships between key Republicans and Democrats. These two issues are not only salient in the tech sector, but have made recent headlines as prominent agenda items for Congress.

Case Study Introductions

Notably, foundational legislation for both immigration and privacy concern was signed into law in 1986. The Electronic Communications Privacy Act and Immigration Reform and Control Act are the core laws addressing current privacy and immigration policy. President Ronald Reagan signed both bills into law.  These two laws were crafted nearly 30 years ago, which makes them both outdated. Additionally, they were also both passed by a divided government and crafted before the tech sector even existed.  At the time of their passage, the Republican Party controlled both the Senate and White House, with Democrats controlling the House of Representatives (Govtrack.us, n.d.). The Speaker of the House at the time was Thomas "Tip" O'Neill (D-MA) (Office of the Historian, Office of Art & Archives, Office of the Clerk, n.d.). Recently, O'Neill's relationship with President Reagan has received praise. In a 2011 Washington Post article, political pundit Chris Matthews reflects on their relationship, saying, "they argued, but they were always able to talk. And there were important times for the country when they put their heads together…there was no filibustering, no efforts to jam up the system" (Matthews, 2011).

In spite of their stark differences, Regan and O'Neill worked together on many issues, including privacy and immigration legislation. Not only does this cast a stark difference to today's political climate, but also proves that privacy and immigration reform were not always politically divisive issues. Therefore, something has happened more recently, which makes politics more divisive and privacy and immigration reform appear more polarizing. The following case studies will further explore the background on immigration and privacy reform, analyze several bills recently proposed or voted

upon, and provide additional information on the current political climate surrounding these two issues.

<div align="center">Case Study: Privacy Reform</div>

Privacy reform is an issue the tech sector has become increasingly involved in over the past few months. Privacy legislation can address many stances and concerns but this paper will focus on legislation drafted in response to the recent National Security Agency leaks perpetrated by Edward Snowden. Privacy reform is a good example for tech issue co-partisanship, "associated with split-party control…typified by parallel development of proposals at each end of Pennsylvania Avenue or by the two parties in each house of Congress" (Jones, 1994, p.20). Specifically, this case study will analyze three pieces of legislation authored since Snowden's leaks began in mid 2013. First is the Amash Amendment, which received support from both parties but ultimately failed in a close House vote. Second is the USA Freedom Act, authored by two of the original authors of the controversial Patriot Act. The USA Freedom Act follows much of the momentum created by the Amash Amendment but has more cosponsors and broader support than the Amash Amendment did.  Last is the FISA Improvements Act of 2013. This bill recently passed the Senate's Intelligence Committee, but is considered by many privacy advocates to be too lax in addressing privacy concerns (Nicks, 2013).  .

<div align="center">Privacy Reform Background</div>

Modern tech privacy concerns date back to the passage of the Electronic Communications Privacy Act (ECPA) in 1986. This legislation was one of the first bills aimed at recognizing electronic communication as privileged and private (Govtrack.us,

n.d.). Authored by Senator Leahy (D-VT), ECPA featured 35 cosponsors, 28 of which

were Democrats and 7 Republicans (Govtrack.us, n.d.).  This bill addresses three specific

matters: the interception of communication, the storing of wire and electronic

communications, and transactional records access and trap and trace devices

(Govtrack.us, n.d.). Though this bill is outdated, it is the foundation of private electronic

communication (Govtrack.us, n.d.).  Since the ECPA's implementation, much has

changed and evolved in the nation, including the creation and widespread use of

technology. Despite this change, Congress has not passed any recent updates to the

ECPA to address broader use of technology, such as the Internet and email. Additionally,

the September 11th attack altered discourse and policy, with privacy concerns often

falling at the wayside, in favor of national security interests.

It was in this post 9/11 climate that the Patriot Act was passed. The Patriot Act,

which has received criticism throughout the years, passed rapidly through Congress and

was signed into law by President George W. Bush in October 2001 (Govtrack.us, n.d.).

Though there was some criticism, the majority of which came from Democrats, the

Patriot Act was bipartisan and had widespread Congressional support. Among the many

issues the Patriot Act tackled, Section 215, labeled "Title II- Enhanced Surveillance

Procedures" has received consistent criticism from privacy advocates. Specifically

Section 215 states that the Director of the Federal Bureau of Investigation "may make an

application for an order requiring the production of any tangible things (including books,

records, papers, documents, and other items) for an investigation to protect against

international terrorism or clandestine intelligence activities" (Govtrack.us, n.d.).

Additionally, Section 215 specifies that on a "semiannual basis, the Attorney General

shall fully inform the Permanent Select Committee on Intelligence of the House of

Representatives and the Select Committee on Intelligence of the Senate concerning all

requests for the production of tangible things under section" (Govtrack.us, n.d.).

Evidence has recently surfaced that the National Security Agency has used the

broad language in Section 215 to justify "collection of metadata on every phone call that

every American has made, reportedly over the last seven years. That metadata includes

numbers dialed, numbers of incoming calls, times of the calls, and routing information"

(Amash, 2013). Reactions to this information have varied, but these leaks, perpetrated by

the now infamous Edward Snowden, have sparked dialog on privacy. Snowden's leaks

have not only enraged privacy advocates but have ignited tech sector executives in

discourse on the importance of privacy in their industry. As Snowden's leaks continued

to emerge, tech has become increasingly concerned and involved.  It recently surfaced

that not only was the NSA collecting information on millions and requiring large tech

firms like Microsoft and Google to turn over information on users, but it was also

monitoring the calls of foreign leaders (Ball, 2013). As these allegations continue, it is

becoming increasingly difficult for members of Congress to remain uninvolved. Many

politicians' positions have changed, including some of the original authors and supporters

of the Patriot Act, Senator Leahy (D-VT) and Representative James Sensenbrenner (R-

W-05) (Sensenbrenner, 2013).

<div align="center">Privacy Reform Legislation</div>

According to Representative Justin Amash (R-MI-03) "many Members who voted

for the Patriot Act, including the past chairman of the law's authorizing committee, have

stated that NSA's blanket surveillance program is far beyond what was intended in the

law" (Amash, 2013). Amash was a sponsor for the Amash-Conyers Amendment, more

commonly referred to as simply the Amash Amendment. This amendment "sought to end

authority for the blanket collection of records under the Patriot Act. The amendment also

sought to bar the NSA and other agencies from using Section 215 of the Patriot Act to

collect records" (Govtrack.us, n.d.). Specifically, the amendment reconstructs "the FISA

court under Sec. 215 to order the production of records that pertain only to a person under

investigation" (Amash, 2013).  The Amash Amendment also permits continued use of

business records and other "tangible things" if the data is "actually related to an

authorized counter-terrorism investigation" (Amash, 2013). The Amash amendment also

imposes more robust judicial oversight of NSA's surveillance.  Lastly, it addresses

transparency and oversight in The FISA court, requiring the court have "a substantive,

statutory standard to apply to make sure the NSA does not violate Americans' civil

liberties" (Amash, 2013).

