

1 MORNINGSIDE PARTNERS, LLC

2 MARKUP OF H.R. 2176, TO PROVIDE FOR AND APPROVE THE
3 SETTLEMENT OF CERTAIN LAND CLAIMS OF THE BAY MILLS INDIAN
4 COMMUNITY;

5 H.R. 4115, TO PROVIDE FOR AND APPROVE THE SETTLEMENT OF
6 CERTAIN LAND CLAIMS OF THE SAULT STE. MARIE TRIBE OF CHIPPEWA
7 INDIANS;

8 H.R. 5570, THE "RELIGIOUS WORKER VISA EXTENSION ACT OF 2008";

9 H.R. 2760, PRIVATE BILL FOR THE RELIEF OF SHIGERU YAMADA;

10 H.R. 5060, TO AMEND THE IMMIGRATION AND NATIONALITY ACT TO
11 ALLOW ATHLETES ADMITTED AS NONIMMIGRANTS DESCRIBED IN SECTION
12 101(A)(15)(P) OF SUCH ACT TO RENEW THEIR PERIOD OF AUTHORIZED
13 ADMISSION IN 5-YEAR INCREMENTS;

14 H.R. 5569, TO EXTEND FOR 5 YEARS THE EB-5 REGIONAL CENTER
15 PILOT PROGRAM;

16 H.R. 1777, THE "NEED-BASED EDUCATIONAL AID ACT OF 2007;"

17 AND H.R. 5571, TO EXTEND FOR 5 YEARS THE PROGRAM RELATED TO
18 WAIVER OF THE FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH
19 RESPECT TO INTERNATIONAL MEDICAL GRADUATES

20 Wednesday, April 2, 2008

21 House of Representatives,

22 Committee on the Judiciary,
23 Washington, D.C.

24 The committee met, pursuant to call, at 10:28 a.m., in Room
25 2141, Rayburn House Office Building, Hon. John Conyers
26 [chairman of the committee] presiding.

27 Present: Representatives Conyers, Berman, Scott, Watt,
28 Lofgren, Jackson Lee, Waters, Delahunt, Sanchez, Cohen,
29 Johnson, Sutton, Sherman, Weiner, Schiff, Davis, Wasserman
30 Schultz, Ellison, Smith, Sensenbrenner, Coble, Gallegly,
31 Goodlatte, Chabot, Cannon, Keller, Issa, Pence, Forbes, King,
32 Feeney, Franks, Gohmert, and Jordan.

33 Also present: Representative Kilpatrick.

34 Staff present: Perry Apelbaum, Staff Director/Chief

35 Counsel; Ted Kalo, General Counsel/Deputy Staff Director;
36 Sean McLaughlin, Republican Chief of Staff/General Counsel;
37 George Slover, Legislative Counsel/Parliamentarian; and Anita
38 Johnson, Clerk.

39 Chairman Conyers. [Presiding.] The committee will come
40 to order.

41 Welcome back. Thank you all.

42 Pursuant to notice, I call up H.R. 2176, to provide for
43 and approve the settlement of certain land claims of the Bay
44 Mills Indian Community.

45 The clerk will report the bill.

46 The Clerk. "H.R. 2176, a bill to provide for and
47 approve the settlement of certain land claims of the Bay
48 Mills Indian Community."

49 [The bill follows:]

50 ***** INSERT *****

51 Chairman Conyers. Without objection, the bill will be
52 considered as read and open for amendment at any point.

53 May I, by way of explanation, point out that the
54 committee has requested a sequential referral of this bill
55 from the Committee on Natural Resources, which reported it
56 favorably, in order to consider important matters within our
57 jurisdiction, including due process and the respect for the
58 role of the states and the voters in the country.

59 It is my hope that our committee will report this bill
60 unfavorably, with a strong bipartisan vote.

61 H.R. 2176 would dispense with a claim the Bay Mills
62 Indian Community is continuing to press regarding a parcel of
63 land in the upper peninsula of Michigan close to the tribe's
64 reservation, despite having already lost the claim in the
65 courts.

66 It would dispense with that claim by designating another
67 parcel of land several hundreds of miles away in Port Huron,
68 Michigan, in the vicinity of Detroit, as a new part of the
69 tribe's reservation.

70 And it would deem that newly acquired parcel of land
71 automatically eligible for casino gaming, in the process
72 overriding the Indian Gaming Regulatory Act and a statewide
73 referendum passed just a few short years ago by the citizens
74 of Michigan.

75 Under the Indian Gaming Regulatory Act, any tribe

76 requesting that off-reservation land be taken into trust for
77 casino gaming must submit an application to the Department of
78 Interior, which is to carefully weigh a number of factors,
79 including, most importantly, the distance from the tribe's
80 reservation. Interior is to give especially rigorous
81 scrutiny if the new land is farther than a commutable
82 distance from its reservation. This bill would skirt this
83 entire process for the first time ever.

84 This bill would also sidestep the wishes of the people
85 of Michigan, who voted in 2004 in a statewide referendum to
86 strictly limit the expansion of casino gaming in Michigan.
87 Pursuant to this referendum, any new casino gaming facility,
88 other than the one built on legitimate Indian land in
89 compliance with the Indian Gaming Regulatory Act, must be
90 approved by both a local and a statewide vote.

91 And, finally, this bill would violate core provisions of
92 the 1993 compacts, to which the Bay Mills tribe was a
93 signatory, along with other Michigan tribes. These compacts
94 require that any tribe pursuing off-reservation gaming
95 locations develop revenue-sharing agreements with other
96 signatory tribes. Not surprisingly, most of the tribes in
97 Michigan and in other parts of the country oppose this
98 legislation.

99 The bill would harm the Detroit economy in a big way.
100 Over the last decade, Detroit experienced the devastating

101 loss of manufacturing jobs, as we all know. And to overcome
102 this loss, the city has worked hard to revitalize itself, and
103 there are visible signs of economic progress even now.

104 One of the principal catalysts of this revitalization
105 was the establishment of three casinos in the city, approved
106 by Michigan voters in 1994. The casinos have generated more
107 than \$1 billion in much-needed revenue that has enabled
108 Detroit to reinvest in critical infrastructure and improve
109 the quality of life of its residents. The casinos also
110 employ nearly 8,000 residents in well-paying jobs.

111 Establishment of additional casinos, however, would
112 obviously undermine the profitability of the three pre-
113 existing casinos. We definitely risk having a too-much
114 situation.

115 I believe that any tribe that seeks to open a new casino
116 should and ought to comply with established federal and state
117 law. The measure before us would set a dangerous precedent,
118 blazing a wide new pathway to opening new casinos, not just
119 in Michigan but all over the country, in an unprecedented
120 way.

121 So I will be asking the distinguished members of the
122 committee to join me in reporting the bill unfavorably.

123 I would like now to turn to our ranking member, Lamar
124 Smith of Texas, for any comments he would like to make.

125 Mr. Smith. Thank you, Mr. Chairman.

126 Mr. Chairman, I share your concerns with H.R. 2176, and
127 I oppose this bill for other reasons, as well.

128 H.R. 2176 transfers land from the state of Michigan to
129 the Bay Mills Indian Community. Under the agreement with the
130 state, the tribe will be allowed to use this land to build a
131 casino or other gaming establishment.

132 On March 14th of 2008, the Judiciary Committee held a
133 hearing on H.R. 2176 and a second land transfer bill, H.R.
134 4115. During that hearing, I expressed my concern that the
135 new casinos authorized by these bills will adversely impact
136 the communities in which they will be built. And I remain
137 concerned that constructing two new casinos in Michigan will
138 increase gambling addictions and bring more crime to these
139 communities.

140 The link between gambling and crime is real. A 2004
141 study by the Department of Justice of arrestees indicated
142 that more than 30 percent who were identified as pathological
143 gamblers committed a robbery within a year of their arrest.
144 The study also stated that nearly one-third of those
145 arrestees admitted they committed the robbery to pay for
146 gambling or gambling debts.

147 The study found that 13 percent of those studied said
148 that they had assaulted someone to get money. And 25 percent
149 of those assaults were, in fact, related to gambling.

150 Even proponents of Indian gaming acknowledge the limited

151 benefits of legalized gaming. The pro-gaming National
152 Congress of American Indians states, "Even after the advent
153 of gaming, Indian reservations continue to have a 31 percent
154 poverty rate and a 46 percent unemployment rate." They also
155 note that Indian health and education statistics are among
156 the worst in the country.

157 The Department of the Interior is also opposed to this
158 legislation because it circumvents the department's well-
159 established procedures for evaluating the environmental
160 impact of a land transfer before it is approved. This
161 committee should ensure that these procedures are followed in
162 every instance. Further, we should not approved any
163 legislation that intentionally undermines such a review
164 process.

