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MARKUP OF H.R. 1773, THE AGRICULTURAL GUESTWORKER ACT

Wednesday, June 19, 2013

House of Representatives,
Committee on the Judiciary,
Washington, D.C.

The committee met, pursuant to call, at 1:25 p.m., in Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte [chairman of the committee] presiding.

Present: Representatives Goodlatte, Sensenbrenner, Coble, Smith of Texas, Chabot, Bachus, Issa, Forbes, King, Franks, Gohmert, Jordan, Poe, Chaffetz, Marino, Gowdy, Amodei, Labrador, Farenthold, Holding, Collins, DeSantis, Smith of Missouri, Conyers, Nadler, Scott, Watt, Lofgren, Jackson Lee, Cohen, Johnson, Pierluisi, Chu, Deutch, Gutierrez, Bass, Richmond, DelBene, Garcia and Jeffries.

Staff Present: Shelley Husband, Staff Director; Branden Ritchie, Deputy Staff Director/Chief Counsel; George Fishman, Counsel;

Allison Halataei, Parliamentarian; Kelsey Deterding, Clerk; Perry
Apelbaum, Minority Staff Director; David Shahoulian, Minority Counsel;
and Danielle Brown, Minority Parliamentarian.

Chairman Goodlatte. Good afternoon. The Judiciary Committee will come to order.

And, without objection, the chair is authorized to declare a recess at any time.

Pursuant to notice, I now call up H.R. 1773 for purposes of markup and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Deterding. H.R. 1773, to create a nonimmigrant H-2C work visa program for agricultural --

Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any point.

[The information follows:]

***** INSERT 1-X *****

Chairman Goodlatte. And I will begin by recognizing myself for an opening statement.

As we seek to reform our immigration system as a whole, we must take the time to look at each of the individual issues within this system to ensure that we get immigration reform right. Today, the committee will consider the second in a series of bills that represent the judicious and thorough step-by-step approach to immigration reform that this committee has undertaken.

As past hearings on the broken H-2A program have revealed, farmers avoided using the existing agricultural guestworker program because it burdens them with excessive regulations and exposes them to frivolous litigation. H.R. 1773, the AG Act, replaces the existing program with a new guestworker program known as the H-2C program.

The H-2C program will streamline access to a reliable workforce and protect farmers from abusive lawsuits. It will also allow dairy farms and food processors to participate in the program, which is not the case under current law.

The new H-2C program will be market-driven and adaptable. It will reduce bureaucratic red tape by adopting an attestation-based petition process and by allowing H-2C employers in good standing who agree to abide by additional terms and conditions the opportunity to be designated as registered agricultural employers, further expediting the hiring process.

Moreover, subject to certain conditions, H-2C workers can be employed under contract or at will, making it easier for workers to

move freely throughout the agricultural marketplace to meet demands.

The AG Act also replaces the unnecessarily punitive Adverse Effect Wage Rate with a more market-based wage proposal. It streamlines recruiting obligations and requires workers and employers to attempt to resolve disputes through mediation.

Under the AG Act, the Department of Agriculture is in charge of administering the guestworker program rather than the Department of Labor. This will help ensure the needs of farmers are contemplated. Furthermore, the AG Act abolishes the 50 percent rule, adopts a labor attestation process in place of a petition process, allows workers the option of working in an at-will status or under a contract, and increases the maximum length of stay for guestworkers.

Last, but not least, the bill recognizes the vital role of U.S. farm workers and the unique predicament of their employers by giving farm workers who are currently working in the U.S. unlawfully an opportunity to work legally in agriculture. The AG Act will allow these farm workers to join the new H-2C program. While current unlawful workers are allowed to participate in the new H-2C program, the AG Act does not provide a special pathway to citizenship or permanent residency for these farm workers.

This bill is focused on achieving the goal of providing a stable, legal agricultural workforce that employers can call upon when sufficient American labor cannot be found. This bill also provides a legal, workable avenue for guestworkers who are trying to provide a better life for their families.

Successful guestworker programs like the H-2C program created by this bill will help deter illegal immigration, protect the jobs of U.S. workers, discourage the exploitation of unauthorized workers, and stabilize industries. As such, this bill includes practical safeguards to prioritize the hiring of U.S. workers, streamline the resolution of legal disputes, and make farmer and worker obligations clear and understandable.

The AG Act maintains valuable employee benefits and critical worker protections for domestic and foreign workers alike, such as the continuation of a minimum work guarantee for certain workers and mandatory workers' compensation insurance coverage, or State law equivalent, for workplace injuries.

In addition, this bill will promote the employment of U.S. workers by requiring nonseasonal agricultural workers to pay an additional fee when they hire temporary foreign workers.

There is bipartisan and bicameral consensus that our Nation needs a modern and flexible agricultural guestworker program. The two hearings we have held on this topic this year have taught us that farmers and farm workers want to comply with labor and immigration laws. Congress should pass the Agricultural Guestworker Act so that they can.

And I now recognize our ranking member, the gentleman from Michigan, Mr. Conyers, for his opening statement.

[The statement of Mr. Goodlatte follows:]

***** COMMITTEE INSERT *****

Mr. Conyers. Thank you, Chairman Goodlatte.

Yesterday, this committee had a rigorous debate about the SAFE Act, a bill that is far from acceptable to the Members on this side of the aisle. That bill would turn all undocumented immigrants and possibly their legal family members into criminals overnight, and it would turn police officers all over the country into immigration agents.

But now, today, the majority leadership has asked us to trust them and wait. They said the SAFE Act was meant for the future and that it would be a part of a larger plan that involves legalizing undocumented immigrants.

Well, now we have a bill before us that does do something about undocumented immigrants, and I am forced to ask if this is what the majority had in mind. If it is, then our initial apprehension was well-founded.

We rely on more than a million undocumented agricultural workers to toil in our fields and put food on our tables. They represent 75 percent of all agricultural workers and are essential to our agricultural system. But the bill provides them with nothing but guestworker visas that would require them to leave the country in 18 months, with no assurances of return. A report-to-deport scheme was not the sort of solution for legalizing the undocumented that I had in mind and perhaps others didn't either.

Unfortunately, H.R. 1773 is not the solution we were hoping for. It utterly ignores the invaluable compromise developed by the United

Farm Workers and the agricultural employers across the Nation.

This historic compromise, developed by the leading farm workers labor organization in this country as well as the principal farmer-oriented associations in the country, provides a balanced solution. And it does it by establishing a valid path by which current undocumented farm workers could earn permanent legal status. It also creates a new visa program that will address future farm labor needs, while ensuring adequate worker protections.

So it is not surprising that more than 70 farmer organizations -- 70 -- strongly support the compromise. And it has strong bipartisan support spanning a broad political spectrum, including Senators Orrin Hatch to Dianne Feinstein to Marco Rubio and Michael Bennet.

But rather than embracing this bipartisan compromise, the bill before us today would allow these undocumented agricultural workers to become guestworkers who would be required to leave after 18 months. What this means is that individuals would have to leave their spouses, their children, and their homes. Basically, we would be asking these people to come out of the shadows and report to deport. So it is not hard to guess that this is never going to happen.

I believe we have turned the corner and moved past the idea that 11 million people or any serious part of them will, quote/unquote, "self-deport." But this bill still hangs on to these outdated views. And, in practical terms, it is just unlikely that more than a million undocumented farm workers will rush to participate in this guestworker

program if participation would basically require that they self-deport.

Now, the bill fails to include any meaningful workplace protections. It would dramatically lower wages for farm workers in the agricultural visa program, reduce their work guarantee, eliminate the requirement that employers provide housing and transportation. And so this legislation is disrespecting the guestworkers who come to the United States to do the work that we all know needs to be done.

We have a critical opportunity to fix these problems that have long plagued farmers and the workers they depend on. Unfortunately, from what I think I know about the measure, this is not the solution that we have been waiting for.

I thank you, Chairman Goodlatte.

Chairman Goodlatte. I thank the gentleman from Michigan.

[The statement of Mr. Conyers follows:]

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Chairman Goodlatte. And the chair is now pleased to recognize the chairman of the Subcommittee on Immigration and Border Security, Trey Gowdy of South Carolina, for his opening statement.

Mr. Gowdy. Thank you, Mr. Chairman.

I, in the interest of time, will yield back to the chair. Thank you for the opportunity.

Chairman Goodlatte. The chair thanks the gentleman and is now pleased to recognize the ranking member of the Subcommittee on Immigration and Border Security, the gentlewoman from California, Ms. Lofgren, for her opening statement.

Ms. Lofgren. Thank you, Mr. Chairman.

Nowhere is it more evident that our immigration system is broken than in the agricultural sector. We know from countless hearings that we have held on this topic that most on-the-farm workforce is undocumented, maybe as much as 75 percent. The situation is untenable for both the farmers and the farm workers, who, together, provide an invaluable service to our country, our economy, our citizens. And they deserve a system, America deserves a system that works.

We would all benefit from the development of a more structured and stable labor force with increasingly productive workers. And that is the best way to control unlawful immigration. To the extent that job opportunities are secured by legal workers in a more stable labor market with increased earnings for farm workers through longer periods of employment, the pull factor for unlawful immigration would be reduced.

That is why it is so significant that, just last month, farmers and agricultural trade associations from all across America, in every sector of the ag industry, joined with the United Farm Workers to reach an historic agreement to reform our agricultural labor system. The agreement they signed on to, which came after months of very tough negotiations, is designed to provide a system that works for both growers and farm workers.

It would allow the at least 1 million experienced but undocumented farm workers to earn permanent residency by making a commitment to work in the ag sector for the next 5 to 8 years. In doing so, it would help support the millions of jobs that depend, upstream and downstream, upon the ag industry and would prevent us from becoming increasingly dependent on food produced overseas.

The agreement also includes a new visa program with provisions for both at-will workers and workers working under a contract to address future farm labor needs. It is a sensible solution, and I really applaud all the people who worked hard to make the agreement a reality.

Now, let me just pause briefly to note that for years we talked about the former AgJOBS compromise that our former wonderful colleague, Howard Berman, played such a role in forging. But after the AgJOBS compromise fell apart, it wasn't clear how we would come together in a mutually acceptable solution.

I think it is significant that the agreement between all of the growers and the farm workers is supported by a group that is larger than ever supported the AgJOBS bill. It includes large farmers, small

farmers, fruit and vegetable producers, dairies, sheepherders, beekeepers, landscaping, farm bureaus all across the country. Over 70 different ag employer organizations support the agreement.

Considering the support for that agreement across all sides of the farming community, I am not sure why we would craft something completely new and that is opposed by important members of the ag community. All these organizations agree the current immigration system is hurting our ag sector. And that is an opinion I share, and I believe it is an opinion that is shared by the chairman.

This bill takes us in the wrong direction. Instead of stabilizing the workforce, it would further destabilize and impoverish the existing workforce. And although the original bill would provide undocumented workers with temporary status -- you know, step forward, get an 18-month visa, and then be required to leave the country, a completely unworkable scheme -- it would provide no legal protections, and it would lower wages in the sector.

But now, I understand, and I will go into it later, there is a manager's amendment that makes this bill even more unworkable, that would basically require the undocumented migrant farm workers, who we rely on, to step forward and leave the country -- self-deportation, if I may quote Governor Romney. And then, after they have left, they might be able to come back if somebody petitioned for them or they were offered an H-2C job.

That is just not going to work. It is not going to work. I mean, many of these workers have been here 10, 15, 20 years. They have

families here. I doubt very much that they are going to, quote, "self-deport."

So one of two things will happen. We will continue with the same basic broken system, or we will actually do something even worse, which would be to try and go into an enforcement mechanism that really will destroy American agriculture, because there is no workable plan that is being proposed here in the committee that will actually meet this need.

I don't know why we are doing this bill. It, in my judgment, will never become law, and it never should. It would add another 500 new guestworkers, if we could find them to work for below minimum wage. It will depress working conditions. It would cause a deterioration of the situation for farm workers in the United States that really hasn't been seen since the Great Depression.

This bill -- I am really quite surprised that we are marking this up when, in fact, we need a solution to the ag labor problem. And the most obvious solution is to move to the United Farm Workers, the American Farm Bureau, and the other 70 ag employers and associations, the agreement that they have crafted that is far superior to this bill.

We will offer some amendments, but I honestly think it is almost impossible to take the underlying measure and make a workable bill out of it. Our job as legislators is to try and improve bills, and I take that seriously; I will do my best. But I think that the committee is taking a detour in a very unfortunate way.

And, again, as Mr. Conyers, the ranking member, has said, we were

advised yesterday that the enforcement bill that we found wanting was just a small piece of a broader effort. If this is the rest of the effort, we have big trouble here.

And, at this point, I would be happy to yield back the balance of my time.

[The statement of Ms. Lofgren follows:]

***** COMMITTEE INSERT *****

Chairman Goodlatte. I have an amendment at the desk, and the clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 1773, offered by Mr. Goodlatte of Virginia. Page 2, line --

Chairman Goodlatte. Without objection, the amendment is considered as read.

[The amendment of Chairman Goodlatte follows:]

***** INSERT 1-1 *****

Chairman Goodlatte. And I recognize myself to explain the amendment.

I offer this manager's amendment to make a number of clarifications to the bill. The AG Act provides that illegal immigrants would be legally allowed to work in agriculture during the 2-year period between the enactment of the bill and the establishment of the new H-2C guestworker program. The bill is designed to ensure that growers do not lose access to their current workforce before they have the ability to meet their labor needs through the new guestworker program.

The manager's amendment clarifies that only illegal immigrants who are actually currently performing farm work can utilize this provision. This is consistent with the goal of the bill that we maintain growers' access to their current agricultural workforce and will prevent large amounts of fraud.

An important principle in the bill is that guestworkers periodically return to their home countries. This ensures that the H-2C program remain a guestworker program and not a permanent immigration program. It ensures that workers retain ties to their home countries and, therefore, don't become permanent residents, legally or illegally.

The manager's amendment clarifies that those illegal immigrants who legally work in agriculture during the 2-year period between the enactment of the bill and the establishment of the new H-2C guestworker program would have to touch back before they could henceforth

participate in the H-2C program. This is consistent with the goals of the bill and will help ensure that these aliens retain the needed ties with their home countries.

The manager's amendment also clarifies that, under the H-2C program, commuter workers who return to their home countries each day after work need not have to periodically touch back between stints as H-2C workers. Obviously, commuter workers already touch back and already retain ties to their home countries.

I urge my colleagues to support this amendment.

Mr. Conyers. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from Michigan seek recognition?

Mr. Conyers. I would like to respond to your introduction of this amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Conyers. Thank you very much.

Now, what our leader is doing here on the Judiciary Committee is taking us further into the wrong direction with the manager's amendment. I am not going to belabor this point. I think that the ranking subcommittee member, Zoe Lofgren, has combined with my observations to make it pretty clear what the problem is.

But one curious aspect of the manager's amendment is that it incorporates limits on the number of undocumented workers who can remain in the United States by imposing two requirements. And the question arises, why did the conservatives include these requirements

in the amendment? And the obvious answer, to me at least, is that they are the same requirements that appear in the compromise between the United Farm Workers and the American Farm Bureau and farmers across the Nation.

Second query: Why didn't the conservatives just incorporate the rest of the excellent compromise of the United Farm Workers into this legislation? And I will leave this for people on the committee to help me fathom.

As I noted earlier, the balanced compromise that I have referred to between the Farm Workers, the Farm Bureau, and other farmers is supported by farmers in every sector of the agricultural industry and in every corner of the United States. It is a hard-negotiated, carefully crafted compromise that won the support of industry and workers alike.

The compromise recognizes the importance of creating new and streamlined temporary worker programs that are more effective and easier for farmers to use. And it also recognizes the importance of protecting both American and foreign farm workers, including the wages and working conditions on America's farms.

In that compromise, the workers made major concessions, agreeing to reduce farm workers' wages, to eliminate recruitment requirements, to create a quick and streamlined agricultural program, to allow employers to provide for a housing allowance instead of providing housing itself, and to reduce transportation requirements. And these concessions were enough to get all of the agricultural industry to

enthusiastically support the compromise.

But that doesn't matter to the conservatives on this committee. Rather than accepting what is clearly acceptable to industry groups and worker advocates, the conservatives instead want to impose their own demands that would further reduce the wages and working conditions of farm workers.

For example, although farmers are willing to pay crop workers \$9.64 per hour, our friends on the other side want to pay them \$8.50 an hour. Well, that is a small difference, but if you are working at this level of payment, every dime, every quarter, every dollar counts.

Then, although farmers are willing to provide housing or a housing allowance, the conservatives don't want that to happen. Although farmers are willing to pay for some transportation costs, the conservatives say, no, please don't.

Although farmers are willing to allow workers to sue when wages are inappropriately withheld, conservatives here on this committee insist that the workers agree to a binding arbitration process that requires the worker to pay half the arbitration costs. Come on, let's get real.

And although farmers understand the moral imperative for providing a way for farm workers to earn permanent residency through farm work, the conservatives say that they should not have the ability to become permanent parts of our communities.

So, without question, this bill doesn't represent who we are as a Nation. And the manager's amendment keeps us going further in the

wrong direction.

I thank the chairman for recognizing me.

Chairman Goodlatte. I thank the gentleman.

Who seeks time?

For what purpose does the gentlewoman from Washington seek recognition?

Ms. DelBene. I move to strike the last word.

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. DelBene. Thank you, Mr. Chairman.

As a fellow member of the Agriculture Committee, I appreciate your recognizing that our Nation's farmers are facing huge workforce challenges as a result of our broken immigration system. It is clear that we are in agreement that Congress must take action to ensure a legal and stable workforce for our agricultural sector. So I am encouraged, and I want to thank you for your work on this.

Agriculture is a key part of my district's economy. The agriculture industry employs thousands of people in the First Congressional District of Washington to support the work of thousands of farms producing hundreds of millions of dollars' worth of goods. Washington State is one of the most productive agricultural growing regions in the Nation. More than 90 percent of the Nation's red raspberries are grown in Washington. And my district also has a significant number of dairy farmers.

Making sure we have an immigration system that works for all types

of farmers, large and small, is key. When I meet with farmers in my district, one of their most pressing priorities is reforming the immigration system to ensure that they have a stable, legal, and efficient workforce. But, unfortunately, this bill has fundamental problems and does not provide a workable solution for the diverse needs of the agricultural sector. And for these reasons, I cannot support the legislation or this amendment.

For dairy farmers, in particular, the bill requires a significant touchback requirement at the end of the visa term. The bill requires the return to a worker's home country for 3 months or one-sixth the duration of their visa length, whichever is less. So dairy farmers who opt for the maximum visa length would lose workers for 3 months. It is impractical for dairy farmers to lose experienced workers for such an extended period of time.

More broadly, I have concerns that the bill does not sufficiently address the current reality facing our ag employers. We know anywhere from 50 to 70 percent of the agricultural workforce is undocumented, a staggering number, which really underscores what a labor crisis our farmers are facing, as well as why congressional action at this moment is so critical.

And for those who are already here and working in the agriculture sector, we need to develop a workable solution. We heard yesterday from both sides of the aisle suggesting that a legalization plan for some of the undocumented population could be supported. But instead of creating the possibility of a separate legal status for those

workers, the ag bill would funnel them into the temporary guestworker program, which would require them to leave the country within 18 months.

Huge numbers of current undocumented farm workers have been consistently working in the U.S. for many years or decades, and this approach of offering a temporary status would very likely result in many of these workers remaining in the shadows.

I am hopeful that we continue to work together on an immigration solution that achieves broad, bipartisan, and public support and meets the needs of our Nation's economy and our farmers. The labor crisis facing the farmers in my district is one of the many reasons that we must continue to work towards this.

Thank you, and I yield back my time.

Chairman Goodlatte. The chair thanks the gentlewoman.

For what purpose does the gentleman from Alabama seek recognition?

Mr. Bachus. I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Bachus. Thank you.

I want to say to my Democratic colleagues -- and I will quote Ms. Lofgren. She said at the start of her statement, as legislators we are supposed to improve bills. You don't have to like them, but your goal is to try to improve them.

But I do want to say -- and I don't question motives or intent, but the rejection of two amendments that I offered yesterday did just that. Both of them, by admission of every member on the other side,

said it would greatly improve the bill, and there were no objections to either of those amendments or the content. In fact, there was only praise.

One of them would have postponed the very section that even today you are continuing to say was your overriding problem with the bill. The other one -- and you mentioned twice in your opening statements alternatives to detention. The other one provided just that. Yet they were rejected.

And then later in the markup, you offered an amendment which was fairly similar in content, and all voted for it. And I really find the two indistinguishable.

So I would urge you -- and I think we ended on a very high, positive note, with a promise to work together for the good of not only the country but these 11 million undocumented individuals within our country. And this would have -- there would have been no criminalization whatsoever for a period of 2 years. And, in that period of time, we all agreed our goal was to get something out this year to address that situation.

And so I do want to say that. And, today, I don't know if our purpose is just to swap accusations or to try to make this bill better. I have an amendment to do that on one part that I read and I felt like is not fair to our agricultural workers.

You know, this is, as we said, it is a work in progress. If you don't like it, let's make it a little less bad.