Notably, the Amash Amendment received widespread support outside of

Congress, with endorsements ranging from the American Civil Liberties Union to

GOProud to Gun Owners of America (The American Civil Liberties Union, 2013).

Despite having support from different wings of the parties, the Amash Amendment failed

by a vote of 205 in support to 217 against. In total, 94 Republicans and 111 Democrats

voted in support and 134 Republicans and 83 Democrats voted against the amendment

(Govtrack, n.d.). Congressman Joe Heck (R-NV-3) explained his reasoning for voting

against the amendment, stating, "as a member of the House Permanent Select Committee

on Intelligence, I have firsthand knowledge of critical national security programs… The

Amash Amendment was a blunt instrument that would severely damage our intelligence

collection capabilities and put Americans at risk (Heck, 2013). Heck's views align with many other Representatives who voted against the measure, including Darrell Issa.

However, Issa recently reversed his stance and is now supportive of the amendment. Months after the vote, Issa wrote a letter to Majority Leader Eric Cantor requesting that House leadership reintroduce the Amash amendment (Nelson, 2013). Issa's change of opinion signals to privacy advocates that despite the amendment's defeat, momentum for reform is building. This momentum is chiefly flowing into legislation similar to the Amash Amendment, titled The Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act, dubbed the USA Freedom Act. Issa is among over 100 bicameral cosponsors for this legislation, with Senator Leahy sponsoring the bill in the Senate (Govtrack.us, n.d.). Further, the bill's sponsor in the House was one of the original authors of the Patriot Act, Congressman Jim Sensenbrenner (R-WI-05) (Govtrack.us, n.d.). According to an interview with National Journal, Sensenbrenner believes "the NSA has gone far beyond the intent of the Patriot Act, particularly in the accumulation and storage of metadata. Had Congress known that the Patriot Act had been used to collect metadata, the bill would have never been passed" (Volz, 2013).

In a recent press release, Sensenbrenner listed Representatives Amash, and Issa, among many others, as cosponsors (Sensenbrenner, 2013). Some of the other cosponsors previously voted against the Amash amendment, which makes Sensenbrenner confident this legislation can succeed in actually passing (Volz, 2013). Further, the USA Freedom Act has " heavyweight industry supporters like Facebook, Google, AOL, Microsoft, Apple, Yahoo, Mozilla and others. Interest groups supporting the measure include both

the ACLU and the NRA" (Nicks, 2013). In a letter addressed to Senators Leahy and Lee and Representatives Sensenbrenner and Conyers, AOL, Apple, Facebook, Google, LinkedIn, Microsoft and Yahoo stated, "we welcome the debate about how to protect both national security and privacy interests and we applaud the sponsors of the USA Freedom Act for making an important contribution to this discussion" (Leahy, 2013).

As Snowden's allegations continue to unfold, even staunch defender of surveillance, Senator Dianne Feinstein (D-CA), has introduced legislation titled FISA Improvements Act of 2013. True to the bill's name, it "isn't intended to reform the Foreign Intelligence Surveillance Act so much as enshrine the NSA's currently questionable practices into law while injecting some transparency into the process" (Nicks, 2013).  Feinstein's bill stands in stark contrast to Sensenbrenner's bill and privacy advocates have vowed to fight Feinstein's measure, which passed through the Senate's Intelligence Committee (Nicks, 2013).  Despite this passage, there were key Democratic dissenters on the Intelligence Committee, including Senators Udall (D-CO), Ron Wyden (D-OR), and Martin Heinrich (D-NM) (Gernstein, 2013).  Although they both sit on the Senate's Judiciary Committee, Senators Feinstein and Leahy's approaches represent two vastly different views of privacy concerns.  Both Feinstein and Leahy are working across the aisle, with Senator Saxby Chambliss (R-GA) supporting Feinstein's measure and Sensenbrenner bringing the USA Freedom legislation to the House (Nicks, 2013).  These co-partisan coalitions represent a growing divide inside both parties, with tech friendly Senators Udall and Wyden voting against fellow Democrat Feinstein in the Intelligence Committee.

Recent Developments in Privacy Reform

In the coming weeks and months, privacy will surely be an issue of growing concerns and one that unveils growing divides not just between the parties, but within the Democratic and Republican Party. These factions disagree on the weight of privacy concerns compared to national security interests. While some may view this issue as one in which privacy must compete with safety and terrorism, an increasing amount of the public and Congress seem to believe privacy and safety are not mutually exclusive. Unique coalitions are being formed in Congress to address privacy, including Libertarian Republicans and civil liberty advocates in the Democratic Party. As voting occurs on both Feinstein's and Sensenbrenner and Leahy's bills, policy divisions in Congress will become increasingly clear.

Snowden's continuing leaks have implicated businesses like Verizon and Google in complying with the Federal Government's data requests for information on its own customers. In doing so, these firms have received criticism from users and privacy advocates. Since the leaks began, these revelations have not only brought together unusual alliances in Congress, but also in the tech community. LinkedIn recently joined Google, Microsoft, Facebook and Yahoo in suing the federal government "to demand more transparency when it comes to the nation's surveillance programs. Prominent venture capitalist John Doerr called the development 'stunning,' noting that 'Google and Microsoft, who hardly ever agree on anything,' are leading the charge" (Quinn, 2013). Tech companies like these have also been working with legislators to try to prevent future data requests, while also making requests and use of data more transparent.  Thus, privacy is not only a top agenda item in public sector. Tech is also uniting to address privacy concerns.

Case Study: Immigration Reform

Over the past year, immigration reform has made headlines, with the House and Senate taking different approaches to address comprehensive reform. For many tech firms, reform is one of the most central political issues on their agenda. More specifically, tech is advocating for increased allotment of high skilled, H-1B worker visas.  As it relates to tech, the Department of Homeland Security defines H-1B visas for "people who wish to perform services in a specialty occupation, services of exceptional merit and ability relating to a Department of Defense (DOD) cooperative research and development project" (Department of Homeland Security, 2011). There is currently a "hard annual cap of 65,000 for what are known as H1-B visas…that typically require a bachelor's degree or specialized skill…foreign graduates of master's and PhD programs are granted 20,000 additional H1-B visas" (Khimm, 2013). Industry leaders also point out "there's been far more demand for H-1B visas in recent years than supply: The cap was reached more quickly every year between 2004 and 2008—reaching a new record that last year, when the 65,000-visa cap was hit in just a single day" (Khimm, 2013).