165 For these reasons, I join the chairman and urge my
166 colleagues to oppose these bills, as well.

167 And, Mr. Chairman, before I yield back the balance of my
168 time, let me ask the ranking member of the Immigration
169 Subcommittee if he would like to make any comments on either
170 of these two bills, and, if so, I will yield the balance of
171 my time to him.

172 On the Indian gaming bills, did you have any comments?

173 Mr. King. I did. I thank you, Ranking Member Smith,
174 for yielding to me. And I just wanted to say a couple of
175 things into the record, and I appreciate your attention to my

176 inattention.

177 But, as I look at this situation that we have with
178 Indian gaming across the country, these two examples that we
179 have before us today I think are part of a broader pattern.
180 And, as I look at this pattern as it emerges, it appears that
181 we have tribes that are out acquiring real estate in
182 locations beyond the geographic limits of their reservation
183 and then seeking to establish gaming operations where it can
184 be a commercial venture completely out of the latitude and
185 completely in contrast with the intent of Indian gaming in
186 the first place. I see this pattern happening in the
187 Midwest. I see what is happening in Michigan.

188 I appreciate the chairman bringing this legislation in
189 this fashion, and I appreciate the position on the part of
190 Ranking Member Smith.

191 Mr. Smith. Would the chairman yield? I have a quick
192 question for you.

193 Is it not true that, in one of these instances, the
194 location of the casino is actually 300 miles from the
195 reservation itself?

196 Mr. King. In the hearing, my recollection is the
197 testimony was that 350 miles away from the reservation was
198 the location where they were seeking to establish a new
199 gaming venture on property that had just been acquired by
200 some other means other than announcing that it was for

201 gaming.

202 And I would yield back.

203 Mr. Smith. Thanks for that answer.

204 And, Mr. Chairman, I will yield back the balance of my
205 time.

206 Chairman Conyers. Yes, sir, I recognize the former
207 chairman of the committee, the gentleman from Wisconsin.

208 Mr. Sensenbrenner. May I ask a parliamentary inquiry?
209 Is there a motion pending to report this bill adversely?

210 Chairman Conyers. Yes, there is.

211 Mr. Sensenbrenner. Okay. Well, I move to strike—

212 Chairman Conyers. Well, I am not—

213 Mr. Sensenbrenner. If not, I will move to report the
214 bill adversely so that that is clear.

215 Chairman Conyers. Okay, thank you.

216 Mr. Sensenbrenner. Mr. Chairman? Mr. Chairman, I move
217 to strike the last word.

218 Chairman Conyers. The gentleman is recognized.

219 Mr. Sensenbrenner. Mr. Chairman, I want to support the
220 chairman and the ranking member on this bill to report the
221 bill adversely.

222 The Indian Gaming Regulatory Act I think has kind of
223 opened up Pandora's box, and there have been casinos that
224 have been opened far from reservations. In my state, there
225 are a lot of them. And the concern that I have is that what

226 this bill and the next bill do is open up the procedures to
227 site Indian casinos even further.

228 What concerns me the most is that the voters of Michigan
229 adopted a constitutional amendment to restrict Indian casinos
230 to those that had been in existence as of the time the
231 amendment was approved, and what this bill does is just flat-
232 out override the wishes of the voters of the state of
233 Michigan.

234 I think we should defer to them and report this bill out
235 adversely. I wish we could hold it here, but since this is a
236 sequential referral we can't do that.

237 I yield back.

238 Chairman Conyers. I thank the gentleman.

239 Anyone else seek recognition?

240 Yes? The gentleman from California.

241 Mr. Issa. Mr. Chairman, I would just join my colleagues
242 in supporting this bill being reported adversely, and ask
243 unanimous consent to have my opening statement placed in the
244 record in the appropriate spot.

245 Chairman Conyers. Without objection, so order.

246 [The statement of Mr. Issa follows:]

247 ***** COMMITTEE INSERT *****

248 Mr. Issa. Thanks, Mr. Chairman. I yield back.

249 Chairman Conyers. I thank the gentleman.

250 Are there any amendments or any further discussion?

251 If there are none, the chair would like—do we have a
252 reporting quorum? We do.

253 A quorum being present, the question on reporting H.R.
254 2176 adversely with a recommendation that it not pass—and I
255 would ask now that we have a roll-call vote on the question
256 that is pending before us. The clerk will call the roll.

257 The Clerk. Mr. Conyers?

258 Chairman Conyers. Aye.

259 The Clerk. Mr. Conyers votes aye.

260 Mr. Berman?

261 [No response.]

262 Mr. Boucher?

263 [No response.]

264 Mr. Nadler?

265 [No response.]

266 Mr. Scott?

267 Mr. Scott. Aye.

268 The Clerk. Mr. Scott votes aye.

269 Mr. Watt?

270 Mr. Watt. Aye.

271 The Clerk. Mr. Watt votes aye.

272 Ms. Lofgren?

273 Ms. Lofgren. Aye.

274 The Clerk. Ms. Lofgren votes aye.

275 Ms. Jackson Lee?

276 [No response.]

277 Ms. Waters?

278 [No response.]

279 Mr. Delahunt?

280 [No response.]

281 Mr. Wexler?

282 [No response.]

283 Ms. Sanchez?

284 Ms. Sanchez. Aye.

285 The Clerk. Ms. Sanchez votes aye.

286 Mr. Cohen?

287 Mr. Cohen. Aye.

288 The Clerk. Mr. Cohen votes aye.

289 Mr. Johnson?

290 Mr. Johnson. Aye.

291 The Clerk. Mr. Johnson votes aye.

292 Ms. Sutton?

293 [No response.]

294 Mr. Gutierrez?

295 [No response.]

296 Mr. Sherman?

297 [No response.]

298 Ms. Baldwin?
299 [No response.]
300 Mr. Weiner?
301 Mr. Weiner. Aye.
302 The Clerk. Mr. Weiner votes aye.
303 Mr. Schiff?
304 Mr. Schiff. Aye.
305 The Clerk. Mr. Schiff votes aye.
306 Mr. Davis?
307 Mr. Davis. Aye.
308 The Clerk. Mr. Davis votes aye.
309 Ms. Wasserman Schultz?
310 [No response.]
311 Mr. Ellison?
312 Mr. Ellison. Aye.
313 The Clerk. Mr. Ellison votes aye.
314 Mr. Smith?
315 Mr. Smith. Aye.
316 The Clerk. Mr. Smith votes aye.
317 Mr. Sensenbrenner?
318 Mr. Sensenbrenner. Aye.
319 The Clerk. Mr. Sensenbrenner votes aye.
320 Mr. Coble?
321 Mr. Coble. Aye.
322 The Clerk. Mr. Coble votes aye.

323 Mr. Gallegly?
324 Mr. Gallegly. Aye.
325 The Clerk. Mr. Gallegly votes aye.
326 Mr. Goodlatte?
327 Mr. Goodlatte. Aye.
328 The Clerk. Mr. Goodlatte votes aye.
329 Mr. Chabot?
330 [No response.]
331 Mr. Lungren?
332 [No response.]
333 Mr. Cannon?
334 Mr. Cannon. Aye.
335 The Clerk. Mr. Cannon votes aye.
336 Mr. Keller?
337 Mr. Keller. Aye.
338 The Clerk. Mr. Keller votes aye.
339 Mr. Issa?
340 Mr. Issa. Aye.
341 The Clerk. Mr. Issa votes aye.
342 Mr. Pence?
343 [No response.]
344 Mr. Forbes?
345 Mr. Forbes. Aye.
346 The Clerk. Mr. Forbes votes aye.
347 Mr. King?

348 Mr. King. Aye.

349 The Clerk. Mr. King votes aye.

350 Mr. Feeney?

351 Mr. Feeney. Aye.

352 The Clerk. Mr. Feeney votes aye.

353 Mr. Franks?

354 Mr. Franks. Aye.

355 The Clerk. Mr. Franks votes aye.

356 Mr. Gohmert?

357 Mr. Gohmert. Aye.

358 The Clerk. Mr. Gohmert votes aye.

359 And Mr. Jordan?

360 Mr. Jordan. Aye.

361 The Clerk. Mr. Jordan votes aye.

362 Chairman Conyers. Anyone else want to vote?

363 Yes, Ms. Waters?

364 Ms. Waters. Aye.

365 The Clerk. Ms. Waters votes aye.

366 Chairman Conyers. Mr. Berman?

367 Mr. Berman. Aye.

368 The Clerk. Mr. Berman votes aye.

369 Chairman Conyers. Mr. Wexler?

370 Mr. Wexler. Aye.

371 The Clerk. Mr. Wexler votes aye.

372 Chairman Conyers. If everyone has voted, the clerk will

373 report.