Mr. Garcia. If the gentleman would yield?

Mr. Bachus. I will yield.

Mr. Garcia. The gentleman from Alabama is absolutely right; he did try to make it better. The problem is that it is a bad bill.

And many of us have been laboring under the concept that we can fix this, fix it for the betterment of our country. And while you would have held off draconian law to be applied to folks in the country, nonetheless it was a draconian law that would not have fixed the underlying problem, which was a bad bill.

I and I know many on this side of the aisle appreciate the courage and the working attitude that the gentleman from Alabama has shown. It is greatly appreciated.

Mr. Bachus. I think it would have given us 2 years, and, hopefully -- I don't think any of us want for this to be a 2-year process.

Ms. Lofgren. Would the gentleman yield?

Mr. Bachus. Yes, I will yield.

Ms. Lofgren. And I thank the gentleman for yielding.

You know, I think, as we work forward in good faith on this issue, which is tough, it is easy for us to misunderstand each other -- and I am not saying me more than you -- because they are contentious issues. And I respect the gentleman greatly, as I think he knows.

I can't vote to turn undocumented people into criminals.

Mr. Bachus. Yeah, and what my amendment did is it -- it didn't do -- it avoided that result --

Ms. Lofgren. But only for 2 years.

Mr. Bachus. -- for 2 years. Well, yes, but it did for -- and but the second amendment, I am even more aghast, an amendment which said, please use alternatives to detention when possible.

Ms. Lofgren. Uh-huh.

Mr. Bachus. I see no downside to that amendment.

So I would just say, you know, as we go through this, let's strive, when we find that we are improving a bill -- and I am not -- you know, vote against final passage, vote against -- try to make it even better. Say, this isn't good enough. But don't let -- you know, if you are striving for perfection, none of us are going to have a bill that we think is perfect.

Ms. Lofgren. If the gentleman would further yield?

Mr. Bachus. Yes, I will.

Ms. Lofgren. And I do appreciate it. Well, the issue -- there are some things where you --

Chairman Goodlatte. Without objection, the gentleman is yielded an additional 2 minutes.

Ms. Lofgren. I don't want to unduly belabor the markup from last night. But we compromise on legislation, but there are some things --

Chairman Goodlatte. If the gentlewoman would yield, I don't mind belaboring this point being made by the gentleman at all. I think it is a very good point.

Ms. Lofgren. There are some things that are available for compromise and some things that are a matter of morality that cannot -- aren't in the same bailiwick.

Yesterday, we had an issue of Mr. Franks' bill. We disagreed. It is not the kind of issue where you can compromise, because it is just not that kind of issue. For me, commanding the detention and the mandatory criminality of the undocumented is that kind of issue for me.

So I look forward to continuing to work with the gentleman, both in the markups and outside and on the floor, so that we can get a good product. And, again, I thank him for yielding and respect his --

Mr. Bachus. And I am afraid, if we don't try to -- and I just, actually, I wasn't going to speak, but then I heard you say as legislators we are supposed to improve the bills. And I still don't know how saying, instead of detaining, there should be alternatives that should be used, how in any ways that compromised the -- you know.

Chairman Goodlatte. Would the gentleman yield?

Mr. Bachus. Yes.

Chairman Goodlatte. I want to thank the gentleman for his comments. I appreciated his amendments. I didn't agree with every effort he made, but, quite frankly, the debate informed the process, and I supported his amendment. And I supported another amendment that failed that really, in my opinion, should have passed. And I accepted amendments from the other side of the aisle when they convinced me that they were improving the bill, as well.

None of this is written in stone. All of this is a part of a much larger process that I hope all of us on this committee are interested in moving toward, and that is solving the problems that are manifold

with regard to our broken immigration system. And no one should feel that they are left out of this process because there is disagreement about their particular solution to the process.

So I would urge you to try to improve the bill. We are going to have efforts made to improve this bill today that I am not going to agree with, others are not going to agree with. We are going to have efforts made to improve the bill that we will agree with. That is part of the process. I would encourage the Members to engage.

And I yield back to the gentleman and thank him for his comments.

Ms. Lofgren. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentlewoman from California seek recognition?

Ms. Lofgren. To strike the last word.

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Lofgren. I want to talk about the manager's amendment, if I could, but before I do, I would like to ask unanimous consent to place in the record a letter from Congressman David Valadao, Republican of Fresno, in opposition to the chairman's bill.

[The information follows:]

***** COMMITTEE INSERT *****

Ms. Lofgren. And I would also like to place in the record a letter and statements from the Agricultural Workforce Coalition that is strongly in support of the alternative plan I mentioned in my opening statement.

The members include the American Farm Bureau, the American Nursery Landscape Association, Florida Fruit and Vegetable Association, the National Council of Agricultural Employers, National Council of Farmer Cooperatives, the National Milk Producers Federation, USA Farmers, U.S. Apple Association, the United Fresh Produce Association, the Western Growers Association, the Western United Dairymen, the Agricultural Council of California, American Agri-Women, the American Beekeeping Federation, the American Frozen Food Institute, the American Mushroom Institute, the sheep industry, the wine grape growers, the Avocado Commission, the citrus people, the giant berry farms, the California Grape and Tree Fruit League, the Greenhouse Farmers, Colorado Nursery Association, Burley Tobacco, the Florida Citrus Mutual, Florida Farm Bureau, and several others.

[The information follows:]

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Ms. Lofgren. I would also like to ask unanimous consent to put into the record a letter in favor of the alternative plan from the North Carolina Farm Bureau, a guest editorial from the Georgia Farm Bureau president, a letter from the Pennsylvania Farm Bureau, and a host of other associations, including various Kansas associations.

[The information follows:]

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Ms. Lofgren. And if I could get unanimous consent for that, I would appreciate it, Mr. Chairman.

Chairman Goodlatte. Without objection, all of those will be made part of the record.

Ms. Lofgren. I think, if you take a look at some of the reasons why our farm labor situation doesn't work, you can identify certain issues.

Our immigration system is broken. The H-2A ag guestworker program has an unlimited number of visas, but it hasn't been used everywhere. And there aren't really visas for legal permanent residents to come fill this need. We have 2 million migrant farm workers; we have 5,000 visas available for non-tech permanent residents.

We have had discrimination against farm workers. Federal laws on overtime pay, collective bargaining, child labor laws often exclude farm workers. And so do many Federal occupational safety standards and most States' workers' compensation systems. And, as a consequence, many of the working conditions on farms are dangerous and dirty. Poverty among farm workers is more than double that of all wage and salary employees. Oftentimes, the housing is decrepit. Turnover is high, and we have not succeeded in attracting a lot of Americans into this field.

I think that, in many ways, the chairman's manager's amendment actually may make this situation worse. I do not believe that the somewhere between a million and 2 million migrant farm workers, many

of whom have been here for 10, 15, 20 years, are going to simply say, here I am, I will leave now. That is probably not going to happen. And so I think the idea that we are actually going to legalize the workforce is not realistic.

I also think that, because of the lack of protections in the bill, the conditions on farms are likely to further deteriorate. We will get into several amendments down the road, but, because of the wage-withholding provisions, the reduction in wages, in many cases farm workers will be working for less than minimum wage --

Chairman Goodlatte. The time of the gentlewoman has expired.

Ms. Lofgren. I would ask unanimous consent for 30 seconds more.

Chairman Goodlatte. Without objection, the gentlewoman is recognized for an additional minute.

Ms. Lofgren. I believe that, should this bill become law, which I am confident it will not, it will only make a bad situation worse.

In answer to the gentleman from Alabama, Mr. Gutierrez and I have several amendments that we hope to offer. We have been advised by staff that there may be an issue as to germaneness. I am aware that germaneness matters only if asserted.

And so I am hopeful, in the effort to try and improve the bill, that we will have an opportunity to offer those amendments at the appropriate time.

And I thank the gentleman for yielding me an additional minute, and I yield back.

Mr. Chaffetz. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from Utah seek recognition?

Mr. Chaffetz. I thank the chairman. And I just --

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Chaffetz. I move to strike the last word. Sorry.

Apologies.

I just applaud the fact that we are having this discussion and we are engaged in this.

In my first 2 years in Congress -- I was elected in 2008 -- I was on the subcommittee in Judiciary on immigration. We didn't talk about a single bill -- 2 years. Democrats had the House, the Senate, and the Presidency. Not a single bill came before that committee. It was terribly frustrating. We all knew it was broken.

And I just want to applaud the fact that we are here in a bipartisan way. I appreciate Mr. Gutierrez, Ms. Lofgren, others who sincerely, I think, truly want to help fix this. But I applaud the chairman and Mr. Gowdy, others, who are putting forward real solutions I think have a viability, I think are desperately needed in this country, and would move us miles forward from where we have been in the past. And without their leadership, it wouldn't have happened, because we sat here for 2 years and did nothing.

And so I applaud this. I think this is the right bill. I like the manager's amendment. I have an amendment, as well, in the spirit of trying to make it better. That is what this body is supposed to be doing. I hope we continue forward in the process. No one person

is going to get everything they want; I get that. But we have to address it. I am glad we are addressing it. This is where we should be spending time.

And, with that, I would yield back, Mr. Chairman.

Chairman Goodlatte. The chair thanks the gentleman.

For what purpose does the gentleman from Florida seek recognition?

Mr. Garcia. Mr. Chairman, I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Garcia. Mr. Chairman, I ask for unanimous consent to enter into the record the stories of Cristobal, Marie, and Larry, all Florida farm workers.

[The information follows:]

***** COMMITTEE INSERT *****

Mr. Garcia. Each of these individuals have toiled in the fields and engaged in backbreaking work for meager wages so that we can put food on our tables. They deserve to be treated with dignity, not like indentured servants. We should be recognizing the invaluable contributions that they all have made as farm workers to our economy, and oftentimes at the expense of their health and safety.

You know, I am from South Dade, an area which I am very proud of that I represent, which produces nearly half of the winter vegetables consumed in the United States. When I got elected, I had the opportunity to meet with the Farm Bureau, salt-of-the-Earth folks, who have a problem. And as I was sitting there with all these farmers, I said, "You know, we need to get these folks documentation." And they all laughed in unison. They said, "Congressman, they all have documentation. None of it is real, but they all have documentation."

The reality is that my district would be devastated without farm laborers, the majority of whom are undocumented. Growers and farm workers have agreed on a long-fought deal that meets the economic needs of the agricultural industry while protecting the rights of farm workers and providing them with a pathway forward. We should be considering this compromise here today.

I yield back the balance of my time. Thank you, Mr. Chairman.

Chairman Goodlatte. The chair thanks the gentleman.

For what purpose does the gentleman from Illinois seek recognition?

Mr. Gutierrez. Thank you, Mr. Chairman.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Gutierrez. Thank you so much.

First of all, let's just face the fact that there is really not much to protect here for American workers. What Member on this committee, being a father, a wife, brings a child into the world so that they can go out in the fields of this country to pick the crops, to do dirty, backbreaking work? Because the only children that are out there are the children that accompany their parents to go out in the fields.

It is one of the areas in the American labor force that we should all be striving to improve. We should be celebrating what no one else in America wants to do. And not simply saying to ourselves -- because underlying all of this, of course, is we are giving them a chance. They have no opportunity where they come from, so we will bring them here to do the work that no one else -- but leave; you will never be welcome to be my neighbor, to be my friend, to join my community in any permanent way, although you will be allowed to do the work.

What line is it? Where are the protesters that say, give me those jobs? These are not jobs building cars. These are not jobs in the high-tech industry. These are not construction jobs. These are not plumbers and painters. These are people picking crops -- dirty, filthy, backbreaking work.

Who in this room is going to write a letter to their Congressman and say, how come I didn't get a job to kneel for 8, 10, 12 hours a day in Salinas, California, kneel, kneel so long that I am ashamed to

bare my knees because of the deformity of picking those garlicks? Have you been to the onion fields in southern Texas, where the heat can go up to 120 degrees a day and they pick the onions? Have you been to Georgia, Alabama, and across this country? I invite anyone in this room to go where people have to harvest the crops.

And what do we say to them, Mr. Chairman? What we say to them is, "Well, you know, we don't want to disrupt our farmers." But the farmers have said to us, "We want to make a bargain with our workers." Why is it that the Congress of the United States, with so much that we have to do -- the farmers all across this country, all of them, have come together and have said, "We want to treat our workers well." Why would the Congress of the United States want to get itself involved in an agreement between the private sector -- I thought we wanted less government. But, in this case, what we are doing is saying to the private sector, we know better. Really? We know better than the farmers? The owners?

And let's be very, very clear. When we say that they need to leave, it is because there is no guarantee, Mr. Chairman, in this bill. There is no guarantee that I have been here 10, 15, 20 years, that I leave behind my home, my community, my family, and then I have to leave. I have to leave for 3 months. But we all know that the bill doesn't say I get to come back. Let's not kid ourselves. The bill says I have to leave, basically.

Wow, I have to almost be a slave, because my future is dependent because I have no rights that any other American worker -- why can't

we treat them like the rest of American workers that have rights to go from employer to employer? No, they say, if your employer doesn't ask for you, you don't have a job. Really? That is the American way? That kind of indentured servitude is not the kind of labor policy that we need in this country.

Lastly, Mr. Chairman, we have ample testimony here. Please refute the fact that the crops that are picked in the United States of America are picked by foreign hands because hands of those of us born in this country refuse to pick them, don't want to pick them. That isn't what I want my children and my children's children to do. But someone has to do it. Let's celebrate those who would come and do so much to strengthen our Nation, especially when it comes to the security of our food.

Thank you so much, Mr. Chairman.

Chairman Goodlatte. The chair thanks the gentleman.

We have time for one more, if somebody wants to speak. Otherwise, we will stand in recess and return following these votes.

Mr. Conyers. Recess.

Chairman Goodlatte. The committee will be in recess, and we will reconvene as soon as these votes are concluded.

[Recess.]

RPTS HUMISTON

DCMN HOFSTAD

[3:06 p.m.]

Chairman Goodlatte. The committee will reconvene.

When the committee recessed, we were considering amendments to H.R. 1773, including a manager's amendment which I had offered.

Are there further Members seeking recognition?

For what purpose does the gentlewoman from California seek recognition?

Ms. Chu. To move to strike --

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Chu. I am opposed to the manager's amendment because I think that it makes this bill even worse.

And I am opposed because agriculture is so critical to our economy but, in particular, California's economy. We are the number-one State in cash farm receipts in the country. And the 81,500 farms in the Golden State produce nearly half of all the fruits, nuts, and vegetables grown in the United States. And we need a reliable workforce to survive. We need stability in reliable workers.

For that economic reason and more ones, the California State Board of Food and Agriculture supports reforming our immigration system. They know that we need workers in our farms who also need a pathway to citizenship. And that is why they have supported immigration

reform, true immigration reform. And the California State board reflects such people as the Sacramento Valley Walnut Growers, Bransford Farms, Joseph Gallo Farms, Driscoll Strawberry Associates, the major farms of California.

But that is not what this bill does. Instead, it turns the entire industry, from the fields to the processing plants, into an army of guestworkers. This bill sends the message to our farm workers, who break their backs to put food on our tables, that we only want your labor, we do not want you nor your family; you are not welcome.

The system that this bill creates is ripe for abuse and exploitation. Farm workers would be desperate to remain employed so that they could keep their visa, willing at any price to work, no matter the cost. This bill slashes virtually all of the protections in the current H-2A program, making farm workers incredibly vulnerable. They would fear speaking up for their rights due to the fear of losing their jobs and potential immigration enforcement. These workers would simply be trading one form of second-class status for another and would have no chance to become a member of the society that they help to feed.

The bill would tear families apart, as it fails to provide any opportunity for their spouses and children to obtain immigration status.

And it stands in stark contrast to the carefully negotiated, balanced agricultural immigration compromise that was reached by both sides of the farming industry and the United Farm Workers. It is a tough deal that was reached, but it was one with concessions on both

sides that will benefit not only farm workers and agricultural employers, and it will also make sure that we have a safe and secure food supply.

There is a way forward, but this bill is not it. Instead, we should support comprehensive immigration reform and the industry compromise for farm workers for our American farmers and for our country.

And I yield back.

Chairman Goodlatte. The vote is on the manager's amendment offered by the chair.

All those in favor, respond by saying aye.

Opposed, no.

In the chair, the ayes have it, and the amendment is agreed to.

Ms. Lofgren. Mr. Chairman, I would like a recorded vote on that.

Chairman Goodlatte. The gentlewoman requests a recorded vote, and the clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. Aye.

Ms. Deterding. Mr. Goodlatte votes aye.

Mr. Sensenbrenner?

Mr. Sensenbrenner. Aye.

Ms. Deterding. Mr. Sensenbrenner votes aye.

Mr. Coble?

Mr. Coble. Aye.

Ms. Deterding. Mr. Coble votes aye.

Mr. Smith of Texas?

[No response.]

Ms. Deterding. Mr. Chabot?

Mr. Chabot. Aye.

Ms. Deterding. Mr. Chabot votes aye.

Mr. Bachus?

[No response.]

Ms. Deterding. Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

Mr. Forbes. Aye.

Ms. Deterding. Mr. Forbes votes aye.

Mr. King?

[No response.]

Ms. Deterding. Mr. Franks?

Mr. Franks. Aye.

Ms. Deterding. Mr. Franks votes aye.

Mr. Gohmert?

[No response.]

Ms. Deterding. Mr. Jordan?

Mr. Jordan. Yes.

Ms. Deterding. Mr. Jordan votes aye.

Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

Mr. Chaffetz. Aye.

Ms. Deterding. Mr. Chaffetz votes aye.

Mr. Marino?

Mr. Marino. Yes.

Ms. Deterding. Mr. Marino votes aye.

Mr. Gowdy?

Mr. Gowdy. Yes.

Ms. Deterding. Mr. Gowdy votes aye.

Mr. Amodei?

Mr. Amodei. Yes.

Ms. Deterding. Mr. Amodei votes aye.

Mr. Labrador?

Mr. Labrador. Yes.

Ms. Deterding. Mr. Labrador votes aye.

Mr. Farenthold?

Mr. Farenthold. Aye.

Ms. Deterding. Mr. Farenthold votes aye.

Mr. Holding?

Mr. Holding. Aye.

Ms. Deterding. Mr. Holding votes aye.

Mr. Collins?

Mr. Collins. Aye.

Ms. Deterding. Mr. Collins votes aye.

Mr. DeSantis?

Mr. DeSantis. Aye.

Ms. Deterding. Mr. DeSantis votes aye.

Mr. Smith of Missouri?

[No response.]

Ms. Deterding. Mr. Conyers?

Mr. Conyers. No.

Ms. Deterding. Mr. Conyers votes no.

Mr. Nadler?

Mr. Nadler. No.

Ms. Deterding. Mr. Nadler votes no.

Mr. Scott?

Mr. Scott. No.

Ms. Deterding. Mr. Scott votes no.

Mr. Watt?

[No response.]

Ms. Deterding. Ms. Lofgren?

Ms. Lofgren. No.

Ms. Deterding. Ms. Lofgren votes no.

Ms. Jackson Lee?

[No response.]

Ms. Deterding. Mr. Cohen?

Mr. Cohen. No.

Ms. Deterding. Mr. Cohen votes no.

Mr. Johnson?

Mr. Johnson. No.

Ms. Deterding. Mr. Johnson votes no.

Mr. Pierluisi?

Mr. Pierluisi. No.

Ms. Deterding. Mr. Pierluisi votes no.

Ms. Chu?

Ms. Chu. No.

Ms. Deterding. Ms. Chu votes no.

Mr. Deutch?

[No response.]

Ms. Deterding. Mr. Gutierrez?

Mr. Gutierrez. No.

Ms. Deterding. Mr. Gutierrez votes no.

Ms. Bass?

Ms. Bass. No.

Ms. Deterding. Ms. Bass votes no.

Mr. Richmond?

Mr. Richmond. No.

Ms. Deterding. Mr. Richmond votes no.

Ms. DelBene?

Ms. DelBene. No.

Ms. Deterding. Ms. DelBene votes no.

Mr. Garcia?

[No response.]

Ms. Deterding. Mr. Jeffries?

Mr. Jeffries. No.

Ms. Deterding. Mr. Jeffries votes no.

Chairman Goodlatte. The gentleman from Alabama?

Mr. Bachus. No. I mean yes.

Ms. Deterding. Mr. Bachus votes aye.

Chairman Goodlatte. Are there other Members who have not voted who wish to vote?

The gentleman from Florida?

Mr. Deutch. No.

Ms. Deterding. Mr. Deutch votes no.

Chairman Goodlatte. The clerk will report.

The gentleman from Florida?

Mr. Garcia. What was that vote again, Mr. Gutierrez?

Mr. Gutierrez. No.

Mr. Garcia. No.

Ms. Deterding. Mr. Garcia votes no.

Chairman Goodlatte. The clerk will report.

Ms. Deterding. Mr. Chairman, 17 Members voted aye, 15 Members voted nay.

Chairman Goodlatte. And the amendment is agreed to.

Are there further amendments?

For what purpose does the gentlewoman from California seek recognition?

Ms. Lofgren. Mr. Chairman, I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Mr. Gowdy. Mr. Chairman?

