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4 MARKUP OF H.R. 2131, THE SUPPLYING KNOWLEDGE-BASED

5 IMMIGRANTS AND LIFTING LEVELS OF STEM VISAS ACT (THE SKILLS

6 VISAS ACT)

7 Thursday, June 27, 2013

8 House of Representatives

9 Committee on the Judiciary

10 Washington, D.C.

11 The committee met, pursuant to call, at 10:37 a.m., in  
12 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte  
13 [chairman of the committee] presiding.

14 Present: Representatives Goodlatte, Sensenbrenner,  
15 Coble, Smith of Texas, Chabot, Bachus, Issa, Forbes, King,  
16 Franks, Gohmert, Jordan, Poe, Chaffetz, Marino, Gowdy,

17 Amodei, Labrador, Farenthold, Holding, Collins, DeSantis,  
18 Smith of Missouri, Conyers, Nadler, Scott, Watt, Lofgren,  
19 Jackson Lee, Cohen, Johnson, Pierluisi, Chu, Deutch,  
20 Gutierrez, Bass, Richmond, DelBene, Garcia, and Jeffries.

21 Staff Present: Kelsey Deterding, Clerk; Anthony Angeli,  
22 Majority Counsel; and Joe Graupensberger, Minority Counsel.

23

24 Chairman Goodlatte. Good morning. The Judiciary  
25 Committee will come to order.

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

28 Pursuant to notice, I now call up H.R. 2131 for purposes  
29 of markup and move that the committee report the bill  
30 favorably to the House.

31 The clerk will report the bill.

32 Ms. Deterding. H.R. 2131, to amend the Immigration and  
33 Nationality Act, to enhance American competitiveness --

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

36 [The information follows:]

37

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

40 I want to start by thanking Mr. Issa for introducing an  
41 extremely important bill, a bill that will go a long way  
42 toward enhancing America's economic competitiveness and  
43 creating good jobs for American workers. I look forward to  
44 passing the SKILLS Visa Act and helping put America on the  
45 path of sustained economic growth.

46 The contributions of highly skilled and educated  
47 immigrants to the United States are well documented.  
48 Seventy-six percent of the patents awarded to our top  
49 patent-producing universities had at least one foreign-born  
50 inventor. According to a recent report, these foreign-born  
51 inventors played especially large roles in cutting-edge  
52 fields like semiconductor device manufacturing, information  
53 technology, pulse or digital communications, pharmaceutical  
54 drugs or drug compounds, and optics.

55 A study by the American Enterprise Institute and the  
56 Partnership for a New American Economy found that an  
57 additional 100 immigrants with advanced STEM degrees from  
58 U.S. universities are associated with an additional 262 jobs

59 for natives. The study also found that immigrants with  
60 advanced degrees pay over \$22,000 a year in taxes, yet their  
61 families receive less than \$2,300 in Government benefits.

62 The United States has the most generous legal  
63 immigration system in the world, providing permanent  
64 residence to over 1 million immigrants a year. Yet how many  
65 of these immigrants do we select on the basis of the  
66 education and skills that they can bring to America? Only  
67 12 percent, barely more than 1 out of 10, and that figure  
68 includes the immigrant's family members.

69 Given the outstanding track record of immigrants in  
70 founding some of our most successful companies, how many  
71 immigrants do we select on the basis of their  
72 entrepreneurial talents? Only a handful, and that is only  
73 if they already have the hundreds of thousands of dollars  
74 needed to participate in the investor visa program.

75 Does any of this make sense, given the intense  
76 international competition that America faces? Does any of  
77 this make sense, given that many talented foreign graduates  
78 of our best universities are giving up hope of getting a  
79 green card and are packing up and moving home to work for

80 our competitors?

81 Does any of this make sense, given that Indian nationals  
82 with advanced degrees sought out by American industry have  
83 to wait over 8 years for a green card? Does any of this  
84 make sense, given that Australia, the United Kingdom, and  
85 Canada each select over 60 percent of their immigrants on  
86 the basis of skills and education?

87 The answer is clearly not. Attracting the world's best  
88 and brightest is decidedly in the interest of all Americans.  
89 Today, talented individuals have many options worldwide as  
90 to where to relocate. America needs to regain its place as  
91 the number-one destination for the world's best and  
92 brightest.

93 Of course, at the same time, we need to ensure that  
94 whatever we do brightens rather than darkens the career  
95 prospects of American students and American workers. We  
96 need to ensure that we don't discourage young Americans from  
97 entering high-tech fields in the first place.

98 We need to ensure that we do not undercut the wages of  
99 American workers. We need to ensure that we do not  
100 encourage diploma mills. We need to ensure that employers

101 first seek out American workers before petitioning for green  
102 cards for foreigners.

103 Thankfully, Mr. Issa's bill accomplishes all of these  
104 goals. First, the bill allocates up to 55,000 green cards a  
105 year for employers to petition for foreign graduates of U.S.  
106 universities with advanced degrees in STEM fields. The  
107 House passed similar legislation last Congress, introduced  
108 by former Chairman Smith. And I would like to thank  
109 Chairman Smith for his tremendous work on this issue and for  
110 his contributions to the legislation before us today.

111 The bill also allocates up to 10,000 green cards a year  
112 for alien entrepreneurs who can attract investment from  
113 venture capital firms to establish businesses that will  
114 create at least 5 jobs or have already created 5 jobs over  
115 10 years through the E-2 treaty investor program.

116 The bill allocates an additional 15,000 green cards a  
117 year to the employment-based second preference category for  
118 members of the professions with advanced degrees and persons  
119 of exceptional ability. It also allocates an additional  
120 15,000 green cards a year for the third preference category  
121 for skilled workers and professionals with bachelor's

122 degrees.

123       The bill strengthens the investor visa green card  
124 program by making the regional center pilot project  
125 permanent, indexing investment requirements for inflation,  
126 and adding needed anti-fraud protections. The bill also  
127 allocates an additional 25,000 green cards a year to the  
128 spouses and minor children of permanent residents.

129       The bill repeals the diversity lottery green card  
130 program and the siblings of U.S. citizens green card  
131 program. These visa programs cannot be justified, given all  
132 the more compelling competing demands for the limited number  
133 of green cards that we can make available. The bill also  
134 eliminates the employment-based green card per country cap  
135 and raises the family-sponsored cap.

136       Last Congress, the House passed legislation authored by  
137 Representative Jason Chaffetz to address these reforms. Mr.  
138 Chaffetz has been a leader on these important reforms for  
139 many years, and I want to thank him for his contribution to  
140 today's legislation.

141       Furthermore, the bill permanently authorizes the program  
142 allowing foreign doctors to work in medically underserved



143 areas without first having to return home for 2 years after  
144 their residencies. In addition, the bill increases the H-1B  
145 visa cap for high-skilled workers to 155,000 a year and  
146 increases the special pool of visas for foreign graduates of  
147 U.S. universities to 40,000. Overall, the bill more than  
148 doubles the H-1B visa cap.

149 The SKILLS Visa Act is a tremendous bill that will help  
150 Americans in many ways. I will be offering a manager's  
151 amendment in cooperation with Mr. Issa that will further  
152 improve the bill. The manager's amendment will ensure that  
153 we strike the best balance possible between protecting  
154 American workers and preventing unnecessary regulations on  
155 businesses relying on guest worker programs.

156 I urge the members of this committee to support this  
157 important legislation.

158 And I now recognize the ranking member of the committee,  
159 the gentleman from Michigan, Mr. Conyers, for his opening  
160 statement.

161 Mr. Conyers. Thank you, Chairman Goodlatte.

162 And members of the committee, what a week this has been  
163 and what a last week it has been. I begin by welcoming back

164 the gentleman from New York, Jerrold Nadler. His absence  
165 was noted and missed at yesterday's session.

166 But look, last week, the SAFE Act, enforcement only,  
167 every immigrant is a criminal and has to prove himself.  
168 That was last week. Last week, the agriculture bill, 50 to  
169 75 percent of the agriculture workers are undocumented, and  
170 we came out with a program to report to deport. That is how  
171 we are going to take care of that issue.

172 And then yesterday, E-Verify, mandatory employment  
173 verification. How in the world can you do that with all of  
174 these issues unresolved? And then today, let us go to the  
175 STEM Visa SKILLS Act, the zero sum game that everybody with  
176 talent that we let in with a green card, that we have to cut  
177 off a green card for somebody else.

178 This is an incredible journey that we have been taken  
179 on, and of course, we end up looking -- we always start off  
180 looking reasonable. Let us let in the science and  
181 technology, engineering, math people. But -- I support  
182 that, but scratch the surface and then we see the poison  
183 pills that are involved in this. And I am so glad that the  
184 chairman didn't mention these because that is the point of

185 my opening statement.

186 For starters, we create new channels for STEM graduates,  
187 but it also offsets green cards for employment-based  
188 immigrants by eliminating the longstanding diversity  
189 program, which provides green cards to nationals from the  
190 countries that have low levels of immigration from African  
191 countries. I know Issa didn't mean anything racially  
192 connected with the way he devised this operation. I free  
193 him of that charge.

194 As a result of this offset, immigration for African  
195 countries, which normally receive half of all diversity  
196 visas, will be drastically reduced. Uh-oh. Yet the bill  
197 goes even further.

198 It eliminates family-based sibling category that allows  
199 U.S. citizens to reunite with their brothers and sisters,  
200 and it would render null and void the approved petitions of  
201 siblings waiting for so long in the green card backlog.  
202 Please, this is a terrible bill that is getting worse.

203 I want to note over the last 2 weeks of markups, the  
204 Republicans on the other side have repeatedly said that they  
205 will consider a law allowing undocumented immigrants to gain

206 legal status. They asked us to trust them that the  
207 provisions in the SAFE Act, which creates the new crime of  
208 unlawful presence that would turn millions of undocumented  
209 immigrants into criminals overnight, will not apply to the  
210 undocumented because of some legalization plan that they  
211 will eventually unveil.

212 They asked us to trust them on a program in which 1.5  
213 million agricultural workers will be told to report to  
214 deport, and then 10 percent of their wages will be held to  
215 be picked up to the country that they return back to. And  
216 yesterday, we were asked to trust that the expansion of E-  
217 Verify will come with a legalization plan, and this  
218 electronic employment verification contains the same  
219 problem.

220 And today, we now have the STEM SKILLS Act, and we can't  
221 bring in more people unless we take away cards from someone  
222 else, a zero sum game.

223 Unfortunately, my trust factor is exhausted. I don't  
224 have any more left, and now I prefer some methodical  
225 approach. I think it is time for us to get down to the  
226 business of legislating, and after 2 weeks of markups, we

227 have four separate bills, all that -- each have four  
228 separate problems.

229 Thank you, and I yield back.

230 Chairman Goodlatte. I thank the gentleman and now  
231 recognize the sponsor of this legislation, the gentleman  
232 from California, Mr. Issa, for his opening statement.

233 Mr. Issa. Thank you, Mr. Chairman.

234 And I want to thank the ranking member for giving me the  
235 benefit of the doubt, however begrudgingly.

236 The acquisition for America of the best and the  
237 brightest from over 6.5 billion people around the world is a  
238 priority for our economy. We have for generations  
239 encouraged those with the greatest ambition -- and in a  
240 modern era, the greatest ambition often comes with the  
241 greatest dedication to education -- to come here.

242 Generations ago, a skilled goldsmith might well have --  
243 or a silversmith might well have defined those people of  
244 ambition and training. Today, in the SKILLS Visa Act, we  
245 define them based on modern and predictive accomplishments --  
246 -- degrees as medical doctors from U.S. universities, degrees  
247 in those areas most needed in our economy, the sciences, the

248 engineering, and the life sciences.

249       As we go through the 21st century, these are definitions  
250 that both sides of the aisle must agree define a likelihood,  
251 a high likelihood that each and every one of these  
252 individuals will be a net positive to our economy. That is  
253 the reason we choose to do this.

254       Unfortunately, in past years, we have had nonpredictive  
255 models, and I think the ranking member was referring to the  
256 elimination of a long obsolete diversity visa, which was not  
257 about diversity. I have looked at the numbers of our  
258 immigrants. Immigrants are not without diversity. They are  
259 highly diverse.

260       In fact, if we were to look at any given category, we  
261 would find that diversity coming from immigration is often  
262 exactly what you would expect. It is people who are not  
263 historically highly represented in the United States, and we  
264 see minorities growing as a result.

265       I have no objections to that. I seek not to change  
266 anything except to create more opportunity for those who  
267 create more opportunity for America to succeed.

268       If I could have sponsored this bill exactly as I would

269 have, I would have had no caps whatsoever on those who  
270 create wealth by their presence in the United States. I  
271 would want everyone who wanted to become an American and  
272 wanted to help start a business or grow a great technology  
273 company or find the next great breakthrough in medicine, I  
274 would have let them all in.

275 That is not the reality we live in with our historic  
276 quota system. Therefore, we have made our bill as neutral  
277 as we can relative to existing quotas.

278 One area that I believe needs to be understood in which  
279 we are going to increase numbers by approximately 650,000  
280 over 10 years is where we are increasing the amount of  
281 opportunities for the best and the brightest to come here  
282 while phasing out a long overdue sibling follow-along  
283 reunification. As I have talked to Members on the other  
284 side of the aisle -- not to the ranking member, but to many  
285 on this subject -- they agree that if you want to come to  
286 America, the right to sponsor your sibling, even if he or  
287 she doesn't have skills, makes little sense.

288 However, with nearly 2.4 million siblings on a long  
289 waiting list and likely that most will never enter America,

290 we believe that a 10-year phase-out of this program was  
291 appropriate and compassionate. I hope to work with  
292 leadership here and on the floor to find a way to prioritize  
293 that phase-out so that the 650,000 over 10 years that would  
294 come in sibling reunification would be disproportionately  
295 those who can most predictably, again, succeed in America.

296 Mr. Chairman, I want to thank you for the opportunity to  
297 work this issue. When I came to Congress more than 12 years  
298 ago, I came to this committee with just two goals, patent  
299 reform and other intellectual property and immigration  
300 reform. I have waited for 12 years for the opportunity that  
301 you are giving us here today to work piece by piece on  
302 sensible reforms, particularly those which empower American  
303 business to compete more successfully in this new century.

304 And with that, Mr. Chairman, I thank you and yield back.

305 Chairman Goodlatte. The chair thanks the gentleman and  
306 recognizes the ranking member of the Subcommittee on  
307 Immigration and Border Security, the gentlewoman from  
308 California, Ms. Lofgren, for her opening statement.

309 Ms. Lofgren. Thank you, Mr. Chairman.

310 Let me start by commending the author of this bill, my



311 friend from California, Mr. Issa, and the committee chairman  
312 for a great deal of what is in this bill. A lot of its  
313 provisions are near and dear to me, partly because they  
314 mirror provisions in the IDEA Act that I introduced last  
315 Congress and because I have been championing them for years.

316       These provisions include green cards for advanced degree  
317 graduates in STEM from America's finest research  
318 universities, green cards for immigrant entrepreneurs who  
319 receive venture capital financing for startup businesses,  
320 improvements to the prevailing wage requirement for H-1B  
321 workers and employment-based immigrants, elimination of the  
322 per-country limits for employment-based immigrants, and the  
323 raising of funds to improve STEM education and training in  
324 the United States.

325       As I represent Silicon Valley, I know the great good  
326 that these provisions can do. I see on a firsthand basis  
327 the new technologies, the new companies, and the new jobs  
328 that foreign STEM graduates and immigrant entrepreneurs  
329 create every day at home. There is no question that we  
330 should improve the ability for such persons to come and stay  
331 in our country.

332 But unfortunately, this bill, as currently written, is  
333 flawed. I want to be clear. If the bill did not include  
334 unrelated provisions eliminating the diversity and sibling  
335 categories, I would be celebrating much in this bill. I  
336 would want to make certain tweaks and add a few provisions,  
337 but I would be celebrating it. But I cannot celebrate it as  
338 it currently stands.

339 As Ranking Member Conyers indicated in his opening  
340 statement, this bill takes a zero sum approach that sets a  
341 terrible precedent for fully addressing our broken  
342 immigration system. It gives to some only by taking away  
343 from others, and it thus sets immigrant communities against  
344 each other. There is a better way.

345 My colleagues may point to the fact that the Senate bill  
346 also eliminates the diversity and sibling categories, but  
347 there is a giant difference between that bill and the bill  
348 we are considering today. First, as we all know, the bill  
349 in the Senate is a comprehensive bill that has a great deal  
350 for immigrant families and minorities to celebrate.

351 The bill provides a path to permanent residency for  
352 undocumented immigrants. It addresses decades-long green

353 card backlogs for all family-based immigrants. It provides  
354 age-out protections for immigrant children. It creates  
355 other channels for immigrants from Africa. And even though  
356 it eliminates the sibling category, it expedites their entry  
357 while continuing to honor all currently approved sibling  
358 petitions.

359       Second, the Senate bill actually fixes a great deal of  
360 what is wrong in the employment-based immigrant system.  
361 While H.R. 2131 helps alleviate some of the problems in that  
362 system, it falls far short of providing a long-term fix.  
363 Most importantly, the number of green cards provided in H.R.  
364 2131 is far from sufficient to fully address employ-  
365 ment-based backlogs. Even if the bill was enacted, years-long  
366 backlogs would continue to exist for American employers  
367 seeking to hire foreign talent.

368       And because of the bill's large increase in temporary H-  
369 1B visas, green card backlogs would actually get worse, as  
370 larger numbers of H-1B workers seek green cards to remain  
371 permanently in the U.S. Thus, H.R. 2131 would fail to fully  
372 address our broken employment-based immigration system while  
373 at the same time doing tremendous damage to our family and

374 diversity-based immigration systems.

375       And as I noted earlier, adoption of the bill's zero sum  
376 approach, if carried forward, would prevent future fixes to  
377 further address employment and family-based green card  
378 backlogs. Instead of providing what this Nation desperately  
379 needs, namely, a top-to-bottom solution that fixes our  
380 broken immigration system, I believe H.R. 2131 would ensure  
381 the continued dysfunction of the immigration system.

382       As I did last year when we considered the STEMS Jobs  
383 Act, I ask why we can't simply consider a bill to fix our  
384 employment-based immigration system without doing damage to  
385 other immigrant categories. It didn't have to be this way.

386       We could be considering a clean bill that doesn't  
387 contain extraneous and divisive provisions. That would get  
388 my full support. But I can't support a standalone measure  
389 that seeks to offset visas in this fashion, a bill that  
390 takes green cards away from one person to give it to  
391 another.

392       That said, I will close by saying that I hope to work  
393 with my friends on the other side of the aisle to hopefully  
394 make changes to this bill so that I can support it and other

395 Democrats can as well. We must move beyond the politics of  
396 zero sum immigration. Those politics are holding America's  
397 continued prosperity hostage. We must get beyond tired, old  
398 arguments that pit one group of deserving immigrants against  
399 another.

400 I stand ready to work with my colleagues on the other  
401 side of the aisle to do the hard work to fix our broken  
402 immigration system and to fix this bill.

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

404 Chairman Goodlatte. The chair thanks the gentlewoman.

405 I have an amendment at the desk, and the clerk will  
406 report the amendment.

407 Ms. Deterding. Amendment to H.R. 2131, offered by Mr.  
408 Goodlatte of Virginia. Page 7 --

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

411 [The amendment of Chairman Goodlatte follows:]

412

413 Chairman Goodlatte. And I will recognize myself to  
414 explain the amendment.

415 I am offering this manager's amendment in cooperation  
416 with Representative Issa. This amendment will make a great  
417 bill even better. The manager's amendment addresses the  
418 appropriate wage level that employers are required to pay  
419 temporary foreign workers.

420 We need to strike the best balance possible between  
421 preventing the H-1B program from depressing the wages of  
422 American workers and preventing counterproductive  
423 regulations on businesses. I believe the manager's  
424 amendment accomplishes this task.

425 The amendment modifies the prevailing wage standard for  
426 the H-1B, L, and similar visa programs by adopting a three-  
427 tiered wage scale with a wage floor attached to the lowest  
428 tier. The manager's amendment also exempts an employer  
429 entirely from the requirement to pay its temporary foreign  
430 workers the prevailing wage if 80 percent or more of the  
431 employer's workers in the same occupation in the same city  
432 or town are Americans.

433 If most of an employer's workers in an occupation are,

434 in fact, American workers, we can reasonably assume that the  
435 wages of these American workers are not being negatively  
436 impacted by a few foreign workers. In this situation, the  
437 employer will simply have to pay its foreign workers the  
438 same wages it pays to its comparable American workers.

439 In addition, the manager's amendment clarifies that  
440 employers can use private wage surveys for purposes of  
441 calculating the prevailing wage. The manager's amendment  
442 provides that in those instances in which L visa workers are  
443 subject to a prevailing wage, these same revised standards  
444 will apply.

445 The amendment also clarifies that these L visa workers  
446 can be kept on foreign payrolls. Finally, it provides that  
447 L visa specialized knowledge workers will only be subject to  
448 these standards if they are working in the U.S. on L visas  
449 for more than 6 months in any 2-year period.

450 The manager's amendment also modifies the H-1B audit  
451 language to prevent potential abuse by the Department of  
452 Labor bureaucrats. Audits are necessary, as they are the  
453 only means of making sure that employers are complying with  
454 the terms of the H-1B program. However, we don't want to

455 subject employers to repetitive, abusive audits.

456       So the manager's amendment provides that a company  
457 cannot be subject to a random audit within 4 years of the  
458 time that it has been subject to two previous random audits,  
459 unless, of course, willful violations had been found.

460       The underlying bill repeals the siblings of U.S.  
461 citizens green card category. This is an important step in  
462 Congress actually setting priorities and allocating a  
463 limited number of green cards to best further the national  
464 interests.

465       However, there are many individuals who have already  
466 been approved for sibling green cards, who have been  
467 patiently and legally waiting in line for many years for  
468 green cards to become available. Therefore, the manager's  
469 amendment provides that aliens with approved sibling green  
470 card petitions can continue to receive green cards under the  
471 program for the next decade.

472       This will ensure that those persons who have been  
473 waiting the longest will be able to receive their green  
474 cards. Furthermore, the manager's amendment makes a number  
475 of modifications to the investor visa program. It provides



476 that regional centers that are terminated by the Secretary  
477 of Homeland Security will have the right to appeal their  
478 terminations and that regional centers will not be held  
479 responsible for program violations of which they were  
480 unaware that they were committed by their employees and  
481 officers.

482 Finally, for jurisdictional reasons, the manager's  
483 amendment must drop the STEM education fund provision from  
484 the bill. A very worthwhile provision that uses fees on H-  
485 1B visas and green cards to improve STEM education in the  
486 U.S. However, such language is in the Senate bill, and I  
487 look forward to working on this issue at the appropriate  
488 time as we move forward.

489 I urge my colleagues to support the manager's amendment,  
490 and I am pleased to recognize the gentleman from Michigan,  
491 Mr. Conyers, for 5 minutes.

492 Mr. Conyers. Thank you, Chairman Goodlatte.

493 I am going to read my last sentence in my opposition to  
494 the manager's amendment first. In sum, the manager's  
495 amendment incredibly makes an already-bad bill worse.  
496 Accordingly, I cannot support it.

497 Mr. Gowdy. Can you yield back now?

498 Mr. Conyers. I should yield back now, but you may want  
499 to get some logic here so that you can discuss this with me  
500 as we move on. Although this bill is flawed, it did have a  
501 few redeeming qualities. But this amendment largely undoes  
502 two of these lone bright spots.

503 I appreciate the fact that the bill, as introduced, uses  
504 employer fees to improve science, technology, engineering,  
505 and math education in this country. That is a noble and  
506 important cause. But the manager's amendment completely  
507 strikes these provisions. It eliminates the fee provisions  
508 that raise funding, and it deletes the promoting American  
509 ingenuity account that would have allocated those funds to  
510 strengthen academic standards and improve teacher  
511 performance, assist students, and otherwise improve STEM  
512 education and training programs.

513 In addition, I appreciate the bill, as introduced, would  
514 have raised the prevailing wages that employers must pay  
515 foreign workers to ensure they are not used to undercut the  
516 wages and working conditions of our own American workers.  
517 Unfortunately, the manager's amendment also undermines these

518 protections by drastically reducing the wage standards in  
519 the underlying bill.

520       Although the amendment would still appear to raise wages  
521 when compared to current law, those wages would not be as  
522 high as they could have been. The manager's amendment, more  
523 importantly, also includes new loopholes that would  
524 potentially allow employers to game the system and pay  
525 workers less than the already low prevailing wage rates  
526 under current law. I am hoping that the ranking member of  
527 the subcommittee will be trying to close some of these  
528 loopholes at the appropriate time with an amendment.

529       Now I note on the bright side the manager's amendment  
530 does slightly improve the provisions dealing with the  
531 sibling category. While it still eliminates the sibling  
532 category, the manager's amendment at least allows those in  
533 line to receive visas if their number comes up in the next  
534 10 years. That is an improvement, and I congratulate my  
535 colleagues on the other side for making it.

536       The bill still eradicates the program for siblings that  
537 has nothing to do with high-skilled immigration. And while  
538 the bill would now allow some of these family members to get

539 their visas, it still shuts the door on millions of those  
540 family members already in line.

541 And so, that is why, my colleagues, I suggest to you  
542 very emphatically the manager's amendment makes an already  
543 bad bill worse, and accordingly, I am unable to support it.

544 Chairman Goodlatte. Would the gentleman yield?

545 Mr. Conyers. Of course, I will yield.

546 Chairman Goodlatte. I thank the gentleman for yielding.

547 I just want to make one point in response to your remarks.

548 If we report the bill including the STEM fund  
549 provisions, which you complained about our removing in the  
550 manager's amendment, it will result in a Rule 21 point of  
551 order against the bill on the floor. Rule 21 prohibits a  
552 committee other than the Ways and Means Committee from  
553 reporting a bill with a tax or tariff.

554 So we think discretion is the better part of valor  
555 there, but we very strongly support the fund. And we know  
556 the Senate has it in their bill, and we look forward to  
557 finding a way to get that accommodated.

558 I yield back.

559 Mr. Conyers. So you agree with the premise?

560 Chairman Goodlatte. I do.

561 Mr. Conyers. All right.

562 Mr. Issa. Would the gentleman further yield?

563 Chairman Goodlatte. It is the gentleman from Michigan's  
564 time.

565 Mr. Conyers. I yield.

566 Mr. Issa. Mr. Conyers, I certainly, for one, regret  
567 that point of order, and I would be happy to join with you  
568 in a separate bill that could be immediately referred to the  
569 Ways and Means Committee and enjoined on the floor. But I  
570 think we all understand that our exclusive jurisdiction  
571 should not be given up over something that another committee  
572 has exclusive jurisdiction over.

573 Mr. Conyers. Absolutely correct. I agree with that.

574 Mr. Issa. I thank the gentleman.

575 Chairman Goodlatte. I thank the gentleman.

576 Ms. Lofgren. Mr. Chairman?

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

579 Ms. Lofgren. To offer an amendment to the manager's  
580 amendment.

581 Chairman Goodlatte. The clerk will report the  
582 amendment.

583 Ms. Deterding. Amendment to the Goodlatte amendment to  
584 H.R. 2131, offered by Ms. Lofgren. In the matter proposed  
585 to be --

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

588 [The amendment of Ms. Lofgren follows:]

589

590 Chairman Goodlatte. And the gentlewoman is recognized  
591 for 5 minutes on her amendment.

592 Ms. Lofgren. As drafted, the bill would overhaul the  
593 prevailing wage provisions in current law to better protect  
594 American workers, and it does this by doing away with the  
595 old four wage level system that can be used to bring in  
596 workers at extremely low wages and replacing it with a new  
597 three wage level system that better reflects the wages paid  
598 in hundreds of occupations in the country.

599 And I will give you just one example from San Jose,  
600 Sunnyvale, Santa Clara, back home for me. Under the Bureau  
601 of Labor Standards Occupational Employment Survey, the  
602 occupation computer and information scientist research in  
603 Santa Clara County has an average wage of \$133,000. But the  
604 Department of Labor prevailing wage system allows --  
605 currently allows an employer to legally pay a foreign worker  
606 \$86,000.

607 So you can see that some of the feedback we have  
608 received over the years from our constituents who are  
609 engineers complaining about the current system has certainly  
610 a basis in reality. As in the IDEA Act that I sponsored in

611 the 112th Congress, the new three wage levels would be based  
612 off of Government surveys that test wages in each occupation  
613 and in each area of the country. The first wage level would  
614 be the average of the lowest two-thirds of wages surveyed in  
615 an occupation, the 33rd percentile; second in the 50th; and  
616 the third at the 66th.

617 The manager's amendment would provide additional  
618 flexibility to the new three wage level system by allowing  
619 employers who mostly hire U.S. workers to use a different  
620 method of calculating wages, and I think this flexibility  
621 would allow an employer who is hiring an engineer, for  
622 example, to pay that engineer what it pays its other  
623 engineers with the same skills and experience if at least 80  
624 percent of the company's engineers in the area of employment  
625 are U.S. workers. And I do not object to that. I think it  
626 makes sense, and I support it.

627 But the way it is currently drafted, the new provisions  
628 do not provide a wage floor of any kind, and I believe the  
629 lack of a floor leaves open the possibility for abuse of the  
630 exception so that workers could earn way less than what they  
631 do under the current structure, which already sets a very



632 low wage floor.

633       This amendment would fix the exception so that it can't  
634 be abused. It would do this by simply adding a floor that  
635 prevents employers with more than 25 employees from paying  
636 below the average of the lowest half of wages surveyed or  
637 the 25th percentile wage.

638       This floor would not affect startups and other small  
639 employers, but it would prevent larger employers from  
640 abusing the exception. I should note that the amendment  
641 does not ask all that much of employers with more than 25  
642 employees either. By setting the floor at the 25th  
643 percentile wage, it is setting the floor at a wage that is  
644 less than what 75 percent of workers earn in the same  
645 occupation and in the same area of employment.

646       I don't believe this is too much to ask, and I am  
647 hopeful that we can have bipartisan support for this  
648 correction to the manager's amendment.

649       I would note that I personally have neighbors who work  
650 for startups who are paid willingly entirely with stock  
651 options, and that sometimes happens in startups. And if  
652 that is what American engineers want to do, there is

653 certainly nothing wrong to allow engineers from other  
654 countries the same opportunity. But that is really for the  
655 startup world. It is not for the over 25 world.

656 I would note further on the manager's amendment, I did  
657 have an opportunity to talk to the author and several other  
658 of my colleagues on the other side of the aisle. I  
659 understand the point that is being made relative to the Ways  
660 and Means Committee jurisdiction. I am, however, very  
661 troubled by the stripping of the fees in the manager's  
662 amendment, and I actually would hope that we could not do  
663 that and accept the fact that this could have then a  
664 referral to Ways and Means for that provision.

665 Because I happen to know that there is some enthusiasm  
666 among members of the Ways and Means Committee on both sides  
667 of the aisle for the fee for STEM scholarship provision. In  
668 fact, this was a proposal made by Microsoft in a white paper  
669 last year. I have gone to great lengths to solicit feedback  
670 from the high-tech world. There is tremendous enthusiasm  
671 for doing this, and I think that we are missing a bet if we  
672 don't pursue it.

673 I understand the chairman is for it and thinks that we

674 will get this in a different way. But I hope that we can  
675 actually take a stand here in this bill, and as I mentioned,  
676 I am troubled by that provision. But I hope that my second-  
677 degree amendment can be adopted to at least do this minor  
678 fix on the wages.

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

680 Chairman Goodlatte. The chair thanks the gentlewoman  
681 and recognizes himself in support of the amendment.

682 It simply provides a safety net so that H-1B aliens who  
683 don't receive the prevailing wage don't end up being paid  
684 less than the 25th percentile of wages for their occupation  
685 if they work for larger companies. My understanding is that  
686 the high-tech community would be benefitted by this, as, I  
687 think, would be these workers.

688 And therefore, I urge my colleagues to support the  
689 amendment.

690 The chair recognizes the gentleman from California for 5  
691 minutes.

692 Mr. Issa. Thank you. Thank you, Mr. Chairman.

693 I, too, will be supporting and voting for it and hope  
694 that it will cause the gentlelady to vote for the underlying

695 bill.

696       The one response I would like to make, which is sort of  
697 the "inside baseball," I support and would support the fees  
698 including the dollars for the eventual use for education.  
699 My question perhaps for the chairman is if we don't let Ways  
700 and Means do it separately, then we always end up with the  
701 typical scoring that once you create a fee and then you want  
702 to divert it later, you end up with somebody saying, "But  
703 that takes money out of a pocket."

704       So I do believe that all of us should, before the end of  
705 the day, push hard to make it known that we would like to  
706 have this principled fee and fee use and then see if we  
707 can't work with our brethren on the Ways and Means Committee  
708 to make it happen.

709       I thank the chairman.

710       Chairman Goodlatte. Would the gentleman yield?

711       Mr. Issa. I would yield.

712       Chairman Goodlatte. On that point, I very much concur  
713 with the gentleman, and I think not just today, but through  
714 this entire process, we will be pressing for this idea,  
715 which I think is a very good one. But we do have to be

716 careful of scoring problems as well as points of order  
717 problems. And we will have to work our way forward with  
718 other committees involved and leadership to effectuate this.

719 But since it has strong support in the tech community  
720 and it is reasonable and it is for a good purpose, to  
721 benefit American workers, I have great confidence it will  
722 happen.

723 Mr. Issa. Thank you.

724 And reclaiming my time, very briefly, the gentlelady  
725 talked about the 80 percent. This provision, and I  
726 appreciate the gentlelady's seldom-needed, but if it is  
727 needed it is there now once this passes, addition to it.  
728 But I think the important point that we all deal with, and  
729 Ms. Lofgren said it very well. High-tech companies do not  
730 always pay in the same way as a typical company.

731 You may only make \$100,000 or \$150,000 a year as a top  
732 engineer, but there is an additional package not easily  
733 scored by the typical way that Department of Labor and  
734 others score it. And the idea that you have stock benefits  
735 that you have a whole different package is something where  
736 we want to make sure that instead of having some

737 hypothetical number by a Government bureaucrat, for  
738 companies whose culture is substantially 80 percent  
739 nonimmigrants, that they simply provide all the same  
740 protections and benefits that they provide to the rest of  
741 their workforce.

742 I have Hewlett Packard in my district, historically  
743 Microsoft and many other companies. And the one thing I  
744 know about those large companies and many of my small  
745 companies, including biotech companies, is they value the  
746 workers that come from around the world to add every bit as  
747 much, if not more, than the ones who come from just a block  
748 away.

749 And so, I do believe that when the culture is  
750 substantially inclusive, but substantially a U.S., we don't  
751 really have to worry about whether they will treat their  
752 workers properly. On the other hand, I remain concerned  
753 with what the ranking member perhaps alluded to, that  
754 companies who specialize in simply bringing in outside labor  
755 and who mostly sell the idea that I can get you talented  
756 people for less, that we have to hold them to a standard  
757 that talented people should not be for less simply because

758 they are from another country.

759 And I think that is the important distinction, and  
760 hopefully, there is broad support for the 80 percent makes a  
761 strong statement to the great companies who employ both  
762 domestic and offshore labor who come to become Americans.

763 And I thank the gentleman. Yield back.

764 Chairman Goodlatte. For what purpose does the gentleman  
765 from Illinois seek recognition?

766 Mr. Gutierrez. To strike the last word.

767 Chairman Goodlatte. The gentleman is recognized for 5  
768 minutes.

769 Mr. Gutierrez. Thank you very much.

770 Well, first of all, it seems to me that one of the  
771 things we should be doing is solving the problem, and we  
772 should be educating Americans in order to do that. And that  
773 should be something that Republicans and Democrats should  
774 join on, and that is creating Americans with the skills to  
775 fill these job opportunities so that we can create them  
776 there.

777 Because I have always said that the first thing we  
778 should do is make sure that an American gets a crack at

779 every job created in America. But if you don't invest in  
780 Americans getting that education, you cannot reach that goal  
781 of Americans getting those jobs. So I think, in that sense,  
782 it is very, very flawed.

783 And the other thing is I was listening very, very  
784 carefully as the bill was being described and those that  
785 were going to come here were being described. And I want to  
786 just reiterate, see if I got it right. These are the best  
787 and the brightest. They are good for our economy.

788 They have a dedication to education. They have ambition  
789 and training. They have degrees, degrees, degrees. They  
790 are most needed in our economy. They are a net positive.  
791 If you look at what they did the past years, they give more  
792 opportunity and create. They create wealth.

793 All those things may very well be true, and I think in  
794 most cases, they probably are. But I would just like to  
795 juxtapose that to the bill that was put before this very  
796 committee when it came to those that work our fields. When  
797 it comes to them, I guess they don't create wealth. I guess  
798 they aren't the best and the brightest.

799 I guess they don't come here with degrees, kind of like



800 my mom and dad and the way they came here and the way most  
801 Americans came to this country. They came here to work  
802 hard, to sweat and to toil. As a matter of fact, the  
803 proponents of the bill say we should lift the caps and  
804 invite them all to come to this country. There should be no  
805 caps, that they regret that there are any caps on them.

806 But when it comes to 1.7 million workers that work in  
807 our fields every day, this committee has adopted the  
808 position that they should report to deport themselves from  
809 the United States of America. That their work, that their  
810 back-breaking work, which nobody in this room would ever do,  
811 that their work should not be celebrated because I guess  
812 they aren't the brightest and the best, and they don't  
813 create a net positive for all of us.

814 Shame on us. As we go and sit down this afternoon and  
815 this evening and tomorrow and sit down to have a meal, a  
816 meal that was picked across this country, whether it is in  
817 orchard fields in Washington or citrus fields in Florida.  
818 Back-breaking work, essential work, important work that  
819 should be celebrated by this committee.

820 But, no, we want them to leave after 2 years, regardless

821 of how many years they are here, and then if the employer  
822 wants to invite them back, they get to come back. Well,  
823 that is not going to happen.

824 So I support the bill, and I join the lady, Ms. Lofgren,  
825 on her bill. Because what I say is I say invite those that  
826 are the best and the brightest. I am going to repeat who  
827 they are. They would have a net positive. They create  
828 opportunity. Opportunity. They create wealth. That are  
829 good, that are dedicated to education, that bring ambition  
830 and training.

831 You know what I say? Number one, don't do this that do  
832 such back-breaking work because I think we should celebrate  
833 that. Because that is kind of I guess where I am at, in  
834 terms of my view.

835 And the other thing, just to end this, is if they are  
836 the best and the brightest, let us give them a green card.  
837 Let us invite them to stay here and bring their families and  
838 their kids so they can be just like every member of this  
839 committee at the end of the day when we go home to our wives  
840 and our families.

841 Chairman Goodlatte. For what purpose does the gentleman

842 from Iowa seek recognition?

843 Mr. King. I move to strike last word, Mr. Chairman.

844 Chairman Goodlatte. The gentleman is recognized for 5  
845 minutes.

846 Mr. King. Thank you, Mr. Chairman.

847 I rise to simply make a point and not to weigh in  
848 particularly heavily on either side of this secondary  
849 amendment. But I want to make a point that the Libertarian  
850 philosophy on the economy is that labor is a commodity like  
851 gold or oil or platinum, or corn or beans where I come from.  
852 And it should be mobile on the planet and be able to migrate  
853 to wherever the work is, wherever the demand might be for  
854 that work.