374 Wait a minute. Mr. Chabot?

375 Aye vote.

376 The Clerk. Mr. Chabot votes aye.

377 Chairman Conyers. The clerk will report.

378 The Clerk. Mr. Chairman, 29 members voted aye, no

379 members voted nay.

380 Chairman Conyers. Clean sweep.

381 The chair notes the presence of the gentlelady from

382 Michigan, Carolyn Cheeks Kilpatrick, who has joined us here.

383 A majority having voted in favor of the bill, the bill

384 is ordered reported to the House adversely with a

385 recommendation that it not pass.

386 The chair calls, pursuant to notice, the companion bill

387 to the one just passed, H.R. 4115, and asks the clerk to

388 begin to read the bill.

389 The Clerk. "H.R. 4115, a bill to provide for and

390 approve the settlement of certain land claims of the Sault

391 Ste. Marie Tribe of Chippewa Indians."

392 [The bill follows:]

393 ***** INSERT *****

394 Chairman Conyers. Without objection, the bill will be
395 considered read and open for amendment at any point.

396 H.R. 4115, ladies and gentlemen of the committee, is the
397 second bill on the same subject that has been sequentially
398 referred from the Natural Resources Committee, and the same
399 fact and law situation applies to it.

400 This measure would dispense with a claim by the Sault
401 Ste. Marie tribe of Chippewa Indians this time, regarding the
402 very same parcel of land in Michigan's upper peninsula, close
403 to their reservation, by designating a parcel in Romulus,
404 Michigan, again, hundreds of miles away but in the vicinity
405 of Detroit, as a new addition to their reservation and
406 immediately eligible for casino gaming.

407 Like the other bill, it overrides the established
408 procedures of the Indian Gaming Regulatory Act, promises made
409 to the other Indian tribes, and against the express wishes of
410 the citizens of Michigan. And like the previous measure, it
411 would hurt the Detroit economy, upset reliances on
412 established law under which investments in Detroit's economy
413 were made.

414 Like the previous measure, it would set a dangerous
415 precedent, a blueprint for flouting established law to build
416 a casino in the name of an Indian tribe in any corner of the
417 country. And, as with the other bill, I would ask that we
418 report this bill unfavorably with a strong bipartisan roll-

419 call vote.

420 I recognize Lamar Smith again.

421 Mr. Smith. Thank you, Mr. Chairman.

422 Mr. Chairman, I have the same concerns about this bill
423 as I did the previous bill. So I hope the same colleagues
424 and members who voted against the previous bill will also
425 vote against this bill, as well.

426 And I will yield back the balance of my time.

427 Chairman Conyers. Thank you.

428 Does any other member seek recognition?

429 If not, are there any amendments?

430 And if there are no amendments, the question now turns
431 on reporting the bill adversely. A reporting quorum being
432 present, the question is on reporting the bill adversely with
433 a recommendation that it not pass. And on that, I request a
434 roll-call vote.

435 The Clerk. Mr. Conyers?

436 Chairman Conyers. Aye.

437 The Clerk. Mr. Conyers votes aye.

438 Mr. Berman?

439 Mr. Berman. Aye.

440 The Clerk. Mr. Berman votes aye.

441 Mr. Boucher?

442 [No response.]

443 Mr. Nadler?

444 [No response.]
445 Mr. Scott?
446 Mr. Scott. Aye.
447 The Clerk. Mr. Scott votes aye.
448 Mr. Watt?
449 Mr. Watt. Aye.
450 The Clerk. Mr. Watt votes aye.
451 Ms. Lofgren?
452 Ms. Lofgren. Aye.
453 The Clerk. Ms. Lofgren votes aye.
454 Ms. Jackson Lee?
455 [No response.]
456 Ms. Waters?
457 Ms. Waters. Aye.
458 The Clerk. Ms. Waters votes aye.
459 Mr. Delahunt?
460 [No response.]
461 Mr. Wexler?
462 [No response.]
463 Ms. Sanchez?
464 Ms. Sanchez. Aye.
465 The Clerk. Ms. Sanchez votes aye.
466 Mr. Cohen?
467 Mr. Cohen. Aye.
468 The Clerk. Mr. Cohen votes aye.

469 Mr. Johnson?
470 Mr. Johnson. Aye.
471 The Clerk. Mr. Johnson votes aye.
472 Ms. Sutton?
473 [No response.]
474 Mr. Gutierrez?
475 [No response.]
476 Mr. Sherman?
477 [No response.]
478 Ms. Baldwin?
479 [No response.]
480 Mr. Weiner?
481 Mr. Weiner. Pass.
482 The Clerk. Mr. Weiner passes.
483 Mr. Schiff?
484 Mr. Schiff. Aye.
485 The Clerk. Mr. Schiff votes aye.
486 Mr. Davis?
487 Mr. Davis. Aye.
488 The Clerk. Mr. Davis votes aye.
489 Ms. Wasserman Schultz?
490 [No response.]
491 Mr. Ellison?
492 Mr. Ellison. Aye.
493 The Clerk. Mr. Ellison votes aye.

494 Mr. Smith?
495 Mr. Smith. Aye.
496 The Clerk. Mr. Smith votes aye.
497 Mr. Sensenbrenner?
498 Mr. Sensenbrenner. Aye.
499 The Clerk. Mr. Sensenbrenner votes aye.
500 Mr. Coble?
501 Mr. Coble. Aye.
502 The Clerk. Mr. Coble votes aye.
503 Mr. Gallegly?
504 Mr. Gallegly. Aye.
505 The Clerk. Mr. Gallegly votes aye.
506 Mr. Goodlatte?
507 Mr. Goodlatte. Aye.
508 The Clerk. Mr. Goodlatte votes aye.
509 Mr. Chabot?
510 Mr. Chabot. Aye.
511 The Clerk. Mr. Chabot votes aye.
512 Mr. Lungren?
513 [No response.]
514 Mr. Cannon?
515 Mr. Cannon. Aye.
516 The Clerk. Mr. Cannon votes aye.
517 Mr. Keller?
518 Mr. Keller. Aye.

519 The Clerk. Mr. Keller votes aye.
520 Mr. Issa?
521 Mr. Issa. Aye.
522 The Clerk. Mr. Issa votes aye.
523 Mr. Pence?
524 [No response.]
525 Mr. Forbes?
526 Mr. Forbes. Aye.
527 The Clerk. Mr. Forbes votes aye.
528 Mr. King?
529 Mr. King. Aye.
530 The Clerk. Mr. King votes aye.
531 Mr. Feeney?
532 [No response.]
533 Mr. Franks?
534 Mr. Franks. Aye.
535 The Clerk. Mr. Franks votes aye.
536 Mr. Gohmert?
537 Mr. Gohmert. Aye.
538 The Clerk. Mr. Gohmert votes aye.
539 Mr. Jordan?
540 Mr. Jordan. Aye.
541 The Clerk. Mr. Jordan votes aye.
542 Mr. Weiner?
543 Mr. Weiner. Aye.

544 The Clerk. Mr. Weiner votes aye.

545 Chairman Conyers. Are other members here that wish to
546 vote?

547 If not, the clerk will report.

548 The Clerk. Mr. Chairman, 27 members voted aye, no
549 members voted nay.

550 Chairman Conyers. I thank the clerk, and I thank the
551 members of the committee.

552 You wish to speak out of order?

553 Mr. Cohen. Yes, Mr. Chairman. I just wish to reflect
554 on the fact that the vote was 27 to nothing, and I feel like
555 we all have an opportunity to be Johnny Roseboro here,
556 catching Sandy Koufax in a perfect game.

557 Chairman Conyers. I am not sorry that I recognized you.

558 [Laughter.]

559 Thank you very much.

560 A majority having voted in favor of the bill, it is
561 ordered reported to the House adversely with a recommendation
562 that it not pass.

563 The chair now turns to H.R. 5570, pursuant to notice,
564 the "Religious Worker Visa Extension Act of 2008," for
565 purposes of a markup. The clerk will report the bill.

566 The Clerk. "H.R. 5570, a bill to amend the Immigration
567 and Nationality Act to eliminate the subset in the special
568 immigrant nonminister religious worker visa program."

569 [The bill follows:]

570 ***** INSERT *****

571 Chairman Conyers. Without objection, the bill will be
572 considered as read and open for amendment at any point.

573 To make the opening statement, by agreement with Lamar
574 Smith, we have asked Subcommittee on Immigration Chair Zoe
575 Lofgren to make our opening statement. The gentlelady is
576 recognized.