Chairman Goodlatte. The gentleman from South Carolina.

Mr. Gowdy. I reserve a point of order.

Chairman Goodlatte. A point of order is reserved.

The clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 1773, offered by Ms. Lofgren and Mr. Gutierrez. Page 45, after line --

Chairman Goodlatte. Without objection, the amendment is considered as read.

[The amendment of Ms. Lofgren and Mr. Gutierrez follows:]

***** INSERT 2-1 *****

Chairman Goodlatte. And the gentlewoman will be recognized for 5 minutes to explain her amendment.

Ms. Lofgren. Thank you, Mr. Chairman.

This amendment allows H-2C workers to apply for legal permanent residency after spending 3 years in H-2C status.

I think the people who cultivate and harvest our fruits and vegetables should not be deprived of the ability to become permanent members of our communities and to benefit from our Nation's economic and democratic freedoms.

If foreign workers are needed in the future to performing ag jobs for which United States workers aren't available, they should be treated as immigrants-in-waiting, with the opportunity to earn legal permanent residency and eventual citizenship if they apply.

Now, some workers may choose not to become permanent residents. They may want to remain only seasonally and return. There is nothing wrong with that. But I think for those who want to throw in their lot and become Americans with us, that opportunity should be available.

The majority has supported just such an approach with the SKILLS Visa Act, the high-tech immigration bill recently introduced by Representative Issa and yourself, Mr. Chairman. That bill recognizes that we need sufficient high-tech workers, that those workers are valuable to our economy, that it is damaging to our Nation to keep them forever in temporary visa programs like the H-1B program. And that is why the bill increases the number of green cards available for such workers and expedites their ability to earn permanent residency.

I think that same standard should be used for farm workers who plant our crops, tend our fields, and harvest the food that keeps the Nation healthy. We clearly lack sufficient ag workers. They are clearly valuable to the economy, and, without them, our ag sector would not prosper.

We must continue, I think, to believe in the American dream that has allowed generations of immigrants to make the United States a world leader. Instead of offering only an opportunity to be temporarily present, to treat workers as a commodity to be used and returned to their home countries when no longer wanted, we should know that America was built by immigrants and our future will continue also to be built by immigrants.

After a number of years working in the United States, you aren't just a guest, you are a valued worker. And if you want to become an American with us, it would be a good idea that we let you do so.

And, with that, Mr. Chairman, I yield back the balance of my time.
Chairman Goodlatte. The chair thanks the gentlewoman.

Does the gentleman from South Carolina insist on his point of order?

Mr. Gowdy. I do, Mr. Chairman.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Gowdy. The amendment, Mr. Chairman, offered by the gentlelady from California exceeds the scope and subject matter of this bill.

The bill under consideration, in my judgment, is confined to

temporary visas for agricultural workers. Her amendment would allow permanent status for other kinds of work. So I would insist on the point of order.

Chairman Goodlatte. Does the gentlewoman wish to be heard in response to the gentleman's point of order?

Ms. Lofgren. No. I think it is a good amendment, but I think Chairman Gowdy's point is likely correct on the germaneness point. So I yield back.

Chairman Goodlatte. The gentlewoman yields back.

In the opinion of the chair, the amendment is not germane, and the point of order is sustained for the reasons cited by the gentleman from South Carolina.

Are there further amendments?

The gentleman from Utah.

Mr. Chaffetz. Mr. Chairman, I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 1773, offered by --

Mr. Chaffetz. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Chairman Goodlatte. Without objection, the amendment will be considered as read.

[The amendment of Mr. Chaffetz follows:]

***** INSERT 2-2 *****

Chairman Goodlatte. And the gentleman is recognized for 5 minutes to explain his amendment.

Mr. Chaffetz. Thank you, Mr. Chairman.

Again, I applaud the idea that we are moving this forward and tackling a very serious situation that could be made a lot better. I appreciate this bill, the amendment that you have offered and those that have spent a lot of time pursuing this.

There is one minor part that I would like to add into this as an amendment. And there is a principle that I believe strongly in, which is that if you align financial incentives, usually you get the result that you want. It works in so many different areas.

And one of the provisions in this says that 10 percent of the wages will be set aside so that, as people actually return to their countries of origin, they can pick that money back up.

There will inevitably probably be some of these funds that are not collected. And what this amendment does is it contemplates that this may happen and that that money should be set aside for law enforcement activities for those that tend to maybe not abide by the law and decide to stay here above and beyond what they have been allowed to do.

And so this provision here, this amendment as we have laid it out, I think pretty clearly says that this money would be set aside for the Secretary of Homeland Security to apprehend, detain, or remove aliens unlawfully present in the United States.

Again, this is money that we anticipate that somebody who is

playing by the rules and fulfilling their obligations and is returning, as we plan them to do, would be able to participate and get 100 percent of what they are due. But if they don't, if they overstay, if they decide that they are not going to go back, that that money would be used, again, to fund the law enforcement activities needed to enforce the law.

That is who we are as a country, and I believe strongly in it. And I would urge my colleagues to support this amendment.

And I yield back.

Chairman Goodlatte. I thank the gentleman. Would the gentleman yield?

Mr. Chaffetz. Yes.

Chairman Goodlatte. I thank the gentleman for yielding, and I strongly support his amendment.

The bill provides that 10 percent of guestworkers' wages be withheld in escrow, be picked up by the workers at the embassies in their home countries. Obviously, some people don't do that, even though the system is designed to give guestworkers an incentive to comply with the terms of the program.

What happens to the guestworkers who simply abscond, become illegal immigrants, those who do not leave the U.S. as required? This amendment would direct that their forfeited escrow wages be given to the Department of Homeland Security to use to enforce immigration laws. I think it is very practical, and I support this meritorious amendment.

Yield back.

Mr. Chaffetz. Reclaiming my time, I thank the chairman. And I urge my colleagues to vote yes.

And I yield back my time.

Chairman Goodlatte. For what purpose does the gentleman from New York seek recognition?

Mr. Nadler. I wasn't aware, frankly, in this bill we were going to be withholding 10 percent of the wages of agricultural guestworkers. I find that incredibly obnoxious. It makes them even more like indentured servants than I thought before. But if that -- and they can only pick it up back home.

But if we are going to do that -- and I don't think we should, but if we are going to do that, and the bill does provide for that, using it -- and part of the intent of the gentleman's amendment is not bad. I would oppose using it only for the purpose of apprehending, detaining, and removing aliens unlawfully present in the U.S.

But if the amendment were to say, using it for the purpose of administering the agricultural -- you know, this general title in the bill, including in this apprehension but other things, too, you know, then that would be a somewhat more acceptable amendment.

Ms. Lofgren. Would the gentleman yield?

Mr. Nadler. I would be happy to yield.

Ms. Lofgren. I, as I have mentioned to Mr. Chaffetz, I do not support this amendment.

First, I think it is worth noting that the wages that will exist should this bill ever become law will be considerably lower than they

are right now. On average, I think the temp ag workers would lose about \$2.30 an hour. And since the average for farm workers today is only \$10.80 an hour, that is not a very attractive wage. To reduce 10 percent of the wages beyond that will, in some cases, put farm workers below minimum wage in some States.

And then to say that if the wages are not picked up, the withheld wages are not picked up, that it would go to, you know, the Border Patrol, I don't understand why that would be the case.

And there are a lot of potential reasons why people would not pick up their wages. In fact, in the Bracero Program, which I don't think was a model for the Nation, wages were withheld, and there was a huge amount of money that never actually got delivered to the farm workers. And there are some lawsuits under way even today for the elderly former farm workers who were cheated.

What if the person dies and they are not back at the embassy because they are dead? Do we take this for enforcement, or does their family get it?

You know, if the incentive is to keep people from cheating -- and I do understand the point that Mr. Chaffetz is making about aligning financial interest -- why this should go to enforcement of the border instead of enforcing wage and hour conditions, I don't know.

But I can't support the amendment. And I don't want to offer an amendment saying that the family should be able to pick it up or other people designated in a will. I don't know that it is worth that effort because, as I said earlier, I am very skeptical that this bill will,

in fact, ever become law. But --

Mr. Chaffetz. Will the gentlelady yield?

Ms. Lofgren. I object to the amendment.

I thank the gentleman for yielding.

Chairman Goodlatte. Would the gentleman yield?

Mr. Nadler. I yield.

Chairman Goodlatte. I thank you.

I just wanted to make clear that, under the Bracero Program, the money collected went to the Mexican Government. And that might explain why there would be a little more difficulty collecting than at the U.S. Embassy.

But be that as it may --

Mr. Chaffetz. Will the gentleman yield?

Chairman Goodlatte. Yes, I yield.

Mr. Chaffetz. To clarify, the first money that goes into this is the worker's money. If they abide by the law, they participate in the program, they get 100 percent. There is no reduction in their wages. They get 100 percent of their wages.

To the gentleman's point, the first dollars, though, that are uncollected go to administering the program. If there are extra moneys left over, then that goes to the law enforcement. That is what the amendment states.

Mr. Nadler. Reclaiming my time --

Mr. Chaffetz. Yes.

Mr. Nadler. -- let me ask the gentleman the following, as the

gentlelady from California raises the question in my mind: At what point do you decide that the money is unclaimed because he didn't show up at the embassy?

Mr. Chaffetz. If the gentlemen will yield?

Mr. Nadler. Yes.

Mr. Chaffetz. They have 14 days in which they -- when to the conclusion which they need to return to the country of origin. If they return to their country of origin, then they then have another 30 days.

Now, Ms. Jackson Lee out of Texas has an amendment coming up that says they would extend that from 30 days 120 days. I would actually be supportive of that amendment, I think, giving some extra team.

We are just trying to align financial incentives. People are abiding by the law. They are living up to their obligations. They came here under an agreement. If they are living up to that agreement, they get 100 percent. There is no problem, there is no issue.

Mr. Nadler. Reclaiming my time, I understand what you are saying. Let me just say, I find it just obnoxious that a person doesn't get paid on time. You know, the Bible says you should not keep the wages of the worker overnight. Here we are doing it for 30 or 120 days. I just find that wrong.

And I yield back.

Ms. Lofgren. Would the gentleman yield for just a further quick point?

Mr. Nadler. Yes, I yield.

Chairman Goodlatte. The time of the gentleman has expired.

Without objection, the gentleman is recognized for 1 additional minute.

Mr. Nadler. Thank you. I yield.

Ms. Lofgren. I just would like to note an alternate that I think would be more fair.

These are wages that were earned by somebody in the field for very hard work. And if the person dies -- and, under the bill, it doesn't appear that their family can collect the wages -- and it is going to be used for some other purpose, it seems to me it ought to at least be used for the purposes of other farm workers, either for a healthcare purpose or something that assists these hardworking individuals.

And I thank the gentleman for yielding, and I yield back.

Mr. Chaffetz. Will the gentleman yield?

Mr. Nadler. I thank the gentlelady for a very astute observation.

Mr. Chaffetz. Would the gentleman yield?

Mr. Nadler. Yes.

Mr. Chaffetz. I appreciate the gentleman looking to the Bible for guidance on this. I think there are probably some other principles and things that we could lean on in this regard.

There is certainly precedent for union dues and Social Security and other types of things, where money is taken aside and, "Oh, we will do it in the best interests of this." We have to provide, I think, a financial incentive for people to --

Mr. Nadler. Reclaiming my time, there is a well-established principle, obviously, of taxation of one form or another. You withhold

income taxes, you withhold Social Security taxes and so forth.

This is different, because this is saying -- it is not a tax. You are not taking away, you know, for spending for something else. You are saying, in effect, you want to withhold his wages because you don't trust him to do something that you want him to do, namely go home.

There may be ways of influencing behavior, but withholding wages should not be done.

Chairman Goodlatte. The time of the gentleman has expired.

Who seeks time?

For what purpose does the gentleman from Florida seek recognition?

Mr. Garcia. I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Garcia. I just want -- I assume that the folks on the other side have seen how these folks live. And, you know, I have a huge migrant population in my district, and I don't think they can afford 1 percent, much less 10 percent, of what they make taken away from them. I mean, their living conditions are abject poverty, in many cases.

And the idea that somehow by punishing them for what is already backbreaking, grueling work at minimum wage, that somehow that is going to make us a better Nation or this bill a better law or us somehow make them go back for that 10 percent, I just think fails to understand the conditions that they are under.

Chairman Goodlatte. Does the gentleman yield?

Mr. Garcia. Yes, I will, Mr. Chair.

Chairman Goodlatte. I thank the gentleman.

First of all, there is virtually no possibility that people working in these programs would get minimum wage. They are going to get substantially more than that.

Secondly, the amount that is escrowed, interest is paid on it. So it is not like they are losing the benefit of their money while it is being held for their compliance under the law.

Mr. Garcia. Well, Mr. Chairman, if you believe saving someone's money is so important, maybe we should just as a Nation sort of demand that people save more. So we don't tax them; we simply take away their salaries, and then we will pay them back when we decide.

The idea that these folks -- and, Mr. Chairman, I know you are conscious of this -- the idea -- the conditions that these folks live in is just so tough, and that the ability that we can take their money --

Chairman Goodlatte. Maybe we shouldn't withdraw their Social Security either. Is that --

Mr. Garcia. Well, Mr. Chairman, you have the power to do that, and we can do that here. And we are part of the American system, and voters can decide that. I would assume that there are some who would want that.

Chairman Goodlatte. Actually, I would have to rule that one nongermane in this committee.

Mr. Garcia. Yeah, you are probably right. You are probably right.

Chairman Goodlatte. The question occurs on the amendment

offered by the gentleman from Utah.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the ayes have it. The amendment is agreed to.

Mr. Conyers. Mr. Chairman, a recorded vote.

Chairman Goodlatte. The gentleman from Michigan requests a recorded vote. The clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. Aye.

Ms. Deterding. Mr. Goodlatte votes aye.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

[No response.]

Ms. Deterding. Mr. Chabot?

Mr. Chabot. Aye.

Ms. Deterding. Mr. Chabot votes aye.

Mr. Bachus?

[No response.]

Ms. Deterding. Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

Mr. Forbes. Aye.

Ms. Deterding. Mr. Forbes votes aye.

Mr. King?

[No response.]

Ms. Deterding. Mr. Franks?

Mr. Franks. Aye.

Ms. Deterding. Mr. Franks votes aye.

Mr. Gohmert?

[No response.]

Ms. Deterding. Mr. Jordan?

Mr. Jordan. Yes.

Ms. Deterding. Mr. Jordan votes aye.

Mr. Poe?

Mr. Poe. Yes.

Ms. Deterding. Mr. Poe votes aye.

Mr. Chaffetz?

Mr. Chaffetz. Aye.

Ms. Deterding. Mr. Chaffetz votes aye.

Mr. Marino?

Mr. Marino. Yes.

Ms. Deterding. Mr. Marino votes aye.

Mr. Gowdy?

Mr. Gowdy. Yes.

Ms. Deterding. Mr. Gowdy votes aye.

Mr. Amodei?

Mr. Amodei. Yes.

Ms. Deterding. Mr. Amodei votes aye.

Mr. Labrador?

Mr. Labrador. Yes.

Ms. Deterding. Mr. Labrador votes aye.

Mr. Farenthold?

Mr. Farenthold. Aye.

Ms. Deterding. Mr. Farenthold votes aye.

Mr. Holding?

Mr. Holding. Aye.

Ms. Deterding. Mr. Holding votes aye.

Mr. Collins?

Mr. Collins. Aye.

Ms. Deterding. Mr. Collins votes aye.

Mr. DeSantis?

Mr. DeSantis. Aye.

Ms. Deterding. Mr. DeSantis votes aye.

Mr. Smith of Missouri?

Mr. Smith of Missouri. Aye.

Ms. Deterding. Mr. Smith of Missouri votes aye.

Mr. Conyers?

Mr. Conyers. No.

Ms. Deterding. Mr. Conyers votes no.

Mr. Nadler?

Mr. Nadler. No.

Ms. Deterding. Mr. Nadler votes no.

Mr. Scott?

Mr. Scott. No.

Ms. Deterding. Mr. Scott votes no.

Mr. Watt?

[No response.]

Ms. Deterding. Ms. Lofgren?

Ms. Lofgren. No.

Ms. Deterding. Ms. Lofgren votes no.

Ms. Jackson Lee?

[No response.]

Ms. Deterding. Mr. Cohen?

Mr. Cohen. No.

Ms. Deterding. Mr. Cohen votes no.

Mr. Johnson?

Mr. Johnson. No.

Ms. Deterding. Mr. Johnson votes no.

Mr. Pierluisi?

Mr. Pierluisi. No.

Ms. Deterding. Mr. Pierluisi votes no.

Ms. Chu?

Ms. Chu. No.

Ms. Deterding. Ms. Chu votes no.

Mr. Deutch?

Mr. Deutch. No.

Ms. Deterding. Mr. Deutch votes no.

Mr. Gutierrez?

Mr. Gutierrez. No.

Ms. Deterding. Mr. Gutierrez votes no.

Ms. Bass?

Ms. Bass. No.

Ms. Deterding. Ms. Bass votes no.

Mr. Richmond?

Mr. Richmond. No.

Ms. Deterding. Mr. Richmond votes no.

Ms. DelBene?

Ms. DelBene. No.

Ms. Deterding. Ms. DelBene votes no.

Mr. Garcia?

Mr. Garcia. No.

Ms. Deterding. Mr. Garcia votes no.

Mr. Jeffries?

Mr. Jeffries. No.

Ms. Deterding. Mr. Jeffries votes no.

Chairman Goodlatte. The gentleman from North Carolina?

Mr. Coble. Aye.

Ms. Deterding. Mr. Coble votes aye.

Chairman Goodlatte. The gentleman from Texas?

Mr. Smith of Texas. Mr. Chairman, I vote aye.

Ms. Deterding. Mr. Smith of Texas votes aye.

Chairman Goodlatte. Are there other Members who wish to be recorded who have not been voted?

The gentlewoman from Texas?

Ms. Jackson Lee. I am voting no.

Ms. Deterding. Ms. Jackson Lee votes no.

Chairman Goodlatte. The gentleman from California?

Mr. Issa. I vote yes.

Ms. Deterding. Mr. Issa votes aye.

Chairman Goodlatte. Are there Members who wish to be recorded who have not voted?

The gentleman from Texas, Mr. Gohmert?

Mr. Gohmert. Aye.

Ms. Deterding. Mr. Gohmert votes aye.

Chairman Goodlatte. The clerk will report.

Ms. Deterding. Mr. Chairman, 20 Members voted aye, 16 Members voted nay.

Chairman Goodlatte. And the amendment is adopted.

For what purpose does the gentleman from Illinois seek recognition?

Mr. Gutierrez. I have an amendment at the desk, Mr. Chairman.

Chairman Goodlatte. The gentleman from Nevada?

Mr. Amodei. Mr. Chairman, I reserve a point of order.

Chairman Goodlatte. A point of order is reserved.

The clerk will report the amendment offered by the gentleman from Illinois.

Ms. Deterding. Amendment to H.R. 1773, offered by Mr. Gutierrez of Illinois. Page 48, line 6, before "The" insert --

Chairman Goodlatte. Without objection, the amendment will be considered as read.

[The amendment of Mr. Gutierrez follows:]

***** INSERT 2-3 *****

Chairman Goodlatte. And the gentleman is recognized for 5 minutes to explain his amendment.

Mr. Gutierrez. Thank you so much, Mr. Chairman.

My amendment would allow those who do the backbreaking work, who sweat and toil under the sun each and every day in this country, who provide a steady stream of food and, therefore, security to us, to allow them to apply under the program for permanent residency to the United States of America.

I know that Mr. Goodlatte in his opening remarks said, while current unlawful workers are allowed to participate in the new H-2C program, the AG Act does not provide a special pathway to citizenship or permanent residency for these farm workers. So, obviously, it has been contemplated, pathways to them. We think this is the correct way to go about honoring the work that they do and the contributions that they make to us as a Nation.

Now, in the past, there have been two basic objections to undocumented workers being allowed permanent residency. There have been many, but two.

Number one is, wow, they will cost a lot of money. Well, we just got the CBO report yesterday on the Senate version, and here is what that report says: that when you allow millions upon millions of people, as they do in the Senate version, to become permanent residents in a road to citizenship, that, actually, their contribution is to reduce the national deficit by \$175 billion in the first 10 years and \$700 billion in the next 10 years. That is \$875 billion in savings.

Now, you look at the CBO report, of course that is conditioned on what? The certainty that they need to be able to participate in the program. And so, actually, American citizenship and allowing them to become permanent residents and to opt for American citizenship eventually actually helps to reduce the deficit. So that is usually -- there is a cost argument.

The second argument is, oh, my God, they will take jobs away from American workers, so we are here to protect American workers.

I have said and I will stipulate once again, I am ready to work with the majority on making sure that every job created in America first goes to an American. But I think we have all -- Mr. Chairman, we have such great testimony that has already been established by the farmers themselves that the workers are undocumented workers, 75 percent of them are undocumented workers, that already work in our fields, and there are no lines. As a matter of fact, what we hear from dairy farmers and farm workers all across the country is shortage, shortage, and shortage.