855 And so, I want to point out the dichotomy in some  
856 philosophy that is here before the committee, and that is if  
857 we can -- and under the secondary amendment of the  
858 gentlelady from California, if we can legislate prevailing  
859 wage or define how that prevailing wage might be, then  
860 necessarily we are distorting the marketplace.

861 And so, if you have a supply of labor, and in this  
862 country right now it appears to be short on highly skilled.

863 And I have supported the STEM legislation, and I think it  
864 has its merits because of something actually that the  
865 gentleman from Illinois said. It is a net positive to our  
866 economy.

867 It reduces the \$6.3 trillion in net loss as in  
868 comparison to the Gang of Eight's bill that is emerging  
869 apparently from the Senate today or tomorrow. But if you  
870 put more people into the highly skilled categories, even if  
871 you calculate that under the gentlelady's second-degree  
872 amendment, you necessarily suppress the value of those  
873 skills for the people that are let us say American citizen  
874 LPRs today.

875 We should recognize that that is the case. It is just a  
876 slower action than it is if we let the marketplace  
877 immediately react. Same thing takes place on the lower  
878 skills, as the gentleman from Illinois said. When we have  
879 an oversupply of low or unskilled labor, then you are going  
880 to see those wages stay down.

881 If we had a short supply of people that are doing back-  
882 breaking work, the wages for back-breaking work would go up.  
883 And then the people of low and unskilled that were willing

884 to work hard could sustain themselves in this society and  
885 this economy, and we wouldn't have a cradle-to-grave welfare  
886 state.

887 So I see the contradiction between the right side and  
888 the left side of this committee today. The committee wants  
889 to -- on this side wants to enhance the skilled positions,  
890 which I recognize as a net asset to our economy. On the  
891 other side, they want to enhance all the people that might  
892 come in under the idea that if anybody does an hour's worth  
893 of work, it contributes to our GDP. Therefore, it is a net  
894 positive.

895 So I just caution the Libertarians that say labor is a  
896 commodity that flows back and forth across the borders, and  
897 we are going to be okay with that. That is not going to be  
898 what happens.

899 This Congress will seek to legislate prevailing wage. I  
900 think it is a mistake for us to legislate prevailing wage.  
901 I think the marketplace should settle that, and I think we  
902 should regulate the flow of population so that we can  
903 control our borders and have a higher demand in these  
904 categories. And we can produce these skills at any level we

905 want, and it was demonstrated already with the nurses.

906 We had hearings before this committee that showed that  
907 there were a shortage and coming in the future of 42,000  
908 nurses. And I watched in my own district as several of our  
909 institutions more than doubled their ability to turn out  
910 nurses, and that little old Fifth District of Iowa, the  
911 western third of Iowa did well more than its share to fill  
912 that backlog.

913 And I ask the question, what country needs nurses less  
914 than we do? And I don't know that there is such a "yes"  
915 answer to that particular question. So what we are doing is  
916 we are distorting the labor supply in other countries as  
917 well. We are distorting the skill supply in other countries  
918 as well.

919 What country is more capable of training and raising its  
920 own than the United States of America? I make these points  
921 not to oppose the gentlelady's second-degree amendment, but  
922 just to ask the members of this committee and any public  
923 that might be looking in that look at this thing on balance  
924 and think of this in terms of what kind of a country we are  
925 and become, and what are the principles we are doing that

926 on?

927 And I would yield to the gentleman from New York, I  
928 believe.

929 Okay. Then in any case, then I would just simply yield  
930 back the balance of my time.

931 Chairman Goodlatte. The chair thanks the gentleman.

932 For what purpose does the gentleman from New York seek  
933 recognition?

934 Mr. Nadler. Strike the last word.

935 Chairman Goodlatte. The gentleman is recognized for 5  
936 minutes.

937 Mr. Nadler. Thank you.

938 Mr. Chairman, I just want to comment on the comments we  
939 just heard from the gentleman from Iowa. Franklin Delano  
940 Roosevelt said that human labor must never be considered a  
941 commodity. Human labor is more than a commodity.

942 And the gentleman just did explain what to me is an  
943 appalling philosophy. If the free market, which we exalted,  
944 which he exalts above all, were to value human labor at 30  
945 cents a day, then that is what you pay. And people starve,  
946 and that is too bad.

947           We do use government to modify the free market when  
948 necessary so that we have minimum wage laws and maximum hour  
949 laws and child labor laws and worker occupation safety and  
950 health laws. Because the free market left to itself  
951 dictated, history tells us dictated 6-year-olds working for  
952 pitiless wages and people dying for unsafe working  
953 conditions.

954           And we said, no, we do not bow before the almighty god  
955 of the free market as if it is an idol. The free market is  
956 an important thing, but it is not the only thing. And we  
957 must use the collective efforts of all of us together, which  
958 is government, to rein in the free market, when the free  
959 market would otherwise dictate poverty wages or dumping all  
960 of the -- under the free market if two people have factories  
961 next to each other, and one dumps all the crud in the river  
962 and the other doesn't, then the first fellow is going to  
963 outcompete the second fellow, which is why we have to have  
964 environmental laws that are externalities from the  
965 economists' lingo. In the language of the economists, these  
966 are externalities.

967           The free market doesn't take account of damage done to



968 the commons, to the air, the water, whatever, the  
969 environment. And it can lead -- it can lead to very good  
970 results, and we should use the free market, and we do. But  
971 we have to place limits on it, on those things that it can't  
972 deal with. And it can't deal with externalities, with the  
973 environment. It can't deal with safety.

974 It may be that under the free market that someone could  
975 make a big profit by allowing unsafe products into the  
976 marketplace, and people die from that. We have to rein in  
977 the free market, and human labor must not be regarded as  
978 simply a commodity because people are not commodities.

979 I yield back.

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

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

984 Chairman Goodlatte. Before I recognize the gentleman, I  
985 want to note for all the Members that the gentlewoman from  
986 California's modest bipartisan amendment has stimulated  
987 quite a lot of discussion.

988 [Laughter.]

989 Chairman Goodlatte. So the Members should note that we  
990 are still on the first amendment, and we have 26 so far.

991 And the gentleman from Utah is recognized for 5 minutes.

992 Mr. Chaffetz. I appreciate the generous introduction to  
993 my comments and will be sure to make them brief, if none at  
994 all.

995 Mr. Chairman, look, I do think it is worth noting in  
996 relation to maybe some of the comments that were made  
997 earlier. I appreciate that we are here and that we are  
998 doing this, and I applaud you, former Chairman Smith,  
999 Chairman Issa, the fact that we are moving this forward.

1000 I came in in the 111th Congress, which wasn't too long  
1001 ago. I will remind a lot of the Members on this dais the  
1002 Democrats had the House, the Senate, and the presidency.  
1003 You had a President who promised to move immigration reform  
1004 in his first year, and they did nothing. I sat on that  
1005 Subcommittee on Immigration for 2 years. We didn't do a  
1006 single bill on immigration.

1007 And I applaud Chairman Smith for helping to move  
1008 legislation, legislation he helped him with. We did pass a  
1009 high-skilled immigrant bill last year. And last term, we

1010 did pass it, very bipartisan, went to the floor of the  
1011 House. Only 15 Members in the House of Representatives  
1012 voted against it. That is about as bipartisan as you get.

1013 The United States Senate with Harry Reid, the President  
1014 of the United States, did nothing. We shouldn't have to  
1015 have gone through this. This should have been solved  
1016 before. And I do appreciate Chairman Smith, this committee,  
1017 the House of Representatives, for moving important  
1018 legislation that would have helped solve part of this  
1019 problem.

1020 But I do applaud you, Chairman, for bringing it up  
1021 again, for tackling this. We have talked about ag workers.  
1022 In fact, we did that before we did this bill. We are doing  
1023 other bills that deal with border security and safety. I  
1024 applaud the Homeland Security Committee. I sit on that  
1025 committee. Chairman Smith sits on that committee.

1026 We passed that out unanimously. There are things  
1027 moving, but I do appreciate the leadership of this committee  
1028 and this House. We are actually now doing something here  
1029 that I do hope will produce a fruitful result.

1030 And with that, I yield back.

1031 Chairman Goodlatte. The chair thanks the gentleman for  
1032 his very generous comments.

1033 And the question occurs on the amendment offered by the  
1034 gentlewoman from California.

1035 All those in favor, respond by saying aye.

1036 Those opposed, no.

1037 In the opinion of the chair, the ayes have it, and the  
1038 manager's amendment is amended by the Lofgren amendment.

1039 For what purpose does the gentleman from Iowa seek  
1040 recognition?

1041 Mr. King. Mr. Chairman, I have a second-degree  
1042 amendment at the desk.

1043 Chairman Goodlatte. The clerk will report the  
1044 amendment.

1045 Ms. Deterding. Amendment offered by Mr. King to the  
1046 amendment offered by Mr. Goodlatte. Strike the matter  
1047 proposed by the amendment with respect to pages --

1048 Chairman Goodlatte. Without objection, the amendment to  
1049 the amendment will be considered as read.

1050 [The amendment of Mr. King follows:]

1051

1052 Chairman Goodlatte. And the gentleman is recognized for  
1053 5 minutes to explain his amendment.

1054 Mr. King. Thank you, Mr. Chairman.

1055 This amendment goes to a specific place in the second-  
1056 degree amendment, second-degree Goodlatte amendment that  
1057 increases from the base bill the number of adult siblings  
1058 that in the base bill, it was a minus 65,000 under the Issa  
1059 bill. The Goodlatte amendment increases it by 65,000. That  
1060 is for 10 years. That totals 650,000.

1061 And I can see some priorities here that we might be able  
1062 to go down into perhaps, but the bottom line for me is that  
1063 we are watching, as we have let me say a threadbare  
1064 statement of 11 million people in this country that are here  
1065 illegally. That statement has been rolling around here  
1066 since it was 12 million here illegally when I came to this  
1067 Congress, and perhaps as many as 4 million people a year  
1068 cross the border illegally.

1069 Whatever that number is, I can't believe that it is less  
1070 than it was when I came to this Congress, given all the  
1071 illegal immigration that we have had. And yet, as we see  
1072 the Senate and perhaps a movement within the House,

1073 preparing to grant amnesty to 11 or more million people,  
1074 which I think could easily double, and more likely triple,  
1075 if we can't get our illegal immigration under control, then  
1076 I think it is an inappropriate time for us to be increasing  
1077 the legal immigration.

1078 I support actually the underlying bill in its entirety,  
1079 and I support the philosophy that Mr. Issa brings to the  
1080 table. But I can't support legislation that increases the  
1081 net number, and at least not and until we can get illegal  
1082 immigration under management and control.

1083 So I don't disagree with the philosophy. I just simply  
1084 can't support a bill that increases the numbers. And so,  
1085 what we do is we strike that 65,000 per year for 10 years  
1086 that is part of the Goodlatte amendment, and it reverts then  
1087 that section of it back to the underlying Issa bill, which I  
1088 do support.

1089 And I also wanted to add this little piece. I am a  
1090 little concerned if Darrell Issa had two goals when he came  
1091 to this committee. If he should achieve them both, he might  
1092 very well decide there is not a reason to come back to this  
1093 Congress. So I am not trying to kill anything for that

1094 purpose. I would like to give him his goal, but his  
1095 original goal didn't include that extra 65,000 for 10 years.

1096 So I would urge adoption of my second-degree amendment.

1097 Mr. Issa. Would the gentleman yield?

1098 Mr. King. And I would yield to the gentleman from  
1099 California.

1100 Mr. Issa. Well, first of all, I find plenty of meaning,  
1101 plus I am getting enough input on patent reform from the  
1102 last one we did that we may need another one. But sans  
1103 that, I share with the gentleman his concern, and I would  
1104 hope that because I can't support this, that he could  
1105 understand that being neutral is the goal. And I believe in  
1106 perpetuity, we are neutral.

1107 But recognizing that there are 2.4 or 2.5 million people  
1108 who got into a line in a failed system, but they got into a  
1109 line. And leaving some hope for the, if you will, the  
1110 remaining portion, a small portion of those who got in this  
1111 line, a 40-year line that never is going to be filled, by  
1112 having a 10-year phase-out for those who signed up, paid  
1113 their fees, and they are in line seems to be the middle  
1114 ground.

1115           And I appreciate that when we talk about 11 million  
1116 people who want to get to the front of a line in many cases  
1117 that they weren't in. And I know people talk about the back  
1118 of the line, but the truth is these 2.4 million people are  
1119 in the line. We are going to effectively reduce this 2.4  
1120 million to 65,000.

1121           And as you and I talked before the markup, my goal is to  
1122 work with language similar to the Senate that would pick  
1123 within those 650,000 people those who would be most  
1124 appropriate, based on education, capability, current  
1125 employability, and so on. And I hope, regardless of how the  
1126 vote goes on this, that you and I can work on that portion  
1127 because I think that is a point you made that is extremely  
1128 good.

1129           And I do believe that one of the goals of this committee  
1130 should be to stop reunification of people who choose to  
1131 break up their families by coming to America. That is  
1132 really the goal that I think you are concerned about because  
1133 in the long run, if we continue saying we will take you, and  
1134 then through a chain, we will take everyone who ever knew  
1135 you, that is wrong. And this sibling category is one that I



1136 believe was that way.

1137 Mr. King. Reclaiming my time, and I appreciate the  
1138 gentleman from California in bringing this legislation and  
1139 his comments, and I think that we would agree that there is  
1140 another 2.4 million or more people in other lines that are  
1141 also not inside this country. That number is roughly 5  
1142 million people who are in line outside the United States  
1143 following the law, waiting patiently. And to put 11 or more  
1144 million people ahead of them I think is an injustice as  
1145 well.

1146 But I am running out of time. So I am just simply going  
1147 to urge adoption of my amendment, which brings this numbers  
1148 neutral and takes us back to the underlying Issa bill, and I  
1149 hope that he is convinced that he was right the first time,  
1150 and I would yield back the balance of my time.

1151 Chairman Goodlatte. The chair recognizes himself in  
1152 opposition to the amendment.

1153 The chair recognizes and thanks the gentleman from Iowa  
1154 for his efforts to try to find a way to keep the matter  
1155 numbers neutral. However, the reality is that when you talk  
1156 about all the people that we haven't talked about yet,

1157 people who are unlawfully present in the United States, in  
1158 my opinion, they do not stand ahead of 2.4 million people  
1159 who abided by the law and got in line.

1160 And we have made a determination, and I think it is the  
1161 correct determination, to eliminate that category so that  
1162 there will be no new people added to that line once this  
1163 bill is adopted and becomes law. But that doesn't change  
1164 the fact that some of those people have been in that line  
1165 for decades. And to simply turn it off and say you followed  
1166 the law, you abided by the law, and you have walked step by  
1167 step up to the line. But no, we are going to change it and  
1168 eliminate it entirely, I think is wrong.

1169 So I want to continue to work with the gentleman, with  
1170 the gentleman from California, Mr. Issa, and anyone else  
1171 interested in solving this problem to make sure that it is  
1172 done in a fair way. But simply eliminating those benefits  
1173 altogether, which is what would happen if the manager's  
1174 amendment were defeated or the amendment by Mr. King were  
1175 adopted, I think that is too harsh on people who have abided  
1176 by the law.

1177 And therefore, I have to oppose the gentleman's

1178 amendment. If he wants to withdraw it, I would be happy to  
1179 work with him going forward. If he wants to vote on it, the  
1180 committee will work its will.

1181 I think he wants the committee to work its will.

1182 For what purpose does the gentlewoman from California  
1183 seek recognition?

1184 Ms. Chu. To strike the last word.

1185 Chairman Goodlatte. The gentlewoman is recognized for 5  
1186 minutes.

1187 Ms. Chu. I am totally opposed to this second-degree  
1188 amendment, and I have a second-degree amendment of my own on  
1189 the subject. It is simply cruel to tell immigrants who have  
1190 been trying to come here and waited patiently for as long as  
1191 24 years to bring their siblings over to say that they would  
1192 be totally eliminated.

1193 And I give Mr. Goodlatte some credit for attempting to  
1194 ameliorate the situation. But in reality, the fact that  
1195 even with the manager's amendment, 75 percent of those who  
1196 are in the backlog would be eliminated. It is cruel to far  
1197 too many.

1198 Chairman Goodlatte. Would the gentlewoman yield? I

1199 understand what the gentlewoman is saying, but I don't  
1200 believe that is correct. Because given the length of these  
1201 lines, some of the people in the line are deceased. Some of  
1202 the people in the line no longer wish to take them. Some of  
1203 the people in the line may benefit from other categories and  
1204 get out of that line and come over.

1205 So it is not 75 percent. It is probably more than the  
1206 650,000 that we are making available for 10 years. But we  
1207 are trying to find the fair solution to this, and I just  
1208 want to note that it doesn't leave three-quarters of the  
1209 people uncovered in the line. It is something less than  
1210 that. We don't know exactly how many less.

1211 Mr. Smith of Texas. Mr. Chairman?

1212 Chairman Goodlatte. Do you yield back?

1213 Ms. Chu. I yield back.

1214 Chairman Goodlatte. I thank the gentlewoman.

1215 The gentleman from Texas is recognized for 5 minutes.

1216 Mr. Smith of Texas. Thank you, Mr. Chairman.

1217 Mr. Chairman, I will yield my time to the gentleman from  
1218 Iowa, Mr. King.

1219 Mr. King. I thank the gentleman from Texas for yielding

1220 time.

1221       And I have said in the past that if I am in a debate and  
1222 I am not able to hold my position in debate, there is only  
1223 two things to do. One is get better informed, and the other  
1224 one is go back and reassess and perhaps reconfigure.

1225       And so, I can see that I have not yet convinced the  
1226 gentleman from California, nor the gentleman from Virginia,  
1227 and as they being two key principals in this point, I would  
1228 make the point that I believe there is another way to get  
1229 this accomplished. And I want to go back and do a little  
1230 work on that in the interim while we are here deliberating  
1231 on this bill.

1232       So I withdraw this amendment and yield back the balance  
1233 to the gentleman from Texas.

1234       Mr. Smith of Texas. Okay. Mr. Chairman, I will yield  
1235 back.

1236       Chairman Goodlatte. The chair thanks the gentleman.

1237       And the amendment is withdrawn. Are there further  
1238 amendments to the manager's amendment?

1239       Ms. Chu. Yes. Mr. Chair, I have a second-degree  
1240 amendment at the desk.

1241 Chairman Goodlatte. The clerk will report the amendment  
1242 of Ms. Chu.

1243 Ms. Deterding. Amendment to the Goodlatte amendment to  
1244 H.R. 2131, offered by Ms. Chu of California. In the matter  
1245 proposed to be inserted on page 50, line 26 of the bill,  
1246 strike "and shall apply" and all that follows through  
1247 "October 1, 2023," and insert the following. "But an alien  
1248 who is the principal or derivative beneficiary of a petition  
1249 filed to accord status under Section 203(a)(4) of the  
1250 Immigration and Nationality Act, as in effect on September  
1251 30, 2013 --"

1252 Chairman Goodlatte. Without objection, the amendment  
1253 will be considered as read.

1254 [The amendment of Ms. Chu follows:]

1255

1256 Chairman Goodlatte. And the gentlewoman is recognized  
1257 for 5 minutes on her amendment.

1258 Ms. Chu. Yes, this second-degree amendment is formerly  
1259 Amendment Number 6. And this amendment addresses the  
1260 backlog issue.

1261 This is a bill that is supposed to be about ensuring  
1262 American innovation and promoting high-skilled workers for  
1263 our American companies. This is something I strongly  
1264 support.

1265 But instead, this bill is about punishing those who have  
1266 waited patiently in line for as long as 24 years to bring  
1267 their siblings over. And this manager's amendment does  
1268 little to help. While it does allow some siblings to join  
1269 their families, with one fell swoop, it guts the backlog. I  
1270 believe it eliminates 75 percent of those who have been  
1271 waiting patiently in line.

1272 We just had a little dialogue on this. At the very  
1273 least, it would screw over a million people. And this is  
1274 something I find reprehensible. My amendment reverses this  
1275 action by permitting every single person who has been  
1276 waiting in the backlog all these years to stay in line, and

1277 it keeps the current 65,000 visas a year for backlog  
1278 reduction.

1279       Why is sibling backlog reduction important? Well, I  
1280 think about my mother. My mother was an immigrant from  
1281 China who married my father, a U.S. citizen and World War II  
1282 U.S. Army war veteran. She immigrated to America right  
1283 before the revolution in China in 1948.

1284       She became a U.S. citizen, but she felt overwhelming  
1285 grief regarding the fate of the family she left behind in  
1286 China. Due to the revolution, the doors between America and  
1287 China were shut right before -- right after she left, and my  
1288 mother had only the barest of communication with her family  
1289 for 25 years.

1290       Her father and mother were taken to prison. The mother  
1291 was released, but her father, my grandfather died of  
1292 untreated diabetes in prison. And her mother died soon  
1293 thereafter.

1294       So she would have petitioned for her mother and father,  
1295 but they were no longer alive. She petitioned instead for  
1296 her siblings, and she waited patiently for years, if not  
1297 decades, and finally she was able to get them over. They



1298 and their children are true successes in this society,  
1299 owning their own businesses and/or becoming managers in  
1300 high-tech companies in the Silicon Valley of California.

1301 Two and a half weeks ago, my mother passed away. But  
1302 her children and her siblings are her legacy. This bill  
1303 doesn't just gut the family visa system by eliminating  
1304 sibling visas, it takes it a step further. It take those  
1305 who waited patiently in line, legally, for decades and  
1306 steals their opportunity to come here.

1307 Let me be clear. The bill as it stands tells immigrants  
1308 who try to come here legally that it doesn't matter if they  
1309 follow the rules. They will still be punished. Those who  
1310 have been waiting for as long as 24 years will be told that  
1311 their patience was nothing but wasted time.

1312 My amendment is about fairness. It allows all and not  
1313 just a select few of the immigrants with approved petitions  
1314 waiting in the sibling visa line to stay in line. It says  
1315 that even if we change our laws, you won't be punished.

1316 My amendment is, in fact, very measured. It says simply  
1317 that you will still be in the backlog. You won't get in all  
1318 at one time. You have to wait. You have to wait through

1319 the 65,000 visas per year that currently exist.

1320 By doing this, it would say that you can trust the rules  
1321 set up by the American Government and that they won't pull  
1322 the rug out underneath you to change the rules at the last  
1323 minute years after you have waited in line.

1324 I urge adoption of my amendment, and I yield back.

1325 Chairman Goodlatte. The chair recognizes himself in  
1326 opposition to the amendment.

1327 And just as I could not support the amendment offered by  
1328 the gentleman from Iowa that would not address this 2.4  
1329 million backlog at all, I cannot support the amendment  
1330 offered by the gentlewoman from California that would  
1331 address all 2.4 million.

1332 What this amendment proposes is the program stay open  
1333 for up to 40 years because that is how long it might take to  
1334 clear the backlog. That just doesn't make sense. As the  
1335 U.S. Commission on Immigration Reform found, the  
1336 extraordinarily large waiting list for siblings of U.S.  
1337 citizens undermines the integrity of the legal immigration  
1338 system.

1339 Extended waiting periods of a decade or more mean that

1340 most siblings enter well into their working lives, limiting  
1341 the time during which they can make a contribution to the  
1342 U.S. economy. In addition, such long waiting periods simply  
1343 encourage illegal immigration. It is inevitable that many  
1344 aliens, when faced with decades on the sibling backlog, will  
1345 simply come to the U.S. illegally and wait here. This  
1346 amendment would only encourage this.

1347       The concept of family reunification is meaningless in  
1348 the context of green cards for siblings. Once an alien  
1349 makes the decision to come to the U.S., it will be decades  
1350 before they will be able to bring their siblings to the  
1351 United States.

1352       Let me give a concrete example. Suppose a student from  
1353 the Philippines comes to the U.S. to go to college for 6  
1354 years to get a bachelor's degree and a master's degree.  
1355 Then let us say they are hired by an American employer and  
1356 work for that employer for 4 years on an H-1B visa before  
1357 the employer is able to successfully petition for them for a  
1358 green card.

1359       Once they receive a green card, they have to wait about  
1360 6 years before they can apply for and complete the

1361 application process to become a naturalized citizen. Then  
1362 they can finally petition for a green card for their  
1363 sibling, but a green card won't be available for another 23  
1364 years.

1365 All told, it will be four decades before the sibling can  
1366 come to the U.S., and it is simply ludicrous to call this  
1367 family reunification. We have already provided in the  
1368 manager's amendment that those aliens who have been waiting  
1369 patiently and legally in line for the most years should  
1370 retain access to sibling green cards.

1371 We keep the program open for a decade, but to keep it  
1372 open for four decades simply doesn't make sense. And during  
1373 that decade, we do not allow any new applications, any new  
1374 petitions in the sibling category.

1375 In addition, after four decades, this amendment will  
1376 result in increased legal immigration in the amount of  
1377 65,000 a year in perpetuity. We simply can't -- we can't  
1378 simply increase immigration levels without end, and  
1379 therefore, I must urge my colleagues to oppose the  
1380 amendment.

1381 Ms. Bass. Mr. Chairman?

1382 Chairman Goodlatte. For what purpose does the  
1383 gentlewoman from California, Ms. Bass, seek recognition?

1384 Ms. Bass. I move to strike the last word.

1385 Chairman Goodlatte. The gentlewoman is recognized for 5  
1386 minutes.

1387 Ms. Bass. Mr. Chairman, I support Ms. Chu's amendment  
1388 to protect sibling visas, and I urge my colleagues to  
1389 support the amendment as well.

1390 Family values and family unity have long been integral  
1391 components of our immigration system because family cohesion  
1392 promotes financial growth of immigrant families.  
1393 Nonetheless, the SKILLS Visa Act would weaken family unity  
1394 and the economic vitality of immigrants by repealing sibling  
1395 visas.

1396 Under current law, a citizen or green card holder can  
1397 petition for immediate family, including a spouse, children,  
1398 and siblings. We allow this because a strong and robust  
1399 family unit is crucial to the social and economic success of  
1400 immigrants.

1401 It is well documented that siblings often contribute  
1402 time and money to family-owned businesses, ensuring their

1403 success. In addition, siblings often support their families  
1404 by providing care for children and the elderly, allowing  
1405 other family members to continue working, running businesses  
1406 and contributing to our economy.

1407 Sibling visas help build strong families, and strong  
1408 families help build a strong middle class. Ending sibling  
1409 visas will hurt families. This is the only avenue for the  
1410 immigration of siblings, and its elimination would damage  
1411 the strong and robust family immigration system that is  
1412 crucial to the economic success of families.

1413 Yield back.

1414 Ms. Lofgren. Mr. Chairman?

1415 Chairman Goodlatte. For what purpose does the gentleman  
1416 from New York seek recognition?

1417 Mr. Nadler. Move to strike the last word, Mr. Chairman.

1418 Chairman Goodlatte. The gentleman is recognized for 5  
1419 minutes.

1420 Mr. Nadler. Mr. Chairman, I rise in support of the  
1421 amendment offered by the gentlelady from California, and I,  
1422 frankly, don't understand the arguments of the chairman.

1423 As I understand the amendment, it would simply say that

1424 anybody who is already on the line can get in. It wouldn't  
1425 reopen the line. So if all -- so the chairman says, well,  
1426 they may have to wait a long, long time. Well, that would  
1427 argue for increasing that.

1428       If we are saying that there is a given number of people  
1429 on line, whatever that number is, 2 million people. I have  
1430 no idea, but let us say it is 2 million people. And you are  
1431 saying we want to shut the gate afterward, but we will let  
1432 in those 2 million, might as well do it more quickly because  
1433 of the very reasons that the chairman said.

1434       Now if you are saying we are going to keep the sibling  
1435 program open for the future, then the question is how many  
1436 per year, how many overall, et cetera. But if you are  
1437 limiting it, and you are saying the number of people on line  
1438 now, and there is this finite number, whatever that number  
1439 is. But the problem is it takes so long to get in here. So  
1440 reduce that amount of time that it takes to get in here if  
1441 you have a finite number of people.

1442       But in any event, in any event, there is no reason. I  
1443 mean, the chairman says we have a lower number. We think it  
1444 will take care of most of all the people. Why not know it

1445 will take care of most of the people -- of all the people?

1446 Let the people in now, and if you think, by the way, if you

1447 think that while a certain number of people is going to be

1448 attritioned because there is too long a wait, and we want

1449 that, then don't change it at all.

1450 Let that amount of people in. Don't change the timing

1451 or the number. If you think that it is important that

1452 people not wait for 40 years, which I would agree, then

1453 increase the number annually, but limit it to that total.

1454 Now I wouldn't support all that. I don't think we

1455 should shut the program. But if we are shutting the program

1456 in the bill, the gentlelady's amendment makes sense because

1457 if they are already on line it would be grossly -- and they

1458 have been waiting for years, it would be grossly unfair to

1459 them and to their siblings in the United States who are or

1460 will become citizens to suddenly say you have been waiting

1461 in vain.

1462 The chairman, I think, recognizes that injustice and

1463 would provide a partial solution. The gentlelady would

1464 provide a total solution. And again, you have got a choice.

1465 You can, after we adopt the gentlelady's amendment, you



1466 could increase the annual number so as to reduce the length  
1467 of time or not, but it is the same total number of people.

1468 So I support the gentlelady's amendment. It makes  
1469 logical sense. And I yield back.

1470 Mr. Issa. Mr. Chairman?

1471 Chairman Goodlatte. For what purpose does the gentleman  
1472 from California seek recognition?

1473 Mr. Issa. I rise in opposition to this amendment.

1474 Chairman Goodlatte. The gentleman is recognized for 5  
1475 minutes.

1476 Mr. Issa. Mr. Chairman, as we prepared for this markup  
1477 and for trying to find common ground, this was a great point  
1478 of compromise. Ten years, a decade is a long time to see  
1479 who falls out and who stays in.

1480 If we stay with the gentlelady, my colleague from  
1481 California's amendment, what we do is we say we are going to  
1482 continue what most people believe was not a good idea, that  
1483 this sibling category, notwithstanding there are other  
1484 reasons that siblings may apply to come to America, but sort  
1485 of the right to come simply because one of your relatives  
1486 already is here, we are looking broadly -- and so are the

1487 Democratically controlled Senate -- we are looking at  
1488 eliminating this category. And then remaining with a 40-  
1489 year tail makes very little sense.

1490 Now I would say to the gentlelady that I was here when a  
1491 lot of things were done with a 10-year tail, including the  
1492 end of the inheritance tax, the end of a number of other  
1493 taxes. And that 10 years came, and future Congresses, which  
1494 I was honored to be in, dealt with it. I think poorly, but  
1495 dealt with it.

1496 We are a compassionate nation. As we go through and  
1497 that 10 years window comes, we -- this committee and others  
1498 will clearly look at who is left in the backlog, what the  
1499 characteristic is. But I certainly think that the  
1500 gentlelady would agree that if we simply assumed today that  
1501 we cut off this category and we go forward 40 years,  
1502 somebody who is a sibling of an immigrant who already has a  
1503 green card, and we will just assume that immigrant is 25 and  
1504 their sibling is 23, we are talking about somebody who is  
1505 going to be 63 years old, if I did my math right. We are  
1506 talking about an unreasonable period of time.

1507 Now Mr. King and I have been discussing, and I am going

1508 to wind this up. We would like to create a merit situation  
1509 where we can go through this category very quickly, and I  
1510 will look forward to working with the gentlelady on perhaps  
1511 those reforms.

1512 And I yield back.

1513 Chairman Goodlatte. Thank the gentleman.

1514 For what purpose does the gentlewoman from California  
1515 seek recognition?

1516 Ms. Lofgren. To strike the last word.

1517 Chairman Goodlatte. The gentlewoman is recognized for 5  
1518 minutes.

1519 Ms. Lofgren. I want to speak in favor of the  
1520 gentlelady's amendment because I think it is just basically  
1521 the fair thing to do. I also think it will be good for  
1522 America.

1523 Now people have speculated about how many immigrants  
1524 will come in, and the truth is we don't have a crystal ball,  
1525 but I do have some data from the Department of State that is  
1526 as of November of last year. There are 2,473,114  
1527 individuals waiting in the sibling category, including a  
1528 little over 174,000 from Vietnam, a little over 171,000 from

1529 China, a little over 188,000 from the Philippines, a little  
1530 over 230,000 from India.

1531 We allocate under the law 65,000 visas a year. So,  
1532 obviously, that doesn't very quickly work down the roughly  
1533 2.5 million people in line. The State Department doesn't  
1534 query the applicants on a regular basis. Once you pay your  
1535 fees and you file your application, you merely wait.

1536 We have experienced a roughly 40 percent attrition rate  
1537 in the past years under this visa category, and the reasons  
1538 are many. People may have filed, but after they have  
1539 waited, they have created lives for themselves in another  
1540 country. They decide to think against it.

1541 But if you assume that 40 percent attrition rate is  
1542 likely to go forward, with the bill with the manager's  
1543 amendment, we have 1.5 million people waiting, 650,000 visas  
1544 over the next 10 years. That would leave 850,000 people who  
1545 have played by the rules, who paid their fees, who filed  
1546 their applications, who have been waiting in line that will  
1547 just be told you are out of luck.

1548 And I don't think that is the right thing to do, and I  
1549 also think it is not good for America because if you take a

1550 look at the studies, immigrants, whether or not they come on  
1551 a profession-based visa or whether they come through family  
1552 visas, are twice as likely to start businesses in the United  
1553 States as Americans born in the United States. And these  
1554 immigrant businesses include not only tech businesses, but  
1555 nontech businesses. And they have grown at 2.5 times the  
1556 national average.

1557       So the immigrants that will come in under the family  
1558 basis historically start businesses and create jobs and do  
1559 good things for the country. There is another issue, and I  
1560 know it is not the intent of the committee. But ending the  
1561 sibling category also will have the pernicious effect of  
1562 being disadvantageous to women, particularly unmarried  
1563 women.

1564       Approximately 70 percent of the immigrant women who come  
1565 to the United States come through the family-based system,  
1566 and that is because in certain parts of the country, women  
1567 do not have the same educational or career opportunities  
1568 that men do. And so, under the current immigration system  
1569 employment-based visas favor men over women by a nearly  
1570 four-to-one margin, but that is not the case when it comes

1571 to family-based immigration.

1572       So I think disadvantaging the 850,000 people who will be  
1573 out of luck under the current system is not good for  
1574 America. I don't think it is the kind of fair treatment we  
1575 want to give to people who have lived by the rules that we  
1576 have set out and who have realigned their lives to comply  
1577 with our immigration laws.

1578       I would note also that, again, this is speculation, but  
1579 as time goes forward, the attrition rate likely would  
1580 increase because of age. And also I think it was Mr. Issa,  
1581 but perhaps it was another Member who mentioned that  
1582 individuals who wait a long time would become elderly. We  
1583 need to recall that the public charge exclusions under  
1584 Section 212 of the act are not repealed by this bill.

1585       So I just think that it is -- the gentlelady's amendment  
1586 is the minimum fair thing to do. I think that we should  
1587 adopt the amendment and be the kind of country that we all  
1588 want to be, which is to continue standing up for the rule of  
1589 law and allowing those individuals who have tried to comply  
1590 with our law to do so.

1591       And with that, I yield back.

1592 Chairman Goodlatte. The question occurs on the  
1593 amendment offered by the gentlewoman from California to the  
1594 manager's amendment.

1595 All those in favor, respond by saying aye.

1596 Those opposed, no.

1597 In the opinion of the chair, the noes have it. The  
1598 amendment is not agreed to.

1599 Ms. Chu. Ask for a recorded vote.

1600 Chairman Goodlatte. A recorded vote is requested, and  
1601 the clerk will call the roll.

1602 Ms. Deterding. Mr. Goodlatte?

1603 Chairman Goodlatte. No.

1604 Ms. Deterding. Mr. Goodlatte votes no.

1605 Mr. Sensenbrenner?

1606 Mr. Sensenbrenner. No.

1607 Ms. Deterding. Mr. Sensenbrenner votes no.

1608 Mr. Coble?

1609 [No response.]

1610 Ms. Deterding. Mr. Smith of Texas?

1611 Mr. Smith of Texas. No.

1612 Ms. Deterding. Mr. Smith of Texas votes no.

1613 Mr. Chabot?

1614 Mr. Chabot. No.

1615 Ms. Deterding. Mr. Chabot votes no.

1616 Mr. Bachus?

1617 [No response.]

1618 Ms. Deterding. Mr. Issa?

1619 Mr. Issa. No.

1620 Ms. Deterding. Mr. Issa votes no.

1621 Mr. Forbes?

1622 Mr. Forbes. No.

1623 Ms. Deterding. Mr. Forbes votes no.

1624 Mr. King?

1625 Mr. King. No.

1626 Ms. Deterding. Mr. King votes no.

1627 Mr. Franks?

1628 [No response.]

1629 Ms. Deterding. Mr. Gohmert?

1630 [No response.]

1631 Ms. Deterding. Mr. Jordan?

1632 Mr. Jordan. No.

1633 Ms. Deterding. Mr. Jordan votes no.



1634 Mr. Poe?

1635 Mr. Poe. No.

1636 Ms. Deterding. Mr. Poe votes no.

1637 Mr. Chaffetz?

1638 Mr. Chaffetz. No.

1639 Ms. Deterding. Mr. Chaffetz votes no.

1640 Mr. Marino?

1641 Mr. Marino. No.

1642 Ms. Deterding. Mr. Marino votes no.

1643 Mr. Gowdy?

1644 Mr. Gowdy. No.

1645 Ms. Deterding. Mr. Gowdy votes no.

1646 Mr. Amodei?

1647 Mr. Amodei. No.

1648 Ms. Deterding. Mr. Amodei votes no.

1649 Mr. Labrador?

1650 Mr. Labrador. No.

1651 Ms. Deterding. Mr. Labrador votes no.

1652 Mr. Farenthold?

1653 Mr. Farenthold. No.

1654 Ms. Deterding. Mr. Farenthold votes no.

1655 Mr. Holding?

1656 Mr. Holding. No.

1657 Ms. Deterding. Mr. Holding votes no.

1658 Mr. Collins?

1659 Mr. Collins. No.

1660 Ms. Deterding. Mr. Collins votes no.

1661 Mr. DeSantis?

1662 Mr. DeSantis. No.

1663 Ms. Deterding. Mr. DeSantis votes no.

1664 Mr. Smith of Missouri?

1665 Mr. Smith of Missouri. No.

1666 Ms. Deterding. Mr. Smith of Missouri votes no.

1667 Mr. Conyers?

1668 Mr. Conyers. Aye.

1669 Ms. Deterding. Mr. Conyers votes aye.

1670 Mr. Nadler?

1671 Mr. Nadler. Aye.

1672 Ms. Deterding. Mr. Nadler votes aye.

1673 Mr. Scott?

1674 [No response.]