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

578 Nonminister religious workers are those who are called
579 to a vocation or who are in a traditional religious
580 occupation with a bonafide nonprofit religious organization
581 in the United States. Examples of those who are called to a
582 vocation include nuns, monks and sisters. Examples of those
583 in religious occupations include missionaries, counselors,
584 translators, religious instructors, cantors, and other
585 pastoral care providers. Some nonminister religious workers
586 are pursuing studies in a seminary or are otherwise in
587 formation.

588 Nonminister religious workers can enter the country on
589 either a temporary visa, otherwise known as the R Visa, or a
590 permanent visa, otherwise known as the Special Immigrant
591 Religious Worker Visa. The R Visa is a permanent provision
592 in the Immigration and Nationality Act; the Special Immigrant
593 Nonminister Religious Worker Visa program is not.

594 Since its initial enactment in 1990, the Special
595 Immigrant Nonminister Religious Worker Visa program has been

596 extended four times: first in 1994, again in 1997, and in
597 2000, and most recently in 2003. The Special Immigrant
598 Nonminister Religious Worker Visa program will expire on
599 September 30th of this year unless extended.

600 The program provides for up to 5,000 special immigrant
601 visas per year that religious denominations or organizations
602 in the U.S. use to sponsor foreign nationals to perform
603 religious services here. And, once granted, this type of
604 visa allows religious workers to immigrate.

605 I originally introduced H.R. 5570 to permanently
606 reauthorize the Special Immigrant Nonminister Religious
607 Worker Visa program with no additional changes or provisions.
608 After discussion with the minority regarding legitimate
609 concerns of fraud in the religious worker program, which
610 appeared to have existed for at least 8 years, we offered an
611 amendment at the subcommittee level, which was passed by
612 voice vote, that would significantly address fraud concerns.

613 I would like to note that Congress has never made any
614 substantive changes to the Special Immigrant Nonminister
615 Religious Worker Visa program in the four times it has been
616 reauthorized, including the last three times, when the
617 minority was then the majority.

618 The amendment adopted in the subcommittee would do four
619 things to address fraud in the special immigrant program.

620 It would reduce the reauthorization period for the

621 special program from permanent to 7 years or only 15 months,
622 depending upon certain conditions regarding the USCIS's
623 willingness to address fraud in the program.

624 It would require the USCIS to issue regulations to
625 eliminate or reduce fraud in the program.

626 It would tie the issuance of such regulations to the
627 reauthorization period. If the agency fails to issue
628 regulations by the end of this year, then the program is
629 authorized for only 15 months instead of 7 years. This would
630 give time for the Congress to revisit this issue and to
631 adopt, if necessary, legislative approaches.

632 It will require the inspector general at the Department
633 of Homeland Security to issue a report no later than
634 September 10, 2010, on the effectiveness of the regulations
635 in addressing the fraud issue.

636 I am satisfied that the amendment we unanimously passed
637 in the subcommittee would address any issues of fraud in this
638 program. If the Immigration Service fails to issue
639 regulations, the program will be not extended and further
640 action from Congress is anticipated. If the regulations are
641 issued, the I.G. will tell us whether the regulations are
642 working as intended. And if the I.G. finds the regulations
643 are not enough, we will have an opportunity to address this
644 issue further.

645 I will be offering this amendment in the nature of a

646 substitute at the appropriate time, but I would note: With
647 this amendment, the bill was favorably reported by the
648 Immigration Subcommittee by a vote of eight to one on March
649 12th. I think additional changes in the program at this
650 time, without knowing where the problems lie and how they
651 would burden legitimate religious organizations, would be
652 problematic.

653 I would note for the record that I have received, as
654 chairperson, a letter from a variety of religious
655 institutions, including the Catholic Church; various Jewish
656 congregations; the Methodists; the Baptists; the First Church
657 of Christ, Scientists; the Church of Jesus Christ of Latter
658 Day Saints; the Lutheran church; the Hindus; the Seventh Day
659 Adventists and others, urging that we make no further changes
660 to the program at this time.

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

662 Chairman Conyers. I thank the gentlelady.

663 The chair recognizes Ranking Member Lamar Smith.

664 Mr. Smith. Thank you, Mr. Chairman.

665 Mr. Chairman, I am happy to have played a part in the
666 creation of the religious worker immigrant visa program back
667 in 1990, along with then-Chairman Henry Hyde. These visas
668 enable American religious denominations, large and small, to
669 benefit from committed religious workers from overseas.

670 However, I have long been concerned about the extremely

671 high level of fraud that has been evident in this visa
672 program. The Office of Fraud Detection and National Security
673 at DHS conducted a fraud benefit assessment. It found that
674 of about 220 religious worker visa cases selected at random,
675 an incredible 33 percent had a finding of fraud, the highest
676 of any visa program.

677 Fraud involves everything from bogus churches and bogus
678 jobs to religious workers who are found driving taxis soon
679 after they arrive here.

680 I appreciate the steps that Immigration Subcommittee
681 Chairman Lofgren has taken to address some of these concerns.
682 She agreed that we would extend the expiring religious worker
683 green cards for 7 years, as long as the Department of
684 Homeland Security issues long-needed regulations to crack
685 down on some types of program fraud.

686 A proposal I suggested simply makes religious worker
687 immigrant visas conditional for their first 2 years. Under
688 the Immigration and Nationality Act, conditional green cards
689 are already granted to investors and spouses.

690 For example, after an alien investor receives permanent
691 residence, DHS checks 2 years later to ensure that the alien
692 actually made the promised investment and created the
693 promised U.S. jobs. If the alien has fulfilled these
694 requirements, the green card is made permanent.

695 Similarly, DHS will terminate the conditional permanent

696 residence of a spouse of a U.S. citizen after 2 years if the
697 marriage is fraudulent.

698 I propose the same concept for religious worker visas.
699 DHS can look back, after 2 years, and determine whether
700 aliens actually worked for the churches or religious
701 institutions that sponsored them. In 2000, the State
702 Department's managing director of the Directorate for Visa
703 Services testified that she supported such a provision.

704 This proposal would cut down on the number of aliens who
705 come to the U.S. on religious worker immigrant visas but
706 never plan to work in a religious occupation. It will also
707 cut down on the number who quickly leave the religious
708 institution when a more inviting nonreligious opportunity
709 comes along. Such fraud is not dealt with whatsoever by
710 DHS's proposed regulations.

711 In conjunction with the forthcoming DHS regulations, I
712 believe that making these visas conditional for the first 2
713 years would go a long way to curb the type of fraud that has
714 been found in the program. The DHS regulations address the
715 problem of bogus religious institutions. This proposal would
716 address the problem of immigrations who fail to work for
717 those religious institutions.

718 Mr. Chairman, I will not offer this, in my judgment,
719 common-sense antifraud proposal as an amendment today. I
720 will support this bill, somewhat reluctantly, in hopes that

721 we will consider reducing fraud further before we go to the
722 House floor.

723 And let me also say, Mr. Chairman—and I mentioned this
724 to the chairwoman of the Immigration Subcommittee a few
725 minutes ago—that, upon looking at what I would have proposed
726 for an amendment, I realized that we would have checked every
727 single religious worker to see whether they were still
728 working for that religious institution. And I have to admit
729 that I think that probably is overly burdensome.

730 So what I would hope, Mr. Chairman, to talk to you and
731 Ms. Lofgren about between now and the House floor is having
732 some kind of a random check on religious workers, a fraction
733 of the total, that would allow us to at least put those
734 religious institutions on notice that we were going to check
735 to make sure that religious workers actually showed up and
736 did work, which I think is to their benefit as well.

737 So I hope, Mr. Chairman, we can discuss—

738 Ms. Lofgren. Will the gentleman yield?

739 Mr. Smith. I will be happy to yield to the gentlelady
740 from California, Ms. Lofgren.

741 Ms. Lofgren. Thank you.

742 I just want to note that I do agree we should discuss
743 this between now and the floor, talk to the agency and see
744 what kind of sampling could be done.

745 We are of one mind: We certainly want these visas to be

746 used only by legitimate religious organizations. I think the
747 regulations will do a lot to—part of the problem is that,
748 until recently, the agency didn't actually do site visits of
749 the applying churches. So you would end up with a bogus,
750 fly-by-night, post-office-box supposed church.

751 None of us has any doubt that the Catholic Church exists
752 and the monks are going to go there. So, I mean, what we
753 want to do is make sure that we address the fraud without
754 burdening our religious institutions. And the gentleman's
755 suggestion may well be in keeping with that, and I look
756 forward to discussing it with him.