Why not, if we already have a pool of workers, 10, 15, 20 years established here, they know how to do the work, they are trained, they are obviously good workers, they come in year-in and year-out, why not keep them and reduce the deficit as we do that and to do fairness and justice?

Lastly, there is a fundamental contradiction, Mr. Chairman, between those who will support and promote and have in the past for the STEM industry -- for those that have a bachelor's degree, a master's

degree, a Ph.D., we are going to staple a green card, and not only for them but for their wives and their children when they come to the United States of America. And they come, taking very high paid jobs in America that we need to fill.

All I am trying to say is, you know, if you do backbreaking work, it should be treated with the same dignity and with the same worth as anyone else's work. And I just think it is fundamentally unfair. Let's receive them. Let's embrace them. They are in our fields every day. We drink their chardonnay, and we love the salads that they provide to us each and every day. Can't we provide them a little certainty and a little piece of America in return for their hard work?

Chairman Goodlatte. The time of the gentlemen has expired.

Does the gentleman from Nevada insist on his point of order?

Mr. Amodei. Yes, I do, Mr. Chairman.

The amendment offered by my colleague from Illinois exceeds the scope and subject matter of this bill. The bill under consideration is confined to temporary visas for agricultural workers.

With all due respect, I don't disagree with some of the statements made, but this amendment would allow the bill to morph into a pathway to permanent status to do any kind of work. And, therefore, I think it is beyond the scope of this bill.

Chairman Goodlatte. Does the gentleman from Illinois wish to respond to the point of order raised by the gentleman from Nevada?

Mr. Gutierrez. Yes.

Chairman Goodlatte. The gentleman is recognized.

Mr. Gutierrez. Thank you, Mr. Chairman.

I listened very carefully to the chairman, and I have obviously listened very carefully to other Members of the majority as we debated the bill yesterday and today, in which on several occasions there were statements made about legalization and that that was to come later. And I thought maybe today was "later" and that we could begin "later" earlier in this process.

I want to say to the chairman, I want to continue to work more closely with you and the majority, but it becomes very difficult if I don't know what the next step is. It is almost like you are saying, accept page 5, and I really don't like page 5, but you are telling me, you are going to like 7 and 8.

If we could, Mr. Chairman, I am going -- I am not going to pursue the amendment. My point is, let's have this conversation sooner than later so that we can get on with the bipartisan work that I think this committee can do.

Thank you, Mr. Chairman.

Chairman Goodlatte. I appreciate the gentleman's statement.

And, without objection, his amendment is withdrawn.

And are there further amendments?

The gentleman from Alabama, for what purpose do you seek recognition?

Mr. Bachus. Thank you.

Mr. Chairman, I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 1773, offered by Mr. Bachus of Alabama. Page 47, strike --

Chairman Goodlatte. Without objection, the gentleman's amendment will be considered as read.

[The amendment of Mr. Bachus follows:]

***** INSERT 2-4 *****

Chairman Goodlatte. And he is recognized for 5 minutes to explain it.

Mr. Bachus. Thank you, Mr. Chairman.

Mr. Chairman, on page 47 of the legislation, there is binding arbitration. And I think that is a good thing. When it comes to distributing the cost of the arbitration, it says, "Any cost associated with such arbitration and mediation process shall be equally divided between the employer and the H-2C worker, except that each party shall be responsible for the costs of his own counsel, if any."

I actually don't have a problem with the -- except that each party shall be responsible for the cost of his counsel, if any. But to ask the migrant worker or the H-2C worker to fund this is, I think, a reach. They are not going to have the resources.

I think we do want to put some mechanism in it to where people aren't just filing these things helter-skelter, because arbitration -- but my amendment simply strikes section B. And I would like to work with Mr. Gutierrez and Ms. Lofgren and come up with an alternative, if we can, that may be practical.

Ms. Lofgren. Would the gentleman yield?

Mr. Bachus. Yes.

Ms. Lofgren. I appreciate the motivation for this, and I would like to work with the gentleman.

It is my understanding that, absent a provision that provides for some division of some sort, that it is possible for the employer to require the entire cost to be borne by the farm worker, which is of

concern and I think would be of concern to the gentleman based on his comments.

I think there is also a rather large fee to file for the arbitration. I think it is usually a \$700 fee if you use the American Arbitration Association. So I think the issue of willy-nilly filing is likely addressed by the fee.

Mr. Bachus. Yeah, the \$700 would certainly slow that.

Ms. Lofgren. Right.

But I am wondering if we should -- and I would be happy to do this -- rather than maybe vote on your amendment right now, work for a little bit to see if we can come up with something that avoids the possibility of all of the fee going to the farm worker. And I don't know how to do this, but that is at least one idea that I had.

Mr. Bachus. Thank you.

I withdraw my amendment.

Chairman Goodlatte. Would the gentleman yield before he withdraws the amendment?

Mr. Bachus. Yes.

Chairman Goodlatte. I also am sympathetic to the gentleman's amendment. I would want to make sure that if it is recrafted, that we make it clear that the issue of attorneys' fees does not place the burden of paying the --

Mr. Bachus. Right. And, actually, I --

Chairman Goodlatte. -- the worker's attorneys' fees by the employer. But, certainly --

Mr. Bachus. Yes.

Chairman Goodlatte. -- I do not want to impose a burden on the worker of paying half the cost of arbitration, which might be very substantial.

Mr. Bachus. Right. And that was actually what it was directed at. And, as drafted, it may be a little confusing.

But if, just moving forward, if we can all agree to work on that --

Chairman Goodlatte. We would be happy to do that.

Mr. Bachus. -- I will withdraw my amendment.

Chairman Goodlatte. And, without objection, the gentleman's amendment is withdrawn.

Are there further amendments?

The gentleman from Georgia, for what purpose do you seek recognition?

Mr. Johnson. Mr. Speaker, I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Mr. Johnson. And that is 021.

Ms. Deterding. Amendment to H.R. 1773, offered by Mr. Johnson of Georgia. Page 47 --

Chairman Goodlatte. Without objection, the amendment will be considered as read.

[The amendment of Mr. Johnson follows:]

***** INSERT 2-5 *****

Chairman Goodlatte. And the gentleman is recognized for 5 minutes to explain his amendment.

Mr. Johnson. Thank you, Mr. Chairman.

This bill is a massive injustice and a war on guestworkers.

The AG Act would eliminate guestworkers' access to courts, one of the most important protections against employer abuse. Instead of a fair and impartial judge and jury, this bill with force guestworkers into a secret, for-profit dispute resolution process before arbitrators who are biased against them.

This bill also requires guestworkers to split arbitration costs with their employer. And I do appreciate my friend from Alabama's attempts to ameliorate that problem. But these arbitration costs are incurred even when the employer committed illegal acts that harmed the worker.

Forced arbitration agreements stack the deck against working people, and I have worked tirelessly to stop forced arbitration since I first came to Congress. Forced arbitration allows employers to escape responsibility even if they violate the rights of workers.

Arbitration is a private system without any legal protections. There is no transparency or accountability to ensure that the arbitrator got it right, has legal training, or even is following the law. Arbitrators don't have to justify decisions or even write a decision. And unlike a judge and a jury in a public courtroom, arbitrators charge the parties for their services. Arbitrators don't have to be lawyers or know the law. And, in fact, there are no judges

and there are no juries in arbitration.

My amendment today would strike sections 4 and 6. These sections are unabashedly anti-immigrant and anti-justice. These sections create numerous hurdles for guestworkers to bring any claim against an employer and bar guestworkers from their day in court unless they mediate their request at least 90 days prior.

The AG Act isn't about preventing frivolous litigation or a better, cheaper legal system. This bill is about depriving migrant farm workers of their pay. Arbitration costs are extremely expensive. An employer recently reported that its arbitrator's fees range from \$7,000 to \$14,000 per day. Guestworkers would also be forced to pay steep filing fees just to initiate a case, seldom less than \$750. Employers can force workers to travel thousands of miles on their own dime to arbitrate and to pay the arbitrator's expenses.

If this bill becomes law, employers could force guestworkers to settle disputes before arbitrators who are known to be anti-immigrant. And the decisions made in arbitration are binding. There is no effective appeal, and discrimination would run rampant. The arbitrator's word is final even when it is discriminatory.

These are costs that few of us, let alone low-wage guestworkers, could possibly afford. And even if guestworkers could afford these costs, why would they pay thousands of dollars of arbitration costs to hold an employer accountable for \$100 in unpaid wages? What would prevent employers from routinely underpaying guestworkers and committing other small-dollar harms while knowing that these workers

could never hold their employers accountable?

Arbitration should be voluntary on the part of both parties. To solve this problem, I have reintroduced the Arbitration Fairness Act once again to ensure that Americans get their right to their day in court to remedy the wrongs visited upon them by others.

We need immigration reform that reflects the American values of liberty, fairness, justice, and prosperity for all. These are the values that have made this country great. As Americans, we hold that truth to be self-evident.

This bill as written harkens us back to a dark time in the Nation's history, a period of inhumanity and second-class citizenship and, yes, slavery. As Americans, we have proven ourselves better than that. This bill is a giant leap backwards towards the darkness of the past. Let's not close the cellar door on goodness and mercy.

My amendment brings some light to the darkness, and I ask all of my colleagues for their support on this amendment.

And, with that, Mr. Chairman, I will yield back.

Chairman Goodlatte. The chair thanks the gentleman and recognizes himself in opposition of the amendment.

I oppose the amendment.

As the North Carolina Growers Association notes, growers sign contracts all the time that contain mandatory mediation, arbitration agreements. "If it is okay for the farmer, then it should be okay for the farm worker." That is their quote.

Binding arbitration will prevent the kind of abuse and frivolous

litigation that growers who are currently using the H-2A program are subject to. That is one of the reasons that few growers use the H-2A program.

If we are going to create a workable agricultural guestworker program, we have to prevent abusive litigation against growers. This amendment will prevent binding arbitration and allow abusive litigation to continue.

And I strongly oppose the amendment and would point out to the gentleman that any worker who doesn't like working for an employer who wants to have a contract signed that includes binding arbitration does not have to work for that employer.

The question occurs on the amendment offered by the gentleman from Georgia.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the noes have it, and the amendment is not agreed to.

Mr. Johnson. Mr. Chairman, I would ask for a recorded vote.

Chairman Goodlatte. A recorded vote is requested, and the clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

Mr. Coble. No.

Ms. Deterding. Mr. Coble votes no.

Mr. Smith of Texas?

Mr. Smith of Texas. No.

Ms. Deterding. Mr. Smith of Texas votes no.

Mr. Chabot?

Mr. Chabot. No.

Ms. Deterding. Mr. Chabot votes no.

Mr. Bachus?

Mr. Bachus. No.

Ms. Deterding. Mr. Bachus votes no.

Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

Mr. Forbes. No.

Ms. Deterding. Mr. Forbes votes no.

Mr. King?

[No response.]

Ms. Deterding. Mr. Franks?

Mr. Franks. No.

Ms. Deterding. Mr. Franks votes no.

Mr. Gohmert?

Mr. Gohmert. No.

Ms. Deterding. Mr. Gohmert votes no.

Mr. Jordan?

Mr. Jordan. No.

Ms. Deterding. Mr. Jordan votes no.

Mr. Poe?

Mr. Poe. No.

Ms. Deterding. Mr. Poe votes no.

Mr. Chaffetz?

Mr. Chaffetz. No.

Ms. Deterding. Mr. Chaffetz votes no.

Mr. Marino?

Mr. Marino. No.

Ms. Deterding. Mr. Marino votes no.

Mr. Gowdy?

Mr. Gowdy. No.

Ms. Deterding. Mr. Gowdy votes no.

Mr. Amodei?

Mr. Amodei. No.

Ms. Deterding. Mr. Amodei votes no.

Mr. Labrador?

Mr. Labrador. No.

Ms. Deterding. Mr. Labrador votes no.

Mr. Farenthold?

Mr. Farenthold. No.

Ms. Deterding. Mr. Farenthold votes no.

Mr. Holding?

Mr. Holding. No.

Ms. Deterding. Mr. Holding votes no.

Mr. Collins?

[No response.]

Ms. Deterding. Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Mr. Smith of Missouri?

Mr. Smith of Missouri. No.

Ms. Deterding. Mr. Smith of Missouri votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Deterding. Mr. Conyers votes aye.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Deterding. Mr. Nadler votes aye.

Mr. Scott?

Mr. Scott. Aye.

Ms. Deterding. Mr. Scott votes aye.

Mr. Watt?

Mr. Watt. Aye.

Ms. Deterding. Mr. Watt votes aye.

Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Deterding. Ms. Lofgren votes aye.

Ms. Jackson Lee?

Ms. Jackson Lee. Aye.

Ms. Deterding. Ms. Jackson Lee votes aye.

Mr. Cohen?

Mr. Cohen. Aye.

Ms. Deterding. Mr. Cohen votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

Ms. Deterding. Mr. Johnson votes aye.

Mr. Pierluisi?

[No response.]

Ms. Deterding. Ms. Chu?

Ms. Chu. Aye.

Ms. Deterding. Ms. Chu votes aye.

Mr. Deutch?

Mr. Deutch. Aye.

Ms. Deterding. Mr. Deutch votes aye.

Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

Ms. Bass. Aye.

Ms. Deterding. Ms. Bass votes aye.

Mr. Richmond?

Mr. Richmond. Aye.

Ms. Deterding. Mr. Richmond votes aye.

Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Garcia?

Mr. Garcia. Aye.

Ms. Deterding. Mr. Garcia votes aye.

Mr. Jeffries?

Mr. Jeffries. Aye.

Ms. Deterding. Mr. Jeffries votes aye.

Chairman Goodlatte. Are there Members who wish to vote who have not yet been recorded?

The clerk will report.

Ms. Deterding. Mr. Chairman, 15 Members voted aye, 19 Members voted nay.

Chairman Goodlatte. And the amendment is not agreed to.

RPTS CALHOUN

DCMN HERZFELD

[3:54 p.m.]

Chairman Goodlatte. For what purpose does the gentlewoman from California seek recognition?

Mr. Johnson. Mr. Chairman, if I may. Right here to your left. Mr. Chairman, I neglected to ask for the ability to submit a letter from the Fair Arbitration Now organization.

Chairman Goodlatte. Without objection, it will be made a part of the record.

Mr. Johnson. Thank you.

[The information follows:]

***** COMMITTEE INSERT *****

Chairman Goodlatte. The gentlewoman from California is recognized for what purpose?

Ms. Chu. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Mr. Smith of Texas. Mr. Chairman, I reserve a point of order.

Chairman Goodlatte. A point of order is reserved.

The clerk will report.

Ms. Chu. This bill fundamentally changes --

Chairman Goodlatte. If the gentlewoman would suspend until we figure out which amendment it is and the clerk reports it.

Ms. Chu. Amendment number 3.

Ms. Deterding. Amendment to H.R. 1773 offered by Ms. Chu of California. Page 2 --

Chairman Goodlatte. Without objection, the amendment is considered as read, and the gentlewoman is recognized for 5 minutes to explain her amendment.

[The amendment of Ms. Chu follows:]

***** INSERT 3-1 *****

Ms. Chu. This bill fundamentally changes our agricultural workforce in this country. It will have a broad impact not only on immigrants, but on American farm workers as well. And so my amendment will acquire equal rights in the field similar to what others get in the office or the factory. It will finally end the discrimination against farm workers because of their occupation.

This amendment will end the following practices. Today farm workers can be fired for joining a labor union. Today agriculture workers don't get overtime pay, no matter how many extra hours they work. Today young children can be hired to work in the fields. Today farm workers, even U.S. citizens, cannot get the same unemployment compensation as other workers. Today some farms aren't even required to pay farm workers minimum wage.

Many will be shocked to learn that, unlike almost every other industry in the United States, children are allowed to work in the fields. As many as 800,000 farm workers are 18 or younger. Forty percent of fatalities for teen workers occur on farms. In 2006, almost 6,000 children and teens were injured while performing farm work.

Take Delia, a mother of five from Florida. She knows the pain many teenage farm workers face. When she was 13, she quit school to work on a tobacco farm with her family. Picking the tobacco leaves made her ill to the point where she constantly felt nauseous and experienced headaches and skin irritations. As a child she did not realize the harm the pesticides on these plants could have had on her physical well-being. Teenage farmers like Delia face dangers each

day, and we can do more to keep them safe.

While child farmers are particularly vulnerable to labor and safety abuses, we need protections for all of our farm workers. The fact remains that this industry presents just as many hazards for adult workers. The National Safety Council ranked agriculture as the most dangerous industry, with 28.7 deaths per 100,000 adult workers. On top of that, each day 12 Americans working on farms suffer a permanent disability.

Farm workers face these many job hazards, but they risk their lives for very, very low wages, with almost no fringe benefits, like sick days. Farm workers are denied mandatory breaks for rest or meals. They are forced to work in extreme heat, with no water and no shade. When farm workers try to raise their voice about the conditions they face, they are shut down. They do not have the ability to collectively bargain for the protections that they so desperately need.

This bill aims to provide a stable workforce for our Nation's farms. There is a better way. For many years government commissions like the Commission on Agricultural Workers have recommended that we can stabilize the farm labor force by improving wages and working conditions to attract and retain qualified workers in agriculture.

This year marks the 75th anniversary of the Fair Labor Standards Act. This bill granted wage, hour, and overtime rights to nearly all American workers. But farm workers were excluded from receiving overtime pay. You might think that this was to ensure cheap labor so farmers could continue to produce agricultural products at a profit,

but instead this exclusion was a price that President Roosevelt paid to win the support of Southern lawmakers in 1938 when most farm workers were African Americans.

Here is what one Southerner, U.S. Representative Mark Wilcox of Florida, said at the time when he made the case against including agricultural workers in the Farm Labor Standards Act. He said: There has always been a difference in the wage scale of white and colored labor. You cannot put the Negro and the White man on the same basis and get away with it. Not only would such a situation result in grave social and racial conflicts, but it would also result in throwing the Negro out of employment and in making him a public charge.

The shameful exclusion of farm workers from overtime after 8 hours was wrong in 1938, and it is wrong now. My amendment will change it. It gives farm workers the same workplace rights as almost every other industry. It is time to stop discriminating against farm workers. It is time to finally give them the protections they deserve. I urge adoption of my amendment.

Chairman Goodlatte. The chair thanks the gentlewoman.

Does the gentleman from Texas insist on his point of order?

Mr. Smith of Texas. I do, Mr. Chairman.

The amendment offered by the gentlewoman amends the Fair Labor Standards Act and the Unemployment Insurance Program, both of which are outside of the jurisdiction of the Judiciary Committee.

Chairman Goodlatte. Does the gentlewoman wish to be heard on the objection -- the point of order against her amendment?

Ms. Chu. Well, I would like to make this point. This may not be germane, but it should be, because this bill changes the fundamental system for farm workers. And if it does, then we should address the terrible conditions that they face.

Chairman Goodlatte. While the chair shares the gentlewoman's ambition to have jurisdiction over those two sections of the law, and I am sure the ranking member would join us in that as well, but we do not, and as such the chair is of the opinion that the amendment is not germane, and the point of order must be sustained.

For what purpose does the gentlewoman from Texas seek recognition?

Ms. Jackson Lee. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Jackson Lee. It is amendment number 13.

Ms. Deterding. Amendment to H.R. --

Mr. Smith of Texas. Mr. Chairman, I reserve a point of order.

Chairman Goodlatte. A point of order is reserved by the gentleman from Texas.

The clerk will report.

Ms. Deterding. Amendment to H.R. 1773 offered by Ms. Jackson Lee of Texas. Page 49, after line 21, insert the following and redesignate provisions accordingly.

Chairman Goodlatte. Without objection, the amendment is considered as read.

[The amendment of Ms. Jackson Lee follows:]

***** INSERT 3-2 *****

Chairman Goodlatte. The gentlewoman from Texas is recognized for 5 minutes on her amendment.

Ms. Jackson Lee. Thank you, Mr. Chairman.

As I have reviewed this legislation, I notice that it has changed our sense of farm workers or guest workers into a structure that feels more appropriate for plant workers of harsh hours and poor working conditions.

I believe that we all agree on this committee that it is important for people to be able to access their legal rights to be able to be represented. We have often spoken of the good services of the legal aid services, Legal Aid Corporation. They have all often come to our various offices to speak about funding the Legal Services Corporation to be able to be of assistance to those who need effective counsel. My amendment would allow H-2C workers eligibility to receive legal aid services under the Legal Services Corporation.

There are many issues that impact a worker, whether it is dealing with children issues, dealing with issues that may be occurring with their family members while they are here in the United States, the issue of making sure that if anything occurs here that is of a legal nature, they can have representation. I believe that this is in comport and would argue against the point of order. If there is such, I would suggest that that point of order be waived.

But the H-2C worker comes over here to our country to earn a living and to make money so that their children and their family members can be taken care of. It is very difficult work. And as has been mentioned

before, it is important to ensure that if there is anything that happens to this particular worker pursuant to their being here as a guest worker, it would be appropriate for them to be able to be represented. Allowing them to have access to legal services, we are making this about fairness and balance and due process, and certainly making it about our values.

I would ask my colleagues to uphold our own justice system by supporting the access to counsel and the ability to receive legal aid services under the Legal Services Corporation.