1675 Ms. Deterding. Mr. Watt?

1676 [No response.]

1677 Ms. Deterding. Ms. Lofgren?

1678 Ms. Lofgren. Aye.

1679 Ms. Deterding. Ms. Lofgren votes aye.

1680 Ms. Jackson Lee?

1681 [No response.]

1682 Ms. Deterding. Mr. Cohen?

1683 Mr. Cohen. Aye.

1684 Ms. Deterding. Mr. Cohen votes aye.

1685 Mr. Johnson?

1686 Mr. Johnson. Aye.

1687 Ms. Deterding. Mr. Johnson votes aye.

1688 Mr. Pierluisi?

1689 Mr. Pierluisi. Aye.

1690 Ms. Deterding. Mr. Pierluisi votes aye.

1691 Ms. Chu?

1692 Ms. Chu. Aye.

1693 Ms. Deterding. Ms. Chu votes aye.

1694 Mr. Deutch?

1695 Mr. Deutch. Aye.

1696 Ms. Deterding. Mr. Deutch votes aye.

1697 Mr. Gutierrez?

1698 [No response.]

1699 Ms. Deterding. Ms. Bass?

1700 [No response.]

1701 Ms. Deterding. Mr. Richmond?

1702 Mr. Richmond. Aye.

1703 Ms. Deterding. Mr. Richmond votes aye.

1704 Ms. DelBene?

1705 Ms. DelBene. Aye.

1706 Ms. Deterding. Ms. DelBene votes aye.

1707 Mr. Garcia?

1708 Mr. Garcia. Aye.

1709 Ms. Deterding. Mr. Garcia votes aye.

1710 Mr. Jeffries?

1711 [No response.]

1712 Chairman Goodlatte. The gentleman from Alabama?

1713 Mr. Bachus. No.

1714 Ms. Deterding. Mr. Bachus votes no.

1715 Chairman Goodlatte. The gentleman from North Carolina?

1716 Mr. Coble. No.

1717 Ms. Deterding. Mr. Coble votes no.

1718 Chairman Goodlatte. The gentleman from Arizona?

1719 Mr. Franks. No.

1720 Ms. Deterding. Mr. Franks votes no.

1721 Chairman Goodlatte. Are there other Members who have  
1722 not voted who wish to vote?

1723 [No response.]

1724 Chairman Goodlatte. The clerk will report.

1725 Ms. Deterding. Mr. Chairman, 11 Members voted aye; 22  
1726 Members voted nay.

1727 Chairman Goodlatte. And the amendment is not agreed to.  
1728 The question occurs on the manager's amendment.  
1729 All those in favor, respond by saying aye.  
1730 Those opposed, no.

1731 In the opinion of the chair, the ayes have it, and the  
1732 amendment is agreed to.

1733 The committee will stand in recess until 1:05 p.m., to  
1734 give you a full hour.

1735 [Recessed.]

1736 Chairman Goodlatte. The committee will reconvene.  
1737 When we recessed, we were considering amendments to H.R.  
1738 2131.

1739           And for what purpose does the gentleman from Michigan  
1740 seek recognition?

1741           Mr. Conyers. Mr. Chairman, I have an amendment at the  
1742 desk and ask that it be reported.

1743           Chairman Goodlatte. The clerk will report.

1744           Ms. Deterding. Amendment to H.R. 2131, offered by Mr.  
1745 Conyers of Michigan. Page 3, beginning --

1746           Chairman Goodlatte. Without objection, the amendment  
1747 will be considered as read.

1748           [The amendment of Mr. Conyers follows:]

1749

1750 Chairman Goodlatte. And the gentleman is recognized for  
1751 5 minutes on his amendment.

1752 Mr. Conyers. Thank you.

1753 This amendment addresses one of the key problems with  
1754 the bill, the complete elimination of the Diversity Visa  
1755 Program. In a bill that is supposed to be about providing  
1756 green cards and other visas to advanced degree graduates of  
1757 the U.S. universities in STEM fields, the elimination of  
1758 this longstanding and important part of our immigration  
1759 system is totally inappropriate.

1760 I think everyone on the committee knows that without the  
1761 Diversity Visa Program, our immigration system would look  
1762 very different, and not in a good way.

1763 Eliminating the Diversity Visa Program will drastically  
1764 decrease immigration from African countries.

1765 And so I appeal to your better natures to join me in  
1766 this effort.

1767 In recent years, almost half of the diversity visas have  
1768 gone to African immigrants. But in the last fiscal year,  
1769 only about 7 percent of the family and employment-based  
1770 immigrants came from African families. And that percentage

1771 is higher than it was in the past, in large part because of  
1772 the diversity program.

1773 The truth is that eliminating the Diversity Visa Program  
1774 would seriously undermine African immigration to this  
1775 country.

1776 The Diversity Visa Program, my colleagues, also plays an  
1777 important foreign-policy role for the United States. At a  
1778 hearing in 2011, a former ambassador testified on behalf of  
1779 the United States Conference of Catholic Bishops that the  
1780 program helps to sustain the idea of the American dream  
1781 around the world. That was now-Ambassador Johnny Young that  
1782 testified that, "The program engenders hope abroad for those  
1783 that are all too often without it, hope for a better life,  
1784 hope for reunification with family in the United States, and  
1785 hope for a chance to use their God-given skills and  
1786 talents."

1787 Also, each time the majority proposes to eliminate the  
1788 diversity program, as was done several times in the 112th  
1789 Congress, we hear that it poses a national security threat  
1790 and is open to fraud.

1791 I hope we aren't faced with that, but I want to be



1792 clear, there is little credible evidence that the program  
1793 threatens national security.

1794 Diversity visa beneficiaries undergo stringent  
1795 background checks, just like any other immigrant. And the  
1796 General Accounting Office in 2007 wrote that it found no  
1797 documented evidence that diversity immigrants posed a  
1798 terrorist or other threat.

1799 Former chairman of the Immigration Subcommittee in  
1800 Judiciary, Bruce Morrison, some of you may recall, testified  
1801 in 2005, "It is absurd to think that a lottery would be the  
1802 vehicle of choice for terrorists."

1803 In addition, the State Department has actually taken  
1804 many significant steps to cut down on fraud in the program.  
1805 In fact, the most common type fraud we see in the Diversity  
1806 Visa Program involves fraud on the potential applicants  
1807 themselves, not fraud on our United States Government.

1808 When this committee marked up the misnamed Security and  
1809 Fairness Enhancement for America Act, H.R. 704, in the last  
1810 Congress, a bill that did nothing other than kill the  
1811 diversity program, our colleague from Texas, Ms. Jackson  
1812 Lee, offered an amendment directing the secretaries of

1813 Homeland Security and State to report to Congress on steps  
1814 that could be taken to further eliminate fraud and security  
1815 risk in the diversity program.

1816       Rather than vote to fix the program and defend legal  
1817 immigration and diversity in our immigrant pool, every  
1818 Republican on the committee who was present voted down this  
1819 modest amendment.

1820       And so eliminating the diversity program has about as  
1821 much to do with preventing fraud and protecting us from  
1822 terrorists as it has to do with creating more green cards  
1823 for scientists and mathematicians.

1824       And so I yield back the balance of my time, and urge the  
1825 consideration of members in support this amendment.

1826       I thank the chairman.

1827       Chairman Goodlatte. The chair thanks the gentleman and  
1828 recognizes himself in opposition to the amendment, because  
1829 it retains the Diversity Visa Program.

1830       The diversity program is rife with fraud and serves no  
1831 legitimate purpose regarding immigration policy. The  
1832 program is also called the visa lottery because the winners  
1833 are determined through a computer-generated, completely

1834 random drawing. American immigration policy should be based  
1835 on making sure this country admits immigrants who benefit  
1836 the country and the economy.

1837 Admitting immigrants based solely on the luck of the  
1838 visa lottery draw does little to serve the national  
1839 interest. Diversity visa recipients do not necessarily have  
1840 the skills and education levels to contribute to society,  
1841 and the State Department Inspector General has found that  
1842 fraud is an ongoing major program issue in the DV program.

1843 The fraud and scams are perpetrated in several ways,  
1844 including: one, by individuals who apply multiple times  
1845 under fake names; two, by individuals who apply in the name  
1846 of another individual, and if that name is selected by the  
1847 lottery, the scammer alerts the person, but holds the  
1848 application information hostage in return for money; three,  
1849 by those who force lottery winners to marry others so the  
1850 others can get to the U.S.; four, by individuals who obtain  
1851 fake identity documents in the name of lottery winners in  
1852 order to emigrate to the U.S.; and five, by lottery winners  
1853 who enter into fraudulent marriages in order to get money in  
1854 return for immigration benefits.

1855           A former State Department official told the Judiciary  
1856 Committee that visa lottery fraud includes multiple entries,  
1857 fraudulent claims to education and work experience, pop-up  
1858 spouses and family members, relatives added after the  
1859 application is submitted, and false claims for employment or  
1860 financial support in the United States.

1861           Even the U.S. Departments of State and Homeland Security  
1862 regularly release bulletins regarding scams in the Diversity  
1863 Visa Program. Several U.S. Embassy -- London, Ireland, et  
1864 cetera -- websites include a diversity visa fraud warning.

1865           The visa lottery program is also a national security  
1866 loophole through which terrorists have entered the country.  
1867 Hesham Hadayet, an Egyptian terrorist who killed two and  
1868 wounded several others at Los Angeles International Airport  
1869 on July 4th, 2002, was a lawful permanent resident who  
1870 received his green card through the program.

1871           And a Pakistani national who received a diversity visa  
1872 when his parents were selected for the lottery pleaded  
1873 guilty in 2002 to conspiring to wage jihad by plotting to  
1874 destroy electrical power stations, the Israeli Consulate,  
1875 and other South Florida targets. He reportedly told his

1876 friends that he wanted to wage war against the United  
1877 States.

1878 And individuals from countries designated by the State  
1879 Department as state sponsors of terrorism are eligible for  
1880 diversity visas.

1881 I urge my colleagues to oppose the amendment.

1882 For what purpose does the gentlewoman from California,  
1883 Ms. Lofgren, seek recognition?

1884 Ms. Lofgren. Mr. Chairman, I would like to strike the  
1885 last word.

1886 Chairman Goodlatte. The gentlewoman is recognized for 5  
1887 minutes.

1888 Ms. Lofgren. I want to support Mr. Conyers' amendment  
1889 and point out a few things that we should keep in mind.

1890 First, there was, at one time, a problem with fraud in  
1891 this program. We should be very happy that the United  
1892 States Government took very firm steps to address those  
1893 issues and basically solved them.

1894 For example, you can't do multiple applications any  
1895 longer, because the applications are accompanied by  
1896 photographs, and we are using facial recognition software so

1897 that you can't do more than one application.

1898 The idea, if you are a terrorist, that you would look to  
1899 the Diversity Visa Program as your way to get into the  
1900 United States is absurd. There are 50,000 visas a year.  
1901 There have been years when 10 million or 20 million people  
1902 applied for those 50,000 visas.

1903 If you had an intent to do harm to the U.S., you would  
1904 go for a visa that gives you entry to the U.S. with some  
1905 certainty, a visitor's visa, or you might try to get a  
1906 student visa. You would not join a lottery where 10 million  
1907 or 20 million people are with you for the 50,000 visas  
1908 available.

1909 The scams that have existed in the past have, for the  
1910 most part -- I would say entirely -- have been defeated,  
1911 although there are sometimes efforts to cheat the  
1912 applicants, for example.

1913 What I want to talk about is the underlying issue of why  
1914 it is important to have diversity.

1915 I am actually not totally in love with the diversity  
1916 visa lottery, because it is a lottery. But until we have  
1917 some other mechanism in place to make sure that we have

1918 diversity moving forward in our visa system, then the  
1919 diversity visa lottery is something that we should not  
1920 eliminate.

1921 I think it is worth noting, just in terms of the  
1922 numbers, in Africa, about half of these visas do in fact go  
1923 to Africa, we have currently in the queue on the family side  
1924 117,803 individuals. If you pull out the sibling category,  
1925 there are about 53,000 individuals for all family-based  
1926 immigration in the queue from Africa.

1927 I think that shows the actual very small number of  
1928 individuals that are coming in from Africa. And it is  
1929 important -- and it has been a value of our immigration  
1930 system since 1965, and it is a value of our country for the  
1931 last hundreds of years -- that we value diversity.

1932 And to eliminate the diversity visa without providing  
1933 some other way to assure ourselves that people from Africa,  
1934 the continent of Africa, will continue to be part of the  
1935 rich immigrant picture of our country, I just think it is a  
1936 terrible mistake.

1937 I would note also that although there is a lottery, but  
1938 in order to apply for the lottery, you have to be born in a

1939 country that has not been substantial immigration. So it is  
1940 not open to anyone, and you have to have at least a high  
1941 school diploma or a skill set in demand.

1942 I think that is why, when the Congressional Research  
1943 Service took a look at the diversity visa immigrants a  
1944 number of years ago, they found that the DV immigrants were  
1945 2.5 times more likely to report managerial and professional  
1946 occupations than all other lawful permanent residents.

1947 At a later point in the proceedings, I will talk about  
1948 an alternative plan to provide for diversity in our visa  
1949 system, because our goal is not to have the diversity visa  
1950 lottery. Our goal is to have diversity. And there may be  
1951 more than one way to do that, but until we have achieved  
1952 that goal, to eliminate the Diversity Visa Program I think  
1953 is a mistake.

1954 We have had a bad week, in terms of racial equality,  
1955 with the decisions of the Supreme Court. I think it is  
1956 important that we not aggravate the problems of equality as  
1957 we move through this bill.

1958 I think rejecting Mr. Conyers' amendment --

1959 Mr. Conyers. Would the gentlelady yield?



1960 Ms. Lofgren. I would certainly yield.

1961 Mr. Conyers. I want to thank her as ranking

1962 subcommittee member, for the great job she has done.

1963 I am really trying to wrap my head around why a bill

1964 about visas for advanced degree STEM graduates has to

1965 eliminate an entirely unrelated visa category.

1966 Ms. Lofgren. Reclaiming my time, I think it appears

1967 that it is part of the zero-sum game that the majority is

1968 engaged in, and that because they are unwilling to actually

1969 fully fulfill the needs of our economy through allocation of

1970 permanent resident visas, they are poaching on family visas

1971 and the diversity visa as a source of visas in their zero-

1972 sum game.

1973 But if I could just conclude, Mr. Chairman, I just think

1974 that it would be an unfortunate mistake to eliminate the one

1975 provision in immigration law that specifically is oriented

1976 toward diversity and has the impact of providing half of its

1977 visas to Africa.

1978 I just think it would be a very serious mistake for the

1979 committee, and I would urge all of us to support Mr.

1980 Conyers' amendment. And I yield back.

1981 Chairman Goodlatte. The time of the gentlewoman has  
1982 expired.

1983 For what purpose does the gentlewoman from California,  
1984 Ms. Bass, seek recognition?

1985 Ms. Bass. To strike the last word.

1986 Chairman Goodlatte. The gentlewoman is recognized for 5  
1987 minutes.

1988 Ms. Bass. Thank you, Mr. Chairman.

1989 I want to support the ranking member's amendment to  
1990 preserve the Diversity Visa Program. The program was  
1991 established to increase diversity among immigrants who come  
1992 from countries that are underrepresented in terms of  
1993 immigration to the United States.

1994 I believe the visas have helped U.S. become the largest  
1995 and most diverse immigration system in the world, and that  
1996 is something, frankly, that we should be proud of and should  
1997 build on.

1998 The visas also help build goodwill around the world. I  
1999 serve as ranking member on the Foreign Affairs Subcommittee  
2000 on Africa, and I am very much aware of how important visas  
2001 are to U.S.-African relations. It is my understanding that

2002 around 50 percent of the visas' beneficiaries come from  
2003 African countries and are people who work hard pursuing the  
2004 American dream. And many of them become successful and  
2005 contribute to relief efforts that then aid their home  
2006 countries.

2007 Johnny Young, who is a former U.S. Ambassador to Sierra  
2008 Leone and Togo, has said that the visas help shape the minds  
2009 and hearts to regard the United States and the democracy  
2010 that we enjoy as a beacon of hope and opportunity, and a  
2011 leader in the world.

2012 And this is one of the reasons why I think these visas  
2013 are important.

2014 My colleague from California mentioned the fact that  
2015 there have been criticisms that the program provided an  
2016 avenue for people to come in who are terrorists. And I  
2017 think that aside from the information that she provided,  
2018 that if you're going to come in to do harm to the United  
2019 States, this certainly would not be the mechanism to come  
2020 in. You are participating in a lottery with hundreds of  
2021 thousands of other people.

2022 But in addition to that, diversity visa winners are

2023 subject to the same immigration, criminal, and national  
2024 security background checks that are applicable to everyone  
2025 applying to become a lawful permanent resident.

2026 My colleague also spoke and acknowledged the fact that  
2027 the program in the past had a lot of problems with fraud,  
2028 but that those problems had been addressed. So it is  
2029 actually something that we should be happy about, that a  
2030 problem was identified, and it was corrected.

2031 And one of the ways it was corrected was by requiring  
2032 the submission of fingerprints and digital photographs to  
2033 identify duplicative and fraudulent applications, and by  
2034 shifting from paper to electronic applications.

2035 Another criticism of the program is that it doesn't  
2036 produce talented immigrants. But on the contrary, the  
2037 diversity visa winners are 2.5 times more likely to report  
2038 managerial and professional occupations.

2039 Diversity visa winners bring talent and skills to the  
2040 U.S. economy, and have just as much ambition and desire to  
2041 contribute to this country as other immigrants.

2042 In my opinion, this program upholds the traditions of  
2043 our Nation and enriches our Nation by fostering the

2044 diversity of thought, talent, culture that has made our  
2045 Nation great.

2046       Furthermore, these visas, as I mentioned before, promote  
2047 our goodwill and foreign policy interests. It is very  
2048 positive to have an active diaspora here in the United  
2049 States working to establish and promote our goodwill around  
2050 the world.

2051       I yield back my time. Thank you.

2052       I am sorry, one other thing, I wanted to ask unanimous  
2053 consent, if you don't mind, to place into the record a  
2054 couple of letters, a letter from the Coalition for Humane  
2055 Immigrant Rights of Los Angeles on H.R. 2131, the SKILLS  
2056 Visa Act, if that is okay.

2057       Chairman Goodlatte. Without objection, it will be made  
2058 part of the record.

2059       [The information follows:]

2060

2061 Chairman Goodlatte. For what purpose does the gentleman  
2062 from Virginia -- well, I am going to go to California first.

2063 The gentleman from California?

2064 Mr. Issa. Mr. Chairman, I will be brief, because these  
2065 are not new arguments. These are the arguments we saw on  
2066 the House floor.

2067 I will join with my colleagues on the other side of the  
2068 aisle in saying that, per se, the lottery is not the choice  
2069 of terrorists. But it also is simply not the choice of  
2070 skilled workers. It is not the choice of employers.

2071 Employers do not stand in line waiting to hire people  
2072 who win the lottery.

2073 Additionally, I think it is reprehensible to sort of say  
2074 this is a diversity visa when in fact this was a visa system  
2075 designed by the late Ted Kennedy to ensure that Irish got  
2076 here. And over the years, it has morphed.

2077 So you can claim diversity, but it was really about  
2078 making sure that Irish still got here in numbers. And the  
2079 last time I checked, Ireland is not part of the African  
2080 continent.

2081 Now, I would join with my colleagues on the other side

2082 of the aisle to say, if you want to include diversity  
2083 overall in over 1 million people who are allowed to come  
2084 here, we should have that discussion. But, quite candidly,  
2085 we are not getting diversity in our immigration system.  
2086 Skills will be based on merit.

2087 But if you look at where we get our immigration, out of  
2088 1,062,040 people in 2011, the biggest single chunk was  
2089 nuclear family members of citizens and permanent residents,  
2090 meaning family reunification, 419,000.

2091 Nearly half of all of our immigration is simply to bring  
2092 together, and actually, if you include other relatives of  
2093 citizens, far more than half, is simply bringing more of the  
2094 same of whoever already came here.

2095 Ms. Bass. Will the gentleman yield?

2096 Mr. Issa. No, I will not. Not at this time.

2097 The fact is, that is not diversity-oriented, because it  
2098 simply perpetuates the past. We should have a discussion  
2099 about that.

2100 In the case of the high-skills labor, I am perfectly  
2101 willing to work with all the members on both sides of the  
2102 aisle to try to make sure that we are fair regionally around

2103 the world, and I look forward to --

2104 Ms. Bass. Will the gentleman yield now?

2105 Mr. Issa. Of course.

2106 Ms. Bass. So I wanted to ask you a question. It is my  
2107 understanding that a large percentage of immigrants from the  
2108 African continent and from the Caribbean do come in under  
2109 this Diversity Visa Program. Is that not correct?

2110 Mr. Issa. Well, I am not going to play a game of --

2111 Ms. Bass. No, I am not playing a game. I am asking you  
2112 a question.

2113 Mr. Issa. Ma'am, it is my time.

2114 I am not going to play a game on 50,000 out of 1  
2115 million. The diversity is a name that people have chosen to  
2116 give to the lottery. The lottery is really not about  
2117 diversity. It is an alternative idea. It was created only  
2118 a generation ago. And it has very little to do with  
2119 changing the reality.

2120 You mentioned that nearly half of all people come in  
2121 from Africa --

2122 Ms. Bass. Right.

2123 Mr. Issa. Ma'am, with all due respect, more than half



2124 of the people in the world and people underrepresented  
2125 compared to Africans in this country come from places like  
2126 Indonesia, India, China. If we want to have diversity,  
2127 meaning equal representation based on population, we are  
2128 going to have a lot more people from other areas.

2129 Ms. Bass. Will the gentleman yield?

2130 Mr. Issa. No, I won't.

2131 The fact is, the term "diversity" is not a true or  
2132 accurate term. It is not about gaining diversity. It is  
2133 about gaming the system. It has been for a long time. And  
2134 many of you --

2135 Ms. Bass. Will the gentleman yield now?

2136 Mr. Issa. Would you please stop interrupting me?

2137 Many people have wanted to call it diversity and say,  
2138 well, it is not about terrorism. I said it is not the  
2139 primary choice of terrorists.

2140 What I want people to understand is, the reason that  
2141 this is, by many of us, an area of reform is it is not about  
2142 any one thing other than having a lottery.

2143 And for this member's case, I very strongly believe that  
2144 bringing in 50,000 people who are tested for skills as part

2145 of the process and who come from all over the world is how  
2146 we are going to achieve the kind of future America.

2147 I thank the chairman for his understanding, and yield  
2148 back.

2149 Chairman Goodlatte. For what purpose does the gentleman  
2150 from Virginia seek recognition?

2151 Mr. Scott. Move to strike the last word.

2152 Chairman Goodlatte. The gentleman is recognized for 5  
2153 minutes.

2154 Mr. Scott. Mr. Chairman, I rise in support of the  
2155 amendment.

2156 The bill offsets some increases in the green cards of  
2157 certain employment-based immigrants by eliminating the  
2158 Diversity Visa Program that now provides a mere 50,000 green  
2159 cards per year to immigrants from countries with low levels  
2160 of immigration in the United States.

2161 The diversity program allows persons from countries that  
2162 have historically not sent many immigrants to the United  
2163 States to ensure our ability to grow and sustain a diverse  
2164 Nation. And it also means, as the gentlelady from  
2165 California has pointed out, that the hope of coming to the

2166 United States will remain alive and well all over the world,  
2167 benefiting us as a Nation, because it puts us in a great  
2168 light.

2169 We frequently heard about qualifications, and it has  
2170 been pointed out, those in the Diversity Visa Program are  
2171 2.5 times more likely to report managerial and professional  
2172 occupations than others. So there is no question on the  
2173 qualifications and the kinds of immigrants that we get  
2174 through the program.

2175 I just think it is a small portion. It helps our  
2176 Nation, and it ought not be eliminated.

2177 Ms. Lofgren. Will the gentleman yield?

2178 Mr. Scott. I will yield to gentlelady from California.

2179 Ms. Lofgren. I thank the gentleman for yielding.

2180 I would just like to note that the name of this program,  
2181 you can go to the USCIS or State Department, and you will  
2182 see, for example, the 2013 diversity visa allocation. That  
2183 is the name of it. The Diversity Visa Program, the  
2184 diversity visa lottery.

2185 It is true that there was a special provision in the law  
2186 at the outset that benefited people from Ireland. That

2187 provision expired after 3 years.

2188       The whole point of this program was to make sure that  
2189 for countries where there was low immigration, less than  
2190 50,000 for the prior 3 years, individuals could then attempt  
2191 to become an immigrant to the United States through this  
2192 diversity program. And the reason for it, and the rationale  
2193 for it, was that we wanted to have the future of our country  
2194 be kind of like the past of our country.

2195       We have an opportunity for people who want to be  
2196 Americans from all over the world to come and join up with  
2197 us and become Americans. That has really made our country  
2198 very strong.

2199       We are particularly concerned at the impact on African  
2200 immigration. As I mentioned in my prior statement, African  
2201 immigration on the family side is very low. And it may be  
2202 true, I think it is true, that the diversity visa lottery is  
2203 not the only way to achieve diversity, but it is the only  
2204 way we currently have to achieve diversity. And I will be  
2205 talking about an alternate plan to achieve diversity later  
2206 in the markup, but I do think to just say we are not going  
2207 to care that half of these visas are emanating out to Africa

2208 -- it is really not a Caribbean issue. There were only 80  
2209 visas issued to the Caribbean under the diversity visa  
2210 allocation, because there is actually a lot of immigration  
2211 from the Caribbean countries.

2212 But for Africa, this is a big deal. I think it would be  
2213 very unfortunate to cut this off.

2214 And I would like to yield to my colleague from  
2215 California, the former speaker of the California Assembly,  
2216 because I know she had an additional point that she wanted  
2217 to make.

2218 Oh, it is the gentleman's time from Virginia. I yield  
2219 back to Mr. Scott.

2220 Mr. Scott. I yield.

2221 Ms. Bass. Thank you. I would just add on, I believe  
2222 that my colleagues from California and Virginia emphasized  
2223 the point that that might have been how the program  
2224 originally started for the Irish, but I think it is very  
2225 clear as to who benefits from that program now.

2226 And also that the people that come over from the African  
2227 continent do come well-educated and seek managerial and  
2228 professional jobs here and do quite well. One of the areas

2229 that we are working on is to try to promote U.S. business  
2230 involvement on the continent, and one of the best ways to do  
2231 that is working with the African diaspora here.

2232 So I believe that this program contributes to that,  
2233 contributes to our own economy here, and I agree that it  
2234 shouldn't be eliminated.

2235 Thank you.

2236 Mr. Scott. I yield back.

2237 Chairman Goodlatte. For what purpose does the gentleman  
2238 from Iowa seek recognition?

2239 Mr. King. Move to strike the last word, Mr. Chairman.

2240 Chairman Goodlatte. The gentleman is recognized for 5  
2241 minutes.

2242 Mr. King. Thank you, Mr. Chairman.

2243 I am sitting here listening to this debate on what is  
2244 labeled visa diversity lottery, and I have long agreed with  
2245 the chairman that we should eliminate this. And I certainly  
2246 maintain that position.

2247 But as I listen to the debate, I am hearing this word  
2248 "diversity" come out over and over and over again. And it  
2249 occurs to me that I don't think I know what that word means.

2250 It could be defined as someplace from geography. Maybe it  
2251 could be defined as race. Maybe it could be defined as  
2252 ethnicity. Maybe it could be defined as skin color. Maybe  
2253 it could be defined by ideology. Maybe it could be defined  
2254 by religion.

2255 And so we toss that universal word out called diversity,  
2256 and I remain unclear as to what the minority means when they  
2257 so universally use the term.

2258 And I would ask if the gentlelady from California might  
2259 yield to a question, and perhaps try to answer that for me,  
2260 because I know that she is the most astute on this topic.

2261 Ms. Lofgren. Which lady from California are you  
2262 referring to?

2263 Mr. King. That would be Ms. Lofgren.

2264 Ms. Lofgren. There are three of us here.

2265 Mr. King. I just said the most astute, so I presume  
2266 that you would know that.

2267 [Laughter.]

2268 Ms. Bass. I expect you to apologize for that.

2269 [Laughter.]

2270 Ms. Lofgren. Since I am the ranking member of the

2271 subcommittee, I will just say that in the current  
2272 Immigration and Nationality Act, those eligible are based on  
2273 geography, the country you were born in. And countries that  
2274 have low levels of immigration in the prior 3 years, their  
2275 citizens are eligible to apply.

2276 It is based on geography, but as it turns out, the  
2277 geography that takes half the visas is Africa. So although  
2278 the code talks about nations, the impact has also involved  
2279 issues of race and ethnicity. And it is impossible to  
2280 ignore that fact.

2281 So I hope that answers the gentleman's question.

2282 Mr. King. Reclaiming my time, and thanking the  
2283 gentlelady from California, it really is a serious question.  
2284 And also, it has political implications, like many serious  
2285 questions do.

2286 It is curious to me that it is based on geography with  
2287 regard to the country that you are born in, but we are  
2288 referring to the continent of Africa within this dialogue.  
2289 And I think that illustrates some of the confusion that one  
2290 might have from this.

2291 And I would also point out that I am not of the opinion



2292 that real diversity is always embodied within those  
2293 characteristics that I mentioned in the earlier part of my  
2294 question. I think it is important for this country to have  
2295 diversity of thought, diversity of opinion, diversity of  
2296 ideology, so that that can compete against each other. And  
2297 I would like to see the day when those other characteristics  
2298 that identify people with regard to geography, race, or  
2299 ethnicity is completely erased in this country, and we can  
2300 just simply see ourselves as products of God's creation  
2301 competing in a free world and society.

2302 I would yield to the gentlelady.

2303 Ms. Lofgren. I thank the gentleman for yielding.

2304 The entire Immigration and Nationality Act is organized  
2305 around country of origin. For example, we have visas on the  
2306 family side that are allocated, and then they are divided up  
2307 by where you are born, so that there are the same number of  
2308 visas for India as there are for Iceland.

2309 I mean, it may be that we should throw out the entire  
2310 Immigration and Nationality Act, which is based on national  
2311 origin, but that is not what we are doing here today. We  
2312 are just eliminating the diversity visa, and I thank the

2313 gentleman for yielding.

2314 Mr. King. Reclaiming my time, I thank the gentlelady  
2315 for her input, and I would point out that I really was right  
2316 on the astuteness in my original observation.

2317 I will find another way to compliment the other  
2318 gentleladies from California at a later date.

2319 But I also point out the accuracy of my statement, that  
2320 when we refer to a continent as a source of diversity, as  
2321 opposed to even a country or a nation, I would point out  
2322 that then-Senator Teddy Kennedy announced that this  
2323 legislation that emerged clear back in the early '60s would  
2324 not change the ethnic composition of the United States, he  
2325 really wasn't right on that particular statement.

2326 So some of this philosophy has changed over the years,  
2327 and so has the utilization of the term "diversity," and I  
2328 would get back to God's creation viewed according to content  
2329 of our character.

2330 And I would yield back the balance of my time.

2331 Ms. Lofgren. Would the gentleman yield?

2332 Mr. King. If I still have time, I yield.

2333 Ms. Lofgren. Just one further point, in the current

2334 Immigration and Nationality Act, the allocations are by  
2335 country, but they are grouped by continent in the code.

2336 So if you go to the State Department and see the  
2337 allocation, you will find Africa, Asia, Europe, Oceana,  
2338 South America, Central America, and the Caribbean, and North  
2339 America -- yes, the Bahamas, got 16 visas.

2340 So we are not making it up. That is the way the code is  
2341 organized.

2342 Mr. King. Reclaiming my time, I would just comment that  
2343 we have conflated the term.

2344 I would yield back.

2345 Chairman Goodlatte. The gentleman's time has expired.

2346 For what purpose does the gentleman from New York seek  
2347 recognition?

2348 Mr. Jefferies. Move to strike the last word.

2349 Chairman Goodlatte. The gentleman is recognized for 5  
2350 minutes.

2351 Mr. Jefferies. Thank you, Mr. Chair.

2352 I just rise in support of Congressman Conyers' very  
2353 important amendment. And I would just point out a few  
2354 things, as it relates to this discussion.

2355 First, the diversity visa lottery program clearly is  
2356 designed to ensure that our forward-looking flow of  
2357 immigration into this country is adequately represented from  
2358 all parts of the world. So it is geographically based, but,  
2359 of course, at different moments in time, depending on the  
2360 immigration flow, certain parts of the world will  
2361 disproportionately participate in the diversity program.

2362 It just so happens that at this current moment, because  
2363 of the underrepresentation of countries from sub-Saharan  
2364 Africa and, I would point out, parts of Eastern Europe,  
2365 there is a disproportionate number of people coming into  
2366 this country through this particular program.

2367 I think that is a good thing, because we should want to  
2368 draw folks from all over the world who are compelled to  
2369 pursue the American dream to make it here in this country  
2370 because of what we have to offer. And America is stronger,  
2371 I would think, because of that fact.

2372 And if you look at some of the empirical data, I think  
2373 it was the CRS, as was mentioned earlier, when examining  
2374 immigrants who have come to this country through this  
2375 vehicle have found that they are more likely to find

2376 themselves in professional and managerial positions than any  
2377 other form of lawful immigration.

2378       If you look at the educational attainment levels of  
2379 people from the African continent, they have a higher degree  
2380 of educational attainment on their way in, and when they are  
2381 here in this country, than any other immigrant group. That  
2382 is a good thing.

2383       And so we can have a real discussion about the  
2384 importance of drawing people from all over the world, but we  
2385 shouldn't throw out phrases such as a vehicle for terrorists  
2386 to come into this country that have no basis in fact.

2387       As was pointed out, the people who secure a spot in the  
2388 lottery don't automatically walk into this country without  
2389 any examination. They are then subjected to background  
2390 checks, criminal, immigration, national security before they  
2391 are allowed to come into this great country of ours.

2392       We can talk about fraud, but the reference that was made  
2393 earlier today related to the State Department I.G. report  
2394 from 20 years ago in 1993.

2395       And as the very astute gentlelady from California, the  
2396 former speaker, pointed out, the fraud issue has been

2397 addressed through a variety of different things, including  
2398 fingerprinting and digital imaging technology that has been  
2399 put into place.

2400 So let's have a legitimate debate on the value of this  
2401 country drawing people from all over the world in an  
2402 increasingly competitive global economy, with five of the 10  
2403 world's fastest-growing economies that just happen to be on  
2404 the continent of Africa, I join with my colleagues here in  
2405 saying I think that is a good thing to bring economically  
2406 productive people who aspire to pursue the American dream  
2407 and will add tremendous value to this country.

2408 I support this amendment, and yield back the balance of  
2409 my time.

2410 Ms. Jackson Lee. Mr. Chairman?

2411 Chairman Goodlatte. For what purpose does the  
2412 gentlewoman from Texas seek recognition?

2413 Ms. Jackson Lee. To strike the last word.

2414 Chairman Goodlatte. The gentlewoman is recognized for 5  
2415 minutes.

2416 Ms. Jackson Lee. It touches my heart to be able to hear  
2417 the level of commitment and brilliance in terms of the full

2418 appreciation and understanding of the diversity visa and the  
2419 vehicle that it is, and the cycle that it goes through that  
2420 really does not corner or box it in to one distinct  
2421 continuing group of nationalities that would have the  
2422 opportunity to seek the diversity visa.

2423 Let me be very clear, I am always taught to speak well  
2424 of the deceased, so let me make it very clear that Senator  
2425 Ted Kennedy was both a champion of human rights and civil  
2426 rights and fairness and equity.

2427 And I thank him, along with then-Chairman Rodino, for  
2428 determining that in the scheme of the immigration process,  
2429 that the particular format of family visas did not open the  
2430 opportunities for Irish and Italian. There is no insult to  
2431 that. That was the initial influx of using the diversity  
2432 visa.

2433 As time has gone on, as many of my colleagues have said,  
2434 you have seen nationalities change.

2435 And in respect to the issue of fraud, I hope it has  
2436 already been placed in the record that, subsequently,  
2437 reports have come to indicate that that fraud has been  
2438 diminished, if it was at all, and that there are no current

2439 representations of fraud.

2440       The hideous tragedy of 2001 showed no one had come in on  
2441 a diversity visa, one of the darkest moments of this  
2442 Nation's history.

2443       But what I do see in the Nation's hospitals, scientists  
2444 and businesspersons are Africans, those from the Caribbean  
2445 or the extended African diaspora, many of whom participated  
2446 in the diversity visa.

2447       It is interesting to hear my friends, and this bill that  
2448 is getting ready to be voted on in the Senate, many of us  
2449 want to make sure that we can fix that misunderstanding of  
2450 the diversity visa, and would like to fix it here, would  
2451 like the House members to understand that there is a  
2452 continent now of 800 million to 1 billion persons, all of  
2453 them with the respect of those of us who have traveled to  
2454 the continent for the economic engine that the United States  
2455 happens to be.

2456       As we draft onto the leadership of Ranking Member Bass,  
2457 and those in the Senate, the African Growth and Opportunity  
2458 Act, eagerly desiring to do trade with those in Africa, does  
2459 it makes sense now to extinguish the light of hope to give



2460 them the opportunity to bring us their managers, their  
2461 professionals, including their scientists, their medical  
2462 professionals, their engineers, to be able to boost the  
2463 economy here in the United States of America?

2464 Now, far be it from me to ask people to look closely at  
2465 the diversity visa that includes some of the Eastern  
2466 European countries today.

2467 But more importantly, this is a question of the heart.  
2468 It is a question of whether or not we will accept that no  
2469 matter what your color is, you can have diversity of  
2470 opinion.

2471 I take issue with my good friend from Iowa, in the  
2472 calmest of way, to suggest that if you happen to come with a  
2473 particular ethnicity or racial definition, that you cannot  
2474 think differently, that you cannot be a fiscal conservative,  
2475 that you cannot enjoy the symphonies that are played in the  
2476 halls of New York and Boston and Houston. That does not  
2477 make sense.

2478 Mr. King. Will the gentlelady yield?

2479 Ms. Jackson Lee. The diversity visas amendment of the  
2480 gentleman from Michigan is a forward-thinking response to

2481 comprehensive immigration reform, and I hope my colleagues  
2482 on both sides of the aisle will find the value. And in  
2483 doing so, recognize the service and the leadership of our  
2484 former late colleague, Senator Ted Kennedy, my friend and  
2485 all of our friend, and a friend of America.

2486 This is a right amendment, and I hope my colleagues will  
2487 support it.

2488 Chairman Goodlatte. The question occurs on the  
2489 amendment offered by the gentleman from Michigan.

2490 All those in favor, respond --

2491 Mr. Johnson. Mr. Chairman?

2492 Chairman Goodlatte. For what purpose does the gentleman  
2493 from Georgia seek recognition?

2494 Mr. Johnson. I move to strike the last word.

2495 Chairman Goodlatte. The gentleman is recognized for 5  
2496 minutes.

2497 Mr. Johnson. And I would start by yielding the floor to  
2498 my colleague from Iowa, Mr. King, who I know to be a good  
2499 man.