757 Mr. Smith. Thank you.

758 Chairman Conyers. Would the gentleman yield?

759 Mr. Smith. Of course, Mr. Chairman.

760 Chairman Conyers. I concur with both of you, and our
761 staffs will be working on this to see if there is something
762 else we can do further.

763 I appreciate the gentleman's forbearance on his
764 amendment, which, really, on reflection, is pretty common-
765 sense. And I appreciate his approach to this.

766 Mr. Smith. Thank you, Mr. Chairman. And I will yield
767 back the balance of my time.

768 Chairman Conyers. Thank you.

769 All other members' statements will be included in the
770 record.

771 Are there any amendments at this time?

772 The gentlelady from California.

773 Ms. Lofgren. I would ask that the amendment in the
774 nature of a substitute be considered and reported by the full
775 committee.

776 Chairman Conyers. The clerk will report the amendment.

777 The Clerk. "Amendment in the nature of a substitute to
778 H.R. 5570, as reported by the Subcommittee on Immigration,
779 Citizenship, Refugees, Border Security--"

780 [The amendment by Ms. Lofgren follows:]

781 ***** COMMITTEE INSERT *****

782 Ms. Lofgren. I would ask unanimous consent that the
783 amendment be considered as read.

784 Chairman Conyers. Without objection, so ordered.

785 The gentlelady is recognized in support of the
786 amendment.

787 Ms. Lofgren. Mr. Chairman, I will not repeat what I
788 said in my opening statement about this amendment. We have
789 covered it thoroughly. And I think Mr. Smith has indicated
790 his support for the amendment. As I noted, it was an eight-
791 the amendment itself was adopted unanimously; the final vote
792 was eight to one on the subcommittee. So I think that there
793 is broad support for this measure.

794 Chairman Conyers. The gentleman from Texas?

795 Mr. Smith. Mr. Chairman, as the gentlewoman said, I
796 support her amendment and urge my colleagues to support the
797 amendment and final passage as well.

798 And I do appreciate, once again, your comments, Mr.
799 Chairman, and Ms. Lofgren's comments about trying to address
800 the nature of fraud that involves religious workers who don't
801 work at religious institutions between now and the House
802 floor.

803 Thank you, and I will yield back.

804 Chairman Conyers. I thank you.

805 Are there other members who may seek recognition at this
806 time?

807 Yes, Steve King?

808 Mr. King. (OFF MIKE)

809 Chairman Conyers. All right. Mr. King has an
810 amendment.

811 Are there any other questions or comments on the
812 substitute amendment introduced by the gentlelady from
813 California?

814 Oh, all right. Let's recognize the King amendment. We
815 will accept it now.

816 Ms. Lofgren. Mr. Chairman, I haven't seen the
817 amendment.

818 Mr. King. Mr. Chairman, I have an amendment at the
819 desk.

820 Chairman Conyers. The clerk will report the amendment.

821 The Clerk. "Amendment to H.R. 5570, offered by Mr. King
822 of Iowa, as reported by the Subcommittee on Immigration,
823 Citizenship, Refugees, Border Security and International Law.
824 In section 2(b)2(a) of the bill, strike '2016' and insert
825 '2014'."

826 [The amendment by Mr. King follows:]

827 ***** INSERT *****

828 Chairman Conyers. The gentleman is recognized in
829 pursuit of his amendment.

830 Mr. King. Thank you, Mr. Chairman.

831 This amendment is very simple. It takes the 7-year
832 reauthorization down to 5 years. And it is based upon this
833 principle that the last reauthorization of the religious
834 workers visa was a 5-year reauthorization—

835 Ms. Lofgren. Mr. Chairman, I raise a point of order,
836 now that I have seen this.

837 Chairman Conyers. A point of order. What is it?

838 Ms. Lofgren. The point of order is that the amendment
839 is the original to the underlying amendment—well, all right.
840 It is out of order, but I am not going to insist on it
841 because they could redraft it to address it, and that would
842 just waste our time. I withdraw my point of order.

843 Chairman Conyers. The gentleman is recognized in
844 support of his amendment.

845 Mr. King. Thank you, Mr. Chairman.

846 And I appreciate Chair Lofgren's remarks and the point
847 that she made, which is accurate. And I think this time I
848 should ask unanimous consent that my amendment be conformed
849 to the gentlelady from California's amendment.

850 Do you see a request that my amendment be conformed to
851 the gentlelady's amendment?

852 Chairman Conyers. Without objection, so ordered.

853 Mr. King. Thank you, Mr. Chairman.

854 And then, to go back on the amendment, the bill that is
855 before us is a 7-year extension. My amendment amends it to a
856 5-year extension rather than a 7-year extension.

857 And the rationale on it is this: that we are seeing a
858 report—and I have in my hand a USCIS public document that
859 shows, as Mr. Smith spoke to in his opening remarks, 33
860 percent fraud. And we could talk about the incidents of
861 fraud, the post office boxes that Ms. Lofgren addressed;
862 sometimes addresses that are used that there is no building,
863 there is nothing, there is no facility there, let alone a
864 religious facility that is utilized.

865 It is our responsibility to do oversight in this
866 Congress. When we see fraud, especially when it is as large
867 as a 33 percent fraud, we shouldn't be considering the idea
868 of a permanent reauthorization or a 10-year reauthorization
869 or a 7-year reauthorization. We should actually be reducing
870 those years instead of extending those years. The 5-year
871 reauthorization didn't do us much to clean up the fraud. We
872 are at 33 percent.

873 I am offering an amendment that just holds the status
874 quo at the 5 years that was the past reauthorization in the
875 hopes that we will be able to keep the USCIS's feet to the
876 fire a little more closely. I appreciate the amendment of
877 the gentlelady from California that does bring a measure of

878 responsibility here and puts a little more heat on USCIS to
879 write regs, implement those regs. And we need some time for
880 a GAO study to see how those regs are working.

881 So let's just say in a couple of years the regs should
882 be written, they should be implemented. In a couple of more
883 years, we should be able to have the record of those results.
884 And in the following year, we should get a GAO report that
885 could come before this Congress before the end of a 5-year
886 reauthorization, not a 7-year reauthorization.

887 And I would speak also to this issue that I believe that
888 statements made only by legitimate religious organizations.
889 We have some legitimate religious organizations that are
890 committing a significant amount of fraud. And it isn't
891 equally across the denominations. I am all for religious
892 visas. And I am one of those people you would expect to be.
893 And I don't want to lay the blame at the feet of everyone
894 equally; it is not.

895 But I do want to challenge all of the religious
896 organizations that are utilizing religious visas: Clean up
897 your own act. Don't make us come in and do this, because we
898 are a little heavy-handed from time to time; we might not get
899 this right.

900 But I would like to come back and revisit this in 5
901 years. Let's have a good, healthy religious visa program.
902 Let's have USCIS regs. Let's have a GAO study. And then

903 let's bring it back in 5 years rather than 7.

904 And one other point that I would make is that I am not
905 offering another amendment because of the parliamentary
906 challenge that I expected, and that is a requirement that the
907 religious organizations utilize the E-Verify, the basic pilot
908 program. I would ask that they voluntarily do that. And I
909 think it is good law for us to follow through with that. The
910 opportunity is not there.

911 So this amendment says a little more responsibility, and
912 tightens it down to 5 years rather than 7, and takes us back
913 to the pattern of a 5-year extended reauthorization, when I
914 think it actually should be tightened up because of the fraud
915 that is there.

916 And I would ask unanimous consent also to introduce this
917 USCIS study into the record.

918 Chairman Conyers. Without objection, so ordered.

919 [The information follows:]

920 ***** INSERT *****

921 Mr. King. Thank you very much. That concludes my
922 remarks. I urge adoption; yield back the balance of my time.

923 Chairman Conyers. Thank you.

924 Ms. Lofgren. Mr. Chairman?

925 Chairman Conyers. Yes, the gentlelady from California.

926 Ms. Lofgren. I move to strike the last word.

927 Chairman Conyers. The gentlelady is recognized.

928 Ms. Lofgren. I would ask that we not accept this
929 amendment. And I would like to just explain why.

930 First and foremost, we have worked—and I think Mr. Smith
931 would agree—collaboratively to come to agreement on these
932 issues. And we agreed on a 7-year extension. It was going
933 to be permanent, and we pulled it back.

934 We had a vote; it was eight to one. Mr. King was the
935 one. And I respect that he doesn't agree, but we reached a
936 conclusion.