With that, I yield back.

Chairman Goodlatte. Does the gentleman from Texas insist upon his point of order?

Mr. Smith of Texas. Mr. Chairman, I withdraw my point of order.

Chairman Goodlatte. The point of order is withdrawn.

For what purpose does the gentleman from Utah seek recognition?

Mr. Chaffetz. Mr. Chairman, I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Chaffetz. And I would like to recognize myself in opposition to the gentlelady's amendment. While I do not begrudge any temporary agricultural worker access to justice -- the availability of legal services for clients is critical, after all -- I do not endorse the continued use of taxpayer dollars to support attorneys who have shown a propensity for using these funds to harass H-2A employees and disrupt the relationships between these employers and their workers. This practice needs to end under the H-2C program created by this bill.

There are legal service providers who operate on a pro bono basis or with funds provided by sources other than American taxpayers. I wholeheartedly endorse the efforts of these attorneys to aid H-2C workers whenever it is necessary.

Farmers who voluntarily sign up to have their temporary nonimmigrant workforces heavily regulated by the Federal Government who pay a fair wage rate should not be unfairly targeted and harassed by taxpayer-funded organizations with ideological agendas. As a reminder, the Legal Services Corporation statute itself requires LSC grantees to refrain from engaging in political activism. These organizations have tested the patience of Congress and undermine confidence in the LSC programs time and time again. There are numerous examples, ranging from North Carolina to Colorado, to Washington and Georgia, just to name a few.

LSC grantees have shown an unabashed propensity for unfair targeting of employers of agricultural guest workers, and their efforts have been a significant factor in the decisions of many farmers to avoid using the current agricultural guest worker program at all.

For these reasons, Mr. Chairman, I oppose this amendment, and I yield back.

Chairman Goodlatte. For what purpose does the gentleman from Puerto Rico seek recognition?

Mr. Pierluisi. I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Gutierrez. Would the gentleman yield just for 10 seconds?

Mr. Pierluisi. I yield.

Mr. Gutierrez. Thank you so much.

Mr. Chairman, I am going to leave. Mr. Garcia and I have a meeting with the Speaker to speak about the issue of immigration, so I am going to leave to do that. That is the only reason I would leave this meeting with all of you, that is how important this. Thank you so much.

Mr. Pierluisi. Mr. Chairman, I would like to say that the Legal Services Corporation is funded by Congress, and it has a legitimate purpose. The gentleman from Utah seems to object to the fact that the Legal Services Corporation renders a valuable service to low-income individuals in the U.S.

There shouldn't be an issue that the H-2C workers would be of considerable benefit to the farm industry in the U.S., and to the extent that they need legal services, why would we oppose giving them access to the Legal Services Corporation? They are benefiting us, they are benefiting our economy. If they need legal services, they should be entitled to get them. And nobody can deny that we are talking about low-income individuals residing in the U.S. and as allowed by this proposed bill. So, frankly, I don't get it.

At this point I would like to yield the balance of my time to the gentlewoman from Texas.

Ms. Jackson Lee. I just have one sentence to say. The gentleman from Puerto Rico was so eloquent, and I thank him for his commentary, having been an attorney general.

I just make one point. This language points to no political work

at all. It does not ask for anyone to do anything that is not within the guidelines of Legal Services. And I would not be advocating for political work; I am advocating for representation. And I ask my colleagues to consider the amendment, and I yield back to the gentleman.

Mr. Pierluisi. I yield back.

Chairman Goodlatte. I thank the gentleman.

The question is on the amendment offered by the gentlewoman from Texas. All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the noes have it. The amendment is not agreed to.

Ms. Jackson Lee. Roll call.

Chairman Goodlatte. The clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

Mr. Smith of Texas. No.

Ms. Deterding. Mr. Smith of Texas votes no.

Mr. Chabot?

Mr. Chabot. No.

Ms. Deterding. Mr. Chabot votes no.

Mr. Bachus?

Mr. Bachus. No.

Ms. Deterding. Mr. Bachus votes no.

Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

Mr. Forbes. No.

Ms. Deterding. Mr. Forbes votes no.

Mr. King?

[No response.]

Ms. Deterding. Mr. Franks?

Mr. Franks. No.

Ms. Deterding. Mr. Franks votes no.

Mr. Gohmert?

[No response.]

Ms. Deterding. Mr. Jordan?

Mr. Jordan. No.

Ms. Deterding. Mr. Jordan votes no.

Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

Mr. Chaffetz. No.

Ms. Deterding. Mr. Chaffetz votes no.

Mr. Marino?

Mr. Marino. No.

Ms. Deterding. Mr. Marino votes no.

Mr. Gowdy?

Mr. Gowdy. No.

Ms. Deterding. Mr. Gowdy votes no.

Mr. Amodei?

[No response.]

Ms. Deterding. Mr. Labrador?

Mr. Labrador. No.

Ms. Deterding. Mr. Labrador votes no.

Mr. Farenthold?

Mr. Farenthold. No.

Ms. Deterding. Mr. Farenthold votes no.

Mr. Holding?

Mr. Holding. No.

Ms. Deterding. Mr. Holding votes no.

Mr. Collins?

Mr. Collins. No.

Ms. Deterding. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Mr. Smith of Missouri?

Mr. Smith of Missouri. No.

Ms. Deterding. Mr. Smith of Missouri votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Deterding. Mr. Conyers votes aye.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Deterding. Mr. Nadler votes aye.

Mr. Scott?

Mr. Scott. Aye.

Ms. Deterding. Mr. Scott votes aye.

Mr. Watt?

[No response.]

Ms. Deterding. Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Deterding. Ms. Lofgren votes aye.

Ms. Jackson Lee?

Ms. Jackson Lee. Aye.

Ms. Deterding. Ms. Jackson Lee votes aye.

Mr. Cohen?

Mr. Cohen. Aye.

Ms. Deterding. Mr. Cohen votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

Ms. Deterding. Mr. Johnson votes aye.

Mr. Pierluisi?

Mr. Pierluisi. Aye.

Ms. Deterding. Mr. Pierluisi votes aye.

Ms. Chu?

Ms. Chu. Aye.

Ms. Deterding. Ms. Chu votes aye.

Mr. Deutch?

Mr. Deutch. Aye.

Ms. Deterding. Mr. Deutch votes aye.

Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

Ms. Bass. Aye.

Ms. Deterding. Ms. Bass votes aye.

Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Garcia?

Mr. Garcia. Aye.

Ms. Deterding. Mr. Garcia votes aye.

Mr. Jeffries?

Mr. Jeffries. Aye.

Ms. Deterding. Mr. Jeffries votes aye.

Chairman Goodlatte. The gentleman from North Carolina?

Ms. Deterding. Mr. Coble votes no.

Chairman Goodlatte. The gentleman from Texas Mr. Gohmert?

Ms. Deterding. Mr. Gohmert votes no.

Chairman Goodlatte. The gentleman from Nevada?

Ms. Deterding. Mr. Amodei votes no.

Chairman Goodlatte. I saw the gentlewoman from Washington. Did she vote?

Has every Member voted who wishes to vote?

The clerk will report.

Ms. Jackson Lee. Mr. Chairman, how am I recorded?

Ms. Deterding. Ms. Jackson Lee votes aye.

Chairman Goodlatte. The gentlewoman from Washington is recorded?

Ms. Deterding. Yes. Ms. DelBene votes aye.

Ms. Jackson Lee. Thank you.

Chairman Goodlatte. The clerk will report.

Ms. Deterding. Mr. Chairman, 14 Members voted aye, 19 Members voted nay.

Chairman Goodlatte. And the amendment is not agreed to.

Are there further amendments?

For what purpose does the gentlewoman from California seek recognition?

Ms. Chu. Mr. Chairman, I have an amendment at the desk, amendment number 4.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 1773 offered by Ms. Chu of

California. Beginning on page 31, strike line 20 through page --

Chairman Goodlatte. Without objection, the amendment will be considered as read.

[The amendment of Ms. Chu follows:]

***** INSERT 3-3 *****

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes to explain her amendment.

Ms. Chu. This amendment would strike subsection Q, removing one of the most unfair provisions of this bill, the mandatory deduction of 10 percent of the farm worker's wages under this proposed H-2C program.

Farm workers barely make minimum wage and perform hours upon hours of backbreaking work to put food on our tables. They cannot afford, nor do they deserve, to lose 10 percent of their wages for up to 3 years. Farm workers are amongst the lowest-paid workers in the country. Annually the average income of crop workers is between 15,000 to \$17,000 for a family of four. This means 30 percent of all farm workers had total family incomes below the poverty line. The poverty rate for farm workers is nearly double the national rate for wage and salary employees. And, in fact, earlier it was said that farm workers make minimum wage. This is not true because small farms are exempted from minimum wage. Also, if a farm worker is making minimum wage, this bill would ensure that they will earn less than minimum wage with this deduction.

And let us not forget that this meager salary has to buy an expensive ticket from halfway across the world to get to their new workplace and pay for housing on site, both a reversal from current law, where today employers pay for transportation and housing. Most farm workers don't receive paid sick leave or vacation pay, are not covered by health insurance. When they are sick, they must lose income

from missing work and must pay for the cost of medical care. Taking 10 percent of their income is dangerous to their health.

In States across the country, it is actually illegal to withhold wages from employees for nontax purposes without proper authorization. But here this bill is making it common practice to take hard-earned pay from honest workers. Workers should not have to pay money to obtain the wages that they have earned.

Requiring H-2C guest workers to actually have to travel to their consulate to retrieve their wages is also burdensome. Most farm workers are from rural areas, and traveling to cities where the U.S. consulates are located costs them money that they cannot afford to spend. Workers should receive the wages when they earn them. While this trust fund is intended to provide an incentive for H-2C workers to return to the country of origin after their visa expires, it really just pockets the hard-earned pay of honest farm workers, punishing them for coming to our country and keeping a bedrock American industry strong. After all, this committee has already ensured that workers have an incentive to leave the country when their visas expire. Last night's passage of the SAFE Act imposes a 6-month prison sentence and/or a fine for anybody who overstays or violates the terms of their visa, even for a day. That will include any farm worker that is here on a visa.

In the most extreme case, under this bill a worker would be forced to give up thousands of dollars, 10 percent of their pay, for 3 whole years before their visa expires. For a meatpacker who makes an average

of \$24,930 this would mean that there would be owed almost \$5,000 dollars after 3 years of working in the U.S. For anyone, that is a lot of money.

As Americans we have long respected the contributions of manual labor to our collective well-being. If we as a Nation truly value hard work, we should support giving farm workers an honest wage, not taking away the money that they have earned. I urge my colleagues to support this amendment and give farm workers under the proposed H-2C program the wages that they have earned through their own sweat and hard work.

And I yield back.

Chairman Goodlatte. The chair thanks the gentlewoman and recognizes himself in opposition to the amendment of the gentlewoman.

First, I want to point out that these funds have to be sent to the United States Embassy or other designated location in the country the person comes from. They cannot simply be pocketed, as the gentlewoman refers to.

The wages under this legislation are always the greater of the prevailing wage or the minimum wage, so in no cases would the minimum wage be the likely amount here.

Many, many, many people who are temporary guest workers send substantial amounts of their paycheck home already to their families. So this is simply a way for it to be there and be drawing interest while they are waiting to fulfill their responsibility under the law to return home for a period of time.

So for those reasons I must oppose the amendment offered by the

gentlewoman.

The question occurs on --

Mr. Conyers. Mr. Chairman.

Chairman Goodlatte. For what purpose does the gentleman from Michigan seek recognition?

Mr. Conyers. I would strike the requisite number of words.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Conyers. The reason that I support the amendment is that we are talking about people that are in the poorest level of economic earnings anywhere in the country doing the hardest work that many Americans choose not to do -- actually to remain unemployed rather than to do the work. An average of 15,000 to \$17,000 a year for a family of four, that won't take care of a family of one.

And so what I see coming out of this discussion is that there are huge abuses going on. There is a long history of wage abuses under the agricultural guest worker program. For us to be here today continuing it with some not-so-sophisticated techniques that make it even more certain that these workers will earn even less than they are already earning strikes me as a pretty cold-blooded.

I support the amendment. I see now that we have a larger problem of trying to deal with economic fairness to those people who are really right at the bottom. There is nowhere to go if you are a worker if you leave the agricultural guest worker program. There is no work that is less hard. There is no work that pays less. There is no work that has fewer protections against

employer abuse.

And so it is with pleasure that I support this small attempt to make it a little bit more fair. Guest workers from Mexico and in the Bracero program, decades after it is over, are still trying to get their wages. That has never been settled completely. The same with Jamaican guest workers in Florida.

So I just feel an overwhelming sympathy for workers. The automobile industry in Detroit started to change with the unions. If you talk about a union as a guest worker, you are fired. That is it for you. You are one of those smart guys. You have been reading or studying up on the rights of working people.

And so I feel a little bit of embarrassment that we are here arguing in support of continuing the kind of wage abuses that is almost a history of agricultural guest workers.

So I thank the gentlelady for her amendment, and I yield back my time.

Chairman Goodlatte. The question occurs on the amendment offered by the gentlewoman from California. All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the noes have it, and the amendment --

Ms. Chu. I ask for a recorded vote.

Chairman Goodlatte. A recorded vote is requested, and the clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

[No response.]

Ms. Deterding. Mr. Chabot?

Mr. Chabot. No.

Ms. Deterding. Mr. Chabot votes no.

Mr. Bachus?

Mr. Bachus. No.

Ms. Deterding. Mr. Bachus votes no.

Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

Mr. Forbes. No.

Ms. Deterding. Mr. Forbes votes no.

Mr. King?

[No response.]

Ms. Deterding. Mr. Franks?

Mr. Franks. No.

Ms. Deterding. Mr. Franks votes no.

Mr. Gohmert?

Mr. Gohmert. No.

Ms. Deterding. Mr. Gohmert votes no.

Mr. Jordan?

Mr. Jordan. No.

Ms. Deterding. Mr. Jordan votes no.

Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

Mr. Chaffetz. No.

Ms. Deterding. Mr. Chaffetz votes no.

Mr. Marino?

Mr. Marino. No.

Ms. Deterding. Mr. Marino votes no.

Mr. Gowdy?

Mr. Gowdy. No.

Ms. Deterding. Mr. Gowdy votes no.

Mr. Amodei?

Mr. Amodei. No.

Ms. Deterding. Mr. Amodei votes no.

Mr. Labrador?

Mr. Labrador. No.

Ms. Deterding. Mr. Labrador votes no.

Mr. Farenthold?

Mr. Farenthold. No.

Ms. Deterding. Mr. Farenthold votes no.

Mr. Holding?

Mr. Holding. No.

Ms. Deterding. Mr. Holding votes no.

Mr. Collins?

Mr. Collins. No.

Ms. Deterding. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Mr. Smith of Missouri?

Mr. Smith of Missouri. No.

Ms. Deterding. Mr. Smith of Missouri votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Deterding. Mr. Conyers votes aye.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Deterding. Mr. Nadler votes aye.

Mr. Scott?

Mr. Scott. Aye.

Ms. Deterding. Mr. Scott votes aye.

Mr. Watt?

[No response.]

Ms. Deterding. Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Deterding. Ms. Lofgren votes aye.

Ms. Jackson Lee?

Ms. Jackson Lee. Aye.

Ms. Deterding. Ms. Jackson Lee votes aye.

Mr. Cohen?

[No response.]

Ms. Deterding. Mr. Johnson?

[No response.]

Ms. Deterding. Mr. Pierluisi?

Mr. Pierluisi. Aye.

Ms. Deterding. Mr. Pierluisi votes aye.

Ms. Chu?

Ms. Chu. Aye.

Ms. Deterding. Ms. Chu votes aye.

Mr. Deutch?

Mr. Deutch. Aye.

Ms. Deterding. Mr. Deutch votes aye.

Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

Ms. Bass. Aye.

Ms. Deterding. Ms. Bass votes aye.

Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Garcia?

[No response.]

Ms. Deterding. Mr. Jeffries?

Mr. Jeffries. Aye.

Ms. Deterding. Mr. Jeffries votes aye.

Chairman Goodlatte. The gentleman from Georgia?

Ms. Deterding. Mr. Johnson votes aye.

Chairman Goodlatte. The gentleman from North Carolina?

Ms. Deterding. Mr. Coble votes no.

Chairman Goodlatte. Are there other Members who are not recorded who wish to vote?

The clerk will report.

Ms. Deterding. Mr. Chairman, 12 Members voted aye, 18 Members voted nay.

Chairman Goodlatte. And the amendment is not agreed to.

For what purpose does the gentlewoman from Texas seek recognition?

Ms. Jackson Lee. Mr. Chairman, I would like to take amendments 13, 14 and 15 en bloc.

Chairman Goodlatte. Without objection, amendments 13, 14, and 15 will be considered en bloc.

Mr. Chabot. Mr. Chairman?

Chairman Goodlatte. The gentleman from Ohio.

Mr. Chabot. Mr. Chairman, I would like to reserve a point of order.

Chairman Goodlatte. The point of order is reserved.

The gentleman from Utah raises an objection.

Ms. Jackson Lee. Mr. Chairman, a parliamentary inquiry. Mr. Chairman, is the gentleman --

Chairman Goodlatte. The gentleman from Utah is objecting to considering all of them en bloc, I suspect because there might be a favorable view to one or more and not a favorable --

Ms. Jackson Lee. I will be happy to separate them. Let me take up amendment number 13, please -- excuse me, I am sorry, it is the wrong numbers. Amendment number 14.

Chairman Goodlatte. The clerk will report amendment number 14. The gentleman from Ohio reserves a point of order.

The clerk will report.

Ms. Deterding. Amendment to H.R. 1773.

Chairman Goodlatte. Without objection, the amendment will be considered as read, and the gentlewoman from Texas is recognized for 5 minutes on her amendment.

[The amendment of Ms. Jackson Lee follows:]

***** INSERT 3-4 *****

Ms. Jackson Lee. First of all, I want to thank some of my colleagues on the other side that offered a compromise on this amendment. Let me explain it and my challenges regarding the compromise.

The amendment 14 that is before my colleagues extends the times from 30 days to 120 days for the H-2C workers to apply for a refund of moneys held by the employer. I supported the amendment of Ms. Chu and would not have had to offer this amendment had her amendment to strike the language had prevailed. I offer this amendment, and I offer some supporting materials for my colleagues.

Let me read from Claudia just a brief excerpt of her day in the fields:

When working in fields, my day starts at 4:00 in the morning, except for Sundays, which is used to go to church, wash clothes, and stock food. By 6:15 a.m., we need to be outside to board the bus that will take us to the field that we will be working that day. As we get close to the camp, we begin to put on our caps, bandanas on our faces and heads, gloves, glasses; depending on the weather, rain boots, ponchos. Because even if it is raining, as long as there is no lightning, we are working.

These workers work in some of the harshest conditions one could ever imagine.

I would like to ask the proponent of the legislation, if I could yield to the chair and ask a question, if I could yield to the chair. Mr. Chairman, may I ask where the trust fund moneys will go if Mrs.

or Mr. Worker never comes to be able to access them?

Chairman Goodlatte. Yes. First, they go to administer the program. And second, they go to the Department of Homeland Security to enforce immigration laws.

Ms. Jackson Lee. Well, let me thank the chairman for his kindness. I would interpret that to be deficit reduction. And this is my angst with this format. First of all, you are asking these workers to find a consulate. Thousands of workers going home to get in line at a consulate, more than likely you will not see them. And you ask them to do it in 30 days. Then the question is that the State Department has to administer giving them their checks.

I can imagine the nightmare of these individuals attempting to get on line in 30 days. My amendment simply asks to extend the time to 120 days.

Mr. Chaffetz. Will the gentlewoman yield?

Ms. Jackson Lee. I will be happy to yield in just a moment. To stop the deficit reduction, to take into consideration Mary Jo and Catherine, some of our other workers, to look at these hands, and simply ask: Can we extend it to 120 days so the State Department can get their paperwork together, so they can find the name, so they can distinguish between the correct name -- some people coming in with the same names -- and that they can match their visa work that they are doing -- because everybody knows consulates do visa work -- of those trying to come to the United States legally, and then they have to be in the business of finding checks to give to people who have put their

money in the United States and have come to get it. And what about the person that gets there in the 31 days, for the love of God?

Mr. Chaffetz. Would the gentlewoman yield?

Ms. Jackson Lee. I will be happy to yield to the gentleman.

Mr. Chaffetz. I think the gentlewoman would find concurrence on this side of the aisle. I would like to recommend to the chairman and my colleagues that we actually accept this amendment. As I said when I had offered my amendment, that when your amendment came up, that I would be supportive of that. My amendment passed by a good, strong, healthy, overwhelming margin, and I still plan to recommend to the chairman that we accept this. I think moving up from 30 to 120 days is reasonable. I recommend doing it, and I hope this amendment passes.

I yield back.

Chairman Goodlatte. Will the gentlewoman yield?

Ms. Jackson Lee. I would be happy to yield.

Chairman Goodlatte. I thank the gentlewoman. I think the gentlewoman has a very fine idea. I think it is not likely to be abused because the incentive is for the individual to get there and get their money sooner rather than later. So I see no reason why we should not give them as much time for their convenience as the gentlewoman suggests. And I would support the gentlewoman's amendment as well.