2500 Mr. King. Well, I thank the gentleman from Georgia for  
2501 yielding.

2502           And I felt the urge to make the point that it appeared  
2503 to me that there were large groups of immigrants in this  
2504 country that perhaps have been stereotyped already as to  
2505 their political ideology. And when I look at the result of  
2506 the votes over in the Senate, one could draw that  
2507 conclusion.

2508           That was really my point, and I yield back.

2509           Mr. Johnson. Thank you.

2510           And I would say that I appreciate the fact that our  
2511 country has stood for diversity in its immigration policies.

2512           And that diversity, as the gentlelady from California,  
2513 Ms. Lofgren, pointed out, is based on the continent.

2514           I would ask my friend from Iowa, do you believe that it  
2515 would be wrong for us to exclude -- I see he has departed.

2516           Okay.

2517           Well, I think it would be bad for our immigration policy  
2518 to exclude people from a certain continent. I think, on the  
2519 other hand, it would be good for us to have an immigration  
2520 policy that would welcome diversity, world diversity, and  
2521 have an opportunity for folks from the continent of Africa,  
2522 or any of the other continents, to be able to come and

2523 contribute to this potpourri that we call America. It would  
2524 be bad to discriminate based on continent.

2525 So if you provide means for every other continent to be  
2526 able to immigrate to this land of opportunity, but you  
2527 exclude one, I think that that would be wrong.

2528 Chairman Goodlatte. Would the gentleman yield?

2529 Mr. Johnson. I will in a second.

2530 That is why I support the gentleman from Michigan, the  
2531 ranking member's amendment.

2532 And I would also say that it certainly is in America's  
2533 economic best interests that we forge strong ties with the  
2534 African continent. We do that through education, cultural  
2535 exchange, business, with Africa, it having been said, being  
2536 the continent of the 21st century.

2537 It means that the opportunities for economic opportunity  
2538 there are quite great. With a country that has 6 percent of  
2539 the Earth's total surface area and 20.4 percent of the  
2540 Earth's total land area, we are talking about a place of  
2541 abundant opportunity, not just for Africans, not just for  
2542 the Chinese, who are taking full advantage, but for America,  
2543 too.

2544           And so it benefits America when we can welcome people  
2545   from Africa who tend to be higher educated, and they come to  
2546   this country to increase their knowledge. Many of them want  
2547   to return because they see that the opportunities in Africa  
2548   are great, and they want to go back home and contribute to  
2549   the development of their particular nation, and they take  
2550   home America's values. They take home friendship with  
2551   Americans. And they end up being willing trading partners  
2552   with America and American companies.

2553           So as I see it, it is really a great benefit to us all  
2554   that we have diversity and diversity --

2555           Chairman Goodlatte. Will the gentleman yield?

2556           Mr. Johnson. I will in just a second.

2557           Diversity simply means that we --

2558           Chairman Goodlatte. The time of the gentleman has  
2559   expired.

2560           The question occurs --

2561           Mr. Richmond. Mr. Chairman, I would move --

2562           Chairman Goodlatte. The gentleman from Michigan wishes  
2563   a vote, but the chair would inquire of the gentleman from  
2564   Louisiana, for what purpose he seeks recognition.

2565 Mr. Richmond. I would move to strike the last word.

2566 Chairman Goodlatte. The gentleman is recognized for 5  
2567 minutes.

2568 Mr. Richmond. Mr. Chairman, it saddens me to sit here  
2569 and listen to the debate, and I won't get into justifying  
2570 all the particulars. I think Mr. Jeffries of New York did a  
2571 great job of articulating and pointing out red herrings,  
2572 where they exist. So I don't need to talk about terrorism  
2573 and background checks, and all those things.

2574 But as I sit here and I think back to the inscription on  
2575 the Statue of Liberty, which is, "Give me your tired, your  
2576 poor, your huddled masses yearning to breathe free," it  
2577 seems like we have lost our way.

2578 If someone doesn't contribute economically to the  
2579 country, if they don't have anything that they are bringing  
2580 that can benefit us in terms of money, we don't want them.  
2581 And I don't want that message to go out into society and for  
2582 us to perpetuate that.

2583 So when we talk about diversity, it can be diversity in  
2584 terms of anything. I think diversity is good, but we forget  
2585 what makes this country great.

2586           And we always want to talk about American  
2587 exceptionalism, but we don't want to talk about how we got  
2588 there. We don't talk about the sacrifices. We don't talk  
2589 about the blood, the sweat, the fact that this was not a  
2590 perfect union, the fact that we had to do a bunch of things  
2591 to make this country a better place.

2592           And because we have made it such a great place, people  
2593 all around the world want to come here, and they want to  
2594 share in that American dream. They want to participate.  
2595 They want to make the country better.

2596           What we are saying is, if you are not bringing anything  
2597 to us, don't come. We don't want you.

2598           And I would just assume, and I could be very wrong, that  
2599 most of the people up here today came to this country at  
2600 some point. So who are we to sit here and say we're here,  
2601 nobody else can come unless you bring some value.

2602           And I don't want to be part of that conversation. And I  
2603 will close quickly, because I know that my ranking member  
2604 wants a vote.

2605           But I just think that somewhere along the line, we talk  
2606 about all these things, and we have debates about the

2607 Christian right, we have debates about abortion, and we miss  
2608 the very basic things in life about help your neighbor, love  
2609 your neighbor, help your fellow man, your fellow woman. And  
2610 we sit on this panel, and we say, if you are not a techie or  
2611 engineer or mathematician, we don't really want you.

2612 So I would just urge my colleagues that when we talk  
2613 about diversity, and I am very proud to be a member of a  
2614 party that I think welcomes and challenges and promotes  
2615 diversity, I would just say that it has an extreme value to  
2616 the country.

2617 It makes us who we are, and we out to promote it. And  
2618 we are not talking about numbers that we can't sustain.

2619 So with that, Mr. Chairman, I would urge my colleagues  
2620 to do the right thing, at least in my mind, and support this  
2621 amendment.

2622 Chairman Goodlatte. The question occurs on the  
2623 amendment offered by the gentleman from Michigan.

2624 All those in favor, respond by saying aye.

2625 Those opposed, no.

2626 In the opinion of the chair, the noes have it.

2627 Mr. Conyers. Recorded vote?



2628 Chairman Goodlatte. Recorded vote is requested, and the  
2629 clerk will call the roll.

2630 Ms. Deterding. Mr. Goodlatte?

2631 Chairman Goodlatte. No.

2632 Ms. Deterding. Mr. Goodlatte votes no.

2633 Mr. Sensenbrenner?

2634 Mr. Sensenbrenner. No.

2635 Ms. Deterding. Mr. Sensenbrenner votes no.

2636 Mr. Coble?

2637 [No response.]

2638 Ms. Deterding. Mr. Smith of Texas?

2639 Mr. Smith of Texas. No.

2640 Ms. Deterding. Mr. Smith of Texas votes no.

2641 Mr. Chabot?

2642 [No response.]

2643 Ms. Deterding. Mr. Bachus?

2644 Mr. Bachus. No.

2645 Ms. Deterding. Mr. Bachus votes no.

2646 Mr. Issa?

2647 Mr. Issa. No.

2648 Ms. Deterding. Mr. Issa votes no.

2649 Mr. Forbes?

2650 Mr. Forbes. No.

2651 Ms. Deterding. Mr. Forbes votes no.

2652 Mr. King?

2653 Mr. King. No.

2654 Ms. Deterding. Mr. King votes no.

2655 Mr. Franks?

2656 [No response.]

2657 Ms. Deterding. Mr. Gohmert?

2658 Mr. Gohmert. No.

2659 Ms. Deterding. Mr. Gohmert votes no.

2660 Mr. Jordan?

2661 Mr. Jordan. No.

2662 Ms. Deterding. Mr. Jordan votes no.

2663 Mr. Poe?

2664 [No response.]

2665 Ms. Deterding. Mr. Chaffetz?

2666 Mr. Chaffetz. No.

2667 Ms. Deterding. Mr. Chaffetz votes no.

2668 Mr. Marino?

2669 Mr. Marino. No.

2670 Ms. Deterding. Mr. Marino votes no.  
2671 Mr. Gowdy?  
2672 Mr. Gowdy. No.  
2673 Ms. Deterding. Mr. Gowdy votes no.  
2674 Mr. Amodei?  
2675 Mr. Amodei. No.  
2676 Ms. Deterding. Mr. Amodei votes no.  
2677 Mr. Labrador?  
2678 Mr. Labrador. No.  
2679 Ms. Deterding. Mr. Labrador votes no.  
2680 Mr. Farenthold?  
2681 Mr. Farenthold. No.  
2682 Ms. Deterding. Mr. Farenthold votes no.  
2683 Mr. Holding?  
2684 Mr. Holding. No.  
2685 Ms. Deterding. Mr. Holding votes no.  
2686 Mr. Collins?  
2687 Mr. Collins. No.  
2688 Ms. Deterding. Mr. Collins votes no.  
2689 Mr. DeSantis?  
2690 Mr. DeSantis. No.

2691 Ms. Deterding. Mr. DeSantis votes no.

2692 Mr. Smith of Missouri?

2693 Mr. Smith of Missouri. No.

2694 Ms. Deterding. Mr. Smith of Missouri votes no.

2695 Mr. Conyers?

2696 Mr. Conyers. Aye.

2697 Ms. Deterding. Mr. Conyers votes aye.

2698 Mr. Nadler?

2699 Mr. Nadler. Aye.

2700 Ms. Deterding. Mr. Nadler votes aye.

2701 Mr. Scott?

2702 Mr. Scott. Aye.

2703 Ms. Deterding. Mr. Scott votes aye.

2704 Mr. Watt?

2705 [No response.]

2706 Ms. Deterding. Ms. Lofgren?

2707 Ms. Lofgren. Aye.

2708 Ms. Deterding. Ms. Lofgren votes aye.

2709 Ms. Jackson Lee?

2710 Ms. Jackson Lee. Aye.

2711 Ms. Deterding. Ms. Jackson Lee votes aye.

2712 Mr. Cohen?

2713 Mr. Cohen. Aye.

2714 Ms. Deterding. Mr. Cohen votes aye.

2715 Mr. Johnson?

2716 Mr. Johnson. Aye.

2717 Ms. Deterding. Mr. Johnson votes aye.

2718 Mr. Pierluisi?

2719 Mr. Pierluisi. Aye.

2720 Ms. Deterding. Mr. Pierluisi votes aye.

2721 Ms. Chu?

2722 Ms. Chu. Aye.

2723 Ms. Deterding. Ms. Chu votes aye.

2724 Mr. Deutch?

2725 Mr. Deutch. Aye.

2726 Ms. Deterding. Mr. Deutch votes aye.

2727 Mr. Gutierrez?

2728 Mr. Gutierrez. Yes.

2729 Ms. Deterding. Mr. Gutierrez votes aye.

2730 Ms. Bass?

2731 Ms. Bass. Aye.

2732 Ms. Deterding. Ms. Bass votes aye.

2733 Mr. Richmond?

2734 Mr. Richmond. Aye.

2735 Ms. Deterding. Mr. Richmond votes aye.

2736 Ms. DelBene?

2737 Ms. DelBene. Aye.

2738 Ms. Deterding. Ms. DelBene votes aye.

2739 Mr. Garcia?

2740 Mr. Garcia. Aye.

2741 Ms. Deterding. Mr. Garcia votes aye.

2742 Mr. Jeffries?

2743 Mr. Jeffries. Aye.

2744 Ms. Deterding. Mr. Jeffries votes aye.

2745 Chairman Goodlatte. Are there other members who wish to

2746 vote who have not voted?

2747 [No response.]

2748 Chairman Goodlatte. The clerk will report.

2749 Ms. Deterding. Mr. Chairman, 16 members voted aye; 19

2750 members voted nay.

2751 Chairman Goodlatte. The amendment is not agreed to.

2752 The committee will stand in recess until 4 p.m., and we

2753 will also send that notice to members who may have left

2754 prior to our recessing.

2755 But 4 p.m., we will reconvene to consider further  
2756 amendments to this bill.

2757 [Recess.]

2758 Chairman Goodlatte. The committee will reconvene.

2759 Under consideration are amendments to H.R. 2131.

2760 For what purpose does the gentleman from Wisconsin seek  
2761 recognition?

2762 Mr. Sensenbrenner. Mr. Chairman, I have an amendment at  
2763 the desk.

2764 Chairman Goodlatte. The Clerk will report the  
2765 amendment.

2766 Ms. Deterding. Amendment to H.R. 2131 offered by Mr.  
2767 Sensenbrenner of Wisconsin. Page 67 after line 22, insert  
2768 the following and conform the table of contents accordingly.

2769 Mr. Sensenbrenner. Mr. Chairman, I ask unanimous  
2770 consent that the amendment be considered as read.

2771 Chairman Goodlatte. Without objection, the amendment  
2772 will be considered as read.

2773 [The amendment of Mr. Sensenbrenner follows:]

2774

2775 Chairman Goodlatte. The gentleman is recognized for 5  
2776 minutes on his amendment.

2777 Mr. Sensenbrenner. Mr. Chairman, what this amendment  
2778 does is it makes a small adjustment to the green card  
2779 process by allocating 4,000 EB3 visas for registered nurses.  
2780 Congress has repeatedly recognized that the shortage of  
2781 nurses has a dramatic impact on the quality of care provided  
2782 to our nation's health care consumers, and immigrant nurses  
2783 currently come in on green cards and on a direct path to  
2784 citizenship and fully free to choose employers and job  
2785 placements as they choose without any need for additional  
2786 regulation. My amendment continues that tradition, assuring  
2787 that nurse immigration has the proper priority in the green  
2788 card immigration system.

2789 We are in the midst of a shortage of registered nurses,  
2790 and it is particularly acute in rural hospitals, and to  
2791 somewhat of a lesser extent in inner-city hospitals. By the  
2792 year 2020, the RN workforce is forecast to fall by nearly 20  
2793 percent below projected RN workforce requirements. The U.S.  
2794 Department of Health and Human Services estimates that the  
2795 nurse shortage will reach 1.2 million in 2020. This



2796 shortage must be taken seriously, especially with the Baby  
2797 Boom Generation getting older, and the demand for RNs is  
2798 expected to increase.

2799       The shortage not only creates a crunch on hospitals and  
2800 other facilities trying to administer care, but it has also  
2801 contributed to nearly 24 percent of hospital deaths and  
2802 injuries. Growing numbers of U.S. nursing graduates will  
2803 provide most of the new supply that is needed, but a modest  
2804 number will be needed from abroad, especially those with  
2805 experience in emergency and specialized care. This improves  
2806 the green card access but also will increase the competition  
2807 for green cards within the EB3 category in which nurses are  
2808 slotted due to increased numbers of H1Bs at the bachelor's  
2809 degree level.

2810       Now, we are talking about a 1.2 million nurse shortage  
2811 by 2020, and what this does is provide about 28,000  
2812 additional visas, or 24,000 additional visas for nurses in  
2813 the HB3 category. So we are not talking about a flood of  
2814 nurses coming in, but this is something that is critical  
2815 within the category of rural hospitals and, to a lesser  
2816 extent, inner-city hospitals.

2817           The amendment also says that in the event that all of  
2818 these visas are not used, the excess go into the regular HB3  
2819 priority list so that there will be no unused visas that  
2820 will be lying around should there not be the demand for the  
2821 4,000 visas a year.

2822           I think this is a reasonable way of going about dealing  
2823 with this issue, and I would ask for the support of this on  
2824 both sides of the aisle and yield back.

2825           Mr. Conyers. Would the gentleman yield?

2826           Mr. Sensenbrenner. Yes, I yield.

2827           Mr. Conyers. Would the gentleman yield? Is there a  
2828 special reason that we are emphasizing rural hospitals?

2829           Mr. Sensenbrenner. That is where the shortage is the  
2830 most acute.

2831           Chairman Goodlatte. But it also covers medically  
2832 underserved areas.

2833           Mr. Sensenbrenner. Yes. It does also have medically  
2834 underserved areas, and that does not necessarily have to be  
2835 in a rural area but it can be in any area that is medically  
2836 underserved.

2837           Mr. Conyers. Thank you.

2838 Mr. Issa. Would the gentleman further yield?

2839 Mr. Sensenbrenner. I yield.

2840 Mr. Issa. I thank the gentleman. The way you have  
2841 worked out this sensible amendment is really in keeping with  
2842 what we are doing in the bill with doctors and recognizing  
2843 that although nursing per se may not have a great shortage,  
2844 in these rural and underserved areas they do, and this is a  
2845 great compromise. And certainly since they remain within  
2846 the EB3 category, we are elevating them based on the  
2847 opportunity to use the skills without changing category, and  
2848 I thank you for your kind work on that.

2849 Ms. Lofgren. Would the gentleman yield?

2850 Mr. Sensenbrenner. I yield if I have any time left.

2851 Chairman Goodlatte. Without objection, the gentleman is  
2852 recognized for 1 additional minute in the hopes that he will  
2853 yield to the gentlewoman and to me.

2854 Mr. Sensenbrenner. I yield.

2855 Ms. Lofgren. I want to indicate support for this  
2856 amendment, and I do so with some reservations because  
2857 although the case made by Mr. Sensenbrenner is a powerful  
2858 and accurate one, to the extent that you elevate any

2859 category in the third preference, you are disadvantaging  
2860 others, and that is because there aren't enough visas to go  
2861 around. So to some extent, with the per-country cap being  
2862 lifted, we go to about a 12-year delay overall with the  
2863 additional visas, where ball-parking it is probably about a  
2864 nine-year delay on a bachelor of science, for example, in  
2865 computer science after this bill passes.

2866 But I think that the compelling case made by Mr.  
2867 Sensenbrenner should be respected, and therefore I would  
2868 like to note that I intend to vote in favor of the amendment  
2869 with the hopes that as this process moves forward, that we  
2870 can get additional visas in the third preference category  
2871 that will also help accommodate the other computer  
2872 scientists and the like. I thank the gentleman --

2873 Mr. Sensenbrenner. I thank the gentlewoman from  
2874 California for her support.

2875 Chairman Goodlatte. Would the gentleman yield?

2876 Mr. Sensenbrenner. I yield to the Chairman.

2877 Chairman Goodlatte. I thank the gentleman, and I  
2878 support the amendment as well. While there may or may not  
2879 be a nursing shortage currently, there certainly have been

2880 shortages in the past and are likely to be shortages in the  
2881 future as more and more Americans retire. This amendment  
2882 simply allows up to 4,000 nurses a year to get expedited  
2883 third preference green cards if they will work in rural or  
2884 medically underserved areas. The nurses will still have to  
2885 go through labor certification to show that there are no  
2886 qualified U.S. workers available, and I support the  
2887 amendment.

2888 Mr. Sensenbrenner. I thank the gentleman, and I yield  
2889 back.

2890 Chairman Goodlatte. The question occurs on the  
2891 amendment offered by the gentleman from Wisconsin.

2892 All those in favor, respond by saying aye.

2893 Those opposed, no.

2894 In the opinion of the Chair, the eyes have it. The  
2895 amendment is agreed to.

2896 Mr. Cohen. Mr. Chairman?

2897 Chairman Goodlatte. For what purpose does the gentleman  
2898 from Tennessee seek recognition?

2899 Mr. Cohen. Thank you, Mr. Chairman. I have an  
2900 amendment at the desk.

2901 Chairman Goodlatte. The Clerk will report the  
2902 amendment.

2903 Ms. Deterding. Amendment to H.R. 2131 offered by Mr.  
2904 Cohen of Tennessee.

2905 Mr. Cohen. I ask unanimous consent it be considered as  
2906 read. Without objection, so be it.

2907 Chairman Goodlatte. Without objection, the amendment  
2908 will be considered as read.

2909 [The amendment of Mr. Cohen follows:]

2910

2911 Chairman Goodlatte. The gentleman is recognized for  
2912 five minutes on his amendment.

2913 Mr. Cohen. Thank you, Mr. Chairman. This is a very  
2914 simple amendment, a compassionate amendment. It came to me  
2915 from some folks interested in St. Jude's Children's Research  
2916 Hospital and some people in Pittsburgh at the Children's  
2917 Hospital there to create a new visa category for temporary  
2918 admissions to the U.S. solely for the purpose of receiving  
2919 medical treatment for serious or life-threatening  
2920 conditions. It would be a six-month period of admission  
2921 that could be extended by one-year increments, if necessary,  
2922 based on the medical condition and the treatment.

2923 The amendment would enable people from around the world  
2924 to benefit from our great medical treatment that we have  
2925 here, life-saving treatments in our hospitals that they are  
2926 providing each day. It would also allow two immediate  
2927 family members to accompany the patient so that no one is  
2928 forced to undergo serious medical treatment alone. The  
2929 amendment includes a critical provision to assist families  
2930 of children receiving treatment under the special visa, and  
2931 that is the reason it is so important to me.

2932           The accompanying parents of a child could obtain  
2933 temporary work authorization once the first six-month period  
2934 has elapsed. These parents have enough to worry about  
2935 without having to face the threat of financial ruin if they  
2936 are prevented from working while taking care of their  
2937 children here in this foreign nation to them.

2938           The amendment is personal because Memphis is the home to  
2939 St. Jude's Research Hospital, a world-class facility that  
2940 provides life-saving medical care to thousands of children  
2941 each year, and because I had polio when I was 5 years old  
2942 and I know what it was like to have a parent with me when I  
2943 was in the hospital. It was most important.

2944           I have met some of the children who were lucky enough to  
2945 get visas under the current system and whose lives have been  
2946 saved by coming to this country. I have spoken to their  
2947 parents, who have sacrificed much to be with them through  
2948 this ordeal. The country should open its doors to any child  
2949 or anyone else whose life can be saved by the care of our  
2950 healthcare professionals. Few parents can afford to forgo a  
2951 paycheck while attending to their children for long periods  
2952 of time. Today, this means some parents can't travel to be



2953 with their children either, and some come over here but are  
2954 forced to work illegally to support themselves and their  
2955 families. This amendment would ensure that parents don't  
2956 have to choose between their children's health and their  
2957 livelihoods.

2958 There is no cost attached to the amendment because  
2959 patients and their families would still have to cover the  
2960 cost of their medical care and the expenses they have  
2961 themselves. These are only temporary visas that expire once  
2962 medical treatment is no longer needed. In fact, the  
2963 amendment includes explicit language that should not be  
2964 construed to permit someone admitted under this provision to  
2965 adjust their status to legal permanent residence, so there  
2966 is little danger of an influx of new immigrants.

2967 It is a modest amendment, one that should provide  
2968 immense comfort and compassion to a small group of people  
2969 who simply want to save their lives and the lives of their  
2970 children. I want to note this amendment is derived from  
2971 legislation called the Compassionate Visa for Medical  
2972 Treatment Act, which the gentleman from California, Mr.  
2973 Issa, and I have cosponsored and which we hope can receive

2974 the same bipartisan support that many of the other  
2975 amendments today should be receiving.

2976 Thank you, and I yield back the balance of my time.

2977 Chairman Goodlatte. Would the gentleman yield?

2978 Mr. Cohen. Yes, sir.

2979 Chairman Goodlatte. I thank the gentleman for yielding.

2980 I wonder if the gentleman would be willing to consider  
2981 withdrawing this amendment and working with us. I have  
2982 great sympathy for what he is trying to accomplish here, but  
2983 I also don't believe the amendment protects U.S. taxpayers  
2984 from being stuck with a bill for the healthcare provided.  
2985 It doesn't have any cap on the number of people who could  
2986 benefit from it. In fact, I believe that they would be  
2987 eligible for Obamacare because Obamacare simply says that  
2988 you are present in the country under a legal status, you are  
2989 entitled to coverage.

2990 So I think the gentleman has a good purpose here. Is  
2991 the St. Jude's Hospital in your district or close by?

2992 Mr. Cohen. Yes, it is.

2993 Chairman Goodlatte. I know that they provide a  
2994 tremendous amount of free care to children.

2995 Mr. Cohen. Right.

2996 Chairman Goodlatte. And I think if we could carefully  
2997 craft this, we could do something along the lines of what  
2998 you want to accomplish, but I don't think the gentleman's  
2999 amendment satisfies my concerns about cost right now. If  
3000 you would be willing to withdraw it, I would commit to him  
3001 to work with him to get it done right.

3002 Mr. Cohen. I thank the Chairman, and I will agree to  
3003 withdraw the amendment, and I will have my able counsel work  
3004 with --

3005 Chairman Goodlatte. And I think the gentlewoman from  
3006 California would like you to yield to her as well.

3007 Ms. Lofgren. If the gentleman would yield, just  
3008 briefly.

3009 Mr. Cohen. Yes.

3010 Ms. Lofgren. I support not only the amendment but the  
3011 idea of doing some redrafting because you are right as to  
3012 the Affordable Care Act. But I just wanted to share the  
3013 enthusiasm that this concept has received on a bipartisan  
3014 basis from people all over the country who have medical  
3015 centers that service children. I have had a number of

3016 members, both Republican and Democrat, tell me how important  
3017 this would be. So I look forward to helping in whatever way  
3018 I can and wanted to commend the gentleman for the amendment.  
3019 I know, from Tennessee. Thank you, Mr. Cohen.

3020 Chairman Goodlatte. I thank the gentleman, and the  
3021 gentleman's amendment is withdrawn.

3022 For what purpose does the gentleman from Ohio seek  
3023 recognition?

3024 Mr. Chabot. Mr. Chairman, I have two amendments at the  
3025 desk, and if you would like, I could take them en bloc to  
3026 make it quicker.

3027 Chairman Goodlatte. Well, I like that a lot.

3028 [Laughter.]

3029 Mr. Chabot. Okay.

3030 Chairman Goodlatte. The Clerk will report the Chabot  
3031 amendments 17 and 19 en bloc.

3032 Ms. Deterding. Amendments to H.R. 2131 --

3033 Mr. Chabot. I ask unanimous consent that the amendments  
3034 be considered --

3035 Chairman Goodlatte. Without objection, the amendments  
3036 will be considered as read.

3037 [The amendments of Mr. Chabot follow:]

3038

3039 Chairman Goodlatte. The gentleman is recognized for 5  
3040 minutes on his amendments.

3041 Mr. Chabot. Thank you, Mr. Chairman. My amendment  
3042 would allow, the first amendment, allow alien entrepreneurs  
3043 to have a longer period of time to grow their businesses and  
3044 hire the requisite five full-time U.S. workers and generate  
3045 \$1 million in revenue, or an additional \$1 million in  
3046 investments. I do think it is important that we have strict  
3047 measures in place to ensure these entrepreneurs here on  
3048 temporary visas are actually contributing to the economy, as  
3049 promised, before we allow them to move forward in the  
3050 process for permanent citizenship.

3051 However, I think we need to give them a reasonable  
3052 amount of time as it is in our nation's best interest to see  
3053 them succeed in getting their businesses off the ground. My  
3054 amendment would extend the time from two to three years for  
3055 the startups of entrepreneurs to meet the requirements I  
3056 just stated. Further, the Secretary of Homeland Security  
3057 would still reserve discretion to increase this time period  
3058 by another year. This is already included in the bill.

3059 It is well known that different types of businesses vary

3060 in the time necessary to get established and thrive, and I  
3061 think we ought to make sure that we are giving these  
3062 talented alien entrepreneurs a legitimate chance to succeed  
3063 before the Secretary makes a determination that the alien  
3064 entrepreneur's permanent resident status shall be  
3065 terminated.

3066 My second amendment would allow alien entrepreneurs  
3067 greater flexibility in raising the half-million dollars in  
3068 capital investments required in order to grant a temporary  
3069 visa in the first place. Based on current angel investments  
3070 and qualified venture capital operating company investment  
3071 practices, the standards set out in the underlying bill  
3072 would eliminate a significant number of potential investors  
3073 from the eligible pool for alien entrepreneurs. For  
3074 example, some angels may only invest \$25,000 per year, which  
3075 would eliminate them from participating. Right now, it  
3076 calls for \$50,000.

3077 It is not easy for any startup to raise a half-million  
3078 dollars in initial investments, and therefore I think we  
3079 have set the bar fairly high. While I think this is  
3080 completely within reason based on the trade-off we are

3081 offering these entrepreneurs, I do believe we ought to allow  
3082 them to seek funding from as many angel investors or venture  
3083 capital groups as necessary to reach that half-million  
3084 dollar mark.

3085 Mr. Chairman, according to a recent released study  
3086 conducted by the Center for Venture Research at the  
3087 University of New Hampshire, it appears that investment  
3088 round sizes are smaller in certain parts of the country,  
3089 namely in the states in the middle, like Ohio, my state, in  
3090 comparison to some of the other parts of the country.  
3091 Therefore, to allow those alien entrepreneurs to have  
3092 options when choosing a place like Cincinnati, Ohio to set  
3093 up their companies, it is important that we allow them the  
3094 opportunity to raise funds through several smaller rounds.  
3095 For companies and locations with greater access to capital,  
3096 such as California, et cetera, it might be a little easier  
3097 to reach those higher dollar amounts.

3098 My amendments also make a couple of adjustments to  
3099 ensure that we are taking proper steps to eliminate  
3100 potential fraud on the system. My amendment would require  
3101 the investment dollars to come from at least two or more



3102 parties and that for each angel investor, he or she must  
3103 certify to Homeland Security that he or she has made at  
3104 least two prior investments in the last three years. These  
3105 steps should protect against a family friend giving a first-  
3106 time investment to a person just to allow them to come to  
3107 the U.S. without the legitimacy of a proper business  
3108 arrangement that would indicate the alien has a viable  
3109 startup business idea or model.

3110 This amendment would allow alien entrepreneurs the  
3111 flexibility that many require in obtaining the requisite  
3112 dollars to earn a visa and begin growing their businesses.  
3113 It further eliminates the potential for fraud and abuse, and  
3114 I urge my colleagues to join me in these amendments.

3115 Chairman Goodlatte. Would the gentleman yield?

3116 Mr. Chabot. I would be happy to yield.

3117 Chairman Goodlatte. I will join the gentleman in  
3118 supporting the amendments. Mr. Issa's bill allocates up to  
3119 10,000 green cards a year for alien entrepreneurs who can  
3120 attract \$500,000 in investment from venture capital firms or  
3121 angel investors in order to establish businesses that will  
3122 create five jobs for American workers. The bill generally

3123 gives entrepreneurs two years for their startups to create  
3124 the necessary jobs. Mr. Chabot's amendment increases this  
3125 to three years. This is a very reasonable amendment. The  
3126 goal of the entrepreneur green card program is to create  
3127 jobs for Americans. If we need to give an entrepreneur  
3128 another year's time for their business to grow and create  
3129 these jobs, that is fine by me.

3130 Mr. Chabot's other amendment makes a number of  
3131 modifications to the provisions defining an angel investor  
3132 that I believe are appropriate and will facilitate the  
3133 success of the entrepreneur green card program, so I urge my  
3134 colleagues to support the gentleman's amendments.

3135 For what purpose does the gentlewoman from California  
3136 seek recognition?

3137 Ms. Lofgren. To strike the last word.

3138 Chairman Goodlatte. The gentlewoman is recognized for 5  
3139 minutes.

3140 Ms. Lofgren. We were happy to work with Mr. Chabot on  
3141 these amendments, and I do support both of them. Just one  
3142 caveat on the second amendment, 19, in terms of striking the  
3143 dollar amount and leaving it as to just two investments. I

3144 understand and actually share the desire not to be in a  
3145 regulatory mode on angel investors. On the other hand, we  
3146 are going to have to monitor this if this becomes law to  
3147 make sure that it fulfills our expectations in terms of the  
3148 amount of the investments. With that understanding, that we  
3149 will keep a careful eye on that and take action if  
3150 necessary, I would be happy to support both amendments.

3151 Mr. Chabot. Will the gentlelady yield?

3152 Ms. Lofgren. I certainly would.

3153 Mr. Chabot. I concur in her points and would be happy  
3154 to work with her on that. I yield back.

3155 Ms. Lofgren. I yield back.

3156 Chairman Goodlatte. For what purpose does the gentleman  
3157 from Georgia seek recognition?

3158 Mr. Collins. To strike the last word, Mr. Chairman.

3159 Chairman Goodlatte. The gentleman is recognized for 5  
3160 minutes.

3161 Mr. Collins. I just want to say I just appreciate the  
3162 amendment being offered. I support it and just think it is  
3163 a good thing, especially when we are looking to create jobs.  
3164 This is one thing that is often talked about in our Congress

3165 but sometimes left out. I think this is a good amendment  
3166 and I just wanted to state my support.

3167 And I yield back.

3168 Chairman Goodlatte. For what purpose does the  
3169 gentlewoman from Washington seek recognition?

3170 Ms. DelBene. Move to strike the last word.

3171 Chairman Goodlatte. The gentlewoman is recognized for 5  
3172 minutes.

3173 Ms. DelBene. Thank you, Mr. Chair. I just want to  
3174 thank the gentleman from Ohio for his amendment. As a  
3175 former entrepreneur myself, I think it is incredibly  
3176 important that we do everything possible to support our  
3177 entrepreneurs.

3178 According to an October 2012 report by the Kaufman  
3179 Foundation, 24 percent of engineering and technology  
3180 companies founded between 2006 and 2012 have at least one  
3181 foreign-born founder, and during this time period these  
3182 companies were responsible for approximately 560,000 jobs  
3183 and \$63 billion in sales. Continuing to give flexibility to  
3184 these entrepreneurs, both in their financing and in the time  
3185 that it is going to take for them to ramp up, is incredibly

3186 important because there are a wide variety of innovations,  
3187 and they all take different amounts of time and different  
3188 amounts of capital. So this flexibility is incredibly  
3189 important, and I just want to thank the gentleman for his  
3190 amendment, and it has my support.

3191 Chairman Goodlatte. The Chair thanks the gentlewoman.

3192 For what purpose does the gentleman from Florida seek  
3193 recognition?

3194 Mr. Garcia. Move to strike the last word.

3195 Chairman Goodlatte. The gentleman is recognized for 5  
3196 minutes.

3197 Mr. Garcia. Like my colleagues on this side, we also  
3198 support the amendment. This is something that is key in the  
3199 community that I am from. Almost 72 percent of the  
3200 population in my district is from somewhere else, and  
3201 clearly a lot of them are business people who came to bring  
3202 opportunities to us, and clearly this is something that  
3203 makes it easier. So I thank the gentleman for his work on  
3204 this.

3205 Chairman Goodlatte. The question occurs on the  
3206 amendment offered by the gentleman from Ohio.

3207 All those in favor, respond by saying aye.

3208 Those opposed, no.

3209 In the opinion of the Chair, the ayes have it and the  
3210 amendments en bloc are made part of the bill.

3211 The gentlewoman from Texas, Ms. Jackson Lee, for what  
3212 purpose do you seek recognition?

3213 Ms. Jackson Lee. Mr. Chairman, I have an amendment at  
3214 the desk. That is Amendment number 12 on the roster, number  
3215 220.

3216 Chairman Goodlatte. The Clerk will report the  
3217 amendment.

3218 Ms. Deterding. Amendment to H.R. 2131 offered by Ms.  
3219 Jackson Lee of Texas. Page 67, insert after line 22 the  
3220 following and conform the table of contents accordingly.

3221 Chairman Goodlatte. Without objection, the amendment  
3222 will be considered as read.

3223 [The amendment of Ms. Jackson Lee follows:]

3224

3225 Chairman Goodlatte. The gentlewoman is recognized for 5  
3226 minutes on her amendment.

3227 Ms. Jackson Lee. Thank you very much, Mr. Chairman. I  
3228 think my amendment builds on the intent of Mr. Chabot's  
3229 amendment, previously passed, which I supported, and now  
3230 comment on the record that I too believe that it helps in  
3231 the exciting energy that is brought to the United States by  
3232 entrepreneurs who are from someplace else, and the kind of  
3233 creativity and genius that they have to contribute to our  
3234 own genius here in the United States; and, in the instance  
3235 of Mr. Chabot's amendment, to give added time for them to  
3236 build their business but also to be on track for a green  
3237 card.

3238 This is slightly different. This is something that many  
3239 of my colleagues are familiar with. My amendment modifies  
3240 the current EB5 program and is designed to increase  
3241 investment capital in the United States and give  
3242 entrepreneurs more incentive to come to the United States  
3243 and create jobs. It is not intended to sell visas or sell  
3244 permission to come to the United States.

3245 My amendment undergirds the argument last week seen in

3246 the CBO scoring that immigration is about economics, and I  
3247 add that it is also about people. No one that comes into  
3248 this program will not be fully vetted and determined as to  
3249 whether or not they are able to contribute, but also that  
3250 they pose no threat to America's national security.

3251 I would note, Mr. Chairman, that similar iterations of  
3252 this language have been advanced by my colleagues, Jared  
3253 Polis and Senator Kerry, in the form of the Startup Visa  
3254 Act. This language in this amendment is intended to attract  
3255 significant investment capital from high-net-worth foreign  
3256 individuals from around the world in support of small and  
3257 medium-sized U.S. businesses in order to enhance economic  
3258 development and to create job creation.

3259 I would quickly note as well that I am supportive of  
3260 language that Mr. Issa included in Section 104 of the bill,  
3261 and my amendment simply seeks to augment a very powerful  
3262 program for attracting investment and creating jobs.

3263 Adopting the Jackson Lee amendment, the committee would  
3264 allow U.S. citizens and naturalized aliens and entities  
3265 formed and located in the United States to apply to the  
3266 government for a license to operate an economic development



3267 enterprise. The applicants who meet the criteria will be  
3268 granted a license to operate an EDE. Upon the grant of a  
3269 license, the applicant will become the operator of the EDE.  
3270 Foreign individuals will be required or can invest a minimum  
3271 of \$2.5 million into an EDE and apply for a conditional U.S.  
3272 green card. The investor must leave their investment in the  
3273 EDE, and the EDE will not be permitted to return capital to  
3274 the investor for a period of three years, generally referred  
3275 to as a holding period.

3276 There are great opportunities with this process. One,  
3277 there are hard-knock areas in the United States today that  
3278 have not yet seen the turning of the corner. Opportunities  
3279 would be created for investment to go into those  
3280 neighborhoods, many in the Midwest, many in rural America.  
3281 The investment will be held in escrow, except for 5 percent  
3282 that will be released to the operator until the investor has  
3283 been screened and approved for a conditional green card by  
3284 the USCIS.

3285 There should be overlapping security on this issue.  
3286 Upon approval by our benefits immigration services, the  
3287 remaining 95 percent of the investment is released to the

3288 EDE, and the investor, their spouse and dependent children  
3289 will receive conditional U.S. green cards. After a period  
3290 of two years, the investor and their immediate family will  
3291 be allowed to apply for permanent status as long as they can  
3292 prove they have obeyed all U.S. laws and are current on  
3293 their U.S. taxes.

3294 Let me be clear. This is not to sell to the highest  
3295 bidder. It is to increase and encourage investment in the  
3296 United States upon which America has built over the years,  
3297 over the centuries and over the decades its staying power as  
3298 it relates to the most successful economic power in the  
3299 world and, of course, the leader of the free world. In  
3300 order for the operator to maintain their license to operate  
3301 an EDE, they will be required to demonstrate that  
3302 investments made by the EDE have resulted in the creation of  
3303 minimally 10 jobs for each investor accepted into the EDE.  
3304 For the purpose of meeting the job creation requirement, the  
3305 EDE will be permitted to aggregate all jobs created by the  
3306 various companies.