Recently, there have been two main approaches to tackling immigration reform, with one strategy being comprehensive reform, which seeks to tackle issues like H-1B expansion, family immigration, illegal immigration and paths to citizenship. The other approach has been to tackle each issue in a more piecemeal approach, with different bills for different issues. A comprehensive bill, S.744, which will be addressed in this case study, did pass in the Senate. This bill was formerly titled the Border Security, Economic Opportunity, and Immigration Modernization Act (Govtrack.us, n.d.). The other bills that will be discussed in this case study represent a piecemeal approach to tackling tech's

immigration concerns. These bills are the Innovation Immigration Act and the Startup 3.0

Act, both of which hone in on increasing H-1B visas, while not seeking to tackle other

immigration issues (Govtrack.us, n.d.). Neither of these bills have been voted on yet.

Immigration Reform Background

Currently, immigration policies are predominantly based on legislation passed in

1986, called the Immigration Reform and Control Act of 1986 (IRCA) (Govtrack.us,

n.d.). Signed into law by President Reagan, the bill's titles address control of illegal

immigration, legalization, reform of legal immigration, reporting, state assistance for

incarceration costs of illegal aliens and certain Cuban nationals, commission for the study

of international migration and cooperative economic development and federal

responsibility for deportability and excludable aliens convicted of crimes (Govtrack.us,

n.d.). This legislation was sponsored by Republican, Alan Simpson (R-WY) and passed

in the Senate 69 votes for and 30 against (Govtrack.us, n.d.). In the house, the measure

passed with 230 votes in favor and 166 against (Govtrack.us, n.d.). Given the near 12

million undocumented immigrants now living in the United States and changing

workforce, this bill is considered largely outdated (Lopez & Taylor, 2012).

Initially, the resurgence of comprehensive immigration reform likely was

prompted due to the 2012 election and growing Latino voting population. Latinos

overwhelmingly supported President Obama and impacted races in swing states like

Nevada, Florida and Colorado (Lopez & Taylor, 2012). For Latino voters, the 2012

election represents one of the largest gaps in support, with 71 percent of Latinos voting

for President Obama and only 27 percent voting for Mitt Romney (Lopez & Taylor,

2012). Latinos are also making up an increasing piece of the electorate, with an estimated 10 percent of the vote in 2012. Up from 9 percent in last election, this percentage is only expected to grow in coming elections (Lopez & Taylor, 2012). According to 2012 national exit poll, "77 percent of Hispanic voters said…immigrants should be offered a chance to apply for legal status" (Lopez & Taylor, 2012). This is compared to the general voting population, where "less than two-thirds (65 percent) said these immigrants should be offered a chance to apply for legal status" (Lopez & Taylor, 2012).  Therefore, with an increasingly large Latino base of voters, who overwhelmingly support immigration reform, Republicans needed to take action on reform to have a chance at securing Latino votes in future elections. For Republicans, this action came in part as an attempt to support comprehensive immigration reform and thus woo Latino voters to the Republican Party.

Immigration Reform Legislation

One of the immigration bills that have received a lot of media attention is the Senate's bill, S. 744.  After many amendments and billions spent on border security, S. 744 passed the senate with 68 votes for and 32 against (Govtrack.us, n.d.).  Thus far, this bill is the only comprehensive legislation to have successfully passed in the House or Senate. Senator Chuck Schumer (D-NY) sponsored the bill with Michael Bennett (D-CO), Jeff Flake (R-AZ), Richard Durbin (D-IL), Lindsey Graham (R-SC), John McCain (R-AZ), Robert Menendez (D-NJ) and Marco Rubio (R-FL) acting as cosponsors (Govtrack.us, n.d.). All of the Republican cosponsors voted for the measure, as did 8

other Republicans[1] (Govtrack.us, n.d.). Unlike the plethora of issue specific bills, S. 744 tackles immigration comprehensively, including more controversial issues, such as path to legalization.

The bill mandates first and foremost that additional funding and resources be used to secure the southern border of the United States.  Following this mandate, the bill has titles further addressing border security issues, immigrant visas, interior enforcement and reforms to nonimmigrant visa programs (Govtrack.us, n.d.). Each of these titles features several subtitles, such as establishing a merit-based system for future immigration admissions, agriculture worker programs, integration, employment verification, asylum and refugees, and preventing human trafficking (Govtrack.us, n.d.). However, the most salient section for the tech sector is under title IV, "reforms to nonimmigrant visa programs", which increases the H-1B visa cap to "110,000 for the fiscal year after the date of enactment of this Act" (Govtrack.us, n.d.). Further, title IV establishes "a market and unemployment based adjustment mechanism that increases or reduces the annual cap by not more than 10,000, with a minimum floor of 110,000 and a maximum ceiling of 180,000" (Govtrack.us, n.d.).

Additionally, there were tech relevant amendments proposed to S.744, including Senators Hatch, Klobuchar and Coons's, which "would double the fee required for labor certifications to get green cards, and use the money to create a fund to help states and minority-serving institutions expand STEM training for minority students, women, and economically disadvantaged students" (Matthews, 2013).  Another, tech relevant

---

[1] Alaska's Lisa Murkowski, Maine's Susan Collins, North Dakota's John Hoeven, New Hampshire's Kelly Ayotte, New Jersey's Jeffrey Chiesa, Nevada's Dean Heller, Tennessee's Lamar Alexander and Bob Corker and Utah's Orrin Hatch

amendment, proposed by Senator Whitehouse "expands eligibility for the INVEST Visa, a program created in the bill for would-be entrepreneurs and investors, to those who are participating in start-up incubators like Y Combinator or Betaspring" (Matthews, 2013).

The tech community offered support, as well as recommendations for S.744 in a letter to the Senate sent by "over 100 signatories, including the Consumer Electronics Association, Cisco Systems, Facebook, and Partnership for a New American Economy" (McGeary, 2013). In this letter, the signatories pointed out that "absent reform, if every American graduate receiving an advanced STEM degree gets a job, the U.S. is estimated to face at least 200,000 unfilled advanced-degree STEM jobs by 2018. These unfilled jobs represent lost opportunities for our country, but with S. 744, we can fill these jobs, create new ones and invest in a future of economic growth" (McGeary, 2013).  However, in order to meet their businesses' demands, many tech executives also support piecemeal legislation proposed to more specifically address H-1B increases.

One such piece of legislation called the Immigration Innovation Act of 2013, or I-Squared Act of 2013, was sponsored Senator Hatch (R-UT) and originally cosponsored by Senators Blumenthal (D-CT]) Coons (D-DE), Flake (R-AZ, Heller (R-NV), Hoeven (R-ND), Klobuchar (D-MN), Nelson (D-FL), Rubio (R-FL), Schatz (D-HI), Shaheen, Jeanne [D-NH], Warner (D-VA), Ayotte (R-NH), all of who also voted in favor of S. 744 (Govtrack.us, n.d.). Additionally, 8 Democrats, 6 Republicans and 1 Independent have more recently co-sponsored the bill [2] (Govtrack.us, n.d.). This legislation increases the amount of H-1B visas and focuses on increasing green card access for high skilled

---

[2] Gillibrand (D-NY), Lee (R-UT), King, (I-ME), Thune (R-SD), McCaskill (D-MO), Heitkamp (D-ND), Inhofe (R-OK), Heinrich (D-NM), Collins (R-ME), Murphy (D-CT), Kaine (D-VA), Blunt, (R-MO), Burr (R-NC), Begich (D-AK)

"workers by expanding the exemptions and eliminating the annual per country limits for

employment based green cards; and reforming the fees on H-1B and green cards so those

fees can be used to promote American worker retraining and education" (Hatch, 2013).