Ms. Jackson Lee. I thank both gentlemen, the gentleman from Virginia and the gentleman from Utah, and I might, Mr. Chairman, wonder if I could say "the love of God" after every one of my amendments that we might move in this harmonious route together. But I yield back with

appreciation for the support of the amendment.

Chairman Goodlatte. The chair thanks the gentlewoman and shares her prayer, but does not know that it will always be answered.

Mr. Coble. Mr. Chairman, I will withdraw my point of order.

Chairman Goodlatte. The gentleman from Ohio withdraws his point of order.

The question is on the amendment offered by the gentlewoman from Texas. All those in favor, respond by saying aye.

Those opposed, no.

The amendment is agreed to, and we thank the gentlewoman for her good effort.

Are there further amendments to H.R. 1773?

The gentlewoman from Texas.

Ms. Jackson Lee. Yes, Mr. Chairman. Again, thank you.

Amendment number 15.

Chairman Goodlatte. Does the gentlewoman wish to combine 15 and 16 en bloc?

Ms. Jackson Lee. Just a moment.

Chairman Goodlatte. Okay. No. Go ahead with 15. That would be my recommendation.

Mr. Gowdy. Mr. Chairman, I have a point of order.

Chairman Goodlatte. The point of order is reserved, and the clerk will report amendment 15.

Ms. Jackson Lee. 15, thank you.

Ms. Deterding. Amendment to H.R. 1773 offered by Ms. Jackson

Lee of Texas. Page 34, the Secretary of Agriculture --

Chairman Goodlatte. Without objection, the amendment will be considered as read, and the gentlewoman is recognized for 5 minutes on her amendment.

[The amendment of Jackson Lee follows:]

***** INSERT 3-5 *****

Ms. Jackson Lee. Mr. Chairman, thank you very much.

The amendment follows, I think, the line of discussion that my colleagues have been having about the trust fund and the fact that it is the money of the workers. And as I indicated by showing a number of pictures, but also read from the account of Claudia, that this is some very difficult work. And so in case there are hardships, this is saved money that are owed to the worker, and I would ask my colleagues to consider any number of things that could happen.

As you well know, these workers do not have access to health care, and therefore, if some issue occurs, I think it will be important in a hardship case, an instance that will require funding that they did not have, that they could draw down on their resources.

I understand that this is punitive to a certain extent, pushing these individuals to go home, but, again, I am suggesting that you all -- that there be consideration for how we would respond to an issue of hardship and why there could not be a monitored drawdown in extreme hardship cases on the funding that has been saved that is owed to the particular worker at a time of certainty.

I ask my colleagues to support this in the recognition that individuals have hardships, that their families have hardships, that incidences can happen, that injuries can happen, that even loss of life can happen; if there are relatives that are there together, and there is a necessity to provide comfort and care, to be able to drawn down on those dollars. I ask my colleagues to support the amendment.

Chairman Goodlatte. The gentlewoman has an amendment that we

have some interest in. If the gentlewoman would answer a question. What is the exception referred to in the amendment to withdraw funds in case of undue or extreme hardship?

Ms. Jackson Lee. Just a moment, Mr. Chairman.

Mr. Chairman, the way the amendment is listed, we are leaving it to the determination of the Secretary of Agriculture. We would recommend a friendly amendment. But that is who will make the determination on extreme hardship.

Chairman Goodlatte. Well, the gentlelady raises an issue that I am sympathetic to. The bill establishes an escrow account for the purpose of making sure that H-2C workers abide by the length-of-stay limitations in the program. Workers must leave the U.S. not more than 14 days after their period of contract employment or 30 days after their period of employment if they are continuing to seek employment in an at-will status. Workers must then pick up the escrowed amounts at a United States Embassy or consulate in their home countries.

If this amendment were modified to require that workers prove that they have not overstayed their visas before being permitted access to funds from the escrow account, then this could possibly be a change to the bill that I would be able to support. What I don't want to have happen is the purpose of escrowing the funds be defeated by people being allowed who have violated the terms of their visa, overstayed, and say, well, hey, I am not going home, but, hey, how about sending me the money?

Ms. Jackson Lee. Mr. Chairman, I am concerned. Let me just read something further.

Mr. Chairman, let me thank you very much. As I indicated when I began this discussion, I view the work of these workers as enormously tough. And I know we are here sort of making sausage, but I think a hearing to that framework would be even -- to tie that to the hardship issue, because this money may need to be drawn down in the midst of their work because they have gotten a hardship. And there will not be a test as to whether they have overstayed because they are within their timeframe, but they may have a hardship while they are here in the United States.

I want to show a little mercy, Mr. Chairman. So my amendment deals with the immediacy of the hardship while they are here. And I don't know --

Chairman Goodlatte. Reclaiming my time. Let me just suggest I like the spirit of the gentlewoman's amendment. I think it has some problems in its language. If the gentlewoman would be willing to withdraw the amendment, we would be prepared to work with her going to the floor to see that what I think is her intent, that under certain extreme hardships, funds could be withdrawn under circumstances different than are provided in the bill right now. We would be happy to work with her to accomplish that.

Ms. Jackson Lee. Mr. Chairman, I will accept the offer to withdraw it for us to have continuing dialogue. As I indicated on the record, the language that you proposed here at the table would be very difficult for this amendment to have the intent that it is intended to have. So if we can have continuing discussions, I will withdraw

the amendment at this time.

Chairman Goodlatte. If the gentlewoman withdraws the amendment, we would be happy to work with her moving forward.

Ms. Jackson Lee. Thank you.

Chairman Goodlatte. Without objection, the amendment is withdrawn.

Are there further amendments?

The gentlewoman from Texas.

Ms. Jackson Lee. Amendment number 16.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 1773 offered by Ms. Jackson Lee of Texas. Makes effective date of the provision the effective date of the bill, as opposed to April 25, 2013, page 31, lines 16 through 19.

Chairman Goodlatte. The amendment is considered as read, and the gentlewoman is recognized for 5 minutes on her amendment.

[The amendment of Ms. Jackson Lee follows:]

***** INSERT 3-6 *****

Ms. Jackson Lee. This is a simple amendment for my colleagues. It is simply to change the April 25, 2013, date to make the provision on page 31 to be effective on the date -- effective date of the bill. This is to give more time, and I ask my -- because it deals with status. And I would ask my colleagues to support the amendment of providing some latitude beyond the stated date of April 25, 2013.

Chairman Goodlatte. The chair recognizes himself regretfully in opposition to the gentlelady's amendment, which would allow aliens who are unlawfully present in the United States and working in agriculture as of the date of introduction of the act to adjust status to that of lawful H-2C worker. By selecting the date of introduction of the bill as the cutoff date for eligibility under this provision, we effectively prevent aliens from entering the United States for the sole purpose of taking advantage of this law.

The committee is well aware of the need for addressing the predicament of farmers who for too long have been hamstrung in their attempts to employ a fully legal workforce. By recognizing the important role that farm workers who are here now -- and only those here now -- play in our Nation's food production, we can advance the cause of immigration reform, protect domestic jobs, and help keep American agriculture competitive in the global marketplace.

Amending the adjustment-of-status provision to reflect the enactment of this legislation will only encourage more illegal immigration during the time prior to enactment. For that reason I must oppose the amendment.

Ms. Jackson Lee. Would the gentleman yield?

Chairman Goodlatte. I would be happy to yield.

Ms. Jackson Lee. Mr. Chairman, I am just wondering, how is anyone going to get notice on the day we introduce the bill as opposed to the day the bill was enacted? I guess that is --

Chairman Goodlatte. If the gentlewoman would allow me to reclaim my time.

Ms. Jackson Lee. Yes.

Chairman Goodlatte. The purpose is not to give them notice. The purpose is to say that people who are already working in agriculture in the United States can avail themselves of that particular provision. There is a separate provision that allows for participation in the new H-2C guest worker program, and individuals who are not in the United States can apply for that when the program becomes operative in 2 years.

But in the meantime, in order to allow people to remain in the agriculture workforce, the bill allows them to do so, but only if they were in the workforce as of the date the bill was introduced, on the presumption that no one had notice of it prior to the date of introduction.

Ms. Jackson Lee. Well, I am trying to give added time. And I understand the Chairman's reasoning. I am trying to ensure that it rolls all the way through from that period and beyond and before. And so I just ask my colleagues to recognize that the time is expanded under the Jackson Lee amendment.

I yield back.

Chairman Goodlatte. The gentlewoman yields back. I yield back.

The question is on the amendment offered by the gentlewoman from Texas. All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the noes have it, and the amendment is not agreed to.

Are there further amendments?

For what purpose does the gentleman from Iowa seek recognition?

Mr. King. Mr. Chairman, I have an amendment at the desk. It would be King number 10.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 1773 offered by Mr. King of Iowa. Page 42, line 12, strike "increase or."

[The amendment of Mr. King follows:]

***** INSERT 3-7 *****

Chairman Goodlatte. The amendment is read, and the gentleman from Iowa is recognized for 5 minutes to explain his amendment.

Mr. King. Thank you, Mr. Chairman.

My amendment strikes the provision in the bill that grants the authority to the Secretary of Agriculture to increase the number of visas available under the bill. The cap sits now at 500,000, and there are no circumstances under which we should import more workers. So since I see it that way, and since I also understand at least the politics of our current Secretary of Agriculture to grant that discretion to simply raise that cap from 500,000 to 700,000, 1 million or 2 million, I think is ceding the authority of Congress over to the executive branch of government.

I might not be so concerned if I had more confidence in the executive branch, but we have watched that confidence erode for a number of reasons over the last few months. We are looking at an unemployment rate that is about 7.6 percent today, and the number of unemployed Americans is a number very close to 12 million, perhaps more.

And so I also understand that there are something like 88 million Americans who are simply not in the workforce. And I think it is important for us to try to get more people to come off of the welfare rolls, and those who are simply not in the workforce, for whatever their reason might be, and harness more of this American labor that we have rather than just simply grant the authority for the Secretary of Agriculture to raise that number from 500,000 up to whatever number he might so choose.

I have had this discussion with the Secretary of State with regard to asylum and refugee status. That is almost a blank check there, too. And I am concerned about keeping a cap on this that can be controlled by Congress rather than granting that authority to the Secretary of Agriculture. So that is the purpose of my amendment, and I would urge its adoption and yield back the balance of my time.

Chairman Goodlatte. For what purpose does the gentlewoman from California seek recognition?

RPTS JOHNSON

DCMN SECKMAN

[4:48 p.m.]

Chairman Goodlatte. For what purpose does the gentlewoman from California seek recognition?

Ms. Lofgren. Strike the last word.

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Lofgren. As I have said previously, I oppose the overall bill, but I am going to support Mr. King's amendment, but not for the reasons he has outlined. Under the bill, 500,000 or more temporary workers are envisioned. They would be underpaid, mistreated, and in some cases not receive all of their wages. And to limit that number might at least have some salutary impact on the wage structure by having less poorly paid, abused temporary farm workers. It may be that farmers might find a need to pay more in order to attract the workers that they need.

I think, in disagreement with Mr. King, it is pretty clear that American workers are not lining up to take these migrant farm worker jobs. And we have seen it is not just wages, but Americans have other choices. And the seasonal work, it is tough work, moving from town to town, farm to farm, has not turned out to be something that has been a job in demand for Americans. So I think the premise that Americans will step forward is flawed. But for the reasons I have indicated in

terms of putting some wage pressure on the ag industry, I will support the gentleman's amendment.

And I yield back.

Chairman Goodlatte. The chair thanks the gentlewoman and recognizes himself.

The gentleman makes a good point. I do have some concern about the lack of flexibility, because it also allows the adjustment downward as well as upward. And we do not know what future circumstances would hold. But I also recognize that the flexibility in this is great and should be restrained. So I will support the gentleman's amendment. And we may work with the gentleman going to the floor to see if there is something in between that provides some flexibility, but not the kind of flexibility that currently exists in the bill.

And the question occurs on the amendment offered by the gentleman from Iowa.

All those in favor respond by saying aye.

Those opposed, no.

In the opinion of the chair, the ayes have it. The amendment is agreed to.

Are there further amendments?

The gentlewoman from Texas.

Ms. Jackson Lee. Mr. Chairman, I would like to -- I have two amendments.

On one of them, I would like to simply strike the last word, and the other one I would like to offer.

Chairman Goodlatte. Well, the gentlewoman is recognized to strike the last word for 5 minutes.

Ms. Jackson Lee. And I won't take 5 minutes.

One of the amendments that I had proposed, and I do think that there is reason to look at this question and find the appropriate vehicle upon which to utilize, and that is that many of these workers may be repeats and come back into the country. And the issue is whether or not we would have a mechanism for retirement accounts for these individuals who make this work a lifetime of work.

So this is an amendment that I will not offer, but I do believe that no matter what proceeds forward, that there is something to the idea that guest workers have the ability to follow this work for a period of time. And so I will indicate that it is not my intent to offer the amendment, but it is something that I think is worthy of contemplation if we are thinking of being fair.

With that, I have an amendment to offer.

I yield back my time, and I have an amendment to offer.

Chairman Goodlatte. The gentlewoman yields back on her motion to strike the last word, and now has an amendment at the desk.

The clerk will report the amendment.

Ms. Jackson Lee. Amendment No. 18.

Ms. Deterding. Amendment to H.R. 1773, offered by --

Chairman Goodlatte. Without objection, the amendment is considered as read. The gentlewoman is recognized for 5 minutes on her amendment.

[The amendment of Ms. Jackson Lee follows:]

***** INSERT 4-1 *****

Ms. Jackson Lee. This amendment is also a question of fairness. And it is self-explanatory, which is it directs the Secretary of Agriculture to establish policies that would ensure that the employers are in full compliance with requirements to withhold the 10 percent of the H-2C worker earnings. I have already mentioned, Mr. Chairman, and I think you are well aware of how difficult farm work can be, how difficult this work --

Chairman Goodlatte. Would the gentlewoman yield?

Ms. Jackson Lee. I will be happy to yield.

Chairman Goodlatte. The gentlewoman has another excellent suggestion, and the chair is prepared to accept her amendment.

Ms. Jackson Lee. I thank the gentleman and yield back.

Chairman Goodlatte. Is there further discussion on the amendment? If not, all those in favor of the amendment offered by the gentlewoman from Texas respond by saying aye.

Opposed no. In the opinion of the chair, the ayes have it, the amendment is agreed to. For what purpose does the gentleman from Iowa seek recognition.

Mr. King. Thank you, Mr. Chairman.

I have an amendment at the desk designated King No. 8.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 1773, offered by Mr. King of Iowa. Page 32, line 9, strike 10 percent and insert 20 percent.

[The amendment of Mr. King follows:]

***** INSERT 4-2 *****

Chairman Goodlatte. The gentleman is recognized for 5 minutes on his amendment.

Mr. King. Thank you, Mr. Chairman.

This takes up a topic that you and I have discussed for some years. And that question is, how is it that you encourage those folks that might come in on a temporary worker program to return to their home country? The bill provides that 10 percent of all guest workers' wages be withheld in an interest earning trust fund until the worker returns to his or her home country.

And I didn't go as far with this as I would like to go from a policy perspective. And my preferred policy perspective would be to provide a bond so that we would guarantee that they would return to their home country at the conclusion of the work period that is contemplated here in the bill.

Your language is 10 percent. And I don't believe at this point that that is a strong enough incentive, a 10 percent incentive. And even though I prefer that we would go down the bonding side of this, and a lot of my background is in bonding, where you put your capital on the line and the surety company guarantees, and if people default on the guarantee, then of course the capital is turned over; similar to in the construction business or similar to the bonding business for people. That is what I would prefer, because it would be a legal self price-adjusting structure that didn't necessarily take this much money out of the paycheck of the worker.

But I am concerned that if it is a 10 percent withholding, they

will simply stay in America. There is not that much of an advantage to going back home. And so I put the number 20 percent in there, because I think it is a stronger incentive. And I am hopeful that that number would be adopted and that it can be more successful should this legislation become law. So it is a pretty simple concept. I want to give them more incentive to return home after the bill.

And I would urge its adoption, and I would yield back the balance of my time.

Chairman Goodlatte. For what purpose does the gentlewoman from California seek recognition?

Ms. Lofgren. Mr. Speaker, I oppose the amendment.

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Lofgren. As has been discussed at some length, there is concern that even over the 10 percent withholding because the wages are so low. Additionally, workers are now going to be responsible for their own housing, which is a difference from the H-2A program. They are responsible for their own transportation, which is a considerable expense, because under the bill, minimum wage rates for the temp workers would fall by about \$2.30 an hour in any case. I think to further decrease the amount of money that farm workers would have to eat on and to live on is unwise. And we would certainly object to the amendment.

Ms. Jackson Lee. Would the gentlelady yield?

Ms. Lofgren. I would be happy to yield.

Ms. Jackson Lee. I would, frankly, say, Mr. Chairman, that it is absolutely brutal, because as I indicated, the potential for hardship, the back-breaking work, the breakdown of health, to take 20 percent is excessive and minimalizes, as my colleague said, the quality of life.

As Claudia has described, it appears that many in the farm working business, farm workers have 1 day, 1 day off. In the course of that, they are doing chores and expending dollars for necessities. And frankly, I think that is too difficult a hurdle for them to overcome.

By the way, I don't think that it does anything to incentive. People have made a choice to apply, come here to be a farm worker. I don't think 20 percent or 10 percent, I do think that is a back-breaking amount to take, and it brutalizes the whole system, which I don't think is the intent here for members in this committee.

I yield back.

Chairman Goodlatte. The chair recognizes himself.

The chair shares the gentleman's concern that people do comply with the law. And we don't know whether 10 percent is a sufficient incentive or not. I would suggest that because the wages of these individuals are not high, that that is certainly an argument, but also because they are not high, there is a limited amount of money upon which they can live.

So I have been listening to the debate here all afternoon regarding the fact that farm workers do not make a tremendous amount of money. It is true that some of the things that the H-2A program

requires the farmer provide are no longer provided, therefore those will be added expenses. And therefore, I will reluctantly oppose the amendment of the gentleman from Iowa.

Who seeks recognition?

Mr. Collins. Mr. Chairman.

Chairman Goodlatte. The gentleman from Georgia is recognized for 5 minutes.

Mr. Collins. Mr. Chairman, I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Collins. I just wanted to ask the question of the gentleman from Iowa, would the gentleman from Iowa be open to maybe a friendly amendment at 15 percent? A secondary amendment? I agree with the gentleman's perspective here, and I am trying to find a common ground that we could move something and --

Chairman Goodlatte. I appreciate the gentleman's efforts, but I think I am stuck at 10 percent. I don't know if he is stuck at 20. But I would oppose that amendment as well.

Mr. Collins. I yield back.

Mr. King. If the gentleman would yield?

Chairman Goodlatte. I would be happy to yield.

Mr. King. I thank the gentleman. I would like to get to a resolution of this issue. And I think I know how this comes out in the end.

But this point is something that it is important I think for us to debate further. And as I said, the bonding issue is a better

business model. When we plug in a percentage and withhold that percentage until they return back to their home country, that does cut from the bottom line, cut from their take-home pay. And I know, for example, if I am going to bond a project, my premium on that might be three-quarters of 1 percent. And that is a more reasonable fee than 10 percent or 20 percent or 15 percent. And so if this bill goes to the floor and I have the time to turn the focus on writing that kind of language in let me say a legally structured way, I think that might be constructive to this bill. And I would ask if the chairman might consider that dialogue should this bill head towards the floor.

Chairman Goodlatte. Well, let me just say that the chair is interested in other ways. I think maybe some people on the other side of the aisle who are concerned about the 10 percent amount might be interested in other ways. Of course, the bond payment would be lost forever, whereas the 10 percent is recovered with interest.

But be that as it may, if the gentleman withdraws the amendment, I would be happy to work with him to explore whether there is a way that might be more satisfactory to both him and those concerned that people not be parted with their wages for too long a period of time or too great an amount.

Mr. King. And if the gentleman would continue to yield, I would ask unanimous consent to withdraw the amendment. And I will see if I can put together the kind of language that would allow us to have a reasonable discussion between here and the floor.

Chairman Goodlatte. Without objection, the amendment is

withdrawn.

Are there further amendments?

Mr. King. Mr. Chairman?

Chairman Goodlatte. The gentleman from Iowa.

Mr. King. I have an amendment at the desk numbered King No. 11.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 1773, offered by Mr. King of Iowa. Page 31, strike lines 16 through 19 and redesignate provisions accordingly. Page 48, strike lines 3 through 19 and redesignate provisions accordingly. Page 52, strike lines 4 through 13 and redesignate provisions accordingly.

[The amendment of Mr. King follows:]

***** INSERT 4-3 *****

Chairman Goodlatte. The gentleman is recognized for 5 minutes on his amendment.

Mr. King. Thank you, Mr. Chairman.