3307 I would note again, Mr. Chairman, that similar  
3308 iterations again of this language have been utilized before.

3309 But this amendment, again, is to build upon the idea that we  
3310 can bring together the sense of people's needs, family  
3311 reunification, and the excitement of the passage of the  
3312 Senate bill that has just occurred with the idea of boosting  
3313 the economy in the United States, here, by partnering with  
3314 those who can add to job creation here in the United States.

3315 I would ask my colleagues to help me build upon a bill  
3316 that is now moving on the idea of skills and on the idea of  
3317 investment and allow this amendment to go forward. Again,  
3318 this program does not punish immigrants for any business  
3319 misstep that occurs in the investment, but it does allow  
3320 them to make intelligent decisions on investments and to be  
3321 able to come and help shepherd the program and to create  
3322 jobs, create economic development, and to restore economies  
3323 and communities that have yet not fulfilled their promise of  
3324 a community that provides jobs for all of its citizens.

3325 I ask my colleagues to support the amendment, Mr.  
3326 Chairman, and I yield back my time.

3327 Chairman Goodlatte. The Chair thanks the gentlewoman  
3328 and recognizes himself. I wonder if the gentlewoman would  
3329 be willing to withdraw this amendment and work with us. I

3330 like the idea, and I definitely want to encourage  
3331 investment, particularly investment at this level, but I do  
3332 have some concerns about the fact that it doesn't require  
3333 the creation of American jobs and that under the investor  
3334 visa program the Department of Homeland Security has to  
3335 approve the business plan of an investor before the investor  
3336 can receive a conditional green card. I am not sure that  
3337 such is the case with this program, and I am worried that  
3338 fraud might therefore result.

3339       So if the gentlewoman would like to pursue this, I would  
3340 like to pursue it with her, but I would want to rewrite the  
3341 language in the amendment, and if she would be willing to  
3342 withdraw it, I would commit to do that.

3343       Ms. Jackson Lee. Well, let me say that the points that  
3344 the Chairman has made are reasonable, I think, either  
3345 additions or modification of language that would be very  
3346 helpful. As I mentioned in my statement, I am even  
3347 interested in adding hardship language to ensure that the  
3348 investment is spread to some of our communities in the  
3349 Midwest, as I called the state of Ohio, and other places  
3350 where I have heard members themselves say that they welcome

3351 investment, and then also I think it would not be  
3352 inappropriate to ensure that they are American jobs that are  
3353 created, and you are absolutely right.

3354 Mr. Chairman, if we could continue to work on this and  
3355 assure that we can have such language as we go forward, at  
3356 this time I would be happy to ask unanimous consent to  
3357 withdraw the amendment.

3358 Chairman Goodlatte. Unanimous consent is not necessary.  
3359 The amendment is withdrawn, and we will look forward to  
3360 working with you on it.

3361 Ms. Jackson Lee. I look forward to working with you.

3362 Chairman Goodlatte. For what purpose does the gentleman  
3363 from North Carolina seek recognition?

3364 Mr. Holding. Mr. Chairman, I have an amendment at the  
3365 desk.

3366 Chairman Goodlatte. The Clerk will report the  
3367 amendment.

3368 Ms. Deterding. Amendment to H.R. 2131 offered by Mr.  
3369 Holding of North Carolina. Page 69, line 2, insert E4 after  
3370 E3.

3371 Chairman Goodlatte. Without objection, the amendment

3372 will be considered as read.

3373 [The amendment of Mr. Holding follows:]

3374

3375 Chairman Goodlatte. The gentleman is recognized for 5  
3376 minutes on his amendment.

3377 Mr. Holding. Mr. Chairman, my amendment would allow for  
3378 up to 15,000 professional visas each year for qualified  
3379 applicants with specialized education and guaranteed  
3380 employment requiring special skills into the United States  
3381 from the Republic of Korea.

3382 Mr. Chairman, in 2011 Congress passed the U.S.-Korea  
3383 Free Trade Agreement, and implementation began in March of  
3384 this year. The creation of this class of visas will help to  
3385 fully realize the economic potential of the FTA to the  
3386 benefit of both the United States and Korea. This amendment  
3387 would bring the number of work visas for Korean nationals in  
3388 line with those provided to other free trade agreement  
3389 partner countries.

3390 As many of my colleagues know here on the committee,  
3391 Korea is the United States' seventh largest trading partner,  
3392 and in 2011 the U.S.-Korea bilateral trade reached \$145  
3393 billion, which is an increase of 44 percent in just two  
3394 years. And further, Korea sends more students to study in  
3395 the United States per capita than any other country. In

3396 2009, 72,000 Korean students spent \$2 billion to live and  
3397 study in the U.S., yet upon completing school, most Korean  
3398 graduates cannot obtain U.S. work visas. Instead of filling  
3399 vital skills gaps and founding high-tech startups in the  
3400 U.S., they take their skills elsewhere.

3401 So this amendment seeks 15,000 visas per year for Korea  
3402 so that these types of students won't have to return home.  
3403 As we have recognized today, retaining the best and the  
3404 brightest is the key to accelerating this nation's economic  
3405 growth and recovery, and providing visas to many bright  
3406 Korean students is another critical step.

3407 Putting on my foreign affairs cap for a moment, Mr.  
3408 Chairman, the Republic of Korea is one of our true and  
3409 tested allies whom we have enjoyed an enduring alliance with  
3410 for over 60 years. Mr. Chairman, this is an alliance that  
3411 was formed on the battlefield. Indeed, America can count  
3412 our true friends around the world maybe on one hand, and  
3413 Korea is certainly one of our true friends and a benefit to  
3414 the U.S. economy, and further solidifying our strategic  
3415 relationship with these additional visas.

3416 Chairman Goodlatte. Would the gentleman yield?



3417 Mr. Holding. Yes, I would yield to the Chairman.

3418 Chairman Goodlatte. I thank the gentleman for yielding.

3419 The Chair would ask the gentleman if he would be willing to

3420 withdraw the amendment and work with the Chairman and others

3421 on the committee who are interested in this overall issue

3422 related to H1B visas designated for particular countries.

3423 There is a long history with this. The former chairman,

3424 Mr. Sensenbrenner, knows that when he was chairman of the

3425 committee, the U.S. Trade Representative put these programs

3426 into trade agreements without taking them through the House

3427 Judiciary Committee, and Australia and Singapore received

3428 trade agreements that included specifically designated H1B

3429 visas for them.

3430 I know there is interest in other members of the

3431 committee representing other regions of the country,

3432 including sub-Saharan Africa, and I think we have to look at

3433 what has been done with the countries that have already

3434 received them, with countries like South Korea, for which I

3435 have the greatest admiration. They did enter into a trade

3436 agreement with us knowing that they would not receive that

3437 in the agreement, but with the hope that they might receive

3438 it later. And I also know that there is interest in working  
3439 this out for other places.

3440 I don't want to get into the business of having every  
3441 country or every region of the world having a separate H1B  
3442 visa program. So I think we need to work together to come  
3443 up with a way to accommodate the gentleman's amendment and  
3444 South Korea and recognize that something needs to be done  
3445 with the other countries already involved, and potentially  
3446 other areas of the world as well.

3447 Mr. Sensenbrenner. Would the gentleman from North  
3448 Carolina yield?

3449 Mr. Holding. I appreciate the Chairman's willingness to  
3450 work with me, and I will withdraw the amendment. But before  
3451 I withdraw the amendment, I would yield to my friend from  
3452 Arizona, Mr. Franks.

3453 Mr. Franks. Thank you, Mr. Chairman, Mr. Holding. Mr.  
3454 Chairman, just very briefly, I want to thank you, sir, for  
3455 your obvious understanding of this issue and your  
3456 willingness to work with Mr. Holding. This is an amendment  
3457 I certainly support.

3458 Korea is the seventh largest trading partner, with over

3459 \$100 billion of imports and exports. They have been  
3460 faithful friends, and I hope that we can work something out  
3461 that is amenable to all. I would yield back and thank the  
3462 Chairman.

3463 Mr. Collins. Would the gentleman yield?

3464 Mr. Holding. I would yield to my friend from Georgia  
3465 and then withdraw the amendment.

3466 Mr. Collins. Thank you. I appreciate the gentleman  
3467 from North Carolina yielding. I just want to appreciate the  
3468 Chairman's willingness to work on this. I think the  
3469 gentleman from North Carolina and others across the aisle  
3470 have talked about this. There are other issues here, but I  
3471 do believe the relationship with Korea is a special  
3472 relationship that has been forged over a long period of  
3473 time. I appreciate the gentleman bringing this. I  
3474 appreciate the Chairman and his willingness to look and also  
3475 take a very reasoned approach with this, and I yield back.

3476 Ms. Lofgren. I would ask the courtesy of a yield before  
3477 the gentleman withdraws his amendment.

3478 Mr. Sensenbrenner. Me, too.

3479 Chairman Goodlatte. Go ahead and yield. The Chair

3480 would encourage the gentleman to yield to both of these  
3481 individuals.

3482 Mr. Holding. I will yield to my friend from California.

3483 Ms. Lofgren. I had an amendment to the amendment that I  
3484 was going to offer that would provide for the same H1B  
3485 scenario for those countries that are in the African Growth  
3486 and Opportunity Trade Act, as well as the Caribbean Basin  
3487 Economic Recovery Act, two other treaties that we have.  
3488 Obviously, if the amendment is going to be withdrawn, I  
3489 can't offer the amendment to the amendment. But I did want  
3490 to at least outline the reasons why.

3491 I do think it is important, as the Chairman has said,  
3492 when Mr. Sensenbrenner was chairman, he very properly  
3493 chastised the trade negotiators for negotiating visa policy  
3494 in the trade agreements, and I supported him in that  
3495 objection.

3496 Before we did that, Singapore and Australia got visas,  
3497 and unfortunately the African countries did not, the  
3498 Caribbean did not, and, of course, Korea could not because  
3499 we no longer do it that way. I just think that since Mr.  
3500 Sensenbrenner's -- and he will speak for himself, but the

3501 reason why I was so supportive of his position was that we  
3502 wanted to exert the jurisdiction of this committee. I think  
3503 if we are going to have jurisdiction that we want to  
3504 exercise, we have to exercise it.

3505 I am a cosponsor of the Korean bill. I think it is  
3506 absolutely essential that we do the H1B visas for the  
3507 African Growth and Opportunity Act nations, as well as the  
3508 Caribbean Basin Economic Recovery Act nations, and I did  
3509 want an opportunity to make that point, and I very much  
3510 appreciate the gentleman yielding.

3511 Mr. Sensenbrenner. Will the gentleman yield?

3512 Mr. Holding. I yield to my friend.

3513 Mr. Sensenbrenner. Just to reaffirm what the  
3514 gentlewoman from California has just said, the trade  
3515 representative for the Singapore and Australia free trade  
3516 agreements decided to include the visa increase for those  
3517 two countries within the trade agreement. That would have  
3518 effectively taken this committee's jurisdiction away and  
3519 given it to the Ways and Means Committee on this particular  
3520 issue.

3521 I was able to successfully resist that. That was during

3522 the period of my life when I was much more crabby and  
3523 assertive than I am now.

3524 [Laughter.]

3525 Mr. Sensenbrenner. All of that being said, I do support  
3526 what the Chairman has said, that we have to figure out a way  
3527 to do this rather than having carve-outs for specific  
3528 countries of H1Bs, because that ends up pinching H1B  
3529 applicants from other countries who may be just as qualified  
3530 or maybe even more qualified. So I support what the  
3531 gentleman from North Carolina is doing, and I encourage the  
3532 Chairman to make sure that we are able to figure out a way  
3533 to do this in a much better manner than country by country  
3534 or area by area.

3535 Ms. Lofgren. Would the gentleman yield? Just for a  
3536 brief comment. Australia, for example, has never used its  
3537 10,000 visas, nor has, I understand, Singapore used their  
3538 set-aside. So I do think that the allocation, although  
3539 apparently of concern if there is a reallocation of unused  
3540 visas, it won't necessarily have the impact that we might  
3541 fear, and I wanted to make that point. I thank the  
3542 gentleman for yielding.

3543 Mr. Holding. Thank you, and I yield back.

3544 Chairman Goodlatte. The Chair thanks the gentleman for  
3545 withdrawing his amendment.

3546 Are there further amendments?

3547 For what purpose does the gentlewoman from California  
3548 seek recognition?

3549 Ms. Lofgren. Well, I have two amendments, and I wonder  
3550 if we might be able to offer them en bloc. One is Lofgren  
3551 26 about venture capital, and then the other is the Lofgren  
3552 Labrador amendment number 24.

3553 Chairman Goodlatte. The Clerk will report the  
3554 amendments, and without objection, they will be considered  
3555 en bloc.

3556 Ms. Lofgren. First, on the capital venture fund  
3557 amendment --

3558 Chairman Goodlatte. Let's make sure we have the right  
3559 amendments.

3560 Ms. Lofgren. Well, it is 26, but it also has amendment  
3561 15 stamped at the top.

3562 Chairman Goodlatte. I see it, yes. That would be on  
3563 our list, Amendment 15, and which is the other one?

3564 Ms. Lofgren. The other one is the Lofgren Labrador  
3565 Amendment number 24 on optional practical training, page 82,  
3566 line 11.

3567 Chairman Goodlatte. Oh, optional practical -- yes, we  
3568 have that listed on our list as number 24.

3569 Ms. Lofgren. Okay.

3570 Chairman Goodlatte. The Clerk will report the  
3571 amendments. They are handwritten in on my list.

3572 Ms. Deterding. Amendment to H.R. 2131, offered by Ms.  
3573 Lofgren of California. Page 18, beginning on --

3574 Chairman Goodlatte. Without objection, the amendments  
3575 will be considered as read.

3576 [The amendments of Ms. Lofgren follow:]

3577



3578 Chairman Goodlatte. The gentlewoman is recognized for 5  
3579 minutes on her amendments.

3580 Ms. Lofgren. On the first amendment, the capital  
3581 venture funds, I do support completely the intent of the  
3582 underlying bill to make green cards available to foreign  
3583 entrepreneurs with brilliant and innovative ideas that  
3584 attract significant venture capital funding, and I can't  
3585 think of a better way to start businesses, create jobs, grow  
3586 our economy than by this fusion of our immigration and  
3587 venture capital financing systems.

3588 This amendment would not change the substance of the  
3589 underlying provision. It would only provide more precise  
3590 definitions with respect to how the venture capital  
3591 financing system actually works. I worked on this amendment  
3592 in close coordination with the National Venture Capital  
3593 Association and believe it best captures the promise and  
3594 idea intended by the underlying bill.

3595 Specifically, the amendment strikes the definition of  
3596 "qualified venture capital operating company" and replaces  
3597 it with three new definitions for investment advisor,  
3598 qualified venture capital entity, and venture capital fund.

3599 These changes are necessary to reflect the way the venture  
3600 capital system actually works. The underlying bill, as with  
3601 my original idea, seems to assume that venture capital  
3602 operating companies provide venture capital financing to  
3603 entrepreneurs, but that is not exactly the way the system  
3604 works. Instead, those venture capital companies set up  
3605 various venture capital funds, and it is those funds that  
3606 actually make the investments. This amendment simply  
3607 reflects that reality and makes the underlying bill more  
3608 clear.

3609 On the optional practical training amendment, this  
3610 amendment would just clarify what I believe is an  
3611 unintentional drafting oversight with respect to student  
3612 visa holders and the ability to engage in optional practical  
3613 training, known as OPT in the business, after completing  
3614 their studies in the United States. OPT provides foreign  
3615 students with the ability to engage in 12 months of work  
3616 experience in their fields after completing their studies.  
3617 If they have earned a degree in a STEM field, they are  
3618 provided 29 months of work authorization in their field.

3619 The underlying bill codifies the existence of OPT with

3620 respect to STEM students, but inadvertently fails to codify  
3621 its existence with respect to other students. Because of  
3622 that failure, it is possible that DHS would interpret the  
3623 provision as excluding non-STEM students from OPT, and I do  
3624 not believe that was the intention of the underlying bill.

3625 The amendment simply clarifies that OPT continues to be  
3626 available to non-STEM students, as is currently the law, and  
3627 we have worked out this amendment with my colleague, Mr.  
3628 Labrador, and I would be happy to yield to Mr. Labrador if  
3629 he wishes to add his comments at this time.

3630 Mr. Labrador. Thank you, Congresswoman Lofgren. I just  
3631 support the amendment. I think it was an oversight. I  
3632 think, as I have talked to people who drafted the bill, they  
3633 are not opposed to it, and I think everybody should vote for  
3634 it.

3635 Ms. Lofgren. And I yield back, Mr. Chairman.

3636 Chairman Goodlatte. The Chair thanks the gentlewoman.

3637 The Chair recognizes himself in support of both  
3638 amendments, and I urge my colleagues to support them as  
3639 well.

3640 For what purpose does the gentleman from Iowa seek

3641 recognition?

3642 Mr. King. Move to strike the last word, Mr. Chairman.

3643 Chairman Goodlatte. The gentleman is recognized for 5  
3644 minutes.

3645 Mr. King. Thank you, Mr. Chairman. I recall this  
3646 effort to expand any unused visas and to utilize them in  
3647 other categories. It is a discussion that we have had back  
3648 and forth on the immigration subcommittee for several years  
3649 now. I was under the understanding that perhaps the  
3650 underlying bill with the manager's amendment might cap the  
3651 expansion of legal immigration at 65,000 a year for 10  
3652 years. This expands it beyond that 65,000 level. As I  
3653 understand this, it expands it beyond the 65,000 level by  
3654 allowing the utilizing --

3655 Ms. Lofgren. Would the gentleman yield?

3656 Mr. King. I would be happy to yield.

3657 Ms. Lofgren. I think you must be looking at a different  
3658 amendment. This doesn't expand visas at all. It just  
3659 clarifies the venture capital fund, and it also clarifies  
3660 that OPT is available for non-STEM students.

3661 Mr. King. Reclaiming my time, is it the gentlelady's

3662 position that the venture capital visas -- that it doesn't  
3663 expand the number of venture capital visas, as I thought I  
3664 understood?

3665 Ms. Lofgren. No. It simply defines how venture capital  
3666 flows. It is funds. It is not the definition is incorrect.

3667 Mr. King. The definition is incorrect. So I take the  
3668 gentlelady's position at her word that there is nothing in  
3669 this amendment that expands legal immigration in this  
3670 amendment.

3671 Ms. Lofgren. I wish there were. But, no.

3672 [Laughter.]

3673 Mr. King. Well, let me just suggest this, that perhaps  
3674 my radar is a little bit over-acute, and I would withdraw my  
3675 statement and I will support the consensus of this  
3676 committee. I yield back.

3677 Chairman Goodlatte. The question occurs on the  
3678 amendment offered by the gentlewoman from California, two  
3679 amendments en bloc.

3680 All those in favor, respond by saying aye.

3681 Those opposed, no.

3682 In the opinion of the Chair, the ayes have it and the

3683 amendments are agreed to.

3684 For what purpose does the gentleman from Georgia seek  
3685 recognition?

3686 Mr. Collins. I have an amendment at the desk,  
3687 designated number 10.

3688 Chairman Goodlatte. The Clerk will report the  
3689 amendment.

3690 Ms. Deterding. Amendment to H.R. 2131 offered by Mr.  
3691 Collins of Georgia.

3692 Chairman Goodlatte. Without objection, the amendment  
3693 will be considered as read.

3694 [The amendment of Mr. Collins follows:]

3695

3696 Chairman Goodlatte. The gentleman is recognized for 5  
3697 minutes.

3698 Mr. Collins. Thank you, Mr. Chairman. My amendment is  
3699 based on the premise that random audits do not prevent  
3700 fraud, and empowering unelected bureaucrats to hamper the  
3701 ability of businesses to operate as is, is not something  
3702 that the committee should encourage. Fraud is not a random  
3703 occurrence. Fraud occurs where conditions are ripe for it  
3704 to occur.

3705 The Department of Labor should focus its resources and  
3706 efforts on identifying and eliminating enabling factors of  
3707 fraud. An American criminologist and sociologist by the  
3708 name of Donald Cressey speaks to this very idea. He created  
3709 the concept known as the fraud triangle. The fraud triangle  
3710 proposes that three factors are present in every situation  
3711 of fraud -- motive, rationalization, and opportunity. In  
3712 order to reduce the likelihood of fraudulent activities, you  
3713 must remove at least one of these elements. Unfortunately,  
3714 random audits fail to accomplish the noteworthy goal of  
3715 reducing fraud levels and holding companies accountable.  
3716 What a random audit does accomplish is this: it allows

3717 unelected and often unaccountable agency bureaucrats to  
3718 target companies on a whim and prevent them from doing what  
3719 they do best, creating jobs and stimulating the economy.

3720 Government needs to get their regulatory hands off the  
3721 throats of our job creators. This isn't the only area in  
3722 which we have seen the economic and practical harm that  
3723 comes from overzealous auditors. In northeast Georgia,  
3724 independent and community pharmacists are being crippled by  
3725 random and unnecessary audits. Make no mistake, I believe  
3726 transparency through auditing is important. It holds  
3727 businesses accountable and ensures that they are following  
3728 the laws on the books. However, it must be reasonable and  
3729 effective. Random audits are neither.

3730 In this economy and regulatory climate, it is difficult  
3731 enough for businesses to survive, much less thrive. Adding  
3732 additional uncertainty and administrative burdens while  
3733 further empowering agency officials is unwise. I appreciate  
3734 the Chairman's movement on this issue through the manager's  
3735 amendment, but I do not believe it goes far enough. I hope  
3736 it will be a starting place for further discussions and  
3737 changes as we move through this process in the weeks and



3738 months ahead.

3739       On a related note, I very much appreciate the Chairman's  
3740 openness and willingness to work with me on the wage survey  
3741 issue. I hope to continue working with the Chairman and  
3742 members of the committee to further clean up the wage  
3743 provisions to ensure there is no new broad, sweeping wage  
3744 control authority over American businesses.

3745       In the spirit of collaboration and congeniality, I am  
3746 prepared to withdraw the amendment. My concern for the  
3747 impact these random audits will have on businesses is real  
3748 and, I believe, warranted. It is my hope that we can have  
3749 further discussions on how to achieve the goal of fraud  
3750 deterrence without hampering the ability of businesses to do  
3751 what they do best, create jobs.

3752       Mr. Chairman, I withdraw the amendment and yield back  
3753 the balance of my time.

3754       Chairman Goodlatte. The Chair thanks the gentleman for  
3755 withdrawing the amendment and looks forward to working with  
3756 him to perfect the language in the bill.

3757       For what purpose does the gentlewoman from California  
3758 seek recognition?

3759 Ms. Chu. I have an amendment at the desk.

3760 Chairman Goodlatte. The Clerk will report the  
3761 amendment.

3762 Ms. Chu. This is Amendment number 4.

3763 Ms. Deterding. Amendment to H.R. 2131 offered by Ms.  
3764 Chu of California.

3765 Chairman Goodlatte. Without objection, the amendment is  
3766 considered as read.

3767 [The amendment of Ms. Chu follows:]

3768

3769 Chairman Goodlatte. The gentlewoman is recognized for 5  
3770 minutes on her amendment.

3771 Ms. Chu. First I ask unanimous consent to submit  
3772 letters in opposition to this bill, particularly with regard  
3773 to the elimination of the sibling visa category. These are  
3774 letters from Asian-Americans Advancing Justice, the Ming  
3775 Kwong Center for Community Action, Lutheran Immigration and  
3776 Refugee Service, Franciscan Action Network, Church World  
3777 Service, Asian Pacific American Labor Alliance, and the  
3778 American Jewish Committee.

3779 Chairman Goodlatte. Without objection, they will be  
3780 made a part of the record.

3781 [The information follows:]

3782

3783 Ms. Chu. This amendment is one that I am introducing  
3784 along with Representatives Bass and Jackson Lee.

3785 First let me say I strongly support increasing the  
3786 number of high-skilled visas, including H1B visas for newly  
3787 graduated foreign STEM students, and visas for the founders  
3788 of new startups and additional high-skilled employment. If  
3789 that were all that this bill did, I would support it.

3790 But instead, it takes an issue with bipartisan support  
3791 and muddles it with controversial changes to our immigration  
3792 system. This bill is called the Supplying Knowledge-based  
3793 Immigrants and Lifting Levels of STEM Visas Act. Given the  
3794 title, you might be surprised that a major component of it  
3795 is that it cuts family visas, including the sibling visa  
3796 category.

3797 It does not make sense to eliminate the sibling visa  
3798 category. Families are the cornerstone of American values  
3799 and are the best safety net of all time. Family members  
3800 support one another. They help one another to succeed.  
3801 They work at family businesses and loan their relatives the  
3802 money needed to start their own companies.

3803 Who is to say what the most important relationship in a

3804 family is? Sister and brother? Parent and child? Every  
3805 family is different, and this committee shouldn't try to  
3806 arbitrarily decide which family bonds matter and which do  
3807 not. Some siblings are closer to each other than they are  
3808 to their parents.

3809       What getting rid of this category means is that if a  
3810 doctor immigrates here and becomes a citizen, she can  
3811 petition for her parents to follow in short order. But  
3812 because this bill gets rid of the sibling category, the 13-  
3813 year-old brother would have to be left behind all by  
3814 himself.

3815       Immigration is not a zero-sum game. There is absolutely  
3816 no reason why we can't do the right thing for American  
3817 businesses and our American families. We don't need to cut  
3818 family visas and split families apart. In fact, if we are  
3819 trying to attract the world's best and brightest, many of  
3820 them won't move here if they can't bring their families too.

3821       My amendment simply strikes Section 105 to cut all the  
3822 provisions in this bill that address family visas, including  
3823 the elimination of sibling visas. Now, I support some of  
3824 the provisions in this section, like increasing visas for

3825 legal permanent residents to bring over their spouses and  
3826 children, and I do believe we need to reform our family visa  
3827 system. But this bill just isn't the place to do it.

3828 I urge my colleagues to support this amendment. We have  
3829 an opportunity to come together in a bipartisan way and help  
3830 our American competitiveness. Today, let's focus on that  
3831 important goal instead of splitting families apart.

3832 I yield back.

3833 Mr. Smith of Texas. [Presiding] Thank you, Ms. Chu. I  
3834 will recognize myself in opposition.

3835 This amendment strikes the provision in the bill  
3836 increasing the number of green cards available to the  
3837 spouses and children of permanent residents by 25,000 each  
3838 year. Why we wouldn't want to facilitate reuniting nuclear  
3839 families eludes me, and I am not sure that is what the  
3840 gentlewoman from California intended.

3841 The amendment also strikes the provision in the bill  
3842 ending the green card category for the siblings of U.S.  
3843 citizens. Unless we are to simply increase immigration  
3844 levels without end, we have to set priorities in determining  
3845 how to allocate immigrant visas. When we do so, retaining a

3846 category for the siblings of U.S. citizens simply does not  
3847 make sense.

3848       Jeb Bush recently argued that, "The driver of  
3849 immigration policy is chained migration." Since the 1960s,  
3850 the vast majority of legal immigrants have come pursuant to  
3851 a very broad definition of family reunification which  
3852 includes not only spouses and minor children but siblings.  
3853 Family preferences account for two-thirds of all legal  
3854 immigrants, crowding out work-based immigration and placing  
3855 increased pressure on social services. When extended family  
3856 members obtain legal status, they too are entitled to family  
3857 preferences. This chained migration does not promote the  
3858 nation's economic interests.

3859       The U.S. Commission on Immigration Reform recommended  
3860 the elimination of the adult children and sibling  
3861 categories, stating that, "The commission believes that the  
3862 national interest in the entry of nuclear family members  
3863 outweighs that of more extended family members. Unless  
3864 there is a compelling national interest to do otherwise,  
3865 immigrants should be chosen on the basis of the skills they  
3866 contribute to the U.S. economy. The commission believes

3867 that the admission of nuclear family members and refugees  
3868 provides such a compelling national interest. Reunification  
3869 of siblings of adult citizens simply because of their family  
3870 relationship is not as compelling."

3871 As the U.S. Commission on Immigration Reform found, "The  
3872 extraordinary large waiting list for siblings of U.S.  
3873 citizens undermines the integrity of the legal immigration  
3874 system. Extended waiting periods of a decade or more mean  
3875 that most siblings enter well into their working lives,  
3876 limiting the time during which they can make a contribution  
3877 to the U.S. economy."

3878 Of course, there are many individuals who have already  
3879 been approved for sibling green cards who have been  
3880 patiently and legally waiting in line for many years for  
3881 green cards to become available. Therefore, the manager's  
3882 amendment provides that aliens with approved sibling green  
3883 card petitions can continue to receive green cards under the  
3884 program for the next decade. This will ensure that those  
3885 persons who have been waiting the longest will be able to  
3886 receive their green cards.

3887 But it is time for the program to end. I urge my



3888 colleagues to oppose this amendment, and I will yield back  
3889 the time.

3890 The gentleman from California, Mr. Issa, is recognized.

3891 Mr. Issa. Mr. Chairman, thank you very much. I will be  
3892 brief.

3893 This is an area that I felt very strongly as we were  
3894 working to draft the bill about, not just because of the  
3895 commission's recommendation but because I think we all draw  
3896 on our own family background. I know Congresswoman Chu  
3897 draws on hers.

3898 My grandfather left his native country of Lebanon and  
3899 left behind four siblings. He didn't see them again until  
3900 he visited in his 70s. That was the world at the turn of  
3901 the last century. There was an expectation during the  
3902 heyday of immigration, when my grandfather came to Ellis  
3903 Island in the 1914 timeframe, you came with whatever family  
3904 you were allowed to come with, and you didn't know if you  
3905 would ever see your family again, and you had little  
3906 expectation that somehow your coming was going to  
3907 immediately allow you to bring additional family.

3908 The immigration, the migrant story, if you will, is a

3909 story of leaving your country behind, not bringing your  
3910 country along. I believe that with 1,000,000-plus slots a  
3911 year, and more than half of them taken up with forms of  
3912 family reunification, we have to admit that part of the  
3913 problem of being generous to future immigrants is, in fact,  
3914 the chained migration that has become the majority of all  
3915 new immigrants.

3916 So it is my grandfather's story and my grandmother's and  
3917 other grandparents' stories that causes me to feel very  
3918 strongly that some reform is necessary. As the Chairman  
3919 mentioned, the fact that we take a decade to phase this out,  
3920 that we will be able to pick from over half a million people  
3921 on the list, certainly means that we are not transitioning  
3922 overnight. But there has to be a day in which you say the  
3923 future promise is different, and the future obligation of an  
3924 immigrant is if you want to come to America, you come to  
3925 America understanding that the only way you may see certain  
3926 family members is to visit your country of origin or have  
3927 them come visit. But it will not be to have them come live.

3928 I support that principle and will oppose the amendment,  
3929 and I thank the Chairman and yield back.

3930 Mr. Smith of Texas. Thank you, Mr. Issa.

3931 Are there other members who wish to be heard on the  
3932 amendment?

3933 [No response.]

3934 Mr. Smith of Texas. If not, the vote is on the  
3935 amendment.

3936 All those in favor, say aye.

3937 Opposed, no.

3938 In the opinion of the Chair, the noes have it and the  
3939 amendment is not agreed to.

3940 Ms. Chu. Ask for a recorded vote.

3941 Mr. Smith of Texas. A recorded vote has been requested  
3942 by Ms. Chu, and the Clerk will call the roll.

3943 Ms. Deterding. Mr. Goodlatte?

3944 [No response.]

3945 Ms. Deterding. Mr. Sensenbrenner?

3946 [No response.]

3947 Ms. Deterding. Mr. Coble?

3948 [No response.]

3949 Ms. Deterding. Mr. Smith of Texas?

3950 Mr. Smith of Texas. No.

3951 Ms. Deterding. Mr. Smith of Texas votes no.  
3952 Mr. Chabot?  
3953 Mr. Chabot. No.  
3954 Ms. Deterding. Mr. Chabot votes no.  
3955 Mr. Bachus?  
3956 [No response.]  
3957 Ms. Deterding. Mr. Issa?  
3958 Mr. Issa. No.  
3959 Ms. Deterding. Mr. Issa votes no.  
3960 Mr. Forbes?  
3961 Mr. Forbes. No.  
3962 Ms. Deterding. Mr. Forbes votes no.  
3963 Mr. King?  
3964 Mr. King. No.  
3965 Ms. Deterding. Mr. King votes no.  
3966 Mr. Franks?  
3967 [No response.]  
3968 Ms. Deterding. Mr. Gohmert?  
3969 [No response.]  
3970 Ms. Deterding. Mr. Jordan?  
3971 Mr. Jordan. No.

3972 Ms. Deterding. Mr. Jordan votes no.

3973 Mr. Poe? Mr. Poe?

3974 Mr. Poe. No.

3975 Ms. Deterding. Mr. Poe votes no.

3976 Mr. Chaffetz?

3977 Mr. Chaffetz. No.

3978 Ms. Deterding. Mr. Chaffetz votes no.

3979 Mr. Marino?

3980 Mr. Marino. No.

3981 Ms. Deterding. Mr. Marino votes no.

3982 Mr. Gowdy?

3983 Mr. Gowdy. No.

3984 Ms. Deterding. Mr. Gowdy votes no.

3985 Mr. Amodei?

3986 Mr. Amodei. No.

3987 Ms. Deterding. Mr. Amodei votes no.

3988 Mr. Labrador?

3989 Mr. Labrador. No.

3990 Ms. Deterding. Mr. Labrador votes no.

3991 Mr. Farenthold?

3992 Mr. Farenthold. No.

3993 Ms. Deterding. Mr. Farenthold votes no.  
3994 Mr. Holding?  
3995 Mr. Holding. No.  
3996 Ms. Deterding. Mr. Holding votes no.  
3997 Mr. Collins?  
3998 Mr. Collins. No.  
3999 Ms. Deterding. Mr. Collins votes no.  
4000 Mr. DeSantis?  
4001 Mr. DeSantis. No.  
4002 Ms. Deterding. Mr. DeSantis votes no.  
4003 Mr. Smith of Missouri?  
4004 Mr. Smith of Missouri. No.  
4005 Ms. Deterding. Mr. Smith of Missouri votes no.  
4006 Mr. Conyers?  
4007 Mr. Conyers. Aye.  
4008 Ms. Deterding. Mr. Conyers votes aye.  
4009 Mr. Nadler?  
4010 Mr. Nadler. Aye.  
4011 Ms. Deterding. Mr. Nadler votes aye.  
4012 Mr. Scott?  
4013 Mr. Scott. Aye.

4014 Ms. Deterding. Mr. Scott votes aye.

4015 Mr. Watt?

4016 [No response.]

4017 Ms. Deterding. Ms. Lofgren?

4018 Ms. Lofgren. Aye.

4019 Ms. Deterding. Ms. Lofgren votes aye.

4020 Ms. Jackson Lee?

4021 Ms. Jackson Lee. Aye.

4022 Ms. Deterding. Ms. Jackson Lee votes aye.

4023 Mr. Cohen?

4024 Mr. Cohen. Aye.

4025 Ms. Deterding. Mr. Cohen votes aye.

4026 Mr. Johnson?

4027 Mr. Johnson. Aye.

4028 Ms. Deterding. Mr. Johnson votes aye.

4029 Mr. Pierluisi?

4030 Mr. Pierluisi. Aye.

4031 Ms. Deterding. Mr. Pierluisi votes aye.

4032 Ms. Chu?

4033 Ms. Chu. Aye.

4034 Ms. Deterding. Ms. Chu votes aye.

4035 Mr. Deutch?

4036 Mr. Deutch. Aye.

4037 Ms. Deterding. Mr. Deutch votes aye.

4038 Mr. Gutierrez?

4039 Mr. Gutierrez. Aye.

4040 Ms. Deterding. Mr. Gutierrez votes aye.

4041 Ms. Bass?

4042 Ms. Bass. Aye.

4043 Ms. Deterding. Ms. Bass votes aye.

4044 Mr. Richmond?

4045 Mr. Richmond. Aye.

4046 Ms. Deterding. Mr. Richmond votes aye.

4047 Ms. DelBene?

4048 Ms. DelBene. Aye.

4049 Ms. Deterding. Ms. DelBene votes aye.

4050 Mr. Garcia?

4051 [No response.]

4052 Ms. Deterding. Mr. Jeffries?

4053 Mr. Jeffries. Aye.

4054 Ms. Deterding. Mr. Jeffries votes aye.

4055 Mr. Smith of Texas. Are there other members who wish to



4056 vote or change their vote?

4057 The chairman of the committee, Mr. Goodlatte.

4058 Chairman Goodlatte. No.

4059 Ms. Deterding. Mr. Goodlatte votes no.

4060 Mr. Smith of Texas. The gentleman from North Carolina.

4061 Mr. Coble. No.

4062 Ms. Deterding. Mr. Coble votes no.

4063 Mr. Smith of Texas. The gentleman from Alabama.

4064 Mr. Bachus. No.

4065 Ms. Deterding. Mr. Bachus votes no.

4066 Mr. Smith of Texas. The clerk will report.

4067 Ms. Deterding. Mr. Chairman, 15 members voted aye, 20

4068 members voted nay.

4069 Mr. Smith of Texas. The majority having against the

4070 amendment, the amendment is not agreed to.

4071 The gentleman from California, Mr. Issa, is recognized

4072 to offer an amendment.

4073 Mr. Issa. Thank you, Mr. Chairman. I have an amendment

4074 at the desk, number 66.

4075 Mr. Smith of Texas. The clerk will report the

4076 amendment.

4077 Mr. Issa. Sixteen on our list.

4078 Ms. Deterding. Amendment to H.R. 2131, offered by Mr.

4079 Issa of California, beginning on page 54, strike line 20

4080 through page 55, line 8 --

4081 Mr. Smith of Texas. Without objection, the amendment

4082 will be considered as read.

4083 [The amendment of Mr. Issa follows:]

4084

4085 Mr. Smith of Texas. And the gentleman from California  
4086 is recognized to explain his amendment.

4087 Mr. Issa. Thank you, Mr. Chairman. Mr. Chairman, my  
4088 amendment amends the Conrad 30 program, and for most members  
4089 of the committee, this is probably pretty esoteric and down  
4090 in the weeds. But it boils down to a longstanding  
4091 allocation of a waiver for foreign-born American educated  
4092 doctors. In the ordinary course, doctors need to go home  
4093 for 2 years after they receive their doctorate and practice  
4094 medicine at home. Because of a critical shortage, it was  
4095 recognized some years ago that there should be some waiver  
4096 for that. So we waive 30 per State.

4097 Now, as some might find humorous, in the House that  
4098 sounds like a very typical Senate deal. Every State gets a  
4099 slot. But the State of Wyoming, with less than a million  
4100 people, and the State of California, with 38 million, not  
4101 only because of its size, but because of its rural areas and  
4102 urban areas that are underserved, finds itself with very  
4103 different needs. Many States do not use the entire 30,  
4104 while other States, like my home State of California, the  
4105 State of Florida, the State of New York, and others find

4106 themselves on a purely population basis under served.