The Washington Post specifically cites this legislation, stating that the tech sector would

ideally "want to see something akin to the Immigration Innovation Act, a bipartisan

bill…that would raise the cap from 65,000 to 115,000—with the potential of reaching a

maximum 300,000 H1-B visas if the demand were there" (Khimm, 2013).  This bill has

not yet been voted on in the Senate and was referred to the Senate's Judiciary Committee

in January (Govtrack.us, n.d.).

Another bill proposed to directly address tech's immigration concerns is the

Startup 3.0 Act, which has also not yet been voted on in the Senate. The Startup Act 3.0

is an updated version of the previously introduced Startup Act 2.0, sponsored by Senator

Jerry Moran (R-KS) and cosponsored by Senators Warner (D-VA), Blunt (R-MO) and

Coons (D-DE) (Govtrack.us, n.d.). According to Moran's website this bill seeks to create

both a STEM and Entrepreneur visa which would adjust 50,0000 residents who have a

master's or doctoral degree in science, technology engineering or mathematics (STEM)

to conditionally permanent (Govtrack.us, n.d.). These visas could extend a student visa

for up to a year while the individual seeks employment in a STEM related field and can

extend indefinitely if the person remains actively engaged in the STEM field

(Govtrack.us, n.d.). Additionally, according to Forbes, this bill aims to provide visas "to

foreign-born founders who raise $100,000 for new ventures that hire at least two

employees within a year and at least five in the following three years" (Casserly, 2013).

Additionally, this legislation "also modifies the tax code to encourage investment in new

businesses, accelerates the commercialization of university research that can lead to new

ventures, and seeks to improve the regulatory process" (Casserly, 2013). It is important to

note, however, that of the four sponsors and cosponsors of this bill, Democrats Warner

and Coons voted in support of S. 744, while Republicans Moran and Blunt voted against

the comprehensive bill.

<div align="center">Immigration Reform Updates</div>

When discussing his reason for voting against S.744, Moran stated, "rather than

focusing on tackling the problem in manageable increments and delivering the reforms

Americans are asking for, the Senate chose to lump every immigration and border

security problem together into one massive and flawed bill" (Moran.senate.gov). Later in

this press release, Moran compared S.744 to the "rushed passage of Dodd-Frank and

Obamacare" (Moran, 2013).  Moran's rhetoric represents a prevalent trend among many

conservative Republicans that views immigration reform simply as another large

government effort. To this point, since its passage in June of 2013, S.744 has lost the

support of key Republican cosponsor, Marco Rubio. Rubio has backed away from the

bill, instead favoring a gradual approach, like Senator Moran (Ordoñez, 2013).

However, the main alternative to reform, deportation, would require large-scale

government intervention required to remove millions of illegal immigrants. The Center

for American Progress estimates deportation would cost between "$206 billion to $230

billion over five years, depending on how many of the immigrants leave voluntarily"

(Center for American Progress, 2005).  Additionally, the nonpartisan Congressional

Budget Office (CBO) estimated that enacting S.744 would "increase real GDP relative to

current law projections by 3.3 percent in 2023 and 5.4 percent in 2033 – an increase of

roughly $700 billion in 2023 and $1.4 trillion in 2033 in today's dollars" (Congressional

Budget Office, 2013). Further, when looking at job creation, S.744 would "increase the

labor force by 3.5 percent in 2023 and 5 percent in 2033, according to CBO, which will

boost capital investment and lead to increased productivity and higher overall average

wages" (Congressional Budget Office, 2013).

Without a viable, passable alternative comprehensive plan presented in the House

or Senate, the potential gain from reform will not come to fruition. As seen from the CBO

and Center for American Progress reports above, passage of comprehensive reform could

actually result in less spending and government interference than deportation and would

increase private sector growth. Thus, Moran's no vote on S.744 represents a paradox in

the Republican Party. Senators like Moran, Lee and now Rubio insist upon a more

piecemeal approach to immigration reform and yet there are not yet any passable pieces

of legislation being proposed in either the Senate or House.

Moreover, within the House, the bipartisan "Gang of 7" group, which was

assembled to author a comprehensive immigration reform bill, has seen all but one

Republican Representative quit (O'Keefe, 2013). Additionally, even piecemeal

legislation does not appear to be on the Republican leadership's agenda, as pro-reform

Republican Representative Mario Diaz-Balart (R-FL 25) "concedes House Republicans

are not going to act on immigration reform this year, and he worries that the window for

getting anything done next year is closing fast" (O'Keefe, 2013). Further, with the recent

government shutdown, and Edward Snowden leaks, many politicians have begun to focus

their attentions elsewhere and favor partisan bickering to bipartisan cooperation on

comprehensive reform. Though the President and Congressional Democrats publicly

remain committed to legislating comprehensive immigration reform, speculators believe

the window for comprehensive immigration reform is rapidly closing and it appears that

efforts have significantly slowed, if not come to a halt.

Analysis of the Case Studies

Both institutional and individual effects can influence an official's support of

immigration and privacy reform. Institutional levels effects are based upon larger,

governmental and structural issues and concerns that can impact an official's voting

record or views. This includes categorizing legislative patterns of partisanship and the

broader political climate and election cycle. When looking at individual levels effects, the

mostly likely contributors are an elected official's committee assignment and

constituency. Additionally, there is some support to argue that finance plays a role in an

individual's tech issue support, but not the degree that it does in many other industries.

According to Charles Jones, legislative patterns include partisanship, co-

partisanship, and bipartisanship and cross partisanship (Jones, 1994, p.20).  Jones defines

the partisan pattern as "bargaining and coalition building occur primarily within the

president's party, which has majorities in both houses of Congress" (Jones, 1994, p.20).

The pattern of co-partisanship is "associated with split-party control…typified by parallel

development of proposals at each end of Pennsylvania Avenue or by the two parties in

each house of Congress. Often these proposals represent different approaches to the

problem (Jones, 1994, p.20)." Third is bipartisanship, which Jones defines as the "active

and cooperative involvement of Republicans and Democrats in several phases of policy

process, from problem definition through to program approval" (Jones, 1994, p.21).  Last

is cross partisanship, in which a key division of one party "works with or can be counted

on for support by the other party. Typically the initiative comes from one party, which then seeks to win enough support from the other party to form a winning coalition" (Jones, 1994, p.22).