937 I would note further that this religious worker visa
938 program was extended four times without any changes, just
939 extended, when the Republicans were in the majority: first
940 in 1994, again in 1997, again in 2000, most recently in 2003.
941 And this is the very first time, working on a bipartisan
942 basis, that we have incorporated some measures to deal with
943 the legitimate issue of fraud.

944 I would note that it is not a 7-year extension if the
945 agency fails to issue its regulation. It is a 15-month

946 extension.

947 Mr. King. Would the gentlelady yield?

948 Ms. Lofgren. When I am finished, I would be happy to.

949 Furthermore, there are other dates that trigger review.

950 It is not the GAO; it is the inspector general. And I happen

951 to be someone who believes pretty strongly in the inspector

952 general system, not only in DHS because they have uncovered a

953 huge number of problems in the department overall, but the

954 inspector general program in the Department of Justice and on

955 and on. So that has a trigger date of September 10, 2010.

956 I think we are taking a step forward on this that is

957 responsible, that is bipartisan. And I don't want to vary

958 from the nature and the approach that we have had to this

959 very moment.

960 We have further agreed that we will have a discussion

961 between now and the floor for some sampling issues and audit

962 procedures that I think has the promise of merit.

963 I just don't think it is fair, at this point, to start

964 changing this again after we have reached what I think is a

965 pretty good agreement.

966 And, with that, I would yield to the gentleman from

967 Iowa.

968 Mr. King. I thank the gentlelady. And I want to note

969 that I did not agree.

970 But I wanted to ask you this question, is that this

971 USCIS study, with the 33 percent fraud, were you aware of
972 this when you proposed that we permanently reauthorize this
973 program? And, if so, what was your rationale?

974 Ms. Lofgren. I am sorry, I didn't hear. The lawyer was
975 asking me a question, and I didn't hear your question.

976 Mr. King. I asked if you were aware of the USCIS study
977 that shows 33 percent fraud, and, if so, what was your
978 rationale in advocating for a permanent reauthorization in
979 light of that.

980 Ms. Lofgren. If the gentleman would yield, I would note
981 that that was a sample of about 200 cases and an
982 extrapolation from that.

983 Subsequent to that, there has been, as I mentioned in my
984 opening statement, the initiative of a pretty common-sense
985 approach that the agency should have done long ago, which is
986 to site visits for each and every application, so that we
987 won't have this kind of a problem in the future.

988 In addition, the other regulations. Look, I don't know
989 why it has taken them this long, but it is unacceptable that
990 they have not issued those regulations. And if we adopt this
991 measure, we are going to require the agency to issue those
992 regulations by the end of this calendar year. We are going
993 to hold their feet to the fire.

994 Mr. King. If the gentlelady would yield?

995 Ms. Lofgren. I would yield further.

996 Mr. King. I thank you.

997 And the report that I have asked of USC to be entered
998 into the record is a public version. There also exists a
999 redacted version. And I would ask if the chair of the
1000 Immigration Subcommittee would consider holding hearings if
1001 the unredacted version provides information that might be of
1002 interest to the committee.

1003 Ms. Lofgren. I would certainly be happy to discuss that
1004 with the ranking member of the subcommittee and full
1005 committee. I have not seen the actual details. I have been
1006 briefed by the agency, and I don't think there is, at least,
1007 anything that you might find particularly interesting, based
1008 on—because the sample was very small, there is really not any
1009 information. But we can have a further discussion about
1010 that.

1011 Mr. King. I thank the gentlelady.

1012 Ms. Lofgren. I would just ask that we proceed as we
1013 have on this measure, in a bipartisan way. And if, you know,
1014 as we discuss on the other side of the aisle the auditing
1015 issues—I mean, this is not the end of the measure here. But
1016 I think I would like to keep this comity that we have had.

1017 And I yield back.

1018 Mr. Delahunt. Mr. Chairman?

1019 Chairman Conyers. Who seeks? I want to recognize Mr.
1020 Delahunt.

1021 Mr. Delahunt. I thank the chair and move to strike the
1022 last word.

1023 Chairman Conyers. The gentleman is recognized.

1024 Mr. Delahunt. I was in my office, and I think I heard
1025 the gentleman from Iowa indicate that there were some
1026 legitimate religious organizations that were aware of this
1027 fraud and were implicit in its ongoing existence.

1028 Did I hear the gentleman correctly?

1029 Mr. King. Yes, you did.

1030 Mr. Delahunt. Could you identify those legitimate
1031 religious organizations for the committee?

1032 Mr. King. I think, Mr. Delahunt, it would be a more
1033 appropriate action on the part of this committee to review
1034 the unredacted version of this report and perhaps some other
1035 supplemental information. And I will have that discussion
1036 with you, as well as anyone else on the committee that might.
1037 But I think we should look at that report in an unredacted
1038 version to consider whether or not it should be brought
1039 before the public record at this time.

1040 Mr. Delahunt. Well, the gentleman made a public
1041 statement. And I am concerned that those that might be
1042 observing these proceedings might very well reach conclusions
1043 or draw inferences that are unwarranted and unfounded. I am
1044 concerned that the viewing public, if you will, and those
1045 that are present here might take your statement and interpret

1046 that as a cloud over the entire spectrum of religious
1047 organizations. I think it is something that causes me some
1048 concern.

1049 Mr. King. If the gentleman would yield?

1050 Mr. Delahunt. Of course.

1051 Mr. King. I thank you.

1052 I had thought that I was actually explicit in this when
1053 I stated that the fraud that exists, from the information
1054 that I am speaking off of, isn't equally represented across
1055 the denominations. And-

1056 Mr. Delahunt. But who is doing it? Reclaiming my time.
1057 I think we owe it to the members of the committee and to the
1058 public-

1059 Ms. Lofgren. Would the gentleman yield?

1060 Mr. Delahunt. I yield to the gentlewoman.

1061 Ms. Lofgren. I would just like to note, I don't think
1062 we can--because we don't have the written documents before us.
1063 But I would just note that I have been advised in an e-mail
1064 from the USCIS that the sample of review undertaken by the
1065 agency doesn't reveal any indications that any one
1066 denomination over any other has any particular problem.

1067 Mr. Delahunt. But, reclaiming my time, the gentleman
1068 from Iowa has made an allegation that I would suggest needs
1069 some amplification, because it does cast a cloud over
1070 religious groups.

1071 Ms. Lofgren. I would ask unanimous consent that the e-
1072 mail information that I received, if it is not classified, be
1073 made a part of the record. And then I think that would
1074 answer a lot of questions.

1075 And I yield back.

1076 [The information follows:]

1077 ***** INSERT *****

1078 Mr. King. If the gentleman would yield?

1079 Mr. Delahunt. I continue to yield to my friend.

1080 Mr. King. I would submit, as I heard the response from
1081 the gentlelady from California, that if the USCIS's e-mail
1082 says that it isn't any particular denomination that it would
1083 be awfully hard for me to accept the idea that it would be
1084 equally distributed across all the denominations. That is
1085 not a rational response from USCIS.

1086 And I think we should suspend this conversation until we
1087 have the unredacted version and we have the opportunity to
1088 make a prudent decision.

1089 Mr. Delahunt. Reclaiming my time, I am more than
1090 willing to suspend it, but the gentleman has been an
1091 allegation. And I was wondering—and I mean this
1092 respectfully—on what basis did you make the allegation?

1093 Mr. King. My basis is on a report that was delivered by
1094 USCIS. And that report has not been made public due to the
1095 sensitive nature from a law enforcement perspective. And
1096 that is my reluctance on speaking it into the record. I want
1097 to verify if this puts any current investigations under
1098 jeopardy.

1099 Chairman Conyers. Would the gentleman from
1100 Massachusetts yield to me?

1101 Mr. Delahunt. Of course I yield.

1102 Chairman Conyers. Could I refer that report to the

1103 gentleman's attention as soon as we dispense with the
1104 remaining items on the agenda for today?

1105 Mr. Delahunt. I hear the gentleman, and yield back.

1106 Chairman Conyers. I thank the gentleman.

1107 Is there further—yes? Judge Gohmert is recognized.

1108 Mr. Gohmert. Thank you, Mr. Chairman.

1109 And I believe I am in support of the amendment. And I
1110 appreciate the Immigration chairman's comments. It has, I
1111 felt like, been pretty bipartisan on the discussions.

1112 But the chair had indicated, the Immigration chair, that
1113 we would be requiring regulations. So if I might yield for
1114 an answer to Ms. Lofgren, are you talking about tightening up
1115 the language in this bill before it gets to the floor to
1116 require those regulations?