4107 My amendment is designed to at least ease that by  
4108 increasing the number from one size fits all to at least a  
4109 number of waivers available to States based on needs from 45  
4110 to 60. It still may not meet the needs of California, but  
4111 for so many States represented throughout the Congress, it  
4112 will allow this one size fits all to turn into at least a  
4113 little bit more pragmatic as the need shall be the  
4114 allocation.

4115 And I would yield to the gentlelady from California.

4116 Ms. Lofgren. Thank you for yielding, Mr. Issa. I  
4117 support your amendment. I think if we look to the State  
4118 that Mr. Conrad represented, you can see that he might not  
4119 have been as alert to the problems created by it, much as we  
4120 are grateful for the fact that we have the program. So I  
4121 think these reforms are sensible ones, and I certainly  
4122 intend to vote for them.

4123 I thank you for yielding.

4124 Mr. Issa. Thank you. And reclaiming my time, in  
4125 closing, this will not fix the entire physician shortage.  
4126 This will be a down payment on it in these underserved

4127 areas. And I note again, as the discussion earlier with  
4128 nurses, these are physicians that will go to both urban and  
4129 rural areas of special need.

4130 I thank the committee for the consideration and yield  
4131 back.

4132 Mr. Smith of Texas. Thank you, Mr. Issa.

4133 Mr. Labrador. Mr. Chairman? Mr. Chairman?

4134 Mr. Smith of Texas. Who seeks recognition? The  
4135 gentleman from Idaho.

4136 Mr. Labrador. Move to strike the last word.

4137 Mr. Smith of Texas. The gentleman is recognized for 5  
4138 minutes.

4139 Mr. Labrador. I wonder if the gentleman from California  
4140 would yield to a question?

4141 Mr. Issa. Of course.

4142 Mr. Labrador. I am just a little bit confused about why  
4143 you're amending your own bill.

4144 [Laughter.]

4145 Mr. Issa. It is a fine question, and thank you for  
4146 asking.

4147 Mr. Smith of Texas. You can always improve it, right?

4148 Mr. Issa. No, Mr. Labrador. The fact is that I would  
4149 like to have gotten this in a little sooner, but there were  
4150 a lot of considerations. And all kidding aside, I would  
4151 love to have made this 100 percent based on need, but there  
4152 was a lot of negotiations of some middle ground so that we  
4153 would not disenfranchise States that might feel that too  
4154 many slots being filled would mean theirs would never get  
4155 filled. And we wanted to be sensitive to that.

4156 Mr. Labrador. Thank you, Mr. Chairman. Thank you.

4157 Mr. Smith of Texas. Thank you.

4158 Mr. Labrador. I yield back my time.

4159 Mr. Smith of Texas. Thank you, Mr. Labrador. Let me  
4160 add that the chairman of the committee supports this  
4161 amendment as I do.

4162 Are there other members who wish to be heard?

4163 [No response.]

4164 Mr. Smith of Texas. If not, the vote is on the Issa  
4165 amendment.

4166 All in favor, say aye.

4167 All opposed, nay.

4168 In the opinion of the chair, the ayes have it, and the

4169 amendment is agreed to.

4170 Are there any other amendments?

4171 The gentlewoman from Texas, Ms. Jackson Lee, is  
4172 recognized for the purpose of offering an amendment.

4173 Ms. Jackson Lee. The amendment I offer is 221, number  
4174 11 on the roster.

4175 Mr. Smith of Texas. The clerk will report the  
4176 amendment.

4177 Ms. Deterding. Amendment to H.R. 2131, offered by Ms.  
4178 Jackson Lee of Texas, page 3, beginning on line 9, strike  
4179 "reduce" and all that follows through "act" --

4180 Mr. Smith of Texas. Without objection, the amendment  
4181 will be considered as read.

4182 [The amendment of Ms. Jackson Lee follows:]

4183

4184 Mr. Smith of Texas. And the gentlewoman from Texas is  
4185 recognized for the purpose of explaining her amendment.

4186 Ms. Jackson Lee. Mr. Chairman, I would almost like to  
4187 rename this visa to the opportunity visa. And I think it  
4188 might have a better life.

4189 We had an extensive discussion, but I believe it is  
4190 worthy of reemphasizing that I think the misinterpretation  
4191 of the diversity visa continues to undermine the opportunity  
4192 for there to be a wide breadth of diversity, and a diversity  
4193 of thought, contribution, and to the economy.

4194 There are places where in spite of my continued  
4195 advocacy, that an economy as thriving as the United States  
4196 has the need for a level of professionalism and jobs that  
4197 would generate from the concept of the diversity visa. As  
4198 evidenced in the previous discussion that we had on Mr.  
4199 Conyers' amendment, we find that the larger percentage of  
4200 the diversity visas are managers and professionals. That  
4201 drives the economy. That builds communities. That brings  
4202 creativity.

4203 And when you speak of skills, the only difference in  
4204 this bill and the diversity visa is the idea that the skills



4205 visas under this legislation will not draw from that  
4206 underserved community that can provide the kind of talent  
4207 and the kind of input that is worthy.

4208 I also think it is important to note again that we  
4209 cannot document any sizable impact that we have seen out of  
4210 the participants in the diversity visa that have been a  
4211 threat to national security. There is not a pool of  
4212 documentation or data that says that these are by and large  
4213 of greater threat to the United States' security than  
4214 others.

4215 So I would ask that if this is a skills initiative, that  
4216 the facts say that the diversity visa brings about more  
4217 skills to the United States. And I ask my colleagues to  
4218 support it.

4219 Mr. Smith of Texas. Thank you, Ms. Jackson Lee. And I  
4220 will recognize myself in opposition to the amendment.

4221 I oppose this amendment because, quite frankly, not only  
4222 does it retain the diversity visa program, it actually  
4223 doubles the number. The program is rife with fraud and  
4224 serves no legitimate purpose regarding immigration policy.

4225 The diversity visa program is called a visa lottery

4226 because the winners are determined through a computer-  
4227 generated, completely random drawing. American immigration  
4228 policy should be based on making sure this country admits  
4229 immigrants who benefit the country and the economy.

4230 Admitting immigrants solely based on the luck of the visa  
4231 lottery draw does little to serve the national interest.

4232 Diversity visa recipients do not necessarily have the  
4233 skills or education level to contribute to society. And the  
4234 State Department inspector general has found that fraud is  
4235 an ongoing major program issue in the diversity visa  
4236 program. The fraud and scams are perpetrated in several  
4237 ways, including, one, by individuals who apply multiple  
4238 times under fake names, two, by individuals who apply in the  
4239 name of another individual, and if that name is selected by  
4240 the lottery, the scammer alerts the person, but holds the  
4241 application information hostage in return for money, three,  
4242 by those who force lottery winners to marry others so the  
4243 others can get to the United States, four, by individuals  
4244 who obtain fake identity documents in the name of lottery  
4245 winners in order to immigrate to the United States, and,  
4246 five, by lottery winners who enter into fraudulent marriages

4247 in order to get money in return for immigration benefits.

4248 And a former State Department official told the  
4249 Judiciary Committee that visa lottery fraud "includes  
4250 multiple entries, fraudulent claims to education and work  
4251 experience, pop-up spouses or family members, relatives  
4252 added after the application is submitted, and false claims  
4253 for employment or financial support in the United States."

4254 Even the U.S. Departments of State and Homeland Security  
4255 regularly release bulletins regarding scams in the DV  
4256 program. Several U.S. embassies', including London,  
4257 Ireland, and so on, websites include a diversity visa fraud  
4258 warning.

4259 The visa lottery program is also a national security  
4260 loophole through which terrorists have entered the country.  
4261 Individuals from countries designated by the State  
4262 Department as state sponsors of terrorism are eligible for  
4263 diversity visas.

4264 So I urge my colleagues to oppose the amendment. Yield  
4265 back the balance of my time.

4266 Are there other members who wish to be heard on this?

4267 The gentlewoman from --

4268 Ms. Bass. California.

4269 Mr. Smith of Texas. -- California is recognized.

4270 Ms. Bass. Thank you, Mr. Chair. I think when we had  
4271 our discussion the last time, we did talk about the fact  
4272 that there had been a history of fraud, but that had been  
4273 resolved. And I think it is something we should actually be  
4274 proud of that it was a problem that we were able to solve.

4275 And I would yield the rest of my time to my colleague  
4276 from Texas.

4277 Ms. Jackson Lee. I thank you, congresswoman from  
4278 California. There is more than one person from Texas, but  
4279 it is probably difficult to confuse myself with my good  
4280 friend from Texas, Mr. Smith. But we do boast about our  
4281 great State, and for that reason, let me argue that our  
4282 State is enormously diverse, and people have benefited from  
4283 the diversity visa in the State of Texas.

4284 The current report on any fraud does not exist as it  
4285 relates to the diversity visa. Absolutely does not exist.  
4286 And if this was a problem, the State Department itself under  
4287 Republicans and Democrats would have recommended currently  
4288 the ending of the diversity visa, which that is not the

4289 case.

4290 I heard earlier by one of my colleagues that there are  
4291 some very good smart people that are poor, and they live all  
4292 over the world. The diversity visa helps to bring talented  
4293 individuals to boost the economy and to provide an infusion  
4294 of opportunity. This has no basis in fact that these are  
4295 prone to terrorism. So I would ask my colleagues to follow  
4296 the words of President Reagan as he recognized how great  
4297 this Nation is. And as these visas help to keep the hopes  
4298 and dreams of many men and women who want to come here and  
4299 do good, President Reagan's words in interpreting this  
4300 Nation as "the last best hope of man on earth."

4301 That is why people come. And it is important that we  
4302 block those who would want to do us harm, and this process  
4303 of vetting the diversity visas is in place and voids that  
4304 kind of infusion of individuals who would want to do us  
4305 harm.

4306 So I ask my colleagues to support the amendment for it  
4307 has no current definition of fraud at this time.

4308 I yield back.

4309 Mr. Smith of Texas. Thank you, Ms. Jackson Lee.

4310 Are there others who wish to be heard on the amendment?

4311 [No response.]

4312 Mr. Smith of Texas. If not --

4313 Ms. Chu. Mr. Chair?

4314 Mr. Smith of Texas. Who seeks recognition? The  
4315 gentlewoman from California is recognized.

4316 Ms. Chu. Yes, I move to strike the last word.

4317 Mr. Smith of Texas. The gentlewoman is recognized for 5  
4318 minutes.

4319 Ms. Chu. I want to express my support for this  
4320 amendment. The diversity visa program serves a very, very  
4321 important domestic and foreign policy interest. It helps us  
4322 develop a racially, and ethnically, and culturally diverse  
4323 population, and it works. In fact, we have been able to  
4324 have about 50 percent more African immigrants, and as a  
4325 result have been able to increase the different countries  
4326 from which our immigrants come.

4327 The diversity visa program promotes respect for U.S.  
4328 immigration laws and reduces incentives for people to come  
4329 here illegally by encouraging prospective immigrants to wait  
4330 until they win a visa as opposed to entering without

4331 permission.

4332       And these immigrants succeed and contribute to the U.S.  
4333 economy. They are 2.5 times more likely to report  
4334 managerial and professional occupations than all other  
4335 lawful permanent residents.

4336       This program is important. It says that all  
4337 nationalities are welcome to the U.S., and it engenders hope  
4338 abroad that they can hope for a better life and hope for  
4339 reunification with family in the United States.

4340       And for those reasons, I support this amendment.

4341       Mr. Smith of Texas. Okay. Thank you, Ms. Chu.

4342       The question is -- the gentleman from Georgia is  
4343 recognized.

4344       Mr. Johnson. Thank you, Mr. Chairman. I rise in  
4345 support of Ms. Jackson Lee's amendment, and I would restate  
4346 what I stated earlier with respect to my support for the  
4347 ranking member's amendment.

4348       And during the time that I was speaking, I got a couple  
4349 of requests for me to suspend, and I believe it was Mr.  
4350 Labrador and also Mr. Issa. Mr. Issa is not here, but I see  
4351 that Mr. Labrador is back. And I simply ran out of time,

4352 but I did want to yield to the gentleman from Iowa should he  
4353 still wish to address anything that I had to say.

4354 Mr. Labrador. Thank you. It is actually Idaho, but  
4355 that is all right.

4356 Your comments earlier were, if I recall them correctly,  
4357 were that we were actually taking away visas for hospital,  
4358 scientists, business leaders. Actually I do not think there  
4359 is anything in this bill that prevents people from any  
4360 continent from applying for the high skill visas that the  
4361 bill provides. And I just thought that your statement at  
4362 the time, I just wanted to make sure, because your statement  
4363 was that it was taking away the opportunity from Africa and  
4364 other continents. That was the only concern that I had  
4365 about this.

4366 Mr. Johnson. Okay. Well, I would take issue with that  
4367 characterization of what I said. I did not --

4368 Mr. Labrador. I am only asking. Maybe I misunderstood  
4369 the question or the statement.

4370 Mr. Johnson. I did want to yield to you, and we could  
4371 have cleared it up then.

4372 Mr. Labrador. Thank you.



4373 Mr. Johnson. But I appreciate it. Thank you, sir. And  
4374 I will yield back the balance of my time. Thank you.

4375 Mr. Gutierrez. Mr. Chairman?

4376 Chairman Goodlatte. [Presiding] Who seeks recognition?

4377 Mr. Johnson. Do you want me to yield some time to you?

4378 All right. I would yield back.

4379 Chairman Goodlatte. For what purpose does the gentleman  
4380 from Illinois seek recognition?

4381 Mr. Gutierrez. I move to strike the last word.

4382 Chairman Goodlatte. The gentleman is recognized for 5  
4383 minutes.

4384 Mr. Gutierrez. Well, I support the amendment. I think  
4385 the amendment is an excellent idea. I think we can use a  
4386 little more diversity in our visas and those who come from  
4387 different parts of the world.

4388 I mean, just look at this committee. Look at those of  
4389 us who are here. Look at our religious backgrounds. Look  
4390 at our ethnic backgrounds. Look at where we came from.  
4391 Look at our racial backgrounds that we make this committee.

4392 This country has come a long way, a long way, since the  
4393 first slave ships crossed the Atlantic Ocean from the

4394 continent of Africa, a long way. And it would be, I think,  
4395 behoove us at this particular moment to look at diversity  
4396 visas and say, that was then, and this is now.

4397       And here is what happens. So let us be realistic about  
4398 this. I mean, this is just something that happens. You  
4399 diminish and decrease the number of visas from the continent  
4400 of Africa where Africans are able to come. This is one  
4401 program that allows that.

4402       And I am not trying to fix history, but I am trying to  
4403 say it is a different moment in history today. And I think  
4404 that as we look at our past history when people came in some  
4405 of the most inhumane manner to the United States of America,  
4406 and especially given the comments that were made this  
4407 morning that when you look at a labor force as a commodity,  
4408 let us say no, because you know what was one of the  
4409 underlying premises of slavery, that it was a commodity. It  
4410 was something that could be traded. It was property.

4411       And today we have an opportunity to bring people from  
4412 that same continent and say they are not a commodity, that  
4413 they are human beings, that they can come here, that they  
4414 can integrate themselves, and that they can come here like

4415 everyone else comes here from all over the world.

4416       Maybe it is not about setting the record straight, but  
4417 it is about making a new record, right, making a record of  
4418 those of us that are here in 2013 and saying, that is the  
4419 way it was then. But you know what? We are going to make  
4420 it a little better and make it this way today.

4421       I think it is a good thing for America. It is going to  
4422 make us a richer and better Nation, and I am certainly going  
4423 to be a prouder member of this committee knowing that what  
4424 we are doing here is representing who we are and the  
4425 diversity of our religions.

4426       You know, it is no longer a white, Anglo-Saxon  
4427 Protestant country. It is a very diverse country. And we  
4428 should celebrate that diversity by doubling the number of  
4429 visas.

4430       I thank the gentlelady for introducing the amendment.

4431       Ms. Jackson Lee. Would you yield for a moment?

4432       Mr. Gutierrez. I would certainly yield to you.

4433       Ms. Jackson Lee. Thank you for your eloquence. We well  
4434 know of your long-term leadership with so many on this  
4435 committee.

4436 I would only say that what a wonderful correction if  
4437 this House committee could take a different perspective than  
4438 unfortunately we have come to earlier, which was that the  
4439 diversity visa does not contribute to the enhancement of  
4440 opportunity, as Mr. Gutierrez has said. And again, if I  
4441 refer again to Senator Kennedy, it is because many of us  
4442 over the years worked with him on immigration reform, and we  
4443 know that his intent was an expanse of opportunity, first,  
4444 in the early years of the creation of diversity visas, Irish  
4445 and the Italian, which is the point that I made earlier.

4446 This rotates. Africans today, the African diaspora, the  
4447 Balkans, still Irish. Who knows what communities will have  
4448 a valid impact -- the Asian community that has been waiting  
4449 in line for 20 years. This is a visa that fits the economic  
4450 engine of this Nation, but it is also in tribute to the  
4451 values that we have and the recognition that all people can  
4452 contribute and make a difference.

4453 I ask my colleagues to support the diversity visa  
4454 amendment that I have offered, and I do believe that it  
4455 would be a finer moment of this committee as we voted to  
4456 support the amendment.

4457 With that, I yield back to the gentleman.

4458 Mr. Gutierrez. And I would yield back, Mr. Chairman.

4459 Chairman Goodlatte. The chair thanks the gentleman.

4460 And the question occurs on the amendment offered by the

4461 gentlewoman from Texas.

4462 All those in favor, respond by saying aye.

4463 Those opposed, no.

4464 Ms. Jackson Lee. Roll call, Mr. Chairman.

4465 Chairman Goodlatte. Before the noes could weigh in, the

4466 roll call is requested.

4467 [Laughter.]

4468 Chairman Goodlatte. And the clerk will call the roll.

4469 Ms. Deterding. Mr. Goodlatte?

4470 Chairman Goodlatte. No.

4471 Ms. Deterding. Mr. Goodlatte votes no.

4472 Mr. Sensenbrenner?

4473 [No response.]

4474 Ms. Deterding. Mr. Coble?

4475 [No response.]

4476 Ms. Deterding. Mr. Smith of Texas?

4477 [No response.]

4478 Ms. Deterding. Mr. Chabot?  
4479 [No response.]  
4480 Ms. Deterding. Mr. Bachus?  
4481 Mr. Bachus. No.  
4482 Ms. Deterding. Mr. Bachus votes no.  
4483 Mr. Issa?  
4484 Mr. Issa. No.  
4485 Ms. Deterding. Mr. Issa votes no.  
4486 Mr. Forbes?  
4487 Mr. Forbes. No.  
4488 Ms. Deterding. Mr. Forbes votes no.  
4489 Mr. King?  
4490 [No response.]  
4491 Ms. Deterding. Mr. Franks?  
4492 [No response.]  
4493 Ms. Deterding. Mr. Gohmert?  
4494 [No response.]  
4495 Ms. Deterding. Mr. Jordan?  
4496 Mr. Jordan. No.  
4497 Ms. Deterding. Mr. Jordan votes no.  
4498 Mr. Poe?

4499 Mr. Poe. No.

4500 Ms. Deterding. Mr. Poe votes no.

4501 Mr. Chaffetz?

4502 Mr. Chaffetz. No.

4503 Ms. Deterding. Mr. Chaffetz votes no.

4504 Mr. Marino?

4505 Mr. Marino. No.

4506 Ms. Deterding. Mr. Marino votes no.

4507 Mr. Gowdy?

4508 Mr. Gowdy. No.

4509 Ms. Deterding. Mr. Gowdy votes no.

4510 Mr. Amodei?

4511 Mr. Amodei. No.

4512 Ms. Deterding. Mr. Amodei votes no.

4513 Mr. Labrador?

4514 Mr. Labrador. No.

4515 Ms. Deterding. Mr. Labrador votes no.

4516 Mr. Farenthold?

4517 Mr. Farenthold. No.

4518 Ms. Deterding. Mr. Farenthold votes no.

4519 Mr. Holding?

4520 Mr. Holding. No.

4521 Ms. Deterding. Mr. Holding votes no.

4522 Mr. Collins?

4523 Mr. Collins. No.

4524 Ms. Deterding. Mr. Collins votes no.

4525 Mr. DeSantis?

4526 Mr. DeSantis. No.

4527 Ms. Deterding. Mr. DeSantis votes no.

4528 Mr. Smith of Missouri?

4529 Mr. Smith of Missouri. No.

4530 Ms. Deterding. Mr. Smith of Missouri votes no.

4531 Mr. Conyers?

4532 Mr. Conyers. Aye.

4533 Ms. Deterding. Mr. Conyers votes aye.

4534 Mr. Nadler?

4535 Mr. Nadler. Aye.

4536 Ms. Deterding. Mr. Nadler votes aye.

4537 Mr. Scott?

4538 Mr. Scott. Aye.

4539 Ms. Deterding. Mr. Scott votes aye.

4540 Mr. Watt?



4541 Mr. Watt. Aye.

4542 Ms. Deterding. Mr. Watt votes aye.

4543 Ms. Lofgren?

4544 Ms. Lofgren. Aye.

4545 Ms. Deterding. Ms. Lofgren vote aye.

4546 Ms. Jackson Lee?

4547 Ms. Jackson Lee. Aye.

4548 Ms. Deterding. Ms. Jackson Lee votes aye.

4549 Mr. Cohen?

4550 [No response.]

4551 Ms. Deterding. Mr. Johnson?

4552 Mr. Johnson. Aye.

4553 Ms. Deterding. Mr. Johnson votes aye.

4554 Mr. Pierluisi?

4555 Mr. Pierluisi. Aye.

4556 Ms. Deterding. Mr. Pierluisi votes aye.

4557 Ms. Chu?

4558 Ms. Chu. Aye.

4559 Ms. Deterding. Ms. Chu votes aye.

4560 Mr. Deutch?

4561 Mr. Deutch. Aye.

4562 Ms. Deterding. Mr. Deutch votes aye.

4563 Mr. Gutierrez?

4564 Mr. Gutierrez. Yes.

4565 Ms. Deterding. Mr. Gutierrez votes aye.

4566 Ms. Bass?

4567 Ms. Bass. Aye.

4568 Ms. Deterding. Ms. Bass votes aye.

4569 Mr. Richmond?

4570 Mr. Richmond. Aye.

4571 Ms. Deterding. Mr. Richmond votes aye.

4572 Ms. DelBene?

4573 [No response.]

4574 Ms. Deterding. Mr. Garcia?

4575 [No response.]

4576 Ms. Deterding. Mr. Jeffries?

4577 Mr. Jeffries. Aye.

4578 Ms. Deterding. Mr. Jeffries votes aye.

4579 Chairman Goodlatte. The gentleman from North Carolina?

4580 Mr. Coble. No.

4581 Ms. Deterding. Mr. Coble votes no.

4582 Chairman Goodlatte. The gentleman from Ohio.

4583 Mr. Chabot. No.

4584 Ms. Deterding. Mr. Chabot votes no.

4585 Chairman Goodlatte. The gentleman from Texas.

4586 Mr. Smith of Texas. Mr. Chairman, I vote no.

4587 Ms. Deterding. Mr. Smith of Texas votes no.

4588 Chairman Goodlatte. The gentleman from Iowa.

4589 Mr. King. No.

4590 Ms. Deterding. Mr. King votes no.

4591 Chairman Goodlatte. The gentlewoman from Washington?

4592 Ms. DelBene. Aye.

4593 Ms. Deterding. Ms. DelBene votes aye.

4594 Chairman Goodlatte. Are there members who have not  
4595 voted who wish to vote?

4596 [No response.]

4597 Chairman Goodlatte. The clerk will report.

4598 Ms. Jackson Lee. Mr. Chairman? How am I recorded?

4599 Ms. Deterding. Ms. Jackson Lee votes aye.

4600 Ms. Jackson Lee. Thank you.

4601 Ms. Deterding. Mr. Chairman, 15 members voted aye, 20  
4602 members voted nay.

4603 Chairman Goodlatte. And the amendment is not agreed to.

4604 For what purpose does the gentleman from Utah seek  
4605 recognition?

4606 Mr. Chaffetz. Mr. Chairman, I have an amendment at the  
4607 desk. It is Chaffetz 37.

4608 Chairman Goodlatte. The clerk will report the  
4609 amendment.

4610 Mr. Chaffetz. Number 37.

4611 Ms. Deterding. Amendment to H.R. 2131, offered by Mr.  
4612 Chaffetz of Utah, page 38, insert after line 2 the  
4613 following.

4614 Chairman Goodlatte. Without objection, the amendment  
4615 will be considered as read.

4616 [The amendment of Mr. Chaffetz follows:]

4617

4618 Chairman Goodlatte. And the gentleman from Utah is  
4619 recognized for 5 minutes on his amendment.

4620 Mr. Chaffetz. Well, thank you, Mr. Chairman, and I  
4621 thank the committee for the opportunity to offer this  
4622 amendment. I commend you and Chairman Issa for their  
4623 excellent leadership in bringing this issue forward and this  
4624 bill forward.

4625 I know that we on both sides of the aisle care deeply  
4626 about the America Dream and making sure that we are the  
4627 center of global innovation that education, recruitment, and  
4628 retention are key components to our moving the economy  
4629 forward. And so, I think this bill before us will be one of  
4630 the most effective Congress has ever done in terms of talent  
4631 recruitment.

4632 But we also need to make sure that we retain those  
4633 people once they get here. And I think when this bill  
4634 becomes law, the great advantage in the fight to hire the  
4635 best in the world for years to come will be something that  
4636 we can look back on and say that this bill really, truly did  
4637 make a difference. It no good to train, and recruit, invest  
4638 heavily in somebody so they have the aptitude and they can

4639 contribute to their country only to fall short on the  
4640 retention side of it.

4641 And so, what this amendment does is, and what we are  
4642 asking the committee to consider today, is the inclusion of  
4643 an early filing provision for foreign professionals already  
4644 here in the United States with work authorization.

4645 Let me clear. The amendment would not increase the  
4646 number of green cards. Instead, the amendment will allow  
4647 green card applicants who are already here to get the many  
4648 benefits of the green card system while they wait for their  
4649 green card to become available. These are ones that have  
4650 been granted this. No one is jumping in line. The early  
4651 filing only takes place after the Department of Labor has  
4652 certified that the applicant is not taking a job from a  
4653 minimally qualified American, and the applicant has been  
4654 determined to not be a criminal or terrorist.

4655 Let us be clear. These people are already here working  
4656 in the United States. They are paying taxes. They are here  
4657 in the United States. And once these conditions are met, we  
4658 need them there. We need to create this certainty and some  
4659 flexibility. It allows these individuals to be more nimble.

4660 I think it is an asset, a benefit to not only the companies,  
4661 but also the individuals.

4662 I have been working hard on both sides of the aisle to  
4663 pass this. I hope my colleagues will see fit to pass this,  
4664 and I urge its adoption.

4665 Ms. Lofgren. Would the gentleman yield?

4666 Mr. Chaffetz. Yes, of course.

4667 Ms. Lofgren. I would just like to speak in favor of the  
4668 gentleman's amendment. As I mentioned earlier, I wish we  
4669 could improve the bill in many ways in terms of the number  
4670 of cards. But I think the effect of your amendment will be  
4671 to make sure that people who are here in a lawful status  
4672 working have a greater capacity to avoid -- I do not want to  
4673 say the word "abuse" because that is not really the right  
4674 thing. But they will have more bargaining powers as  
4675 employees if this amendment is adopted. And I very much  
4676 agree with this. In fact, I had crafted something for a  
4677 different effort.

4678 And I thank the gentleman for yielding.

4679 Chairman Goodlatte. Would the gentleman yield?

4680 Mr. Chaffetz. Yes, to the chairman, of course.

4681 Chairman Goodlatte. I thank the gentleman for yielding,  
4682 and I, too, support the amendment. Under current law, H-1B  
4683 aliens who have been approved for employment-based green  
4684 cards, but for whom there are no green cards available, can  
4685 stay indefinitely in H-1B status until they get their green  
4686 cards.

4687 This amendment would simply extend this policy to aliens  
4688 on student visas and L visas in the U.S. who have been  
4689 approved for employment-based green cards, but for whom  
4690 there are none available. They would be allowed to stay in  
4691 the U.S. and work until their green cards become available.  
4692 And I think it is a reasonable and good amendment, and I  
4693 support it.

4694 Mr. Chaffetz. Thank you. Reclaiming my time, I  
4695 appreciate it. I like working on both sides of the aisle.  
4696 I appreciate the cooperation on both sides.

4697 And with that, Mr. Chairman, I yield back.

4698 Chairman Goodlatte. For what purpose does the gentleman  
4699 from Illinois seek recognition?

4700 Mr. Gutierrez. To strike the last word.

4701 Chairman Goodlatte. The gentleman is recognized for 5



4702 minutes.

4703       Mr. Gutierrez. Thank you. Well, first of all, I would  
4704 like to thank Mr. Chaffetz for the thoughtfulness in  
4705 presenting this amendment. I think this amendment truly  
4706 honors the work and the contribution of immigrants by  
4707 allowing them not to be harmed because they are moving in  
4708 the immigration system forward, because they are getting a  
4709 promotion, because they are getting a raise, because they  
4710 are changing.

4711       I think that kind of flexibility actually honors their  
4712 work and their contributions, and we should not have someone  
4713 trapped in a bureaucracy which is I think fundamentally what  
4714 the gentleman is doing with this amendment.

4715       He says it does not change the number. I would have  
4716 voted for one that gave them green cards because I think  
4717 bringing their wives and their children and allowing them to  
4718 act in their marriages, right, and in the bonds of their  
4719 family much like all of the members of this committee,  
4720 further honors their work and their contributions. I  
4721 understand that that is not what the gentleman is doing, but  
4722 I would have gone for it. And I think this does help us

4723 lead us down the road.

4724 And lastly, I think the gentleman from Alabama was  
4725 correct, Mr. Bachus. Sometimes amendments are made on one  
4726 side or the other, and we just decide, well, we are not  
4727 voting for the bill, so we are not going to support an  
4728 amendment. I think we need to find opportunities in which  
4729 we agree.

4730 And I yield back the balance of my time.

4731 Ms. Jackson Lee. Would the gentleman yield to me?

4732 Mr. Gutierrez. Yes, I will yield to the gentlelady.

4733 Ms. Jackson Lee. Thank you. Let me add quickly my  
4734 support, Mr. Chaffetz, for your amendment. And one of the  
4735 things that it answers, and I am not sure if you intended it  
4736 to do so, but the critics that speak overall on immigration  
4737 reform and what we might be doing is a massive bureaucracy.  
4738 And you will find that bureaucracy can undermine  
4739 productivity.

4740 I think the process that you have put in place is a  
4741 process that aids to eliminating bureaucracy, and aids to  
4742 appreciating the contributions that are made by the  
4743 individuals that will have this relief.

4744           So let me thank you for answering critics that we cannot  
4745 do this, one, in a bipartisan way, but, more importantly, in  
4746 a way that eases the bureaucracy that one would expect as we  
4747 look forward to comprehensive immigration reform.

4748           And I yield back.

4749           Chairman Goodlatte. The chair thanks the gentleman.

4750           The question occurs on the amendment offered by the  
4751 gentleman from Utah.

4752           All those in favor, respond by saying aye.

4753           Those opposed, no.

4754           In the opinion of the chair, the ayes have it, and the  
4755 amendment is agreed to.

4756           Are there further amendments?

4757           The gentlewoman from California.

4758           Ms. Lofgren. I have an amendment at the desk. It is  
4759 Lofgren, I think, 27.

4760           Chairman Goodlatte. The clerk will report the  
4761 amendment.

4762           Ms. Lofgren. Page 11, line 8.

4763           Ms. Deterding. Amendment to H.R. 2131, offered by Ms.

4764 Lofgren of California, page 11, line --

4765 Chairman Goodlatte. Without objection, the amendment  
4766 will be considered as read.

4767 [The amendment of Ms. Lofgren follows:]

4768

4769 Chairman Goodlatte. And the gentlewoman is recognized  
4770 for 5 minutes on her amendment.

4771 Ms. Lofgren. The underlying bill creates new categories  
4772 of employment-based green cards. In contrast to the STEM  
4773 Jobs Act from the 112th Congress, the bill ensures that  
4774 unused visas from one category can be used by employment-  
4775 based immigrants in another category. That is a positive  
4776 change, and as I am sure Mr. Labrador knows from his work in  
4777 immigration, that is the way the immigration system is  
4778 crafted.

4779 The bill, however, seems to have made an oversight, and  
4780 I think it is just an error, with respect to the 10,000  
4781 green cards made available to immigrant entrepreneurs  
4782 eligible for the EB-8 visas. The bill does not currently  
4783 allow unused visas in that category to be made available to  
4784 other employment-based immigrants, thus ensuring that they  
4785 will simply disappear if not used.

4786 This amendment would just ensure that unused visas in  
4787 the EB-8 category are made available to other employ-  
4788 ment-based immigration by putting them back into the EB-1  
4789 category for aliens with extraordinary ability. The

4790 amendment ensures that unused visas do not disappear. It in  
4791 keeping with the way the Immigration Act has been crated.  
4792 And as I say, I believe, to the best of my understanding,  
4793 this might have been simply an oversight. This amendment  
4794 would correct it.

4795 And I yield back.

4796 Chairman Goodlatte. Would the gentlewoman yield?

4797 Ms. Lofgren. I would be happy to yield?

4798 Chairman Goodlatte. I thank the gentlewoman. I support  
4799 her amendment. It is a standard practice that if all the  
4800 visas in an employment-based category are not utilized, they  
4801 are made available to the other employment-based categories.  
4802 This amendment simply applies the same to the new  
4803 entrepreneur visas created by the bill. If they are not  
4804 used by entrepreneurs, they can be used by other employ-  
4805 ment-based categories. And I hope my colleagues will join me in  
4806 supporting the amendment.

4807 Ms. Lofgren. Thank you, Mr. Chairman. I yield back.

4808 Chairman Goodlatte. The question occurs on the  
4809 amendment offered by the gentlewoman from California.

4810 All those in favor, respond by saying aye.

4811 Those opposed, no?

4812 In the opinion of the chair, the ayes have it, and the  
4813 amendment is agreed to.

4814 Are there further amendments to the bill?

4815 Mr. Gutierrez. Mr. Chairman, I have an amendment at the  
4816 desk.

4817 Chairman Goodlatte. The clerk will report the amendment  
4818 of Mr. Gutierrez.

4819 Ms. Deterding. Amendment to H.R. 2131, offered by Mr.  
4820 Gutierrez of Illinois, page 17 --

4821 Chairman Goodlatte. Without objection, the amendment  
4822 will be considered as read.

4823 [The amendment of Mr. Gutierrez follows:]

4824

4825 Chairman Goodlatte. And the gentleman is recognized for  
4826 5 minutes on his amendment.

4827 Mr. Gutierrez. My amendment basically says that you  
4828 cannot eliminate the sibling category in the diversity  
4829 program, right? This cannot go into effect, and there is a  
4830 reason for that that I wanted to bring it up once again.

4831 And that is, Mr. Chairman, there has been much  
4832 discussion and much debate about that we have an immigration  
4833 system. And many times when there is a debate or a  
4834 discussion about it, it is always, well, we have all these  
4835 illegals here in this country because why did not they come  
4836 through the right way? Why did they not use the correct  
4837 manner? Well, these are the right ways. These are the  
4838 correct manners. And what we are doing is eliminating the  
4839 right way.

4840 So it seems a little bit of a contradiction to always  
4841 complain and harp on the complaint that they do not come the  
4842 right way, and then the first thing we do as part of our  
4843 reform is eliminate the right way.

4844 Now, I understand that for some, a brother or a sister  
4845 may not be that important. And I understand that there are



4846 going to be 65,000 for 10 years or 650,000, but that  
4847 eliminates people who are doing it, Mr. Chairman, the right  
4848 way. They went and applied under the law as the law is  
4849 written and prescribed. They waited. They put their  
4850 applications in line. You know what we are telling them  
4851 today? Thank you, but, no thank you for waiting the right  
4852 way, because now we are shutting down the right way to come.  
4853 I think that is a wrong way of going about comprehensive  
4854 immigration reform.

4855       And I know some of you will say, well, you know, Luis,  
4856 it is the way it was done in the Senate. But as the  
4857 chairman well knows, I have always supported a House of  
4858 Representatives version. I have never gone and read what  
4859 the Senate has done and followed them. I have always said I  
4860 wanted to work on both sides of the aisle. So whatever the  
4861 Senate did, the Senate did. That has no bearing on us and  
4862 our votes. We have not taken votes, and we have not taken  
4863 positions, nor have we, quite honestly, Mr. Chairman,  
4864 negotiated in the manner the Senate negotiated.

4865       I mean, you have got to the senators credit. They did  
4866 not have a Republican only bill, which are the only bills

4867 that have been presented thus far. They presented  
4868 bipartisan legislation where they worked, Democrats and  
4869 Republicans, sitting around a table to bring about not a  
4870 Republican solution, not a Democratic solution, but an  
4871 American solution. And so, I propose this amendment because  
4872 it just seems to me that everybody has said do it the right  
4873 way.

4874 And I want to say to everyone out there, remember what  
4875 you are doing. I want to give a green card to everybody in  
4876 the STEM industry that comes here and works hard, and I want  
4877 to increase visas for them. We should not pick winners and  
4878 losers.

4879 I think on November 6th if the American people said  
4880 anything about immigration, that they were tired of picking  
4881 winners and losers and pitting one group against another.  
4882 So I want to see tens of thousands of more visas, but I want  
4883 to see those high tech. I want to see those engineers. I  
4884 want to see those doctors. I want to see those  
4885 mathematicians, because I got a funny feeling that, you  
4886 know, they say, oh, this is the nerd crowd. But I got a  
4887 funny feeling in the end they are just as human as the rest

4888 of us and love their wives and children just as much as we  
4889 do. And we should allow them to have them here. So I do  
4890 not want to eliminate either the diversity visas or these  
4891 visas. And that is the essence of my amendment, Mr.  
4892 Chairman.

4893 And I yield back the balance of my time.

4894 Chairman Goodlatte. The chair thanks the gentleman and  
4895 recognizes himself in opposition to the amendment.

4896 This amendment will kill the main provisions in this  
4897 bill designed to increase America's international  
4898 competitiveness and to create American jobs. It would  
4899 prevent the creation of STEM green card programs for foreign  
4900 students who graduate from U.S. universities with advanced  
4901 degrees in science, technology, engineering, and math  
4902 fields. It would prevent the creation of entrepreneur visas  
4903 for immigrants who want to start businesses in the U.S., all  
4904 in protest of the fact that Mr. Issa's bill eliminates the  
4905 diversity visa program and the siblings of U.S. citizens  
4906 green card program.

4907 And I share the gentleman's objection of working out all  
4908 of the issues related to immigration reform, and I know that

4909 in the end, we will all have to make decisions on what the  
4910 final bill will look like and whether we can support it or  
4911 not. But in the meantime, this bill, which is a very  
4912 excellent effort to promote competition in the United States  
4913 and better utilize the green cards that we issue today,  
4914 should not be affected by this amendment.