With these definitions in mind, many people incorrectly label the bills mentioned as bipartisan, when in fact most would fall under the category of either co-partisan or cross partisan.  When looking at a Congress member's sponsorship, co-sponsorship and support for legislation, the majority of the bills mentioned were not truly bipartisan, but instead were the result either compromises or a few dissenters voting with the other party. After the 2012 election, immigration reform efforts likely began as co-partisan, with more Republicans willing to work with Democrats to tackle immigration reform. However, more recently cross partisanship is present, with only select Republicans breaking away from the majority of their party and voting with Democrats (Jones, 1994, p.22). Privacy reform on the other hand represents trends of co-partisanship, with groups of Republicans and Democrats working on different legislation, representing different views and approaches of the problem (Jones, 1994, p.20).

One factor in Republican support on immigration and privacy reform is the broader political climate surrounding these issues. For example, due to the important role of Latinos in the 2012 election, early immigration reform efforts had momentum.  The election cycle greatly affects an official's level of support. Prior to an election, officials are more chiefly concerned with shoring up their party's base support and donors. Whereas after the election occurs, officials have more security and can vote for policies they actually support. Senator Orrin Hatch's vote for S.744 is a good example of the impact of an election cycle. Hatch was reelected in 2012 and with that security he was

able to support immigration reform without having to worry as much about rebelling against his party's base and leadership. The election cycle is especially impactful in the House, where elections take place every two years and officials are essentially always gearing up for the next election. Throughout 2013, many officials were already concerned about their reelection in 2014. With concern focused on base support, support for immigration reform falls to the wayside. Republicans are also likely less concerned with gaining Latino support for 2014 House races and instead more focused on leveraging other issues, such as the Affordable Care Act, in reelection efforts.

In comparison, with the continuation of Edward Snowden's leaks, Republicans and Democrats have both focused more of their legislative efforts on addressing privacy concerns. Due to the substantial implications and public outrage surrounding Snowden's allegations, many Republicans have more political asylum and support in defecting from party leadership and addressing privacy concerns. For example, there has even been movement since this summer, when the Amash Amendment failed (govtrack.us). Since Amash's failure, the USA Freedom Act has received additional support. Though it is unclear whether this legislation will pass, especially with Senator Feinstein's legislation also gaining some momentum among some sects of the parties, privacy reform as a whole is clearly gaining force.

Committee membership is an example of an individual level concern. An official's committee assignment can have a "special impact on the interests of their states and regions can promote their own legislative effectiveness. For...party leaders, the committee appointment process offers a means of promoting party discipline" (United States Senate, n.d.). Specifically the House and Senate Judiciary committee is salient as it

addresses civil liberties, immigration and naturalization, patent office, patent copyrights

and trademarks and protection of trade and commerce against unlawful restraints and

monopolies (United States Senate Committee on the Judiciary, n.d.). Many of the

sponsors, cosponsors and supporters of the legislation listed in the case studies sit on the

judiciary committee.  Specifically, Senators Leahy and Lee both sit on the Judiciary

committee, with Leahy currently serving as the committee's chairman and Senator Lee

serving as the Ranking Member on the Antitrust, Competition Policy and Consumer

Rights subcommittee (United States Senate Committee on the Judiciary, n.d.). Senators

Leahy and Lee are both key voices on many privacy issues and bills. Representatives

Issa, Sensenbrenner and Chaffetz all sit in House's Judiciary Committee and are all key

supporters of privacy issues (Govtrack.us, n.d.). Further, on immigration issues, sponsors

and cosponsors of S.744, Senators Graham, Flake, and Schumer all sit on the Judiciary

Committee. Additionally, Senators Klobuchar and Hatch also sit on the Judiciary

Committee and cosponsored the Immigration Innovation Act of 2013.

Another consideration at the individual level is the legislator's constituency.

Specifically, legislators in the conservative state of Utah seemed more attuned to tech

issues, likely due to the growing tech community in Salt Lake City.  Utah's Senators

Orrin Hatch and Mike Lee both sit on the Judiciary Committee and according to Hatch's

website "in Utah alone, there are more than 3,200 technology and 500 life science

companies. Utah leads the western states' region in creating and sustaining these

companies" (Hatch, 2013). Given that Utah is becoming a prominent tech region, it

should be both Lee and Hatch's duty to represent many of tech's policy interests.

However, Hatch has a broader reaching tech agenda than Lee and notably Lee voted

against S.744, while Hatch was one of the critical Republican votes for the measure (Govtrack.us, n.d.). Hatch was also the former Chairman of the tech intensive, Judiciary Committee in the Senate and for the last three years Hatch has also been selected by his Republican peers to be the leader of the Senate Republican High-Tech Task Force (Hatch, 2013).

In contrast, Senator Lee's tech sector support is more issue specific and limited, a contrast to not only Orrin Hatch, but to Democrats, who have a much more consistent record of support for issues relevant in the tech sector. Lee's record and rhetoric reflect a growing trend of Republicans who support a more piecemeal process, rather than a comprehensive bill like S. 744. When looking at the House Representatives from Utah, Representative Jason Chaffetz represents Utah's 3rd district, located right outside of Salt Lake City. Chaffetz is more multifaceted in his tech-related legislation than many of his Republican peers and has sponsored legislation addressing both privacy and high skilled immigration concerns (Library of Congress, n.d.). Chaffetz and the two other Republican Representatives from Utah, Rob Bishop (R-UT 1) and Chris Stewart (R-UT 2) also notably voted in favor of the Amash Amendment, despite Republican leadership's stance against the amendment (Govtrack.us, n.d.).

Chaffetz is also one of many tech friendly legislators to receive campaign donations from large tech organizations, such as Oracle, Cisco, Google and the Consumer Electronics Association (Opensecret.org, 2013). Although, donations are often not as substantial or prevalent in tech as they are in other industries, they are still noteworthy. For some legislators, tech sector donations account for a substantial amount of their campaign contributions. One such large-scale tech beneficiary is Senator Mike Lee, a key

privacy reform advocate, who received over $100,000 from the Computer and Internet industry, including nearly $27,000 from Microsoft alone (Opensecrets.org, 2013). Additionally, Representative Darrell Issa recently received over $20,000 from Google and over $10,000 from Vibrant Technologies, with the Computer and Internet industry contributing nearly $37,000 total to Issa (Opensecrets.org, 2013). When looking at immigration reform advocates, S.744 cosponsor, Senator McCain, recently received a combined $60,000 in contributions from Go Daddy Group and Cisco Systems (Opensecrets.org, 2013). Another S.744 cosponsor, and cosponsor of the Immigration Innovation Act of 2013, Jeff Flake, also recently received nearly $30,000 from Intel Corporation (Opensecrets.org, 2013). Senator Moran, cosponsor of the Startup 3.0 Act was one of the top donation recipients from the Consumer Electronics Association in 2012, a prominent tech trade association (Opensecrets.org, n.d.). Lastly, John Hoeven, one of the crucial Republican votes in support of S.744, received $37,500 from Microsoft (Opensecrets.org, 2013).