This is the amendment that gets me to the place where I start to think this could be a good bill. And what it does, what my amendment does, is if you read the bill, and section 7 allows illegal aliens to receive the H-2C visa. And, you know, I don't believe that they should be granted legal workers status. I think that fits within the definition of amnesty. A legalization does provide amnesty. And I have defined amnesty many times over. To grant amnesty is to pardon the immigration law breakers and reward them with the objective of their crime. I believe that this bill, however constructive it is, how carefully it is drafted, and as much as I know the years that the chairman has worked on an ag workers bill and now a guest workers bill, this legalization component is the one that crosses a principle that I said I will not cross.

And so the presence in the United States, if you give working status to them, undermines the rule of law. The bill provides a legalization status. And I would turn the direction to the bill section 7, and I would just read down to line 14 through 19. It says, "In order to allow the alien to perform agricultural labor or services, such alien shall not be considered --" the shorthand would be not be considered unlawfully present.

In other words, this is a legalization provision that is within the bill. And I have been very solid on this position, and it is this,

that if we legalize people that are here, if they have broken the law and reward them with the legalization, we have to expect there will be a lot of other law breakers. And we have seen that in the 1986 amnesty act that was signed by Ronald Reagan, one of only two times that he let me down in 8 years. And what we saw was, and I knew it then, I knew in 1986, when I believed that Reagan would veto that bill for the principles that I have said --

Mr. Nadler. Would the gentleman yield?

Mr. King. I will in just a moment. I believed that he would veto the bill for the principles that I have said. And instead, he signed it out of I think it was because he had a lot of advisers that advised him to do that. It perhaps was a more pragmatic than a principled decision. But the loss of the principle in 1986 pushes us into this massive pragmatism that we have today.

And I am very troubled that we could be in the midst of sacrificing the rule of law for something that may appear to be humane, may appear to be just, but in my view it is not as principled as we must be if we are going to preserve the rule of law through this immigration debate. And so this is the amendment I reluctantly bring, but it is the one that does go to the heart of my conviction on this matter. And I would yield to the gentleman from New York.

Mr. Nadler. I just want to make sure I understand your amendment and its implications. Now, line 16, starting at line 16, page 31, which you would remove, says, "Notwithstanding any other provision of law, an alien who is unlawfully present in the United States on April 25,

2013, is eligible to address status to that of an H-2C worker."

Page 48, which you would remove, says, "the Secretary of HHS shall waive the grounds of inadmissibility contained in various paragraphs, and the grounds of deportability in the case of an alien physically present in the U.S. as of April 25, solely as may be necessary in order to allow the alien to perform agricultural labor or services." Now, you would get rid of this language.

In other words, as I read your amendment, what you are saying is this language would abolish the entire guest worker program, that anyone here illegally trying to do agricultural work should be deported on the spot, and there is no program. Am I correct in reading this?

Mr. King. Reclaiming my time, that was actually the first question I asked myself as we put this language together. But what remains is those people that would come into the United States under the guest worker program, not those people that are illegally in the United States today. That is the distinction.

Mr. Nadler. In other words, some people could still come into the United States legally to do this.

Mr. King. Yes.

Mr. Nadler. But anyone already here would still be deported.

Mr. King. If we actually applied the law, yes.

Mr. Nadler. If we applied the law. And is there any mechanism, if we pass your amendment and we pass the bill, God forbid, would there be any mechanism to allow people who are already -- who have been coming here every year to do guest work and going home perhaps or maybe yes,

maybe no, to become legal guest workers who would go back and forth?

Mr. King. I would think, in response to the gentleman from New York, that those individuals that are here, we wouldn't prevent them from going back and then returning under this bill, unless they were in violation of some provision that has been adjudicated through some other means.

Mr. Nadler. My recollection of immigration law is that if you are here and you are deported, you can't come back for 10 years.

Mr. King. That would be true. But if they went back on their own, they could qualify. If they were deported, they would likely be more difficult for them to qualify, although they might have to wait for a 10-year bar.

Mr. Nadler. Basically, what this amendment would do would be to take nine-tenths of the current what is the word, group, of guest workers, how many are there, I don't know, 100,000, whatever it is, I have no idea how many there are --

Chairman Goodlatte. Undocumented workers because the ones that are under the H-2A would be lawfully here, and they wouldn't be covered by it.

Mr. Nadler. Well, all right. I don't know how many are by category. You would take that entire group, essentially illegalize them, and say that unless they self-deported, which is not going to happen probably, they are not going to -- they are not going to be able to participate in the guest worker program.

Mr. King. Reclaiming my time, they are already illegal. This

bill legalizes them.

Chairman Goodlatte. The time of the gentleman has expired, and the chair recognizes the gentleman for an additional -- actually, why don't I recognize the gentleman from New York.

Mr. Nadler. I will be very brief. I don't like the bill.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Nadler. Thank you. I won't take 5 minutes. I don't like the bill, I don't like the program. I think that is pretty obvious. The amendment is intended to be more restrictive. But frankly, if you are going to have this bill, the amendment is ridiculous. If you are going to say we shouldn't have a guest worker program at all, the amendment might make sense. If you are going to say we want a guest worker program to essentially illegalize and make ineligible to participate in the program that you are setting up most of the people who are now doing it, and presumably you would want to participate, doesn't seem to make a hell of a lot of sense.

Mr. King. Would the gentleman yield?

Ms. Lofgren. Would the gentleman yield?

Mr. Nadler. I will yield to the gentlelady.

Ms. Lofgren. Why don't you yield to Mr. King, and I will get my own time. I didn't realize he also wanted time.

Mr. Nadler. Yes.

Mr. King. Well, thank you. And I appreciate that. Just for clarity, though, what this amendment does is it says we are not going to include people in this bill that have already broken our laws. And

that is a principle I have stood on for all of my time here in this Congress and beyond. And but yet it does not prohibit people that might come in under --

Mr. Nadler. I understand. Reclaiming my time, I understand that. I would point out that the employers who have been employing, presumably knowingly, all these undocumented people for years, your amendment would not preclude them from participating beneficially in this program going forward. It is one way.

But be that as it may, let me just say I oppose the amendment. I think if we are trying to rectify an existing situation and make an ongoing situation that is tolerable for everybody, you shouldn't simply take this whole population, or most of it, and say, you can't participate. I don't like the way you are setting up the new program, I said I don't like the bill. But this would make it frankly even worse, and I think impractical.

I will yield to the gentlewoman.

Ms. Lofgren. I thank the gentleman for yielding. I oppose the amendment.

I think it is worth stepping back a little bit here and to recall what it is that the agricultural community has been pleading with the Congress to do for many, many years. First is to suggest that agricultural work is unskilled, I have learned from the farming community is incorrect. I have heard from whether it is wine grape growers, or strawberry farmers, or garlic, or mushroom cutters, or shepherders, these are skills. And what they are desperate for is

to legalize their existing workforce because they are a valued workforce. They know what they are doing. And so that is what the provisions that the 70 farm bureaus and farm growers reached with the farm workers, a way to do that.

We also need to have a way in the future to get new farm workers legally into the country. And that agreement also addressed that. I remember when the Dr. Richard Land from the Southern Baptist Convention appeared before the immigration subcommittee some years ago and said for many years, the United States had two signs at the border. One said, "no trespassing," and the other said, "help wanted." And the over million individuals who are engaged in migrant farm work without proper documents were responding to the "help wanted" sign at the border.

Why was that situation created? We didn't have a lawful way for farmers in need of farm workers to get those individuals into the farm, as has been pointed out in the numerous hearings that we have had. The average delay under the H-2A program, which has been roundly criticized by Republicans, as well as many farmers, the average delay to get a worker to the field was 3 weeks. Well, if you are in farming, 3 weeks is too late. The crops are already gone. And so that program didn't work that well. And so I am not saying this is a good situation.

In fact, I think it is a bad situation that Congress helped to create. We had a market that was met by workers who did not have lawful status. What the farmers of America are asking us to do is to help their workforce get right with the law and to provide a legal way in

the future for farm workers to come in.

Mr. King's amendment moves in the opposite direction from that. It would make sure that the people with skills who are here working in the fields would not be participants in the future.

Chairman Goodlatte. The time of the gentleman has expired.

Ms. Lofgren. I would ask to strike the last word, and I won't use the entire time.

Chairman Goodlatte. The chair will recognize himself first, and then we will turn to the gentlewoman from California. I must also oppose this amendment. The Department of Labor reports that half of all hired crop farm workers are unlawful aliens. And that is based on self-reporting by workers. It is more likely that up to 75 percent of hired farm workers are here illegally. It would cripple American growers if they were to immediately lose their entire current illegal workforce.

Therefore, the bill provides that illegal aliens currently working in agriculture would be allowed to continue to work in agriculture during the 2-year period between the enactment of the act and the implementation of the H-2C program. This amendment would prevent growers' current workforce from continuing to work in agriculture.

And the gentleman may not be aware, but during the time that we debated this earlier we did add a provision that requires a touch back for those workers to be able to qualify to continue in the work that they are doing, which I think is a help to assuring that there is not

fraud and abuse made of this program.

But I would have to agree with the gentlewoman that this would cause a very serious problem, which I think would actually perpetuate the problem that I know the gentleman seeks to solve, which is we have too many people in this country who are not lawfully here.

But I think mistakes made when the 1986 law was passed, including a very inadequate H-2A program, have caused not only the large number of people working illegally in agriculture, but that has spread into other sectors of our economy as well. And it is far better to reel that back in, in an orderly fashion that recognizes the people who are working on farms need to continue to work on farms. We need to get them documented. We need to have the touch back. But with those provisions, I am very comfortable with the recognition that it would be a disaster for American agriculture if we were to accept the amendment offered by the gentleman from Iowa.

So I must oppose it.

Ms. Lofgren. Mr. Chairman?

Chairman Goodlatte. The gentlewoman from California is recognized for 5 minutes.

Ms. Lofgren. Thank you.

I am glad to hear that the chairman also opposes this. I just think that if you go review what we have done with this bill to date, that the chairman describes the requirement to leave the United States as a touch back, I think it is far more than that. Underlying the bill is that all of the skilled workers in the United States in the ag field

are going to have to show up and leave, self-deport if you will, and then there is no -- they don't have the ability to petition to come back in as an H-2C. They might get an H-2C visa; they might not. So, I mean, we are basically suggesting that people who have lived here for many years in many cases are going to face the prospect of having to leave and maybe never come back, leaving their jobs, their lives that they have built here, for a temporary visa that I just don't think it is credible that that will occur.

So I think that the likely outcome for the bill is that we will continue with a million undocumented farm workers, which is a situation we had hoped to improve.

I also think under both the bill, the manager's amendment, and Mr. King's proposal, that we have not adequately addressed the issue of how these individuals are really going to be able to -- let's say we pass this, although I think it is unlikely. But we are talking about a couple of a million people going in for interviews at consular offices to get a visa to come to the United States. Our experience with the H-2A program is that that doesn't work. It hasn't worked. There are delays. We are sequestering some of the money in the consular offices. This is an unworkable plan.

With the gentleman's amendment, the gentleman from Iowa's amendment would make it even more unworkable, and therefore, I would oppose it.

And I promised the chairman I wouldn't use my whole 5 minutes, so I will yield back.

Chairman Goodlatte. The chair appreciates that.

Who seeks recognition?

The gentlewoman from Texas is recognized for 5 minutes.

Ms. Jackson Lee. I have an inquiry of the gentleman who is the proponent of the amendment. What would be the framework of the farm workers program under your amendment? Your amendment takes each section where they would be statused and eliminates that possibility. Who would be the population of workers under your amendment?

Mr. King. I would point out to the gentlelady from Texas that it isn't Congress' responsibility to create that population of workers. It is our responsibility to define the law, and our responsibility to do what we can to encourage the executive branch to enforce it. They are not enforcing the law today.

Ms. Jackson Lee. Reclaiming my time, Mr. King. Thank you so very much.

Let me just say that that then speaks to I think a very important opposition: One, the program would be disrupted, unworkable, and nonexistent. And it means human beings who are here in the United States would scatter because there is no regularizing of their situation. The provision that indicates that if they are undocumented but working, and if they are working in the industry of farm work, they can stay, all of those people would be scattered. And so I think that more than it is unworkable, I think that it is particularly disruptive and unrealistic with the present population of individuals in a myriad of farm labor work in a myriad of products. And our agricultural

industry could not face that burden.

I would oppose the amendment on those grounds, and I yield back.

Chairman Goodlatte. The question occurs on the amendment offered by the gentleman from Iowa.

All those in favor respond by saying aye.

Those opposed, no.

In the opinion of the chair the noes have it.

Mr. King. Mr. Chairman?

Chairman Goodlatte. Yes.

Mr. King. I would request a rolled recorded vote.

Chairman Goodlatte. A recorded vote is requested. The clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

[No response.]

Ms. Deterding. Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

[No response.]

Ms. Deterding. Mr. Chabot?

[No response.]

Ms. Deterding. Mr. Bachus?

[No response.]

Ms. Deterding. Mr. Issa?

[No response.]

Ms. Deterding. Mr. Forbes?

Mr. Forbes. No.

Ms. Deterding. Mr. Forbes votes no.

Mr. King?

Mr. King. Aye.

Ms. Deterding. Mr. King votes aye.

Mr. Franks?

Mr. Franks. Aye.

Ms. Deterding. Mr. Franks votes aye.

Mr. Gohmert?

[No response.]

Ms. Deterding. Mr. Jordan?

[No response.]

Ms. Deterding. Mr. Poe?

[No response.]

Ms. Deterding. Mr. Chaffetz?

Mr. Chaffetz. No.

Ms. Deterding. Mr. Chaffetz votes no.

Mr. Marino?

[No response.]

Ms. Deterding. Mr. Gowdy?

[No response.]

Ms. Deterding. Mr. Amodei?

Mr. Amodei. No.

Ms. Deterding. Mr. Amodei votes no.

Mr. Labrador?

[No response.]

Ms. Deterding. Mr. Farenthold?

Mr. Farenthold. Yes.

Ms. Deterding. Mr. Farenthold votes aye.

Mr. Holding?

[No response.]

Ms. Deterding. Mr. Collins?

Mr. Collins?

Mr. Collins. Aye.

Ms. Deterding. Mr. Collins votes aye.

Mr. DeSantis?

Mr. DeSantis. Aye.

Ms. Deterding. Mr. DeSantis votes aye.

Mr. Smith of Missouri?

Mr. Smith of Missouri. Aye.

Ms. Deterding. Mr. Smith of Missouri votes aye.

Mr. Conyers?

Mr. Conyers. No.

Ms. Deterding. Mr. Conyers votes no.

Mr. Nadler?

Mr. Nadler. No.

Ms. Deterding. Mr. Nadler votes no.

Mr. Scott?

Mr. Scott. No.

Ms. Deterding. Mr. Scott votes no.

Mr. Watt?

Mr. Watt. No.

Ms. Deterding. Mr. Watt votes no.

Ms. Lofgren?

Ms. Lofgren. No.

Ms. Deterding. Ms. Lofgren votes no.

Ms. Jackson Lee?

Ms. Jackson Lee. No.

Ms. Deterding. Ms. Jackson Lee votes no.

Mr. Cohen?

Mr. Cohen. No.

Ms. Deterding. Mr. Cohen votes no.

Mr. Johnson?

Mr. Johnson. No.

Ms. Deterding. Mr. Johnson votes no.

Mr. Pierluisi?

Mr. Pierluisi. No.

Ms. Deterding. Mr. Pierluisi votes no.

Ms. Chu?

Ms. Chu. No.

Ms. Deterding. Ms. Chu votes no.

Mr. Deutch?

Mr. Deutch. No.

Ms. Deterding. Mr. Deutch votes no.

Ms. Deterding. Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

[No response.]

Ms. Deterding. Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. No.

Ms. Deterding. Ms. DelBene votes no.

Mr. Garcia?

[No response.]

Ms. Deterding. Mr. Jeffries?

Mr. Jeffries. No.

Ms. Deterding. Mr. Jeffries votes no.

Mr. Bachus. How am I recorded?

Chairman Goodlatte. The gentleman from Alabama?

Mr. Bachus. I vote yes.

Ms. Deterding. Mr. Bachus votes aye.

Chairman Goodlatte. The gentleman from North Carolina?

Mr. Coble. No.

Ms. Deterding. Mr. Coble votes no.

Chairman Goodlatte. The gentleman from California?

Mr. Issa. No.

Ms. Deterding. Mr. Issa votes no.

Chairman Goodlatte. The gentleman from Texas?

Mr. Poe. No.

Chairman Goodlatte. The gentleman from Alabama seeks recognition.

Mr. Bachus. I vote no, I am sorry.

Ms. Deterding. Mr. Bachus votes no.

Chairman Goodlatte. The gentleman from Idaho?

Mr. Labrador. No.

Ms. Deterding. Mr. Labrador votes no.

Chairman Goodlatte. Are there other members who have not voted but wish to be recorded?

The clerk will report.

Ms. Deterding. Mr. Chairman, 6 members voted aye; 22 members voted nay.

Chairman Goodlatte. And the amendment is not agreed to.

Are there further amendments?

The gentleman from Texas has an amendment?

Mr. Gohmert. Thank you, Mr. Chair. Yes.

Chairman Goodlatte. The clerk will report the amendment.

Mr. Gohmert. No. 22.

Ms. Deterding. Amendment to H.R. 1773, offered by Mr. Gohmert from Texas.

Ms. Lofgren. Mr. Chairman, I reserve a point of order.

Chairman Goodlatte. A point of order is reserved. And the

amendment is considered as read. And the gentleman from Texas is recognized for 5 minutes on his amendment.

[The amendment of Mr. Gohmert follows:]

***** INSERT 4-4 *****

Mr. Gohmert. Thank you, Mr. Chair.

And with regard to employers that have come around and talked to many of us about the need for more workers to harvest crops, we have had farmers from Texas, farmers from California, who have said repeatedly, you know, if we are not able to have workers come in and harvest our crops, then you are not going to get your fruit; you are not going to get your vegetables.

I am a big fan of U.S.-grown fruit and vegetables. And each time they have come in, I have said, you know, the problem we have run into is there are people who come in as temporary workers, whether it is legally or illegally, and we end up having to pay for their health care. Citizens that are barely getting by who have provided for their own insurance or their employer, actually part of their compensation provided by their employer includes a health care policy, they end up having to pay more through their insurance, through their own payments to the hospital or health care provider to cover for all of those who come in and work, yet have no insurance when they come in the country.

And as I have talked to employers who say we have got to have this additional labor, the thing that I have mentioned is, if we really have to have more laborers temporarily to get crops harvested, then surely you would be willing to have some type of umbrella insurance policy to cover them so that actually all Americans do not end up supplementing or subsidizing what you are paying by having to pay for all the health care, because as we all know, if anyone shows up at the emergency room of any hospital seeking health care and it is provided at that hospital,

you cannot simply turn people away because they do not have insurance or cannot pay.

Accordingly, we all end up paying for those health care services by higher prices for everyone else. So, fine, if you are going to have people legally come in to temporarily harvest crops, whatever is needed, fine. But you need to provide for their health care instead of forcing all of the rest of us to pay what you are not paying in the wage to cover their health care.

So I think in a bill such as we are taking up here, if we are going to do this as it is talking about, provide this guest worker permit, then certainly it is reasonable to have employers pick up the health care costs through an umbrella insurance policy that will cover them. This is not Obamacare. This is a health care policy that will take care of the workers' needs while they are in this country so that if employers really do need additional workers, they really can't find them, they are not going to make the rest of us pay for their health care.

And with that, I will yield back.

Ms. Lofgren. Mr. Chairman?

Chairman Goodlatte. Does the gentlewoman insist on her point of order?

Ms. Lofgren. No, I do not, because I think this is a limitation on the conditions of the H-2C worker employer, which is covered in the bill, and so I will not insist on my point of order.

However, I would like to strike the last word.

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Lofgren. I could support this amendment with a second degree amendment, Mr. Gohmert, and I would like to explain why. I would propose, and I just hand wrote, if we were to strike, on line 6, the subtraction from wages, I would support this amendment. Here is the problem. We could end up with employees receiving no wage whatsoever. So I think if we had provided that the deduction does not bring the employees' salary below minimum wage, at least we would have that protection. And that would be my suggestion, in which case I would support your amendment. That would be a friendly amendment.

Mr. Gohmert. Mr. Chair, may I accept that friendly amendment and strike that portion from my amendment?

I see the gentlelady's point. We wouldn't want people working basically as unpaid labor. Just the benefit of being in this country and working that hard in the hot sun without any wages just for health care wouldn't seem to be adequate. So I would accept that as an amendment and would ask that the line beginning with --

Chairman Goodlatte. The gentleman yield?

This requires unanimous consent.

Mr. Gohmert. Yes. And I would ask unanimous consent that we make the friendly amendment offered by Ms. Lofgren.

Chairman Goodlatte. Is there objection?

If there is no objection, I will register, reluctantly, my objection, because I do not support mandatory health insurance, and

therefore, I cannot support the amendment in either form.

Ms. Lofgren. Well, Mr. Chairman, if I may inquire, I think I am still under my 5 minutes, I will have in just a very short order an amendment at the desk that will be an amendment to Mr. Gohmert's amendment that is in order that will do precisely what --

Mr. Gohmert. If the gentlelady will yield, actually I can withdraw this amendment, strike that portion, and then offer amendment 23.