4915 So I would urge my colleagues to oppose the amendment.

4916 Mr. Gutierrez. Mr. Chairman, would you yield for 10  
4917 seconds?

4918 Chairman Goodlatte. I would yield to the gentleman.

4919 Mr. Gutierrez. Thank you. My amendment does not  
4920 eliminate because I do not substitute one for the other.  
4921 And we can have those visas. And secondly, very quickly,  
4922 Mr. Chairman, in all deference to your position and your  
4923 time, it is just very hard to work this out when you write  
4924 all the legislation without any negotiation and without any  
4925 conferencing with this side of the aisle so that we can  
4926 reach an American solution on this issue

4927 So I understand that that may be your goal. I hope we  
4928 can begin that process very, very quickly.

4929 Chairman Goodlatte. Reclaiming my time, I respect the

4930 gentleman's efforts to work out a bipartisan bill in the  
4931 House. Unfortunately, that has not happened to this date.  
4932 That did happen in the Senate, so that characterizes the  
4933 Senate bill. On the House side, since that has not been  
4934 done, we have done this through regular order. Every member  
4935 has been able to offer amendments to improve the bill.

4936       And I have no doubt that if we are going to address all  
4937 three of the major problems with immigration in this  
4938 country, and I would like to address all three major areas -  
4939 - one, improving our legal immigration programs, which this  
4940 bill does, two, improving our enforcement of our immigration  
4941 laws, which other bills we considered do, and, three,  
4942 addressing the legal status of people who are not currently  
4943 in the United States. I would like to get to that as well.  
4944 We do have to do that through consensus. And at this point,  
4945 we do not have that consensus.

4946       I encourage the gentleman to continue to work with those  
4947 who he has been discussing this for quite a long time, and  
4948 we will continue to work on this pathway. And I hope at  
4949 some point all of this will converge. But at this point in  
4950 time, I have to oppose the amendment offered by the

4951 gentleman.

4952 Mr. Issa. Mr. Chairman, would you yield for just a  
4953 moment?

4954 Chairman Goodlatte. I would happy to yield to the  
4955 gentleman from California.

4956 Mr. Issa. Mr. Chairman, I join you in opposition,  
4957 particularly since this is about changing the bargain going  
4958 forward. And I think that is where your leadership has been  
4959 important.

4960 We are talking about reform in that we are telling  
4961 people who might choose to come here in the future what the  
4962 new rules of the road are. So it is not like people who  
4963 played by rules are being disenfranchised. Just the  
4964 opposite. We are changing the rules and we are telling  
4965 people coming forward, if you want to come, do not plan on  
4966 bringing your siblings with you at some future time.

4967 And I appreciate the chairman's leadership on this and  
4968 yield back.

4969 Chairman Goodlatte. The question occurs on the  
4970 amendment offered by the gentleman from Illinois.

4971 All those in favor, respond by saying aye.

4972 Those opposed, no.

4973 In the opinion of the chair, the noes have it, and the  
4974 amendment is not agreed to.

4975 Are there further amendments?

4976 Does the gentleman from Nevada have amendments he wishes  
4977 to offer?

4978 Mr. Amodei. Thank you, Mr. Chair. I have an amendment  
4979 which is designated as 20 on the roster.

4980 Chairman Goodlatte. The clerk will report the  
4981 amendment.

4982 Ms. Deterding. Amendment to H.R. 2131, offered by Mr.  
4983 Amodei, beginning on page --

4984 Chairman Goodlatte. Without objection, the amendment  
4985 will be considered as read.

4986 [The amendment of Mr. Amodei follows:]

4987

4988 Chairman Goodlatte. And the gentleman is recognized for  
4989 5 minutes on his amendment.

4990 Mr. Amodei. Thank you, Mr. Chairman. The EB-5 program  
4991 is an important one nationally and also in the area that I  
4992 represent, especially in these austere times.

4993 I am appreciative of the chairman's and Mr. Issa's work  
4994 with the EB-5 program to make it better. I absolutely agree  
4995 that appropriate oversight is good, and that more oversight  
4996 provisions are in this bill, and I applaud that for that.

4997 I am concerned, however, that the section beginning on  
4998 page 38 at line 13 dealing with the issue of designation of  
4999 targeted employment areas, that we have missed the point.  
5000 TEA designations have always been within the purview of a  
5001 State as a delegated authority from the USCIS. This is due  
5002 to the nature of a couple of things.

5003 One is the economic development mission, which is best  
5004 known by those locally and at the States level for those  
5005 regions, and the second one is the attraction of capital to  
5006 match with those objectives in economic development. It is  
5007 because of its delegated authority to the States that USCIS  
5008 has always maintained the right to oversee -- I repeat,



5009 oversee -- and have final word as to when and how States  
5010 have made those delegations and those designations.

5011       The language we are considering today for all intents  
5012 and purposes removes that right currently delegated to the  
5013 States and puts the responsibility into the Federal  
5014 government at the Department of Labor level initially with  
5015 more administration and more hoops to jump through for  
5016 obtaining one of these designations. But then also there is  
5017 language in here, Mr. Chairman, which says, by the way, it  
5018 shall be within the discretion -- and the word "discretion"  
5019 is limited in no way, shape, or form in the proposal -- it  
5020 shall be within the discretion of the Secretary of Homeland  
5021 Security to determine whether any particular area has  
5022 experienced high unemployment for the purposes of this  
5023 paragraph.

5024       Now, while I respect the job that he or she as the  
5025 Secretary of Homeland Security does, their expertise on the  
5026 area of whether or not an area is experiencing high  
5027 unemployment is unapparent to me within the job description  
5028 of what they have jurisdiction over. It is for these  
5029 reasons that I have proposed in this amendment that we

5030 remove this area.

5031 Now, if there is a problem with gerrymandering as there  
5032 have been some indications, and an area is abusing the  
5033 process, then I am happy, Mr. Chairman, to work with  
5034 whomever on the committee to say, listen, if you have  
5035 demonstrated an ability to want to break the rules in the  
5036 area designation, then let us come up with something that  
5037 does that to get you increased scrutiny. But for the vast  
5038 majority of those jurisdictions in the Nation who are not  
5039 guilty of that, let us not create a harder application  
5040 process for the designation of these areas where a problem  
5041 is ostensibly working as it was meant to.

5042 And in closing, Mr. Chairman, I would just point out  
5043 that last year we authorized the program for 3 more years by  
5044 unanimous consent. Did not have any discussion of this. I  
5045 cannot recall any recent hearings or reports that draw  
5046 attention to this area. The most recent USCIS EB-5 policy  
5047 memo came out just a couple of weeks ago. They want to  
5048 continue to defer to States on TEA designation.

5049 The Conference of Mayors has some impressive statistics  
5050 on how it is working. A recent study released by the EB-5

5051 Trade Association noted some impressive statistics on jobs  
5052 attracting that.

5053       So in conclusion, Mr. Chairman, before we jump in to  
5054 legislate on an issue that would take away States' rights in  
5055 an area where I think most are using very responsibly and  
5056 add new regulatory requirements and potentially impact new  
5057 job creation, it would only be prudent to discuss this  
5058 further.

5059       EB-5 is certainly an important program for Nevada and  
5060 the other states, but with EB-5 projects and regional  
5061 centers in 49 of our States and two territories, it is  
5062 important for the entire country that we get this right and  
5063 focus any prescriptive measures in those areas.

5064       Ms. Lofgren. Would the gentleman yield?

5065       Mr. Amodei. Yes, I will.

5066       Ms. Lofgren. I want to thank the gentleman for this  
5067 amendment, which I think is very sensible. I mean, I  
5068 understand that the desire was to deal with concerns about  
5069 gerrymandering, and there may be something to that in some  
5070 specific cases. What is in the bill does not seem -- I  
5071 mean, for this big study the Department of Labor is going to

5072 do, and then the Secretary of Homeland Security can just  
5073 completely ignore it. It does seem like a very sensible  
5074 approach, except to add more bureaucracy to a program that  
5075 already has, in my judgment, maybe a little too much  
5076 bureaucracy.

5077 I would hope that if the gentleman's amendment, which I  
5078 intend to vote for, is successful, that as we look forward  
5079 to how do we address in a non-bureaucratic way the issue of  
5080 gerrymandering, we might also take a look at the cumbersome  
5081 processes that are sometimes used in approving the  
5082 applications. And I do not mean this as a criticism of  
5083 hardworking staff at USCIS, but I have run into situations,  
5084 and I am sure other members have as well, where you have got  
5085 a sophisticated proposal that just is not understood by the  
5086 Department.

5087 And I have used all the gentleman's time. So I will  
5088 yield back and --

5089 Chairman Goodlatte. The time of the gentleman has  
5090 expired --

5091 Ms. Lofgren. I would ask --

5092 Chairman Goodlatte. -- and the chair would recognize

5093 himself and would yield to the gentleman. I would like to  
5094 work with you on this issue. I agree with some of your  
5095 concerns here. We want to keep the bureaucratic burdens of  
5096 the investor visa program to a minimum, while at the same  
5097 time ensuring that investments designed to benefit high  
5098 employment areas actually go to high unemployment areas as  
5099 Congress intended.

5100 So if the gentleman would be willing to withdraw the  
5101 amendment, I would promise to work with him as we move to  
5102 the floor, and the gentlewoman from California as well, to  
5103 make sure that we have the best possible language to assure  
5104 those goals.

5105 Mr. Amodei. That is fine. Thank you.

5106 Ms. Lofgren. Mr. Chairman?

5107 Chairman Goodlatte. For what purpose does the  
5108 gentlewoman --

5109 Ms. Lofgren. I would like to strike the last word.

5110 Chairman Goodlatte. Excuse me. The gentlewoman is  
5111 recognized for 5 minutes.

5112 Ms. Lofgren. I would like to just finish my point on  
5113 how difficult it can be to get approval of a really great

5114 job generating project if it is not like obvious project.  
5115 We do not utilize outside expertise in this area, and I am  
5116 not criticizing the Department. It is Congress that devised  
5117 this plan. We can have a better plan.

5118 And I also would like to yield some time to the  
5119 gentleman from Florida, Mr. Garcia.

5120 Mr. Garcia. Thank you for yielding the time. I wish I  
5121 could add more, but Mr. Amodei's logic is right on point,  
5122 and he has stolen most of my best lines. So I agree with  
5123 the gentleman. I meant it in a good way.

5124 I just want to thank the gentleman just like I wanted to  
5125 thank the chairman of the subcommittee, Mr. Gowdy, who has  
5126 been working through this also. I think this is something  
5127 to bring jobs to our country. Over \$4.7 billion have been  
5128 invested to quality American projects. Ninety-five thousand  
5129 jobs have been created in the United States.

5130 This is good for the country, it is good for America,  
5131 and this is what we are here to do is to create jobs.

5132 So I yield back.

5133 Ms. Lofgren. And I would, since I used all of Mr.  
5134 Amodei's remaining time, I would be happy to yield to him

5135 further or --

5136 Mr. Amodei. Thank you to my colleague. Mr. Chairman,  
5137 that suggestion of yours sounds good as far as just trying  
5138 to get the issue right. So I will be happy to withdraw the  
5139 amendment.

5140 Chairman Goodlatte. I thank the gentleman. The  
5141 amendment is withdrawn.

5142 Ms. Lofgren. I yield back my time.

5143 Chairman Goodlatte. Are there further amendments?

5144 Ms. Jackson Lee. I do have an amendment, Mr. Chairman.

5145 Chairman Goodlatte. The clerk will report the  
5146 amendment.

5147 Just so you know, we are down to three or four  
5148 amendments. I do not know how quickly these will go. We are  
5149 expecting votes momentarily. But it is my expectation we  
5150 are going to have to return after this series of votes to  
5151 complete the bill.

5152 Ms. Jackson Lee. Mr. Chairman, it is amendment 14, and  
5153 number 216 on the list, and --

5154 Chairman Goodlatte. The clerk will report the  
5155 amendment.

5156 Ms. Deterding. Amendment to H.R. 2131, offered by Ms.  
5157 Jackson Lee of Texas, page 79, after line 21 insert the  
5158 following."

5159 Chairman Goodlatte. Without objection, the amendment  
5160 will be considered as read.

5161 [The amendment of Ms. Jackson Lee follows:]

5162



5163 Chairman Goodlatte. And the gentlewoman is recognized  
5164 for 5 minutes on her amendment.

5165 Ms. Jackson Lee. Mr. Chairman, might I say to Mr.  
5166 Amodei, the time was yielded back, but I do want to say that  
5167 his amendment was a step in the right direction. And I look  
5168 forward to working with Mr. Garcia and Mr. Amodei for moving  
5169 this economic engine forward. So I did want to say that  
5170 even though I am on my amendment. Thank you very much.

5171 Mr. Chairman and to my colleagues, this is an issue that  
5172 came to me having been working on immigration for a very  
5173 long period, and some of my colleagues have done as well.  
5174 This deals with the H-1B, and it deals with the beauty of  
5175 the eye and how many of us enjoy the talent of those who are  
5176 able to display clothes in a very attractive way.

5177 International models are a part of the economic engine  
5178 of some of our communities where fashion is, and this is a  
5179 simple amendment that would include models from out of the  
5180 H-1B classification, include them in the O-1 classification,  
5181 which authorizes visas for aliens who have extraordinary  
5182 ability in the science, arts, education, business, and  
5183 athletics.

5184           And so, I would consider fashion models in the category  
5185 of arts, and certainly having extraordinary talents to being  
5186 a high fashion. They have had difficulty meeting the H-1B  
5187 with the crowded field that that is, particularly focused on  
5188 the sciences. And it is a big business in many of our  
5189 areas. It is a contribution to not only our high end  
5190 stores, but also efforts in our print industry. So I would  
5191 ask my colleagues to consider this small reclassification to  
5192 include a fairness in the process.

5193           And with that, I would be happy yield at this moment.

5194           Chairman Goodlatte. To whom are you yielding?

5195           Ms. Jackson Lee. I thought I was yielding to someone,  
5196 but --

5197           [Laughter.]

5198           Ms. Jackson Lee. -- with a note that I have in front of  
5199 me. But I will yield at this moment, Mr. Chairman. I knew  
5200 that I was trying to yield.

5201           Ms. Lofgren. Mr. Chairman, I thank the gentlelady for  
5202 yielding. We have had this issue before us in the past, and  
5203 actually I do think it makes sense to move the models out of  
5204 the H-1B category.

5205           In legislation I was working on, we actually put them in  
5206 the P visa program, not the O visa program, although a case  
5207 can be made for the top models in the world, they might  
5208 qualify for O. I remember Mr. King's commentary about the  
5209 ugly Americans act when Mr. Weiner was a member of our  
5210 committee.

5211           But this is important for American commerce. And it is  
5212 not just the model who is coming in. It is all of the other  
5213 associated people, attendants, the makeup artists, the  
5214 hotels, you know, the seamstresses, and on and on, that  
5215 actually this is economic activity that is good for America.

5216           So my only observation would be it is a good idea to  
5217 move them out of H-1B. And I do not know, perhaps we could  
5218 work further on also a P category because very few of these  
5219 models will actually qualify for the O, and yet the Ps also  
5220 will generate economic activity, which is the intent of the  
5221 gentlelady's amendment.

5222           And I thank her for yielding to make those comments.

5223           And I yield back.

5224           Ms. Jackson Lee. If I might, reclaiming my time, I  
5225 thank the gentlelady. And I am glad she mentioned all the

5226 attendants and other aspects of the high fashion models.  
5227 But I do think it would not offend the O visa for the  
5228 fashion models of that category to be included to my  
5229 colleagues. And I hope we will never have to have an ugly  
5230 visa, but certainly there --

5231 Chairman Goodlatte. Would the gentlewoman yield?

5232 Ms. Jackson Lee. I would be happy to, and I would say  
5233 that Americans are beautiful, by the way. But in any event,  
5234 we certainly appreciate contributions coming from overseas.  
5235 Yes, sir, I yield to the chairman.

5236 Chairman Goodlatte. I thank the gentlewoman for  
5237 yielding. And this amendment could be the highlight of the  
5238 day. But I do want to say that if the gentlewoman would be  
5239 willing to withdraw the amendment and work with us, we might  
5240 be able to work something out. But I would have to oppose  
5241 it as it is written.

5242 I do not necessarily think it is a bad idea to remove  
5243 fashion models from the H-1B category where they take away  
5244 visas from computer engineers and other such workers who do  
5245 not measure in comparison at all. But when the Judiciary  
5246 Committee approved Congressman Weiner's fashion model visa

5247 legislation in the 110th Congress, that legislation moved  
5248 fashion models into a new category limited to one 1,000  
5249 models a year. And this amendment would allow for an  
5250 unlimited number of fashion models. And while that is a  
5251 pleasant vision of unlimited fashion models --

5252 [Laughter.]

5253 Chairman Goodlatte. -- it is not something that I could  
5254 support. So if the gentlewoman would be willing to  
5255 withdraw, we could work --

5256 Ms. Jackson Lee. Would the gentleman yield? It is  
5257 always good ask for the world in order for me to be able to  
5258 be gracious and say, Mr. Chairman, certainly I would view it  
5259 a victory if we could reframe this and have a certain number  
5260 and find the appropriate visa location.

5261 And I will tell you that you would make a whole line of  
5262 regally tall, attractive models, as I understand --

5263 Mr. Garcia. If the gentlelady would yield --

5264 Chairman Goodlatte. I think this calls for hearings.

5265 [Laughter.]

5266 Ms. Jackson Lee. On second thought, let me thank you,  
5267 and I withdraw --

5268 Mr. Garcia. Mr. Chairman? Mr. Chairman? If you will  
5269 yield.

5270 Ms. Jackson Lee. Well, who is that?

5271 Mr. Garcia. It is right over here.

5272 Ms. Jackson Lee. If you are saying something kind about  
5273 models and --

5274 Mr. Garcia. Mr. Chairman, I just would remind you that  
5275 you can never have too much of a good thing.

5276 Mr. Johnson. Would the gentlewoman yield?

5277 Ms. Jackson Lee. If I have the time, I would yield.

5278 Mr. Johnson. Mr. Chairman, I would add that I think  
5279 that if the gentlewoman from Texas would attach photographs  
5280 along with her amendment --

5281 [Laughter.]

5282 Chairman Goodlatte. And I would caution the gentleman.

5283 Ms. Jackson Lee. We appreciate Mr. Johnson. Mr.  
5284 Chairman, do I hear you saying that you would work with me  
5285 on this?

5286 Chairman Goodlatte. I would work with the gentlewoman  
5287 if she will withdraw her amendment.

5288 Ms. Jackson Lee. I thank all my colleagues for their

5289 comments, and I ask for the amendment to be withdrawn at  
5290 this time.

5291 Chairman Goodlatte. The amendment is withdrawn.

5292 We have about 7 minutes left in this vote, so I would  
5293 recommend since we do have two or three more amendments,  
5294 that we go. And we will reconvene as soon as these votes  
5295 are over with the expectation of finishing this in not too  
5296 much more time.

5297 The committee will stand in recess.

5298 [Recess.]

5299 Chairman Goodlatte. The committee will reconvene. We  
5300 have under consideration H.R. 2131, and we are considering  
5301 amendments. Are there further amendments?

5302 For what purpose does the gentleman from Idaho seek  
5303 recognition?

5304 Mr. Labrador. Mr. Chairman, I have an amendment at the  
5305 desk.

5306 Chairman Goodlatte. The clerk will report the  
5307 amendment.

5308 Mr. Labrador. It is Labrador 19. This amendment is to  
5309 improve the bill. I support the intent of the underlying

5310 language of the bill, which is to ensure that the high-tech  
5311 visas are only given to those workers who have completed  
5312 their schooling --

5313 Chairman Goodlatte. If the gentleman would suspend and  
5314 let the clerk report it, and then we will recognize him.

5315 Ms. Deterding. Amendment to H.R. 2131, offered by Mr.  
5316 Labrador of Idaho.

5317 Chairman Goodlatte. Without objection, the amendment  
5318 will be considered as read.

5319 [The amendment of Mr. Labrador follows:]

5320



5321 Chairman Goodlatte. And the gentleman is recognized for  
5322 5 minutes on his amendment.

5323 Mr. Labrador. Thank you. I apologize, Mr. Chairman.

5324 This amendment, I am attempting to improve the bill. I  
5325 support the intent of the underlying language of the bill,  
5326 which is to ensure that the high-tech visas are only given  
5327 to those workers to have completed their schooling here in  
5328 American universities.

5329 Allowing the best and brightest minds in the world to  
5330 remain in America after completing their schooling at  
5331 American universities instead of returning to their own  
5332 countries to compete against us is something that has broad  
5333 support among Republicans, Democrats, and Independents. It  
5334 is good policy, and this bill goes a long way toward fixing  
5335 our broken immigration system.

5336 My amendment just makes one small change that instead of  
5337 requiring that these STEM visa recipients must complete 100  
5338 percent of their schooling here in America, it lowers that  
5339 threshold to 85 percent. This is a reasonable compromise  
5340 that takes into account exceptional students being offered  
5341 the opportunity to complete a semester of study abroad or

5342 who actually get started in a foreign country before coming  
5343 here to complete their university studies.

5344 My amendment keeps intact the goal of this bill, which  
5345 is to make sure that we are rewarding only those students  
5346 who have demonstrated a commitment to pursue their education  
5347 in America.

5348 Chairman Goodlatte. Would the gentleman yield?

5349 Mr. Labrador. Definitely.

5350 Chairman Goodlatte. I thank the gentleman for yielding,  
5351 and I support his amendment.

5352 Congressman Issa's bill creates two new green card  
5353 programs for foreign students who graduate from U.S.  
5354 universities with advanced STEM degrees. The goal of the  
5355 bill is to ensure that we can retain these foreign students  
5356 who we educate after they graduate. We want them to work  
5357 for our employers instead of our competitors abroad.

5358 The bill requires that in order to qualify, the foreign  
5359 students take all their graduate courses in America. The  
5360 goal of this requirement is to prevent a foreign student  
5361 from simply attending a foreign branch office of a U.S.  
5362 school and thus qualifying for these visas.

5363           However, there is nothing amiss should a foreign student  
5364 take some of their courses abroad or even a semester abroad.  
5365 That is what this amendment allows for, and I think it is a  
5366 good amendment. I urge my colleagues to support it.

5367           Mr. Issa. Would the gentleman further yield?

5368           Mr. Labrador. Definitely.

5369           Mr. Issa. I couldn't concur more. If there has ever  
5370 been an oversight that I am willing to admit to, this is  
5371 one. Virtually very few students really could graduate  
5372 without at least considering a semester abroad or some other  
5373 foreign credits. If we didn't have this, we would either --  
5374 as the chairman said and as you have said, we would either  
5375 be forcing people out of the program, or we would be forcing  
5376 them to have excess credits for no purpose other than to get  
5377 100 percent of their credits domestically.

5378           So I couldn't agree more. This is absolutely an  
5379 essential and good amendment and one that, quite frankly, I  
5380 wish I had had in the base bill.

5381           Ms. Lofgren. Would the gentleman yield?

5382           Mr. Labrador. Reclaiming my time, I wish I would have  
5383 allowed the chairman to improve his own bill, like he has

5384 done in the past and I believe will continue to do in the  
5385 next few minutes.

5386 Ms. Lofgren. Would the gentleman yield?

5387 Mr. Labrador. Absolutely.

5388 Ms. Lofgren. I just want to add my support for the  
5389 amendment. I think it is a sensible one, and certainly when  
5390 it comes to certain fields, such as high-energy physics, it  
5391 is quite often the case that a Ph.D. candidate will do part  
5392 of their work abroad. So I think this makes sense, and I  
5393 intend to vote for it.

5394 Mr. Gutierrez. Would the gentleman yield?

5395 Mr. Labrador. Yes, I yield.

5396 Mr. Gutierrez. Thank you.

5397 So I took a year abroad, but it constituted 25 percent  
5398 because I took -- I am not trying to equate myself with  
5399 these high-tech guys, right?

5400 Why not 75 percent? So you do a year abroad. A 4-year  
5401 program, 5-year. Just a question.

5402 Mr. Labrador. Yes. Reclaiming my time. We just picked  
5403 the number 15 percent just to make sure that it would equate  
5404 to one semester. We just thought that would be a simple way

5405 to deal with the issue, and I think 15 percent equates to  
5406 about one semester of the time.

5407 Chairman Goodlatte. The question occurs on the  
5408 amendment offered by the gentleman from Idaho.

5409 For what purpose does the gentlewoman from Texas seek  
5410 recognition?

5411 Ms. Jackson Lee. Mr. Chairman, if I might ask a  
5412 question of the offerer of the amendment?

5413 Chairman Goodlatte. The gentlewoman is recognized for 5  
5414 minutes.

5415 Ms. Jackson Lee. I thank -- strike the last word.

5416 Let me thank you very much.

5417 Mr. Labrador, because as I read the language of the  
5418 summary, it is to indicate the term, the language here, and  
5419 this may not craft exactly what you are saying. It says "a  
5420 small amount of education." What exactly are you speaking  
5421 of, and what category would these individuals fall in?

5422 Mr. Labrador. Reclaim my time.

5423 Ms. Jackson Lee. No, I would yield to you for the  
5424 answer.

5425 Mr. Labrador. Yes, thank you. Thank you.

5426 All we are trying to do is the amendment says to insert  
5427 not less than 85 percent of the time. So right now, the  
5428 bill says 100 percent of the time, and we are just allowing  
5429 these graduate students to do no less than 85 percent of the  
5430 time in the United States, which means that they can do  
5431 about one semester abroad.

5432 Chairman Goodlatte. The question --

5433 Ms. Jackson Lee. Well, reclaiming my time, are we on  
5434 amendment 212 -- I mean 012, or are we on 013?

5435 Chairman Goodlatte. We are on 012.

5436 Ms. Jackson Lee. Okay. Right. And so, I guess this  
5437 may mean because you can't -- unless I go to the bill, I am  
5438 just trying to read it from here. Why does the description  
5439 say that you are allowing students who have completed a  
5440 small amount of foreign schooling to be eligible for the  
5441 STEM visas? I am not sure what you are saying.

5442 Is that what you are saying? Is that what this  
5443 amendment does?

5444 Mr. Labrador. Yes.

5445 Ms. Jackson Lee. So, yes, so what do you mean "small  
5446 amount of foreign schooling?"

5447 Mr. Labrador. Just any -- any amount, any person who  
5448 does one semester of schooling, but completes university  
5449 studies here in the United States --

5450 Ms. Jackson Lee. Right.

5451 Mr. Labrador. -- will be allowed to receive one of  
5452 these visas.

5453 So we don't disqualify people who may have done 8 years  
5454 of education, but done 1 semester abroad.

5455 Ms. Jackson Lee. Okay. So if I might reclaim my time,  
5456 what you are saying is that the addition of foreign  
5457 schooling, built on whatever schooling you have here. You  
5458 are not saying -- I thought this was you are not saying -- I  
5459 know the section that you commended, but you are not saying  
5460 a small amount of foreign schooling substitute for all  
5461 schooling, and they get H-1Bs?

5462 Chairman Goodlatte. No.

5463 Ms. Jackson Lee. That is not what you are suggesting.  
5464 Now I understand the calculation that you are utilizing.  
5465 You are trying to make an evener playing field.

5466 Mr. Nadler. Mr. Chairman?

5467 Mr. Labrador. Correct.

5468 Ms. Jackson Lee. All right. I thank you.

5469 Want me to yield to you, Nadler?

5470 Mr. Nadler. Yes, thank you.

5471 Ms. Jackson Lee. Be happy to yield to the gentleman.

5472 Mr. Nadler. I just want to clarify this. Without the  
5473 amendment, you are not eligible if you have any foreign  
5474 schooling. With the amendment, you are eligible if you have  
5475 a semester of foreign schooling. Is that correct?

5476 Mr. Labrador. That is correct. Thank you.

5477 Mr. Nadler. Thank you. I yield back.

5478 Ms. Jackson Lee. Reclaiming my time then. And is it  
5479 limited to one semester, sir?

5480 Mr. Labrador. It is the language is no less than 85  
5481 percent, and we have calculated that that would be about one  
5482 semester.

5483 Ms. Jackson Lee. I thank you. And I do thank you  
5484 again. It adds to the decreasing of the bureaucracy.

5485 I yield back, and I thank the gentleman.

5486 Chairman Goodlatte. The question is on the amendment  
5487 offered by the gentleman from Idaho.

5488 All those in favor, respond by saying aye.



5489 Those opposed, no.

5490 In the opinion of the chair, the ayes have it, and the  
5491 amendment is agreed to.

5492 Are there further amendments?

5493 Mr. King. Mr. Chairman?

5494 Chairman Goodlatte. For what purpose does the gentleman  
5495 from Iowa seek recognition?

5496 Mr. King. Mr. Chairman, I have an amendment at the  
5497 desk, just labeled "King."

5498 Chairman Goodlatte. The clerk will report the  
5499 amendment.

5500 Ms. Deterding. Amendment to H.R. 2131, offered by Mr.  
5501 King of Iowa. Page 50, line 7, strike "505,000" and insert  
5502 "440,000." Page 50, line 11, strike "251,000" and insert  
5503 "186,000." Page 50, line 17, strike "139,200" and insert  
5504 "97,600." Page 50, after line 24, insert the following and  
5505 redesignate provisions accordingly.

5506 [The amendment of Mr. King follows:]

5507

5508 Chairman Goodlatte. The gentleman is recognized for 5  
5509 minutes on his amendment.

5510 Mr. King. Thank you, Mr. Chairman.

5511 I have taken a position for some time that I don't  
5512 support the expansion of legal immigration, and the  
5513 underlying bill itself was written and conformed with that  
5514 wish that I had, and I support the underlying bill. The  
5515 amendment, as I have said earlier, in the net increase is  
5516 65,000 per year for 10 years. So that is a net increase to  
5517 existing visas of \$650,000 -- or excuse me, 650,000 people  
5518 over that decade of time.

5519 And we have been working for the last 24 hours to try to  
5520 come up with a way to get this number to zero and still not  
5521 I will say cross the lines of what I think are already  
5522 conclusions that might have been drawn between other folks  
5523 on this committee. And so, this is an attempt to thread the  
5524 needle to try to get to neutral, and it is calculated right  
5525 down to the last individual to get exactly to 65,000.

5526 And under those categories where it says "page 50, line  
5527 17, strike 139,200 and insert 97,600," the net effect of  
5528 that is that it reduces the number of spouses of lawful

5529 permanent residents by 15,152.

5530       The next component down would be under the sub (d)  
5531 brothers and sisters of citizens. It reduces that number.  
5532 It actually eliminates that category, brothers and sisters  
5533 of citizens. Those would be adults, not children obviously.  
5534 And that category, eliminating that category is 23,400.

5535       And the third category is unmarried sons and daughters  
5536 of lawful permanent residents. We set that number at 26,448  
5537 because it comes out exactly to 65,000 altogether, exactly  
5538 designed to be not the preferred method to get to neutral on  
5539 the overall numbers with these visas that are in the bill,  
5540 but another method.

5541       And I would point out also that under current law, the  
5542 unmarried sons and daughters of citizens was at 114,200, and  
5543 the underlying Issa bill went up by 25,000. And I don't yet  
5544 know what the thought process was there. But it went up by  
5545 25,000 to 139,200. So we have seen some categories grow  
5546 here that aren't necessarily consistent with what I think is  
5547 the overall theme of the bill, whatever the rationale is.

5548       And my rationale is this, that I am trying to get off of  
5549 no. And this is, as I say, about 24 hours worth of work to

5550 try to get off of no. And it is a way to try to thread the  
5551 needle.

5552 I would have preferred my second-degree amendment, which  
5553 just went directly to the 65,000 that was increased in the  
5554 manager's amendment. But this is we can discuss the major  
5555 components or the significant components of this amendment,  
5556 but the balance of it is it is an effort to bring the bill  
5557 back to zero so there is no net increase.

5558 And I would suggest this to my friends and colleagues  
5559 here, many of whom I have had the privilege to serve with on  
5560 this committee for a long time, that there are pros and cons  
5561 to most everything that we do. And we have watched as the  
5562 Senate has passed an amnesty bill today. We have watched as  
5563 we have seen some of the policy come forward here in this  
5564 committee that might be pretty good tools to have if we  
5565 haven't already brought them forward and anointed them.

5566 One of the principles I stand on is I am going to  
5567 protect the rule of law. I am not going to waive the  
5568 application of the law to people that are here unlawfully.  
5569 Eventually, we will have a chance to vote on that, I hope.  
5570 Or I shouldn't say I hope, but if it does, that is how I

5571 will stand.

5572       And here, I am pledged not to support and to oppose the  
5573 increase in legal numbers. And if we could get to the point  
5574 where we could enforce the law, if we could control our  
5575 borders, if we could shut down the jobs magnet, if we could  
5576 bring the interior enforcement, and there has been some good  
5577 legislation along that line, especially with the interior  
5578 enforcement, come through this committee, if we could get to  
5579 that point and establish it, then I can look at this thing  
5580 perhaps from a different perspective.

5581       But I think that we need to hold the line on this and  
5582 refuse to increase the legal numbers at a minimum until such  
5583 time as we can at least get the law enforced and secure the  
5584 border.

5585       So I would urge adoption of this amendment, which just  
5586 brings us back to numbers neutral, and I would yield back  
5587 the balance of my time.

5588       Chairman Goodlatte. The chair thanks the gentleman and  
5589 recognizes himself.

5590       I very much appreciate the effort made by the gentleman  
5591 to meet his goal of making this completely neutral. A

5592 couple of things I would point out, however.

5593 First of all, the 65,000 green cards are temporary, and  
5594 these changes are permanent. And quite frankly, the 65,000,  
5595 there is -- for 10 years, there is nothing magical about  
5596 that. I think it is fair, and that is the effort that was  
5597 made to recognize the people who have spent decades in line,  
5598 have worked to become eligible. And through no fault of  
5599 their own, the way the bill was originally written cuts that  
5600 out entirely.

5601 Now I would be willing to work with the gentleman to see  
5602 if there is a better way to accomplish some of that, but I  
5603 cannot accept the amendment because it makes significant  
5604 changes to other areas of immigration law that we just  
5605 haven't taken any time to study and to review the sense of  
5606 it.

5607 And I can't also say that I would definitely get back  
5608 down to completely neutral. So I understand the gentleman's  
5609 commitment that he has made to himself. I just can't join  
5610 him in that because I think this bill, as it is structured,  
5611 tries as hard as possible to be fair and to address the  
5612 elimination of a program that has existed for decades and

5613 not leave people who have been on the waiting list for  
5614 decades completely high and dry.

5615 And therefore, I think the provision that we put in  
5616 there honors and recognizes that those people lawfully went  
5617 through the process, and therefore, I would ask the  
5618 gentleman to consider withdrawing and continue to work with  
5619 us. But I can't support the amendment.

5620 Mr. King. Would the chairman yield?

5621 Chairman Goodlatte. I would be happy to yield.

5622 Mr. King. I thank the chairman, and I appreciate your  
5623 comments.

5624 And you make a point that is particularly valid here in  
5625 that this language does go on beyond the 10-year period of  
5626 time that is allowed within the underlying second-degree  
5627 amendment. And I didn't consider that when I wrote the  
5628 amendment. Had I done so, I might well have also included  
5629 the language to sunset this provision at the end of a 10-  
5630 year period of time, and I wonder if the chairman might  
5631 consider such an idea?

5632 Chairman Goodlatte. I am sorry. Would the gentleman  
5633 repeat the last sentence of that?

5634 Mr. King. Yes. And I say that I didn't consider the  
5635 idea of sunseting this amendment at the end of a 10-year  
5636 period of time. That would bring this thing down to neutral  
5637 and bring it into conformance then with the underlying bill.

5638 I think a point you made that this amendment goes on  
5639 perpetually, at least in theory, while the provision of the  
5640 65,000 a year ends at the end of a decade. A sunset in my  
5641 amendment would bring us in conformance with that to exact  
5642 numbers.

5643 Chairman Goodlatte. I still would not be able to  
5644 support the gentleman's amendment because I have not looked  
5645 at the impact of reducing these other categories that you  
5646 have done in order to achieve the 65,000 green cards and to  
5647 assess whether that is a better thing to do than to not  
5648 offer the 65,000.

5649 So I have to stick with what is in the bill at this  
5650 point in time.

5651 Mr. Issa. Would the gentleman yield?

5652 Ms. Lofgren. Would the gentleman yield?

5653 Mr. Issa. If the gentleman would yield? I say to my  
5654 colleague and friend, who has worked very hard to try to get



5655 this point across, that I, too, would ask you to consider  
5656 waiting for the floor. And the reason is if we get this  
5657 change on the floor as a standalone bill, I believe that  
5658 vastly everyone will understand this is a one-time  
5659 transition, including groups that might say, well, we never  
5660 want one net new.

5661 I think that the gentleman did a great job of reflecting  
5662 on what the Senate just did today. There, you are dealing  
5663 with 11, 12, 15 million net new in the long term  
5664 immigration. However, they couch it, that 11 million people  
5665 will be effectively added to the numbers.

5666 I think in proportion, the real fight will be on whether  
5667 we blow away the caps with 11 million people, not whether  
5668 permanent change has a bubble, a time in which we get the  
5669 permanent change, but it doesn't lead to that net reduction.  
5670 So I hope the gentleman can look at this transitional cost  
5671 the same as perhaps we looked at, for example, the Filipinos  
5672 when we were dealing with promises made at the end of World  
5673 War II and we were trying to deal with it, and other times  
5674 in which we had exceptional cases.

5675 Transitions sometimes have a cost. This is a relatively

5676 small cost compared to what you are seeing in the Senate,  
5677 where they are claiming 11 million or more are needed to  
5678 deal with the sins of the past of illegal. This is simply a  
5679 change in legal, and I hope the gentleman would consider  
5680 withdrawing it and working with us to go to the floor for  
5681 the bigger issue.

5682 Chairman Goodlatte. My time has expired.

5683 The gentlewoman from California?

5684 Ms. Lofgren. I would move to strike the last word.

5685 Chairman Goodlatte. The gentlewoman is recognized for 5  
5686 minutes.

5687 Ms. Lofgren. First, I have -- I am looking at 8 U.S.  
5688 Code 1153, Section 203 of the Immigration and Nationality  
5689 Act. And it says brothers and sisters in Section 203(a) of  
5690 the act. But what is actually in paragraph 3 is married  
5691 sons and daughters of citizens, not brothers and sisters.

5692 So I guess the first question is was is really the --  
5693 which is wrong, the code section or the language? Because  
5694 the effect, I think, of the amendment would be to strike the  
5695 visa category of married sons and daughters of American  
5696 citizens, number one. That is just a technical question.

5697           Number two, as I think that this is the wrong direction  
5698 to go. I mean, we have had a big discussion and argument  
5699 about siblings, and we don't need to rehash that. But as we  
5700 have talked about siblings, people have talked about the  
5701 need to preserve kind of the nuclear family, and to me, that  
5702 is husbands and wives and sons and daughters, I mean, and  
5703 parents. That is like the basic family unit.