Although many of these donations may not be as substantial as other business interest's contributions, it is clear that tech industry leaders are certainly willing to donate to tech friendly Republicans. Democrats have also received large tech donations, with Judiciary Chairman, Senator Leahy, receiving over $200,000 from the Computer and Internet Industry, including over $40,000 from Microsoft (Opensecrets.org, 2013). Among many other notable Democrats receiving donations is privacy advocate, Senator Udall, received a combined near $65,000 from Google and Oracle (Opensecret.org, 2013). Although they may not be a legislator's sole motivation, tech sector donations are clearly strategic and a component to an official's tech support.

Strategies to Utilize Going Forward

Political climate, committee assignment, donations and constituency can help instruct the path for tech advocates going forward. In order to pass privacy or immigration reform legislation, tech advocates need to specifically target key legislators to author and support legislation. Two candidates for further tech support are Representative Jason Chaffetz and Senator Orrin Hatch. Chaffetz and Hatch are critical targets for support because they have both authored industry relevant legislation, sit on the Judiciary Committee and have tech leaders in their constituency. With these influences, Hatch and Chaffetz have the political asylum required to continue defecting from the Republican base and support immigration and privacy reform.

However, when targeting supporters, institutional factors also need to be considered, especially the political climate and the official's election cycle. With Snowden's leaks continuing, the climate surrounding privacy reform allows for more Republicans to have the political shield needed to defect from their party leadership. With this broader base of Republican support, there are also stronger, co-partisan legislative partnerships occurring in privacy reform. Yet, there is still divisiveness surrounding different approaches to privacy reform. More mainstream Democrats and Republicans are partnering to support more mild reform efforts, while Republican Libertarians and civil liberty Democrats are banning together for more drastic reform measures.

In spite of this divineness, privacy reform has momentum and legislation is moving through Congressional committees. This momentum could make passage of privacy reform more achievable than this past summer, when the Amash amendment

narrowly failed. As such, tech should aggressively advocate for privacy reform and support legislators like Sensenbrenner and Leahy, who authored the USA Freedom Act, as well as some of the bill's key supporters, like Darrell Issa, who hold sway within the Republican party. Having both served in the House for over a decade each, Representatives Sensenbrenner and Issa should feel fairly secure in their reelection efforts. However, they could still have opponents in 2014 and will likely continue to receive pressure from their party's leadership to back away from reform efforts. Sensenbrenner and Issa's support is crucial and they are both vulnerable to criticism and challengers. Thus tech sector financial support and advocacy is critical. Overall, based upon the privacy case study and analysis, privacy reform is passable and tech should be aggressively waging the battle for reform over the next several months.

Privacy reform's momentum stands in contrast to comprehensive immigration reform, where even S.744 cosponsor, Marco Rubio, no longer favors comprehensive legislation. The grim results of the 2012 election are likely no longer making Republicans as anxious. Thus, support for comprehensive reform has dwindled from co-partisan to cross partisanship, with fewer Republicans defecting from the base to support comprehensive reform. While many Republicans have introduced legislation to support H-1B expansion, Republican leadership will likely not address any immigration legislation, even piecemeal bills, this year. Further, in 2014, concerns for reelection will heighten and Republican support will be even less likely.

Additionally, House Democratic leadership has indicated opposition to a piecemeal approach and many Democrats are unlikely to support any immigration bill that isn't comprehensive. Thus, the diagnosis for immigration reform is grim. Despite

factors such as committee membership, constituency and donations, currently there is

likely not enough Republican support for comprehensive legislation to pass. Further,

aside from 2014 election concerns, many Democrats and Republicans also have other

issues higher on their policy agenda, such as the Affordable Care Act.

Thus, if the tech sector wants to strategically act on immigration reform, tech

advocates should lobby Democrats to accept piecemeal legislation. Though this strategy

is not ideal, given the political climate, piecemeal legislation currently appears to be the

only passable option. With piecemeal bill passage, the tech sector could see increases in

H-1B visa allotment, which is ultimately the rationale behind their support for reform.

Further, if Democrats publicly supported piecemeal bills, this could revive general

discussion on immigration reform, which has not seen significant committee movement

or press in weeks. Though many tech executives have chiefly advocated for

comprehensive reform, it is simply not possible in the foreseeable future. Thus, tech

would benefit from advocating for piecemeal tech immigration bills.

Democrats Mark Warner and Chris Coons are cosponsors of both the Startup 3.0 Act

and the Innovation Immigration Act, which focus on H-1B, high skilled visa expansion

(Govtrack.us, n.d.). Democratic legislators like Warner and Coons would be good targets

for tech sector support. They would be important voices in organizing more Democratic

support behind piecemeal bill options. Likely, many Democrats would not publicly

abandon their support for comprehensive reform, but would also support piecemeal

legislation as an option. Many Democrats could likely rationalize the decision to support

piecemeal legislation under the adage that "something is better than nothing". Further,

with the 2014 election approaching, Democrats in competitive seats will want to appear

willing to compromise. Additionally, touting the economic benefits of H-1B visa reform would be useful in 2014 stump speeches. Overall, persuading Democrats to support piecemeal bills simply seems more feasible than convincing enough Republicans to bring up, let alone support comprehensive legislation.

## Conclusion

The immigration and privacy reform case studies make it clear that Republican involvement is increasingly more important in tech sector politics. If tech wishes to see legislative progress on either of these issues, Republicans must be a key part of their outreach and strategy. Though Republican leadership has denounced measures like S.744 and the Amash Amendment, Party defectors have made passage of some legislation possible. As demonstrated in the case studies, Republicans on the Judiciary Committee and from states like Utah will continue to be important tech assets and party defectors. However, the case studies also display the emergence of divergent legislation within the Democratic Party. These intra-party tiffs also make dissenters in the Democratic Party crucial to the industry's agenda. Therefore, tech can no longer simply rely on Democratic Leadership to wage its battles, and must look at a broader strategy that accounts for new cross partisan and co-partisan coalitions. These new alliances will also need to persist in order to address other prominent tech issues, such STEM education and patent reform.

Overall, many recent tech issues are high profile and garner public attention; this attention makes the political stakes high for large tech companies. The Washington Post reported that as of October 2013, "tech giants, including Apple and Facebook, have stepped up lobbying efforts in the past three months" (Ho, 2013). As these outreach

efforts grow, tech will need to continue to expand their approach and no longer simply

rely on their long-standing relationships with Democrats. Additionally, as these issues

further develop, the tech sector's political involvement will need to expand. Clearly,

much has changed since the days of Wade Randlett's initial outreach to Silicon Valley in

the 1990s. Though some in tech still insist it is the "nation's leading center of power",

most tech leaders recognize that Silicon Valley cannot fix the immigration system or

reform The Patriot Act (Manjoo, 2013). Instead, tech must work hand in hand with

Washington to meet their reform goals. Likely, before these tech-centric issues are

resolved, many legislators' views will evolve, as will tech's political partnerships.