1117 Ms. Lofgren. Would the gentleman yield?

1118 Mr. Gohmert. Yes, please.

1119 Ms. Lofgren. We adopted in the subcommittee an
1120 amendment—we have offered this as an amendment in the nature
1121 of a substitute—a provision that states that the regulations
1122 relative to the Special Immigrant Nonminister Religious
1123 Worker program must be issued not later than December 31st of
1124 this year by the secretary of homeland security, the final
1125 regulations to eliminate or reduce fraud in these categories.

1126 And if those regulations are not issued by the end of
1127 this year, then the extension of 7 years is only for 15

1128 months. And the reason for the 15 months would be to allow
1129 the Congress time to take whatever further action we thought
1130 was necessary, if the administration failed to act.

1131 Now, I understand why—you know, I have been briefed on
1132 what these regulations are going to be. I think they are
1133 probably going to solve this issue pretty effectively. I
1134 don't understand why they have not been issued, other than
1135 the department is not exactly a model of swiftness. But I
1136 expect that this attention that the Congress is giving to the
1137 agency to get that part of their job done will be very
1138 helpful in motivating them to act.

1139 And I thank the gentleman for yielding.

1140 Mr. Gohmert. Reclaiming my time. If I am hearing
1141 correctly then, we are not talking future perfect tense, that
1142 this is something that is going to be part of the bill. It
1143 is actually part of the manager's amendment?

1144 Ms. Lofgren. That is correct.

1145 Mr. Gohmert. Okay. All right. Thank you.

1146 Ms. Lofgren. Thank you.

1147 Mr. Gohmert. Mr. Chairman, I yield back the balance of
1148 my time.

1149 Chairman Conyers. I thank the gentleman.

1150 If there is no further discussion, the vote occurs on
1151 the amendment offered by the gentleman from Iowa.

1152 All those in favor, indicate by saying "aye."

1153 All those opposed, indicate by saying "no."

1154 The noes have it. The amendment is not accepted.

1155 Ms. Jackson Lee. Mr. Chairman?

1156 Chairman Conyers. Who seeks? Yes, the gentlelady from
1157 Texas.

1158 Ms. Jackson Lee. Mr. Chairman, I would like to strike
1159 the last word.

1160 Chairman Conyers. The gentlelady is recognized.

1161 Ms. Jackson Lee. Mr. Chairman, it was my intention to
1162 offer an amendment to H.R. 5570, but at this time I wish not
1163 to do it. I don't have to even withdraw it because I will
1164 not offer it.

1165 But I do want to engage in a discussion to raise a
1166 question to the chairwoman of the subcommittee. And as this
1167 bill makes its way to the floor, I want to make sure that the
1168 language that I am concerned about is either—or the
1169 interpretation is clear in the bill.

1170 And the reason, Mr. Chairman, is that I handled a case,
1171 as we all do for our constituents, dealing with a religious
1172 worker case, where an individual was denied because he had
1173 been raised up Roman Catholic in South America and they came
1174 to a World Assemblies church, or Pentecostal church. And
1175 there was no fraud, complete legitimacy. The Pentecostal
1176 church had been working in the particular country of origin
1177 or the individual's home country. And it actually got

1178 denied. Once it was worked out through the administrative
1179 process, even DHS said that it didn't make any sense, that it
1180 was not a case of fraud.

1181 My question, then, to the chairwoman is, do we have
1182 language clear, or is it not clear? Does it still suggest
1183 that you have to be in the same faith as the institution that
1184 you would be going to in order to receive the religious
1185 worker provision?

1186 I yield to the gentlelady.

1187 Ms. Lofgren. If the gentlelady would yield, right now I
1188 guess the question is, what is the definition of your faith?
1189 If you are intended to work in a particular denomination,
1190 providing the types of activities that the visa allows, and
1191 the faith accepts your delivery of those services as a faith-
1192 giver, I think the agency, under the law, has discretion to
1193 do that.

1194 But that is something that we can further clarify
1195 between now and the floor and see if there is anything
1196 legislative need to act further. I would be happy to join
1197 with the gentlelady in doing that.

1198 Ms. Jackson Lee. I want to thank the gentlelady. I do
1199 believe that there needs to be that clarification. I lived
1200 it in living color, if you will, and it was more than a
1201 mountain to climb. Several regional offices, from Texas to
1202 California, denied the individual's status. Once it got to

1203 the desk of the DHS officer, they looked at it and said, "You
1204 know, there is no common reasoning in this."

1205 And so I would like to ask the gentlelady to work with
1206 me as we make our way to the floor. Very specifically, I
1207 think clarification would not offend anyone on this
1208 committee, and it would be a very helpful approach to take so
1209 that not only do we put our hands around preventing fraud but
1210 ensure that those faith workers, those religious workers who
1211 do great work, particularly in this nation, have the
1212 opportunity to do their work with the institutions of faith
1213 that are here in this country. Many of them—and we are
1214 blessed to have so many.

1215 And I think it is very important that you don't track
1216 the religion—trained religion, or you are born a Roman
1217 Catholic, or you are born a Pentecostal, and you may want to
1218 work for a United Methodist—if it is a legitimate
1219 institution.

1220 And, with that, I would just ask the gentlelady, in
1221 conclusion, will we be able to work on that issue, going
1222 forward?

1223 Ms. Lofgren. I would be happy to explore this with her
1224 and to see whether this needs a legislative fix or report
1225 language or regulatory change, with the hope that legitimate
1226 religious workers will be accommodated.

1227 Ms. Jackson Lee. I will review the bill with you, as

1228 well.

1229 Mr. Chairman, I thank you. And, with that, the
1230 amendment on this bill that I was going to offer obviously I
1231 am not offering. And so, officially, it is withdrawn and not
1232 offered. And I yield back to the chairman.

1233 Chairman Conyers. I thank the gentlelady for her
1234 expediting the course of the deliberation on this important
1235 bill.

1236 And I want to assure all the members of the committee
1237 that we will be meeting afterward on issues about this bill.
1238 And I want to let everyone know that there is plenty of room
1239 for a discussion. We just want to get through this agenda
1240 here this morning. I appreciate the forbearance of almost
1241 all of the members.

1242 And now the vote occurs on the substitute amendment of
1243 the gentlelady from California, Zoe Lofgren.

1244 All in favor, say "aye."

1245 All of those opposed, "no."

1246 Ayes have it, and the substitute amendment is agreed to.

1247 A reporting quorum being present, the question is on
1248 reporting the bill, as amended, favorably to the House.

1249 All in favor, say "aye."

1250 All opposed, say "no."

1251 The ayes have it. And the bill, as amended, is
1252 reported.

1253 A majority having voted in favor—the reporting
1254 instructions for H.R. 5570 is, without objection, the bill
1255 will be reported as a single amendment in the nature of a
1256 substitute incorporating amendments adopted. And the staff
1257 is authorized to make technical and conforming changes.
1258 Members will have 2 additional days to submit any views.

1259 Pursuant to notice, I call up now the bill H.R. 2760, a
1260 private bill for the relief of Shigeru Yamada, for purposes
1261 of markup. The clerk will report the bill.

1262 The Clerk. "H.R. 2760, a bill for the relief of Shigeru
1263 Yamada. Be it enacted by the Senate and House of
1264 Representatives—"

1265 [The bill follows:]

1266 ***** INSERT *****

1267 Ms. Lofgren. Mr. Chairman, I ask unanimous consent that
1268 the bill be considered as read.

1269 Chairman Conyers. Without objection.

1270 The chair recognizes to make the opening statement for
1271 the majority the chair of the Subcommittee on Immigration,
1272 Zoe Lofgren.

1273 Ms. Lofgren. Thank you, Mr. Chairman.

1274 Shigeru Yamada was born in Japan in 1982. In 1992, when
1275 he was 10, his mother brought him to the United States as a
1276 dependent. She entered with a student visa.

1277 Shigeru's mother was killed in a car accident just 3
1278 years later, when he was 13. At the time of her death, his
1279 mother had been engaged to be married to a United States
1280 citizen. If she had survived and married the U.S. citizen,
1281 Shigeru could have obtained legal permanent resident status
1282 through this mother and/or stepfather, but her death ended
1283 this possibility.

1284 After his mother's death, Shigeru was sent to live with
1285 an aunt and uncle in Chula Vista, California. Although they
1286 attempted to formally adopt him, the adoption was not
1287 completed before his 16th birthday, as required by
1288 immigration law.