Ms. Lofgren. That would actually probably be quicker.

Mr. Gohmert. Then Mr. Chairman, at this time, I would withdraw amendment 22.

Chairman Goodlatte. Is there objection to the withdrawal of the amendment?

Being none, the amendment is withdrawn.

While the members work on this, the committee will stand in recess, and we will reconvene following the votes that are expected earlier this evening, and we will reconvene immediately after those votes.

[Recess.]

RPTS KERR

DCMN HERZFELD

[7:15 p.m.]

Chairman Goodlatte. The committee will reconvene on H.R. 1773. When we last recessed, the committee was considering amendments, and so the question is are there further amendments to H.R. 1773?

For what purpose does the gentlewoman from California seek recognition?

Ms. Lofgren. Mr. Chairman, when we left, Mr. Gohmert had indicated that we were going to do his amendment with some changes. I had a chance to talk to him just briefly, and he wants to work more on it, which -- but I thought I would -- just in terms of transparency to the public, it would be a good idea to explain why it is not being offered. I don't want to jump in and recast what Mr. Gohmert told me, but I understand it has to do with wanting to be more precise in the language and the like. I just thought it would be a good idea to explain why that is not proceeding.

Chairman Goodlatte. The gentleman from Texas is not here, but we can have you explain it.

Ms. Lofgren. Well, I just had a very brief conversation with Mr. Gohmert, and he indicated to me that in -- he had decided that, you know, the amendment was drafted kind of at the last minute, and that he didn't have a chance to deal with the precision that he had wanted, and therefore had decided not to proceed at this point and wanted to

work on it further. So obviously it is his amendment, not mine, and I don't disagree with his judgment, but I just wanted to, you know, make a public statement to that effect, because otherwise I think people would be wondering, you know, what the heck was going on.

Chairman Goodlatte. Very well.

Are there amendments?

Gentlewoman from California.

Ms. Lofgren. Well, Mr. King had an amendment that I was looking forward to his offering, and I don't see him here, so perhaps I can offer his amendment that reduces the number of visas from 500,000 to 250,000.

Chairman Goodlatte. I don't know that Mr. King would choose to offer it, but if you do, we can consider the amendment.

Ms. Lofgren. The amendment is at the desk.

Chairman Goodlatte. Clerk will report.

Ms. Deterding. Amendment to H.R. 1773 offered by Ms. Lofgren of California. Page 42, line 10, strike "500,000" and insert "250,000."

[The amendment of Mr. King follows:]

***** INSERT 5-1 *****

Chairman Goodlatte. The gentleman is recognized for 5 minutes in support of her amendment.

Ms. Lofgren. Mr. Chairman, I don't know that I will need to take the entire 5 minutes, but as we discussed with Mr. King's prior amendment that allowed the Secretary to lower but not to raise the number, I have tremendous concerns about this bill, which I have discussed. I do think that because of the structure of the program, we will have the 500,000, or, if this amendment is successful, the 250,000, will not have adequate wages, working conditions, housing and the like. And it just strikes me that the market conditions will be better for these agricultural workers in the future if farmers have to do a little competition for them.

I would also note that 500,000 of visas a year is an extraordinary number. When you think that we have 2 million migrant farm workers currently employed today, and some number of them, you know, we don't know, but probably somewhere between half and three-quarters are undocumented, which means that we have, you know, hundreds of thousands who are legal permanent residents or U.S. citizens, you know, we would be bringing in, in a period of 3 years at 500,000, the entire amount of migrant farm workers we have accumulated over the many decades. It seems like an excessive amount. So I think the 250- amount is a better number.

A further point. All of these visa applications are going to require processing at U.S. consulates abroad. We do know already that with the H-2A program that really has ordinarily a much smaller amount,

in the 60-, 70,000-range each year, that the processing demands on the consulates are so extraordinary that on average the H-2V -- H-2A visa holders show up in the fields 3 weeks late.

So I think to have a more manageable bite for the State Department is also a plus. I think this is certainly going to be more than enough in terms of the future flow. And finally, I think it is consistent with Mr. King's prior amendment. In fact, I thought he was going to offer this, which is why I did not create my own amendment. So I am happy to offer his amendment, and given the hour, I am not going to go any further into it.

I would yield back.

Chairman Goodlatte. The chair thanks the gentlewoman. Is the gentlelady not offering that, having offered it?

Ms. Lofgren. No, I am offering it. I am just not talking about it in --

Chairman Goodlatte. She is offering it.

Mr. Issa. Then I move to strike the last word.

Chairman Goodlatte. The gentleman is recognized.

Ms. Issa. I never doubt the intentions of anyone, but I know why Mr. King would want to reduce the number. As a friend and colleague, he really doesn't support an expansive guest worker program. He doesn't, as far as I know, support the underlying concept that 1.2 million ag workers, disproportionately in the gentlelady's home State along with mine, currently work in agricultural. We have, must need and are planning to normalize 1.2 million people in agricultural.

We know from experience, in no uncertain terms, that once any period of lock-in is over, those people will begin leaving agricultural in droves. They not only did it in 1986, but they do it in the natural progression even while still illegal. So we know, everyone on this dais knows, that a permanent need will exist for ag labor that will not be at a competitive price available from domestic workers, not at the strawberry plant -- you know, picking areas that exist, the farms that exist in any district, or the tomatoes, or any of the other plants.

We know that just a few miles south you can go to Mexico. Pesticides are cheaper, water is cheaper, land is cheaper, and, yes, labor is cheaper, and it comes over our border duty-free. So we are either making a decision in immigration reform to have a pathway for a win-win between people who happily will accept the 12, 13, \$14 an hour of wages available in agricultural, and come for that purpose to our country, and return to their homes richer and wiser and better off because of it for both the people to the north and the people ordinarily to the south. We are either going to do that, or we are going to give up on agricultural.

Illegal immigration is not just about jobs that are here; it is about vacancies that even in the best of times continue, or worst of times continue to be there. So the gentlelady's movement to strike to 250- is a death blow to this Member ever voting for normalization. And the gentlelady and I are from the largest agricultural State in the Union; we produce more food you eat than any other State in the Union. If we cannot have a fix that is sustainable for our agricultural

in California, then, by God, I won't be voting for this bill. So if the gentlelady wants this bill killed, and I don't believe she does, she is doing just the right things to kill it.

We need 1.2 million workers. Substantially those workers in agriculture will be part of an ongoing win-win with workers from other places around the country. So --

Chairman Goodlatte. Will the gentleman yield?

Mr. Issa. Of course, Mr. Chairman.

Chairman Goodlatte. I share the gentleman's opposition to this amendment, and the American Farm Bureau will tell you that following the 1986 experience, one-third of farm workers left the farms because they could work anywhere that they wanted to work. So this number is a very reasonable number, and I would oppose lowering it. And the gentleman is correct, it would cause a serious problem for American agriculture being able to harvest its crops and process its food.

Mr. Issa. Mr. Chairman, thank you.

Reclaiming my time. I did not plan to do it in this format, but since the King amendment has been offered, I am going to offer a secondary amendment to raise the number to 1.2 million. The reason for raising it 1.2 million, of course the number can be lowered, and a flexible lowering can make sense.

Chairman Goodlatte. Does the gentleman have an amendment at the desk? If the gentleman would continue to yield, I would also have to oppose that amendment.

Mr. Issa. I was well aware of that, Mr. Chairman.

Chairman Goodlatte. I don't know that anybody knows the perfect number, but I think it is a lot closer to 500,000 than it is to 250,000 or 1.2 million.

Mr. Issa. Well, Mr. Chairman, if I can reclaim just a bit of time. If we can --

Chairman Goodlatte. And if the gentleman further yields --

Mr. Issa. Of course.

Chairman Goodlatte. -- the cap in our bill does not include people who are working in agriculture now, and we hope that many of them will stay on farms when this program comes into effect. So that is in addition to the 500,000. So I would think the gentleman would not need to offer the amendment.

Mr. Issa. Well, and I am prepared not to offer the amendment and to vote against the King amendment. If we can work on language that provides a mechanism other than the whim of a future Secretary, if we can ensure that it is analytical in its nature --

Chairman Goodlatte. I would be prepared to work with you and the gentlewoman from California to in the future find something that is more precise in terms of identifying what the market conditions are.

Mr. Issa. Then I absolutely look forward to opposing the amendment, not offering a secondary amendment, and working with my chairman.

Chairman Goodlatte. The chair thanks the gentleman.

Mr. Issa. I yield back.

Chairman Goodlatte. Question occurs on the amendment -- the

gentleman from North Carolina is recognized for 5 minutes.

Mr. Watt. Move to strike the last word.

Chairman Goodlatte. The gentleman is recognized.

Mr. Watt. And yield to Ms. Lofgren.

Ms. Lofgren. Thank you, Mr. Watt.

I will be brief. First I appreciate my colleague from California's comments. California is an important agricultural area. Mr. Issa and I don't agree on everything, but we also work together oftentimes on many issues. So this is really a disagreement about the utility of these numbers.

First I would like to make the point that I don't see, under this bill, that there is actually any way for the current workforce to actually normalize their status. With the manager's amendment, they all have to leave. They are not able to petition to return. There is no guarantee that they will be able to come back. If they don't step forward to be -- to essentially self-deport, they are ineligible for the H-2C program. So I think that that is not going to lead to normalization, number one.

Number two, I do think because the likely outcome of this will be a continued large number of undocumented ag workers, plus a very large number of temporary workers without any protection, and the number that we have identified in terms of likely salary is \$8.50 an hour, and with a 10 percent withholding for kind of a requirement to be outside of the country, it is below California's minimum wage.

So, I have a twofold or threefold issue. One, I think that if

we want to have competition so that the wages don't continue to sink, it might be a good idea to have a little competition and not have the 500,000 a year.

Secondarily, when you look at the whole number of migrant farm workers in the United States, at 500,000 a clip, 500,000 a year, you get the entire migrant farm worker population in a period of 4 years, and I think that that probably isn't necessary.

You know, I am pro-immigrant, as the Chairman Issa knows. I think immigration is great for the United States, I think it built the country, but I think in this case we will probably be better served on this temporary program to have a smaller amount and --

Mr. Issa. Will the gentlelady yield?

Ms. Lofgren. I would yield Mr Watt's time.

Ms. Issa. If the gentleman would yield, Mr. Watt.

Mr. Watt. I yield.

Mr. Issa. I thank you.

I think the gentlelady makes interesting points. I don't believe it is 500,000 per year. I think we would all have a different concern if it was to get to 2 million in 4 years and keep growing. But in this case I think the chairman has made, I think, an offer that both of us should accept, which is a protection mechanism that both protects the wage, but provides that mechanism for the right number of people. Hopefully we can work together, as we have in so many other areas, on finding that mechanism, which then effectively means a cap isn't even -- we don't even need the number if we have the mechanism.

Ms. Lofgren. Reclaiming my time. As with the agreement reached by the various farm associations and the Farm Workers Union, these visas are going to compound because they are 18-month to 3-year visas. And so you can't just count them, they are coming in once, they are going to stay for 3 years, and you have got other people. So it ends up being a far larger number than you would expect. As a matter of fact, when we added up the numbers on some of the other temporary programs, for example, the Chamber of Commerce program, that ends up being compounding about 1.3 million people. So the numbers add up fast. I just wanted to make that point. We may have a disagreement on what we should do, but I think my logic is sound. Of course, I always do.

And I thank the gentleman from North Carolina for yielding his time. I yield back, and be happy to have a vote.

Chairman Goodlatte. The question occurs on the amendment offered by the gentlewoman from California. All those in favor, respond by saying aye.

Those opposed, no.

Ms. Lofgren. Could we have a recorded vote, Mr. Chairman?

Chairman Goodlatte. Recorded vote is requested, and the clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. Votes no.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

Mr. Sensenbrenner. No.

Ms. Deterding. Mr. Sensenbrenner votes no.

Mr. Coble?

Mr. Coble. No.

Ms. Deterding. Mr. Coble votes no.

Mr. Smith from --

Chairman Goodlatte. She will just yell it out, and we will all hear it.

Ms. Deterding. Mr. Sensenbrenner?

Mr. Sensenbrenner. No.

Ms. Deterding. Mr. Sensenbrenner votes no.

Mr. Coble?

Mr. Coble. No.

Ms. Deterding. Mr. Coble votes no.

Mr. Smith of Texas?

Mr. Smith of Texas. No.

Ms. Deterding. Mr. Smith of Texas votes no.

Mr. Chabot?

Mr. Chabot. No.

Ms. Deterding. Mr. Chabot votes no.

Mr. Bachus?

Mr. Bachus. No.

Ms. Deterding. Mr. Bachus votes no.

Mr. Issa?

Mr. Issa. No.

Ms. Deterding. Mr. Issa votes no.

Mr. Forbes?

Mr. Forbes. No.

Ms. Deterding. Mr. Forbes votes no.

Mr. King?

[No response.]

Ms. Deterding. Mr. Franks?

Mr. Franks. No.

Ms. Deterding. Mr. Franks votes no.

Mr. Gohmert?

[No response.]

Ms. Deterding. Mr. Jordan?

Mr. Jordan. No.

Ms. Deterding. Mr. Jordan votes no.

Mr. Poe?

Mr. Poe. No.

Ms. Deterding. Mr. Poe votes no.

Mr. Chaffetz?

Mr. Chaffetz. No.

Ms. Deterding. Mr. Chaffetz votes no.

Mr. Marino?

[No response.]

Ms. Deterding. Mr. Gowdy?

Mr. Gowdy. No.

Ms. Deterding. Mr. Gowdy votes no.

Mr. Amodei?

Mr. Amodei. No.

Ms. Deterding. Mr. Amodei votes no.

Mr. Labrador?

Mr. Labrador. No.

Ms. Deterding. Mr. Labrador votes no.

Mr. Farenthold?

Mr. Farenthold. No.

Ms. Deterding. Mr. Farenthold votes no.

Mr. Holding?

Mr. Holding. No.

Ms. Deterding. Mr. Holding votes no.

Mr. Collins?

Mr. Collins. No.

Ms. Deterding. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Mr. Smith of Missouri?

Mr. Smith of Missouri. No.

Ms. Deterding. Mr. Smith of Missouri votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Deterding. Mr. Conyers votes aye.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Deterding. Mr. Nadler votes aye.

Mr. Scott?

Mr. Scott. Aye.

Ms. Deterding. Mr. Scott votes aye.

Mr. Watt?

Mr. Watt. Aye.

Ms. Deterding. Mr. Watt votes aye.

Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Deterding. Ms. Lofgren votes aye.

Ms. Jackson Lee?

Ms. Jackson Lee. Aye.

Ms. Deterding. Ms. Jackson Lee votes aye.

Mr. Cohen?

Mr. Cohen. Aye.

Ms. Deterding. Mr. Cohen votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

Ms. Deterding. Mr. Johnson votes aye.

Mr. Pierluisi?

Mr. Pierluisi. Aye.

Ms. Deterding. Mr. Pierluisi votes aye.

Ms. Chu?

Ms. Chu. Aye.

Ms. Deterding. Ms. Chu votes aye.

Mr. Deutch?

Mr. Deutch. Aye.

Ms. Deterding. Mr. Deutch votes aye.

Mr. Gutierrez?

Mr. Gutierrez. Aye.

Ms. Deterding. Mr. Gutierrez votes aye.

Ms. Bass?

Ms. Bass. Aye.

Ms. Deterding. Ms. Bass votes aye.

Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Garcia?

Mr. Garcia. Aye.

Ms. Deterding. Mr. Garcia votes aye.

Mr. Jeffries?

Mr. Jeffries. Aye.

Ms. Deterding. Mr. Jeffries votes aye.

Chairman Goodlatte. Clerk will report.

Ms. Deterding. Mr. Chairman, 16 Members voted aye, and 20 Members voted no.

Chairman Goodlatte. And the amendment is not agreed to.

Are there further amendments?

The reporting quorum being present, the question is on the motion to report the bill, H.R. 1773, as amended, favorably to the House. Those in favor will say aye.

Those opposed, no.

Opinion of the chair, the ayes have it. The bill is amended as ordered, reported favorably.

Mr. Conyers. May we have a recorded vote?

Chairman Goodlatte. A recorded vote is requested, and the clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. Aye.

Ms. Deterding. Mr. Goodlatte votes aye.

Mr. Sensenbrenner?

Mr. Sensenbrenner. Aye.

Ms. Deterding. Mr. Sensenbrenner votes aye.

Mr. Coble?

Mr. Coble. Aye.

Ms. Deterding. Mr. Coble votes aye.

Mr. Smith of Texas?

Mr. Smith of Texas. Aye.

Ms. Deterding. Mr. Smith of Texas votes aye.

Mr. Chabot?

Mr. Chabot. Aye.

Ms. Deterding. Mr. Chabot votes aye.

Mr. Bachus?

Mr. Bachus. Aye.

Ms. Deterding. Mr. Bachus votes aye.

Mr. Issa?

Mr. Issa. Aye.

Ms. Deterding. Mr. Issa votes aye.

Mr. Forbes?

Mr. Forbes. Aye.

Ms. Deterding. Mr. Forbes votes aye.

Mr. King?

[No response.]

Ms. Deterding. Mr. Franks?

Mr. Franks. Aye.

Ms. Deterding. Mr. Franks votes aye.

Mr. Gohmert?

[No response.]

Ms. Deterding. Mr. Jordan?

Mr. Jordan. Yes.

Ms. Deterding. Mr. Jordan votes aye.

Mr. Poe?

Mr. Poe. Yes.

Ms. Deterding. Mr. Poe votes aye.

Mr. Chaffetz?

Mr. Chaffetz. Aye.

Ms. Deterding. Mr. Chafftez votes aye.

Mr. Marino?

Mr. Marino. Aye.

Ms. Deterding. Mr. Marino votes aye.

Mr. Gowdy?

Mr. Gowdy. Yes.

Ms. Deterding. Mr. Gowdy votes aye.

Mr. Amodei?

Mr. Amodei. Aye.

Ms. Deterding. Mr. Amodei votes aye.

Mr. Labrador?

Mr. Labrador. Yes.

Ms. Deterding. Mr. Labrador votes aye.

Mr. Farenthold?

Mr. Farenthold. Yes.

Ms. Deterding. Mr. Farenthold votes aye.

Mr. Holding?

Mr. Holding. Aye.

Ms. Deterding. Mr. Holding votes aye.

Mr. Collins?

Mr. Collins. Aye.

Ms. Deterding. Mr. Collins votes aye.

Mr. DeSantis?

Mr. DeSantis. Aye.

Ms. Deterding. Mr. DeSantis votes aye.

Mr. Smith of Missouri?

Mr. Smith of Missouri. Aye.

Ms. Deterding. Mr. Smith of Missouri votes aye.

Mr. Conyers?

Mr. Conyers. No.

Ms. Deterding. Mr. Conyers votes no.

Mr. Nadler?

Mr. Nadler. No.

Ms. Deterding. Mr. Nadler votes no.

Mr. Scott?

Mr. Scott. No.

Ms. Deterding. Mr. Scott votes no.

Mr. Watt?

Mr. Watt. No.

Ms. Deterding. Mr. Watt votes no.

Ms. Lofgren?

Ms. Lofgren. No.

Ms. Deterding. Ms. Lofgren votes no.

Ms. Jackson Lee?

Ms. Jackson Lee. No.

Ms. Deterding. Ms. Jackson Lee votes no.

Mr. Cohen?

Mr. Cohen. No.

Ms. Deterding. Mr. Cohen votes no.

Mr. Johnson?

Mr. Johnson. No.

Ms. Deterding. Mr. Johnson votes no.

Mr. Pierluisi?

Mr. Pierluisi. No.

Ms. Deterding. Mr. Pierluisi votes no.

Ms. Chu?

Ms. Chu. No.

Ms. Deterding. Ms. Chu votes no.

Mr. Deutch?

Mr. Deutch. No.

Ms. Deterding. Mr. Deutch votes no.

Mr. Gutierrez?

Mr. Gutierrez. No.

Ms. Deterding. Mr. Gutierrez votes no.

Ms. Bass?

Ms. Bass. No.

Ms. Deterding. Ms. Bass votes no.

Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. No.

Ms. Deterding. Ms. DelBene votes no.

Mr. Garcia?

Mr. Garcia. No.

Ms. Deterding. Mr. Garcia votes no.

Mr. Jeffries?

Mr. Jeffries. No.

Ms. Deterding. Mr. Jeffries votes no.

Chairman Goodlatte. The clerk will report.

Ms. Deterding. Mr. Chairman, 20 Members voted aye, and 16 Members voted no.

Chairman Goodlatte. I am sorry?

Ms. Deterding. Twenty Members voted aye. Sixteen Members voted nay.

Chairman Goodlatte. Twenty Members voted aye. Sixteen Members voted nay. The bill is ordered reported favorably. Members will have 2 days to submit views. Without objection, the bill will be reported as a single amendment in the nature of a substitute incorporating all adopted amendments, and staff is authorized to make technical and conforming changes.

This concludes our business for today. I want to thank all of the Members for attending, and the meeting is adjourned.

[Whereupon, at 7:35 p.m., the committee was adjourned.]