Regardless, tech's voice in politics will not quiet in the foreseeable future and should

only get louder.

Capstone Reference List

Amash, J. United States House of Representatives, Office of Representative Justin
    Amash. (2013). *Amash nsa amendment fact sheet*. Retrieved from website:
    http://amash.house.gov/speech/amash-nsa-amendment-fact-sheet

Ball, J. (2013, 10 24). NSA monitored calls of 35 world leaders after us official handed
    over contacts. *The Guardian*. Retrieved from
    http://www.theguardian.com/world/2013/oct/24/nsa-surveillance-world-leaders-
    calls

Callahan, D. (2010). *Fortunes of Change: The rise of the liberal rich and the remaking of
    america*. Hoboken, New Jersey: John Wiley & Sons.

Casserly, M. (2013, 02 13). Can startup act 3.0 reboot entrepreneurship and America?.
    *Forbes*, Retrieved from
    http://www.forbes.com/sites/meghancasserly/2013/02/13/can-startup-act-3-0-
    reboot-america-entrepreneurs-immigration-stem/

Center for American Progress. (2005, 07 26). *deporting the undocumented: a cost
    assessment*. Retrieved from
    http://www.americanprogress.org/issues/immigration/report/2005/07/26/1581/dep
    orting-the-undocumented-a-cost-assessment/

Congressional Budget Office. (2013). *economic benefits fixing our broken immigration
    System*. Retrieved from website:
    http://www.whitehouse.gov/blog/2013/07/10/economic-benefits-fixing-our-
    broken-immigration-system

Department of Homeland Security. U.S. Citizenship and Immigration Services. (2011).
    *H-1b specialty occupations, DOD cooperative research and development project
    workers, and fashion models*. Retrieved from website:
    http://www.uscis.gov/working-united-states/temporary-workers/h-1b-specialty-
    occupations-and-fashion-models/h-1b-specialty-occupations-dod-cooperative-
    research-and-development-project-workers-and-fashion-models

Gernstein, J. (2013, 10 31). *Senate panel oks modest surveillance reforms*. Retrieved
    from http://www.politico.com/story/2013/10/senate-panel-fisa-surveillance-
    reforms-99191.html?hp=l3

Govtrack.us. (n.d.a) *S. 169: I-squared act of 2013*. Retrieved from website:
    https://www.govtrack.us/congress/bills/113/s169

Govtrack.us (n.d.b). *S. 310: Startup act 3.0.* Retrieved from website:
    https://www.govtrack.us/congress/bills/113/s310

Govtrack.us. (n.d.c). *S. 1200 (99th): Immigration reform and control act of 1986.* Retrieved from website: https://www.govtrack.us/congress/bills/99/s1200

Govtrack.us. (n.d.d). *S. 744: Border security, economic opportunity, and immigration modernization act.* Retrieved from website: https://www.govtrack.us/congress/votes/113-2013/s168

Govtrack.us .(n.d.e). *S. 744: Border security, economic opportunity, and immigration modernization act.* Retrieved from website: https://www.govtrack.us/congress/bills/113/s744

Govtrack.us (n.d.f). *H.Amdt. 413 (Amash) to H.R. 2397: Amendment sought to end authority for the blanket collection of records under the patriot act.* Retrieved from website: https://www.govtrack.us/congress/votes/113-2013/h412

Govtrack.us. (n.d.g). *H.R. 3162 (107th): H.R. 3162 (107th): Uniting and strengthening America by providing appropriate tools required to intercept and obstruct terrorism (USA PATRIOT ACT) Act of 2001.* Retrieved from website: https://www.govtrack.us/congress/votes/107-2001/h398

Govtrack.us. (n.d.h). *H.R. 3162 (107th): Uniting and strengthening america by providing appropriate tools required to intercept and obstruct terrorism (usa patriot act) act of 2001.* Retrieved from website: https://www.govtrack.us/congress/votes/107-2001/s313

Govtrack.us (n.d.i). *S. 1599: Uniting and strengthening America by fulfilling Rights and ending eavesdropping, dragnet collection, and online monitoring act.* Retrieved from website: https://www.govtrack.us/congress/bills/113/s1599

Govtrack.us (n.d.j). H.R. 4952 (99*th*): *Electronic communications privacy act of 1986.* Retrieved from website: https://www.govtrack.us/congress/bills/99/hr4952

Govtrack.us. (n.d.k). *To pass HR 3810, A bill to amend the immigration and nationality act to revise and reform the immigration laws.* (n.d). Retrieved from website: https://www.govtrack.us/congress/votes/99-1986/h860

Govtrack.us (n.d.l). *To Pass S 1200, A bill to reform the existing immigration laws by imposing penalties on employers of illegal workers, granting legal status to millions of resident illegal aliens and, altering present temporary foreign worker regulations.* (n.d.). Retrieved from website: https://www.govtrack.us/congress/votes/99-1985/s191

Hatch, O. United States Senate, Office of Senator Orrin Hatch. (n.d.). *Intellectual property & technology*. Retrieved from website: http://www.hatch.senate.gov/public/index.cfm/intellectualproperty-antitrust

Hatch, O. United States Senate, Office of Senator Orrin Hatch. (2013a). *Hatch again chosen to lead GOP high-tech task force group of 13 GOP senators focused on ensuring U.S. remains global leader*. Retrieved from website: http://www.hatch.senate.gov/public/index.cfm/2013/3/hatch-again-chosen-to-lead-gop-high-tech-task-force

Hatch, O. United States Senate, Office of Senator Orrin Hatch. (2013b). *Immigration innovation (i2) act of 2013*. Retrieved from website: http://www.hatch.senate.gov/public/_cache/files/d63fb0be-253c-494f-bc5b-35c2c3694c49/Summary of the Immigration Innovation Act of 2013.pdf

Heck, J. United States House of Representatives, Office of Representative Joe Heck. (2013). *Why I voted against the Amash Amendment to the defense appropriations act*. Retrieved from website: http://heck.house.gov/press-release/why-i-voted-against-amash-amendment-defense-appropriations-act

Ho, C. (2013, 10 27). Tech companies turn to lobbyists after NSA fallout. *The Washington Post*. Retrieved from http://www.washingtonpost.com/business/capitalbusiness/tech-companies-turn-to-lobbyists-after-nsa-fallout/2013/10/25/08d27046-3b30-11e3-a94f-b58017bfee6c_story.html

Jones, C. (1994). *The presidency in a separated system*. Washington D.C.: Brookings Institution Press.