5704           And to strike sons and daughters seems far out of -- is,  
5705 I mean, the wrong thing to do, in my judgment, and certainly  
5706 not fair to Americans who want their sons and daughters to  
5707 be with them.

5708           So I object to the premise, but I also think the  
5709 drafting is in error, and if the gentleman is going to  
5710 pursue it further on the floor, I wanted to draw this to his  
5711 attention.

5712           Mr. King. Would the astute gentlelady from California  
5713 yield?

5714           Ms. Lofgren. I would be happy to yield to the gentleman  
5715 from Iowa.

5716           Mr. King. I thank you, and perhaps I wouldn't concede  
5717 the drafting component of this. I can speak to the intent,

5718 but I think our time here is more important, and I will say  
5719 this.

5720 The point is made that at least I stand on not expanding  
5721 legal numbers. The point is also made on where the votes  
5722 are on this committee. And so, if I could use the  
5723 gentlelady's time, I would withdraw my amendment and yield  
5724 back.

5725 Ms. Lofgren. Reclaiming my time, I am happy also to  
5726 yield back.

5727 Chairman Goodlatte. I thank the gentlewoman.

5728 And I thank the gentleman for withdrawing the amendment,  
5729 and the chair will continue to work with him on this issue  
5730 and others who are interested in this issue to try to  
5731 achieve something that accomplishes his goal, but also the  
5732 goal of fairness to the people who are on these long lines.

5733 Are there further amendments?

5734 Ms. Jackson Lee. Mr. Chairman?

5735 Chairman Goodlatte. The gentlewoman from Texas?

5736 Ms. Jackson Lee. Mr. Chairman, I have Amendment Number  
5737 13-222.

5738 Chairman Goodlatte. The clerk will report the

5739 amendment.

5740 Ms. Deterding. Amendment to H.R. --

5741 Mr. Smith of Texas. Mr. Chairman, I reserve a point of  
5742 order.

5743 Chairman Goodlatte. A point of order is reserved. The  
5744 clerk will report the amendment.

5745 Ms. Deterding. Amendment to H.R. 2131, offered by Ms.

5746 Jackson Lee of Texas. Page 90, strike --

5747 Chairman Goodlatte. Without objection, the amendment is  
5748 considered as read.

5749 [The amendment of Ms. Jackson Lee follows:]

5750

5751 Chairman Goodlatte. And the gentlewoman is recognized  
5752 for 5 minutes on her amendment.

5753 Ms. Jackson Lee. If there is a point of order, I would  
5754 ask that the point of order, first of all, be waived on this  
5755 amendment.

5756 This is an amendment that tracks the spirit of this  
5757 initiative for it involves ensuring that we are talking  
5758 about employment. In this instance, we are talking about  
5759 individuals who would come to this country and create  
5760 employment opportunities, as they would be working under H-  
5761 1B visas and a number of others.

5762 But this amendment is to indicate the fairness to the  
5763 American worker and to recognize that as we have made  
5764 sizable strides in unemployment in this country, in terms of  
5765 eliminating unemployment, we have not gotten where we would  
5766 like to be in many parts of the country.

5767 So the resources collected under this scheme, if you  
5768 will, for the SKILLS Act could be utilized to establish  
5769 employment training program for unemployed Americans. Which  
5770 would include -- because many of these issues are technical,  
5771 it would, in fact, include, I believe, the technical

5772 training in technology, which happens to be an important job  
5773 center for the United States now. Technology, technology-  
5774 driven jobs are all very important.

5775       And we have a lot of work to do on this legislation  
5776 before it becomes law. I would hope that we would be able  
5777 to withdraw the point of order and work on creating an  
5778 opportunity. And Mr. Smith knows that we worked on this in  
5779 years past, creating an opportunity for Americans to be  
5780 trained.

5781       Again, this is a simple premise to use resources to  
5782 ensure that the American worker could be, in fact, trained  
5783 and also could provide an economic component in hard-hit  
5784 areas in our Nation. I ask my colleagues to support the  
5785 amendment.

5786       Let me just say in conclusion one of the items that we  
5787 have worked on also indicates that these training centers  
5788 could be placed in some of our community colleges, Hispanic-  
5789 serving institutions, and historically black colleges, where  
5790 this kind of training can be enormously helpful because of  
5791 the areas where they are centered.

5792       So I ask my colleagues to support the amendment.

5793 Chairman Goodlatte. Does the gentleman insist on his  
5794 point of order?

5795 Mr. Smith of Texas. Mr. Chairman, I do. The amendment  
5796 offered by the gentlewoman from Texas goes outside of this  
5797 committee's jurisdiction by implicating the Rule 10  
5798 jurisdiction of the Ways and Means Committee. So I do  
5799 insist on my point of order.

5800 Chairman Goodlatte. Does the gentlewoman wish to be  
5801 heard on the point of order?

5802 Ms. Jackson Lee. Simply -- yes, Mr. Chairman.

5803 Chairman Goodlatte. The gentlewoman is recognized.

5804 Ms. Jackson Lee. Simply going to make the argument that  
5805 it is a vital component to this legislation. I am going to  
5806 myself withdraw the amendment because I know that I can draw  
5807 this amendment without the point of order and expand it even  
5808 to include the historically black colleges, Hispanic-  
5809 serving, and focus on technology. And I will look forward  
5810 to working with the chairman on this aspect of this  
5811 amendment.

5812 Chairman Goodlatte. The amendment is withdrawn. The  
5813 chair thanks the gentlewoman.



5814           Are there further amendments to the bill? For what  
5815 purpose does the gentleman from Utah seek recognition?

5816           Mr. Chaffetz. I have an amendment at the desk.

5817           Chairman Goodlatte. The clerk will report the  
5818 amendment.

5819           Ms. Deterding. Amendment to H.R. 2131, offered by Mr.  
5820 Chaffetz of Utah. Page 3, before line --

5821           Chairman Goodlatte. Without objection, the amendment is  
5822 considered as read.

5823           [The amendment of Mr. Chaffetz follows:]

5824

5825 Chairman Goodlatte. And the gentleman is recognized for  
5826 5 minutes on his amendment.

5827 Mr. Chaffetz. Thank you, Mr. Chairman.

5828 And I appreciate it. We all know that the STEM fields  
5829 are something that we as a country need to continue to  
5830 invest. We need to build capacity within the United States  
5831 of Americans, of young kids who are inspired and who are  
5832 taught, and this is going to require some funding.

5833 And the idea and the goal here is to offer a sense of  
5834 Congress. Again, remember, it is just a sense of Congress,  
5835 that really what we are trying to do is that a portion of  
5836 the application fee paid by employers seeking to hire  
5837 foreign workers should be devoted to supporting all States  
5838 in making improvements in the U.S. STEM education, including  
5839 computer science education at the K-12 and at the university  
5840 level.

5841 The amendment also recognizes the importance of  
5842 providing all States the flexibility that they need to build  
5843 statewide capacity for STEM education and focus on areas  
5844 within STEM that are most crucial to the States and  
5845 districts. It also calls on nonprofits and businesses and

5846 formal education and community-based organizations to be  
5847 partners in this initiative, encouraging everyone to have  
5848 skin in the game.

5849 Now I have been working with Mr. Jeffries, who has an  
5850 amendment that I really like and that I support, that I want  
5851 to be able to add on to this piece of -- this amendment  
5852 here. So there is a secondary amendment, and I do hope that  
5853 the committee will also see fit to add that on.

5854 I think it is done in the spirit of what we are all  
5855 trying to accomplish, and I appreciate Mr. Jeffries'  
5856 participation and others on both sides of the aisle. But  
5857 again, Mr. Chairman and to my colleagues, I would say that  
5858 developing competency within our education system on STEM is  
5859 in everybody's best interest. It is the best interests of  
5860 the kids. It is in the best interest of our future.

5861 It is in everybody's best interests. And so, this is  
5862 just merely a sense of Congress and I would hope that we  
5863 would all be able to support this, as well as to support the  
5864 secondary amendment that will likely be offered by Mr.  
5865 Jeffries.

5866 With that, I will yield back.

5867 Ms. Lofgren. Would the gentleman yield for a question?

5868 Mr. Chaffetz. Yes. Yes.

5869 Ms. Lofgren. I would -- as I mentioned when we started  
5870 the markup, I strongly objected to the removal of the fees  
5871 in the manager's amendment and didn't buy the rationale that  
5872 we needed to do that. We oftentimes have markup bills where  
5873 this is a sequential referral because of jurisdiction to  
5874 another committee.

5875 This, I think -- I mean, I would support this. It  
5876 doesn't do the same as what we stripped from the bill. But  
5877 here is the question. We have pursued -- there is a  
5878 National Science Foundation program that does -- and it is  
5879 very streamlined and it is not bureaucratic and it has  
5880 scholarships for underrepresented and low-income students in  
5881 STEM fields. And also does capacity building in  
5882 historically black colleges and Native American institutions  
5883 and Hispanic-serving institutions as well as a K-12 STEM  
5884 program.

5885 Would the NSF program be consistent with what you are  
5886 proposing here, or would it have to just be through the  
5887 State Department of Education? Because the anti-theft

5888 program doesn't go through bureaucracies, it just goes  
5889 directly to students as scholarships.

5890 Mr. Chaffetz. Reclaiming my time. I appreciate the  
5891 sentiment, and I think there is obviously viability for such  
5892 funding. This sense of Congress merely says that this money  
5893 would be a portion of the fees. Not all the fees, just a  
5894 portion of the fees would be allocated to the States. You  
5895 know, it gives direction. It gives a sense of Congress on  
5896 how to do that.

5897 And how we do things in Utah is going to be a little  
5898 different than how they do them in California. It is going  
5899 to be a little different than how they do them in Florida,  
5900 et cetera.

5901 And the idea that this would flow to the States so that  
5902 they can help make these decisions and craft and fund as  
5903 they see fit is really the essence here. Again, it only  
5904 says that this is -- a portion should go through this way.  
5905 As we have been working with both sides of the aisle,  
5906 outside groups, and whatnot, I feel more comfortable keeping  
5907 it as drafted that is here. But I would certainly work with  
5908 the gentlewoman on something else.

5909           There is other, obviously, funding mechanisms for what  
5910 the gentlewoman had discussed. But really, this is the way  
5911 it is laid out is really to go to the States.

5912           Chairman Goodlatte. Would the gentleman yield?

5913           Mr. Chaffetz. Yes.

5914           Chairman Goodlatte. I am prepared to support the  
5915 amendment. There is the jurisdictional issue that the  
5916 gentlewoman raises. It does not give rise to a point of  
5917 order like the actual imposition of the fee and then  
5918 directing the fee to be used for the education.

5919           But it does clearly reflect the intent of this committee  
5920 as we expressed when that amendment -- when that change was  
5921 made to the bill, removing that provision, that we do intend  
5922 to accomplish this goal which many in the tech community  
5923 would like us to accomplish of raising the fee and then  
5924 dedicating that fee to the education of American students.

5925           So I am prepared to accept the gentleman's amendment,  
5926 and I would urge my colleagues to do the same.

5927           Ms. Lofgren. Could I --

5928           Chairman Goodlatte. It is the gentleman from Utah's  
5929 time.

5930 Ms. Lofgren. I am sorry.

5931 Chairman Goodlatte. But he can yield to you.

5932 Ms. Lofgren. If the gentleman would further yield?

5933 Mr. Chaffetz. Yes. Yes, of course.

5934 Ms. Lofgren. Concern has been expressed in the past  
5935 among -- for example, Congressman Clyburn has expressed  
5936 concern about allocation of funds by States and whether that  
5937 is done in an even-handed manner. And one of the ways to  
5938 avoid even the question of that issue, without taking a side  
5939 on whether it is correct or not because I have never  
5940 personally done a study of it, is to have direct funding to  
5941 students in need. I know that my colleague Mr. Jeffries has  
5942 an amendment, and I haven't seen that. So I just -- I am  
5943 thinking through whether --

5944 Mr. Chaffetz. Reclaiming my time, if I could?

5945 Ms. Lofgren. Yes.

5946 Mr. Chaffetz. Let me try to help clarify. If you look  
5947 at the bottom of this (3)(a), if you look at the last  
5948 phrase, especially in the most high-need school districts.  
5949 You go to point number (c), broadening the diversity and the  
5950 capacity. It goes on from there.

5951           And then, as we look at the amendment that we anticipate  
5952 Mr. Jeffries is going to offer, again, I think would  
5953 strengthen what the gentlewoman's concern is, in really  
5954 giving some direction.

5955           Again, it is a sense of Congress. It is not direct  
5956 appropriation. It is not doing things that are going to  
5957 mess up the jurisdictional questions that we have.

5958           Chairman Goodlatte. If the gentleman would yield?

5959           Mr. Chaffetz. Yes.

5960           Chairman Goodlatte. It is not going to be the final  
5961 version of this, because it is just a sense of Congress, and  
5962 in working with the Ways and Means Committee and others to  
5963 effectuate that, we certainly share the concern of the  
5964 gentlewoman from California and the gentleman from New York,  
5965 whose secondary amendment I am also prepared to accept.

5966           Ms. Lofgren. If the gentleman would continue to yield?

5967           Mr. Chaffetz. Yes.

5968           Ms. Lofgren. I am just troubled by the Department of  
5969 Education involvement, and I want to think through whether I  
5970 might offer an amendment to the amendment after Mr.

5971 Jeffries, because I think we might get consensus on this, if



5972 we could.

5973 And I don't question your motivation or the words at  
5974 all. I know what you are trying to do. I am just  
5975 reflecting on concerns that have been repeatedly expressed  
5976 to me over the years about control by the States departments  
5977 of education.

5978 At this point, let me yield back to you and let me see  
5979 if I might offer a suggestion. Thank you very much.

5980 Mr. Chaffetz. Reclaiming my time, at this point, Mr.  
5981 Chairman, I think I will yield back.

5982 Chairman Goodlatte. For what purpose does the gentleman  
5983 from New York seek recognition?

5984 Mr. Jeffries. Mr. Chairman, I have a second-degree  
5985 amendment to the distinguished gentleman from Utah's  
5986 amendment.

5987 Chairman Goodlatte. The clerk will report the  
5988 amendment.

5989 Ms. Deterding. Amendment to the amendment offered by  
5990 Mr. Chaffetz of Utah, offered by Mr. Jeffries of New York,  
5991 Mr. Watt of North Carolina --

5992 Chairman Goodlatte. Without objection, the amendment is

5993 considered as read.

5994 [The amendment of Mr. Jeffries follows:]

5995

5996 Chairman Goodlatte. And the gentleman is recognized for  
5997 5 minutes on his amendment.

5998 Mr. Jeffries. Thank you, Mr. Chair.

5999 Let me first just thank the distinguished gentleman from  
6000 Utah for the amendment that he has offered, which I do  
6001 support in the spirit in which it has been put forth.

6002 I do think that there is some good language in it,  
6003 certainly understand Representative Lofgren's concerns, and  
6004 am interested to hear some further clarification that she  
6005 may bring to the subject.

6006 But the amendment to the amendment that I offer would  
6007 add the following language: "D. Improving and promoting  
6008 STEM education for underrepresented populations, including  
6009 but not limited to economically disadvantaged individuals in  
6010 STEM fields."

6011 We understand that there are some underrepresented  
6012 groups in America as it relates to the opportunity to pursue  
6013 the tremendous employment opportunities that are  
6014 increasingly available in the STEM fields. This  
6015 underrepresentation takes many forms, economically  
6016 disadvantaged folks in rural America and in urban America,

6017 students of color in different parts of this country. Women  
6018 are also underrepresented.

6019 The opportunities that should be available to folks as  
6020 the STEM fields continue to grow and technology and  
6021 innovation continues to flourish as an important segment of  
6022 the American economy, it will serve us well to the extent  
6023 that every possible American has an opportunity to  
6024 participate. And so that is the spirit with which this  
6025 second-degree amendment is offered.

6026 I appreciate the words of the chair and the words of the  
6027 distinguished gentleman from Utah in offering support for  
6028 this second-degree amendment. And hopefully, other members  
6029 of the committee will see fit to do so as well.

6030 I yield back.

6031 Mr. Chaffetz. Will the gentleman yield?

6032 Mr. Jeffries. Yes.

6033 Mr. Chaffetz. I thank the gentleman for doing this.

6034 I share and concur with his concern. I appreciate being  
6035 able to work with him on a bipartisan way. I appreciate his  
6036 input. I want to continue to work with him on this as we  
6037 move forward, and so I happily support this and encourage my

6038 colleagues to do the same. I yield back.

6039 Chairman Goodlatte. The question occurs on -- for what  
6040 purpose the gentlewoman from California seek recognition?

6041 Ms. Chu. Move to strike at this last word.

6042 Chairman Goodlatte. The gentlewoman is recognized for 5  
6043 minutes.

6044 Ms. Chu. I support this second amendment, and I thank  
6045 Mr. Jeffries for allowing me to work together with him on  
6046 this amendment.

6047 It is important to promote STEM education for  
6048 underrepresented populations. In fact, African-Americans,  
6049 American-Indians, and Latinos only account for 12 percent of  
6050 all undergraduate degrees in engineering. Women make up  
6051 only 10.8 percent of our engineers. Asian subpopulations  
6052 are well behind the national average in educational  
6053 attainment. In fact, only 30 percent of Fijian, Vietnamese,  
6054 and Tongans have less than a high school diploma.

6055 So we have to be competitive, but we must make sure that  
6056 our Nation also reflects its evolving demographics in the  
6057 STEM fields. And that is why this amendment is something  
6058 that I hope we all support.

6059 Ms. Lofgren. Mr. Chairman?

6060 Chairman Goodlatte. For what purpose does the  
6061 gentlewoman from California seek recognition?

6062 Ms. Lofgren. To strike the last word.

6063 Chairman Goodlatte. The gentlewoman is recognized for 5  
6064 minutes.

6065 Ms. Lofgren. I would like to propose amending a  
6066 friendly amendment to Mr. Chaffetz's amendment.

6067 Chairman Goodlatte. Does it impact upon the amendment  
6068 offered by Mr. Jeffries, or would it be separate?

6069 Ms. Lofgren. Yes, it would be to the underlying  
6070 amendment, not Mr. Jeffries' amendment.

6071 Chairman Goodlatte. So I would ask the gentlewoman to  
6072 withhold --

6073 Ms. Lofgren. I was withhold. Yes. Fine.

6074 Chairman Goodlatte. -- until we consider Mr. Jeffries'  
6075 amendment, which I think is appropriate at this time.

6076 All those in favor of the second-degree amendment of the  
6077 gentleman from New York, respond by saying aye.

6078 Those opposed, no.

6079 In the opinion of the chair, the ayes have it, and the

6080 amendment is agreed to.

6081 Now the gentlewoman from California is recognized for 5  
6082 minutes.

6083 Ms. Lofgren. Thank you, Mr. Chairman.

6084 I move to strike the last word.

6085 Looking at line 14 on Mr. Chaffetz's amendment, 14 and  
6086 15 currently read, "such funds should be dispersed through  
6087 the Department of Education to each State to support."

6088 I propose that we would strike the following words,  
6089 "through the Department of Education to each State," so the  
6090 sentence would read, "such funds should be dispersed to  
6091 support."

6092 And if the gentleman would accept that amendment, I  
6093 think we will have unanimous support.

6094 Mr. Issa. Will the gentlelady yield for a question?

6095 Ms. Lofgren. Certainly.

6096 Mr. Issa. Perhaps because of my role in another  
6097 committee, if you simply said "such funds should be  
6098 dispersed," then somebody is going to decide. They don't  
6099 just put it out in the lobby and ask people to come pick it  
6100 up.

6101 Ms. Lofgren. Correct.

6102 Mr. Issa. So who is going to decide if you take away  
6103 the operative language of who is --

6104 Ms. Lofgren. This is a sense of the Congress. I don't  
6105 think that we actually have to do that level of detail at  
6106 this point. And as I explained to Mr. Chaffetz, there is  
6107 considerable anxiety, and there will be opposition to this  
6108 sense of the Congress amendment, unless we can at least  
6109 agree that it is not going to necessarily be run through the  
6110 Department of Education of each State and it gives us time -  
6111 -

6112 Mr. Issa. Will the gentlelady further yield?

6113 Ms. Lofgren. I would further yield.

6114 Mr. Issa. If you were to change "such funds should be  
6115 dispersed equitably," then you would probably meet the  
6116 requirement that Mr. Chaffetz has so much, and then later  
6117 on, you could decide who would do equitably.

6118 I am just a little uncomfortable with the idea that  
6119 "dispersed" doesn't seem --

6120 Ms. Lofgren. So you are suggesting, "such funds should  
6121 be equitably dispersed to support"?



6122 Mr. Issa. Yes.

6123 Mr. Chaffetz. Will the gentlewoman yield?

6124 Ms. Lofgren. I would be happy to yield.

6125 Mr. Chaffetz. I do think it is important that we say to  
6126 each State.

6127 Ms. Lofgren. Yes, I agree.

6128 Mr. Chaffetz. We don't want any State to be excluded,  
6129 that we suddenly decide that Idaho --

6130 Ms. Lofgren. I agree with that. But as you can see on  
6131 line 16, we specify that it is every State. So I think your  
6132 concern is appropriate, and I think it is also addressed by  
6133 your underlying amendment.

6134 Mr. Chaffetz. So if the gentlewoman would yield, is the  
6135 concern giving it to -- I am trying to figure out the core  
6136 motivation here. You don't want to give it to the  
6137 Department of Education of each State?

6138 Ms. Lofgren. That is correct.

6139 Chairman Goodlatte. But it is not. It is the U.S.  
6140 Department of Education, isn't it? "Through the Department  
6141 of Education to each State."

6142 Ms. Lofgren. If I can just be direct, concern in our

6143 caucus has been expressed repeatedly that when you do a  
6144 State block grant with education funds, there is not always  
6145 equitable distribution to minority schools. I am not saying  
6146 it is true or not true. I have not done a study of this.

6147 I am just suggesting that we should finesse this in a  
6148 way that will allow us all to be supportive, since it is  
6149 just a sense of the Congress.

6150 Mr. Chaffetz. Would the gentlewoman yield?

6151 Ms. Lofgren. I would be happy to yield.

6152 Mr. Chaffetz. I think the chairman makes a good point.  
6153 This is, and maybe we should clarify, through the U.S.  
6154 Department of Education to each State. I think perhaps that  
6155 would be the clarifying language that is needed. It is not  
6156 necessarily the Department of Education in each State. It  
6157 is the U.S. Department of Education to each State.

6158 Ms. Lofgren. "Through the U.S. Department of  
6159 Education," I also think "or National Science Foundation,"  
6160 "to support," and don't say "to each State," because it is  
6161 the involvement of State government that is drawing the  
6162 concern among some members of our caucus.

6163 So if we said, "should be dispersed through the U.S.

6164 Department of Education or National Science Foundation to  
6165 support," and then you have "building capacity of every  
6166 State."

6167 Mr. Watt. Would the gentlelady yield?

6168 Ms. Lofgren. I would be happy to yield.

6169 Mr. Watt. Let me suggest, I understand, because I have  
6170 heard the arguments about going through the States. But  
6171 since this a sense of Congress, I think too much detail is  
6172 probably counterproductive.

6173 What I would suggest is that the language say "such  
6174 funds should be used to support." And then, because this is  
6175 a sense of Congress, what we are trying to do is allocate a  
6176 portion of funds. We are not trying to decide who allocates  
6177 them or -- we want them used for STEM education, right? We  
6178 want to improve the capacity.

6179 And this is the sense of Congress. I have heard both  
6180 sides of this --

6181 Chairman Goodlatte. Would the gentlewoman yield?

6182 Ms. Lofgren. Yes.

6183 Chairman Goodlatte. I think this suggestion of the  
6184 gentleman from North Carolina is very simple, and I would

6185 recommend that we accept it, and remind ourselves that this  
6186 is just a sense of Congress. It is not going to have  
6187 legislative effect.

6188 Ms. Lofgren. That is fine. What was the exact  
6189 language?

6190 Mr. Watt. It would say, "such funds should be used to  
6191 support."

6192 Ms. Lofgren. "Used to support." Okay, that works.  
6193 If that is acceptable to the gentlewoman?

6194 Mr. Chaffetz. If the gentlewoman would yield, I think  
6195 that is exactly what we are both trying to say.

6196 Ms. Lofgren. Okay, "such funds should be used to  
6197 support," and then going on. That would be our friendly  
6198 amendment.

6199 Chairman Goodlatte. Okay, is there further discussion  
6200 on the amendment offered by the gentlewoman from California?

6201 If not, the question occurs -- for what purpose does the  
6202 gentlewoman from Texas seek recognition?

6203 Ms. Jackson Lee. On the overall, let me just make a  
6204 point.

6205 Chairman Goodlatte. The gentlewoman is recognized for 5

6206 minutes.

6207 Ms. Jackson Lee. I thank the chairman. It will be an  
6208 inquiry to the chairman as well.

6209 I support the amendment as well. I made an offer  
6210 previously on a somewhat similar theme regarding my  
6211 amendment. And I noticed that it was subject to a point of  
6212 order. This has to do with dispersing of funds.

6213 Let me ask the chairman, has the point of order on this  
6214 amendment been waived?

6215 Chairman Goodlatte. It is too late to raise a point of  
6216 order on this amendment.

6217 Ms. Jackson Lee. No, I asked the question --

6218 Chairman Goodlatte. No point of order has been raised,  
6219 nor is one appropriate, because it is not timely.

6220 Ms. Jackson Lee. Well, let me say this, I think it was  
6221 a courtesy not to raise it because it was a sense of  
6222 Congress. But I will look forward to the same courtesy  
6223 extended on the amendment that I offered that has a similar  
6224 theme.

6225 And I thank the chairman, and I yield back.

6226 Chairman Goodlatte. The chair thanks the gentlewoman.

6227 And the question occurs on the secondary amendment --

6228 Mr. Chaffetz. I am sorry, will the gentlewoman yield?

6229 Chairman Goodlatte. The chair has the time. I will  
6230 yield to the gentleman.

6231 Mr. Chaffetz. Thank you.

6232 For the record, Mr. Chairman, I want to just make  
6233 crystal clear that it is the intention of this sense of  
6234 Congress that this is supposed to be allocated to each and  
6235 every State. There should be no State that is excluded from  
6236 this program.

6237 With that, I yield back.

6238 Ms. Lofgren. Would the gentleman yield further?

6239 We don't disagree.

6240 Chairman Goodlatte. This is a perfect time to vote on  
6241 the secondary --

6242 Mr. Watt. And just to be clear, if the gentleman will  
6243 yield, that is clear in line 16, isn't it?

6244 Mr. Chaffetz. That is but one of the four points.

6245 Chairman Goodlatte. The question occurs on the  
6246 secondary amendment offered by the gentlewoman from  
6247 California.

6248 All those in favor, respond by saying aye.

6249 Those opposed, no.

6250 In the opinion of the chair, the ayes have it, and the  
6251 secondary amendment is agreed to.

6252 The question occurs on the underlying amendment offered  
6253 by the gentleman from Utah, Mr. Chaffetz.

6254 All those in favor, respond by saying aye.

6255 Those opposed, no.

6256 In the opinion of the chair, the ayes have it, and the  
6257 amendment is agreed to.

6258 Congratulations. That was a well-discussed amendment.

6259 For what purpose does the gentleman from California seek  
6260 recognition?

6261 Mr. Issa. Mr. Chairman, I have an amendment at the  
6262 desk.

6263 Chairman Goodlatte. The clerk will report the  
6264 amendment.

6265 Ms. Deterding. Amendment to H.R. 2131, offered by Mr.  
6266 Issa of California. Page 87, after line --

6267 Chairman Goodlatte. Without objection, the amendment  
6268 will be considered as read.

6269 [The amendment of Mr. Issa follows:]

6270



6271 Chairman Goodlatte. And the gentleman is recognized for  
6272 5 minutes on his amendment.

6273 Mr. Issa. Mr. Chairman, at the end of this 5 minutes, I  
6274 intend to withdraw this amendment.

6275 The reason I am offering one that offers to treat New  
6276 Zealand in a particularly favorable status, similar to  
6277 Korea, and quite frankly, in the spirit of the way the  
6278 gentlelady from California, Ms. Lofgren, has been talking  
6279 about Africa, and to take away special treatment for Iran,  
6280 certainly a country that long ago in the '50s got this  
6281 special treatment, and I believe it is time for that to go  
6282 away as part of the sanction regime, but recognizing that we  
6283 have now built a lot of questions about countries and  
6284 regions, I am going to withdraw this, ask everyone to look  
6285 at this, because my intent, with the chairman's indulgence,  
6286 is to bring all the parties who have a belief that there is  
6287 a given allocation of any type of visa, particularly in this  
6288 case, these EDs, but any of them, that we work together on a  
6289 package that adds up numerically.

6290 One of the sensitivities I had in preparation for today  
6291 was that we are dealing in numbers, and numbers matter. And

6292 we can't arbitrarily increase one without looking at  
6293 potential offsets.

6294 And I am very concerned after the immigration special  
6295 status for Australia, which was far greater than has ever  
6296 been used and is likely to be used, that we need to come up  
6297 with a system that recognizes that you can't give everyone  
6298 more than they use or you are going to end up with a  
6299 theoretical number that is far greater than perhaps there is  
6300 an appetite for.

6301 So I am using this amendment as an opportunity for all  
6302 the parties to come together and hold sort of a conference  
6303 on how do we get preferences, set-asides and numbers either  
6304 added or subtracted and adjusted in a way that I believe  
6305 will tell all the parties that we want to be fair,  
6306 particularly to allies like New Zealand, and perhaps equally  
6307 fair to no longer allies like Iran.

6308 And with that, Mr. Chairman, I would ask to withdraw the  
6309 amendment and yield back.

6310 Chairman Goodlatte. The chair thanks the gentleman for  
6311 withdrawing the amendment. He does agree that it is  
6312 appropriate to withdraw the amendment.

6313           And this will be included in the list of other  
6314 countries, even though this is a different visa category  
6315 than we were talking about earlier with H-1Bs.

6316           We will also consider what countries are appropriately  
6317 recognized for treaty investor visas and what are not.

6318           For what purpose does the gentlewoman from California  
6319 seek recognition?

6320           Ms. Lofgren. To strike the last word.

6321           Chairman Goodlatte. The gentlewoman is recognized for 5  
6322 minutes.

6323           Ms. Lofgren. I appreciate the gentleman has withdrawn  
6324 his amendment, but I would like to just, for the record,  
6325 note that the following countries, who are beneficiaries  
6326 under the African Growth and Opportunity Act, should also be  
6327 included as potential Treaty Traders, and that would be the  
6328 Republic of Benin, Botswana, Burkina Faso, Republic of  
6329 Burundi, Republic of Cape Verde, Republic of Chad, Union of  
6330 Comoros, the Republic of Cote d'Ivoire, Republic of  
6331 Djibouti, the Gabonese Republic, Republic of Gambia,  
6332 Republic of Guinea, Republic of Kenya, Lesotho, Malawi,  
6333 Mali, Mauritius, Mozambique, Namibia, Niger, the Federal

6334 Republic of Nigeria, Rwanda, the Democratic Republic of Sao  
6335 Tome and Principe, the Republic of the Seychelles, Republic  
6336 of Sierra Leone, Republic of South Africa, the Kingdom of  
6337 Swaziland, the United Republic of Tanzania, the Republic of  
6338 Uganda, the Republic of Zambia, and also South Sudan.

6339 Mr. Issa. Would the gentlelady yield?

6340 Ms. Lofgren. I would be happy to yield.

6341 Mr. Issa. This is exactly the point that I was making.

6342 As you know, a number of African continent countries are  
6343 currently in this ED investor category. And when I realized  
6344 that a major ally wasn't, while a major adversary was, I  
6345 realized that this is going to take time. And I look  
6346 forward to working with the gentlelady both on the H-1B  
6347 question and on the ED categories.

6348 Ms. Lofgren. Reclaiming my time, I wanted to read these  
6349 because there are only a few countries from Africa that are  
6350 included in the Treaty Trader program, including Cameroon and  
6351 the Congo and Ethiopia and Liberia and Togo and Senegal.  
6352 But the countries I just read out are part of our  
6353 beneficiaries of the treaty we have and yet, do not have  
6354 Treaty Trader status.

6355           So the amendment has been withdrawn. I just wanted to  
6356 get this on the record, and I will yield back my time.

6357           Chairman Goodlatte. Are there further amendments to  
6358 H.R. 2131?

6359           A reporting quorum being present, the question is on the  
6360 motion to report the bill, H.R. 2131, as amended, favorably  
6361 to the House.

6362           Those in favor, respond by saying aye.

6363           Those opposed, no.

6364           In the opinion of the chair, the ayes have it, and the  
6365 bill as amended --

6366           Mr. Nadler. Can we have a recorded vote, please?

6367           Chairman Goodlatte. A recorded vote is requested, and  
6368 the clerk will call the roll.

6369           Ms. Deterding. Mr. Goodlatte?

6370           Chairman Goodlatte. Aye.

6371           Ms. Deterding. Mr. Goodlatte votes aye.

6372           Mr. Sensenbrenner?

6373           [No response.]

6374           Ms. Deterding. Mr. Coble?

6375           [No response.]

6376 Ms. Deterding. Mr. Smith of Texas?

6377 Mr. Smith of Texas. Aye.

6378 Ms. Deterding. Mr. Smith of Texas votes aye.

6379 Mr. Chabot?

6380 Mr. Chabot. Aye.

6381 Ms. Deterding. Mr. Chabot votes aye.

6382 Mr. Bachus?

6383 Mr. Bachus. Aye.

6384 Ms. Deterding. Mr. Bachus votes aye.

6385 Mr. Issa?

6386 Mr. Issa. Aye.

6387 Ms. Deterding. Mr. Issa votes aye.

6388 Mr. Forbes?

6389 Mr. Forbes. Aye.

6390 Ms. Deterding. Mr. Forbes votes aye.

6391 Mr. King?

6392 Mr. King. No.

6393 Ms. Deterding. Mr. King votes no.

6394 Mr. Franks?

6395 Mr. Franks. Aye.

6396 Ms. Deterding. Mr. Franks votes aye.

6397 Mr. Gohmert?

6398 [No response.]

6399 Ms. Deterding. Mr. Jordan?

6400 Mr. Jordan. Aye.

6401 Ms. Deterding. Mr. Jordan votes aye.

6402 Mr. Poe?

6403 Mr. Poe. Yes.

6404 Ms. Deterding. Mr. Poe votes aye.

6405 Mr. Chaffetz?

6406 Mr. Chaffetz. Aye.

6407 Ms. Deterding. Mr. Chaffetz votes aye.

6408 Mr. Marino?

6409 Mr. Marino. Aye.

6410 Ms. Deterding. Mr. Marino votes aye.

6411 Mr. Gowdy?

6412 Mr. Gowdy. Yes.

6413 Ms. Deterding. Mr. Gowdy votes aye.

6414 Mr. Amodei?

6415 Mr. Amodei. Yes.

6416 Ms. Deterding. Mr. Amodei votes aye.

6417 Mr. Labrador?

6418 Mr. Labrador. Yes.

6419 Ms. Deterding. Mr. Labrador votes aye.

6420 Mr. Farenthold?

6421 Mr. Farenthold. Aye.

6422 Ms. Deterding. Mr. Farenthold votes aye.

6423 Mr. Holding?

6424 Mr. Holding. Aye.

6425 Ms. Deterding. Mr. Holding votes aye.

6426 Mr. Collins?

6427 Mr. Collins. Aye.

6428 Ms. Deterding. Mr. Collins votes aye.

6429 Mr. DeSantis?

6430 Mr. DeSantis. Aye.

6431 Ms. Deterding. Mr. DeSantis votes aye.

6432 Mr. Smith of Missouri?

6433 Mr. Smith of Missouri. Aye.

6434 Ms. Deterding. Mr. Smith of Missouri votes aye.

6435 Mr. Conyers?

6436 Mr. Conyers. No.

6437 Ms. Deterding. Mr. Conyers votes no.

6438 Mr. Nadler?



6439 Mr. Nadler. No.

6440 Ms. Deterding. Mr. Nadler votes no.

6441 Mr. Scott?

6442 Mr. Scott. No.

6443 Ms. Deterding. Mr. Scott votes no.

6444 Mr. Watt?

6445 Mr. Watt. No.

6446 Ms. Deterding. Mr. Watt votes no.

6447 Ms. Lofgren?

6448 Ms. Lofgren. No.

6449 Ms. Deterding. Ms. Lofgren votes no.

6450 Ms. Jackson Lee?

6451 Ms. Jackson Lee. No.

6452 Ms. Deterding. Ms. Jackson Lee votes no.

6453 Mr. Cohen?

6454 [No response.]

6455 Ms. Deterding. Mr. Johnson?

6456 Mr. Johnson. No.

6457 Ms. Deterding. Mr. Johnson votes no.

6458 Mr. Pierluisi?

6459 [No response.]

6460 Ms. Deterding. Ms. Chu?

6461 Ms. Chu. No.

6462 Ms. Deterding. Ms. Chu votes no.

6463 Mr. Deutch?

6464 Mr. Deutch. No.

6465 Ms. Deterding. Mr. Deutch votes no.

6466 Mr. Gutierrez?

6467 Mr. Gutierrez. No.

6468 Ms. Deterding. Mr. Gutierrez votes no.

6469 Ms. Bass?

6470 [No response.]

6471 Ms. Deterding. Mr. Richmond?

6472 [No response.]

6473 Ms. Deterding. Ms. DelBene?

6474 Ms. DelBene. No.

6475 Ms. Deterding. Ms. DelBene votes no.

6476 Mr. Garcia?

6477 Mr. Garcia. No.

6478 Ms. Deterding. Mr. Garcia votes no.

6479 Mr. Jeffries?

6480 Mr. Jeffries. No.

6481 Ms. Deterding. Mr. Jeffries votes no.

6482 Mr. Coble. Mr. Chairman?

6483 Chairman Goodlatte. The gentleman from North Carolina?

6484 Mr. Coble. Aye.

6485 Ms. Deterding. Mr. Coble votes aye.

6486 Chairman Goodlatte. Are there additional members who  
6487 have not voted who wish to vote?

6488 [No response.]

6489 Chairman Goodlatte. The clerk will report.

6490 Ms. Deterding. Mr. Chairman, 20 members voted aye; 14  
6491 members voted nay.

6492 Chairman Goodlatte. And the ayes have it, and the bill,  
6493 as amended, is ordered reported favorably. Members will  
6494 have 2 days to submit views.

6495 [The information follows:]

6496

6497 Chairman Goodlatte. Without objection, the bill will be  
6498 reported as a single amendment in the nature of a  
6499 substitute, incorporating all adopted amendments. And staff  
6500 is authorized to make technical and conforming changes.

6501 I want to thank all the members for 2 good weeks of  
6502 solid markups of immigration bills. Congratulations. We  
6503 reported four good bills.

6504 This concludes our business for the day. Thanks to all  
6505 members for attending. The meeting is adjourned.

6506 [Whereupon, at 8:01 p.m., the committee was adjourned.]