Khimm, S. (2013, 03 21). Do we need more skilled foreign workers?. *The Washington Post*. Retrieved from http://www.washingtonpost.com/blogs/wonkblog/wp/2013/03/21/do-we-need-more-skilled-foreign-workers/

Leahy, P. United States Senate, Office of Senator Patrick Leahy. (2013). Retrieved from website: http://www.leahy.senate.gov/download/usa-freedom-act-tech-letter-3

Lopez, M. H. & Taylor, P. (2012, 11 07). *Latino voters in the 2012 election*. Retrieved from http://www.pewhispanic.org/2012/11/07/latino-voters-in-the-2012-election/

Manjoo, F. (2013, 11 03). Silicon valley has an arrogance problem. *The Wall Street Journal* . Retrieved from http://online.wsj.com/news/articles/SB10001424052702303661404579175712015473766

Matthews, C. (2011, 01 18). What Ronald Reagan and Tip O'Neill could teach Washington today. *The Washington Post*. Retrieved from http://www.washingtonpost.com/wp-dyn/content/article/2011/01/17/AR2011011703299.html

Matthews, D. (2013, 05 17). The Senate has passed 48 amendments to the immigration bill. Here's what they do. *The Washington Post*. Retrieved from http://www.washingtonpost.com/blogs/wonkblog/wp/2013/05/17/immigration-bills-48-passed-amendments-heres-what-they-do/

McGeary, M. (2013, 06 21). *Tech leaders urge U.S. Senate to pass immigration reform*. Retrieved from http://engine.is/blog/posts/tech-leaders-urge-u-s-senate-to-pass-immigration-reform

Miles, S. (2001). *How to hack a party line: The Democrats and Silicon Valley*. New York, New York: Farrar, Straus and Giroux.

Moran, J. United States Senate, Office of Senator Jerry Moran. (2013). *Sen. Moran votes "no" on passage of gang of eight bill*. Retrieved from website: http://www.moran.senate.gov/public/index.cfm/news-releases?ContentRecord_id=18d1cbbc-451e-446f-8162-d4c38ec79359

Nelson, S. (2013, 09 10). NSA surveillance practices 'violate the constitution,' Issa says. *USA News and World Report*. Retrieved from http://www.usnews.com/news/articles/2013/09/10/nsa-surveillance-practices-violate-the-constitution-issa-says

Nicks, D. (2013, 11 01). Two bills offer different visions of NSA reform read more: two bills offer different visions of NSA reform | time.com http://swampland.time.com/2013/11/01/two-bills-offer-different-visions-of-nsa-reform/

Office of the Historian, Office of Art & Archives, Office of the Clerk. (n.d.). *Congress profiles 99th congress (1985-1987)*. Retrieved from website: http://history.house.gov/Congressional-Overview/Profiles/99th/

O'Keefe, E. (2013, 09 20). Two Republicans drop out of House 'group of seven' immigration talks. *The Washington Post*. Retrieved from website: http://www.washingtonpost.com/blogs/post-politics/wp/2013/09/20/two-republicans-out-of-house-group-of-seven-immigration-talks/

Opensecrets.org. (n.d.). *Consumer Electronics Assn count cash & make change*. Retrieved from website: http://www.opensecrets.org/orgs/summary.php?id=D000025122

Opensecrets.org. (2013a). *Top 20 contributors representative Jason Chaffetz 2013 – 2014*. Retrieved from website: http://www.opensecrets.org/politicians/contrib.php?cycle=2014&cid=N00028958&type=C&newmem=N

Opensecrets.org. (2013b). *Top 20 contributors Senator John McCain 2009 – 2014.*
        Retrieved from website:
        http://www.opensecrets.org/politicians/contrib.php?cycle=2014&cid=N00006424
        &type=C&newmem=N

Opensecrets.org. (2013c). *Top 20 contributors Senator Mark Udall 2009 – 2014.*
        Retrieved from website:
        http://www.opensecrets.org/politicians/contrib.php?cycle=2014&cid=N00008051
        &type=C&newmem=N

Opensecrets.org (2013d). *Top 20 contributors Senator Patrick Leahy 2009 – 2014.*
        Retrieved from website:
        http://www.opensecrets.org/politicians/contrib.php?cycle=2014&cid=N00009918
        &type=C&newmem=N

Opensecrets.org. (2013e). *John Hoeven.* Retrieved from website:
        http://www.opensecrets.org/politicians/summary.php?type=C&cid=N00031688&
        newMem=N&cycle=2014

Opensecrets.org. (2013f). *Top 20 contributors Senator Jeff Flake 2009 – 2014.* Retrieved
        from website:
        http://www.opensecrets.org/politicians/contrib.php?cycle=2014&cid=N00009573
        &type=C&newmem=N

Ordoñez, F. (2013, 10 30). Sen. Rubio changes immigration approach, supports series of
        revisions. *Miami Herald.* Retrieved from website:
        http://www.miamiherald.com/2013/10/30/3721812/sen-rubio-changes-
        immigration.html

Sensenbrenner, J. United States House of Representatives, Office of Representative Jim
        Sensenbrenner. (2013a). *Leahy & Sensenbrenner join to introduce USA Freedom
        Act legislation ends dragnet collection of phone data & adds meaningful
        oversight of surveillance programs.* Retrieved from website:
        http://sensenbrenner.house.gov/news/documentsingle.aspx?DocumentID=356911

Sensenbrenner, J. United States House of Representatives, Office of Representative Jim
        Sensenbrenner. (2013b). *The USA freedom act.* Retrieved from website:
        http://sensenbrenner.house.gov/legislation/theusafreedomact.htm

The American Civil Liberties Union. (2012, 05 14). *Memorandum.* Retrieved from
        https://www.aclu.org/files/assets/ndaa_amash-smith_5.15.pdf

The Library of Congress. (n.d.). *Bill summary & status search results text searched:
        Fld003:* Retrieved from website: http://thomas.loc.gov/cgi-
        bin/bdquery/R?d113:FLD003:@1(Rep+Chaffetz++Jason):

Quinn, M. (2013, 09 24). *Tech rivals joining forces on NSA, immigration*. Retrieved from
http://www.politico.com/story/2013/09/technology-rivals-nsa-immigration-
97238.html

United States Senate Committee on the Judiciary. United States Senate. (n.d..a).
*Committee jurisdiction*. Retrieved from website:
http://www.judiciary.senate.gov/about/jurisdiction.cfm

United States Senate. United States Senate, (n.d.b). *Senate committees*. Retrieved from
website:
http://www.senate.gov/artandhistory/history/common/briefing/Committees.htm

Volz, D. (2013, 10 25). Once opposed, key lawmakers back new anti-NSA bill. *National
Journal*. Retrieved from http://www.nationaljournal.com/congress/once-opposed-
key-lawmakers-back-new-anti-nsa-bill-20131025