1289 Despite the tragedy of losing his mother at a young age
1290 and the accompanying hardship, he led a productive life. He
1291 attended East Lake High School, graduated with honors in

1292 2000. While at East Lake, we was named Outstanding English
1293 Student his freshman year and Most Inspirational Player of
1294 the Year in varsity football and an All-American Scholar. He
1295 was also student body vice president his senior year. After
1296 his graduation from East Lake, he was a volunteer coach at
1297 East Lake and Otay Ranch High School, and he also earned his
1298 associate's degree.

1299 We asked for a report from the DHS. They have submitted
1300 their report to the committee. The Immigration Subcommittee
1301 has reported this bill favorably unanimously. This is the
1302 only opportunity Mr. Yamada has, and it sits within our
1303 criteria. And I think this is a bipartisan measure.

1304 And I yield back, Mr. Chairman, as we have the bells
1305 ringing.

1306 Chairman Conyers. I thank the subcommittee chair.

1307 The chair recognizes Lamar Smith.

1308 Mr. Smith. Thank you, Mr. Chairman, and I will be
1309 brief.

1310 I do support passage of this private bill.

1311 The committee should not approve private immigration
1312 bills unless they fit within private bill precedent of the
1313 modern era or represent unique situations. This bill does
1314 fit within precedent. In the past, Congress has passed
1315 private immigration bills to benefit aliens who had been
1316 abandoned by their parents or whose parents had died. This

1317 is the case of Shigeru, whose mother was killed in a car
1318 accident when she was engaged to be married to a U.S.
1319 citizen.

1320 The Department of Homeland Security report revealed no
1321 adverse information about him, so I encourage my colleagues
1322 to support this bill as well.

1323 And, Mr. Chairman, I will yield the balance of my time
1324 to the ranking member of the Immigration Subcommittee, the
1325 gentleman from Iowa, Mr. King.

1326 Mr. King. Thank you, Mr. Smith, and I appreciate you
1327 yielding.

1328 Shigeru was born in Japan, and in 1992, when he was 10
1329 years old, his mother brought him to the United States as a
1330 dependent on his student visa to enter and study in the
1331 United States.

1332 In 1995, when Shigeru was 13 years old, his mother was
1333 killed in a car accident. At the time of her death,
1334 Shigeru's mother was engaged to be married to a U.S. citizen.
1335 If his mother had survived and, in fact, married the U.S.
1336 citizen, Shigeru could have obtained legal permanent resident
1337 status through her.

1338 Shigeru's natural father was an alcoholic and physically
1339 abusive to his mother and siblings. Shigeru and his siblings
1340 were raised by an aunt in Chula Vista, California, after
1341 their mother's death.

1342 Although Shigeru's aunt attempted to formally adopt him,
1343 the adoption was not completed by his 18th birthday, but,
1344 regardless, it would have had to be completed before his 16th
1345 birthday to obtain immigration status in the United States.

1346 So Mr. Yamada's younger sibling, now at the age of 14,
1347 was adopted by another family, while another sibling has
1348 married a U.S. citizen. His siblings now have legal status,
1349 obviously.

1350 But Shigeru attended East Lake High School and graduated
1351 with honors in the year 2000. He is now 25 years old. The
1352 Department of Homeland Security report indicates that he
1353 currently works at Nordstrom. The DHS report revealed no
1354 derogatory information regarding Shigeru.

1355 The private bill—and I want to say this—marginally fits
1356 within modern-era private immigration bill precedent.
1357 Private immigration bills have been enacted where the aliens
1358 had been abandoned by their parents or the parents had died.

1359 I do need to point out, however, that Shigeru is now 25
1360 years old, an adult. And I don't think it is unreasonable
1361 that he could return to Japan, and he certainly shouldn't be
1362 afraid of his father at age 25.

1363 Another question that I raise for our consideration in
1364 future private bills is, is the promise of marriage
1365 considered as actually marriage? Those promises don't always
1366 get followed through on, I have found out.

1367 And so, I raise both of those questions: Is he in fear
1368 of his father in Japan? Does the promise of an engagement
1369 constitute the equivalent of a marriage even though he wasn't
1370 adopted?

1371 But I think that it narrowly fits within the margins of
1372 the modern-day precedent. And I want to reiterate that I
1373 will be seeking to hold the limits of the modern-day
1374 precedent as narrow as possible. And I do support this
1375 private bill for Shigeru Yamada, and I urge its adoption.

1376 I yield back.

1377 Chairman Conyers. I thank the gentleman.

1378 Did the gentlelady, the chair of the committee, want to
1379 respond to the two points that—

1380 Ms. Lofgren. Well, I think, given the fact that the
1381 gentleman does support the bill and that the bells have rung
1382 for floor votes, perhaps we can discuss this after the
1383 meeting.

1384 Chairman Conyers. Well, I was trying to expedite the
1385 proceedings.

1386 Ms. Lofgren. I think we have unanimous support for
1387 passage of the bill, Mr. Chairman.

1388 Chairman Conyers. Well, I think so too. Well, then we
1389 will never find out what these two points were—we wanted to
1390 get the chair's opinion.

1391 Are there any other amendments? Are there any

1392 amendments?

1393 If not, we will now vote on the measure, the private
1394 bill before us.

1395 All in favor of H.R. 2760, a private bill, indicate by
1396 saying "aye."

1397 All opposed, say "no."

1398 The ayes have it, and so ordered.

1399 Without objection, the bill will be reported. A
1400 majority having voted in favor of the bill as amended, it is
1401 ordered reported favorably to the House. And members will
1402 have 2 days to submit any additional views.

1403 We have three private bills left, and the antitrust
1404 need-based educational act. And we have three votes pending
1405 on the floor. So let's stand adjourned. But let's get a
1406 quorum back so that we can finish up our very important work
1407 for the week.

1408 The committee stands in recess. Right after the votes,
1409 let's come back.

1410 [Recess.]

1411 Chairman Conyers. A working quorum being present,
1412 pursuant to notice, we call up the bill H.R. 5060, to allow
1413 athletes admitted as nonimmigrants described to renew their
1414 period of authorized admission in 5-year increments, for
1415 purposes of markup.

1416 The clerk will report the bill, please.

1417 The Clerk. "H.R. 5060, a bill to amend the Immigration
1418 and Nationality Act to allow athletes admitted as
1419 nonimmigrants described in section 101(a)(15)(P) of such act
1420 to renew their period of authorized--"

1421 [The bill follows:]

1422 ***** INSERT *****

1423 Ms. Lofgren. Mr. Chairman, I ask unanimous consent the
1424 bill be considered as read.

1425 Chairman Conyers. Without objection, so ordered.

1426 I recognize the subcommittee chair, the gentlelady from
1427 California, Zoe Lofgren.

1428 Ms. Lofgren. Thank you, Mr. Chairman.

1429 Currently, foreign professional athletes in the P-1
1430 nonimmigrant status are limited to 10 years in that status,
1431 and after 10 years the athletes can no longer compete in the
1432 United States unless they are able to become lawful permanent
1433 residents before their P-1 status expires, something that is
1434 not always or even often the case.

1435 This bill was introduced by Representative Linda Sanchez
1436 to allow foreign athletes in this status to continuously
1437 apply for 5-year increments, as long as they are otherwise
1438 eligible for the status.

1439 The bill was reported favorably by voice vote without
1440 amendments in the subcommittee. I would note that the bill
1441 is endorsed by Major and Minor League Baseball, the National
1442 Basketball Association, the National Hockey League, and all
1443 of the relevant players associations.

1444 We want our team to win, and this is part of that
1445 effort. And I would yield time to the author, Ms. Sanchez,
1446 if she wishes to add anything at this point.

1447 Ms. Sanchez. Thank you, Madam Chairman.

1448 Under the Immigration and Nationality Act, foreign
1449 professional athletes may petition for a 5-year P-1 non-
1450 immigrant visa with a possible extension of up to 5
1451 additional years.

1452 Then, unless the athlete becomes a lawful permanent
1453 resident of the U.S., he or she can no longer legally
1454 continue to work in the U.S.

1455 As we are all well aware, having heard copious testimony
1456 on this issue, the process of becoming a lawful permanent
1457 resident can take several years, depending on an athlete's
1458 country of birth.

1459 Some of these players do not want to make the U.S. their
1460 permanent home. They want to come to the U.S. where the
1461 quality of professional sports is unmatched, play out their
1462 careers, pay taxes while they are here, and then eventually
1463 return home.

1464 My bill, which has strong bipartisan support from
1465 members of this committee, would allow athletes to petition
1466 for an extension once every 5 years, ensuring foreign
1467 athletes in their prime are allowed to continue performing
1468 for U.S. teams.

1469 For example, if the L.A. Dodgers' star pitcher's P-1
1470 visa expires while he has made contract, he would be able to
1471 extend.

1472 Just looking at baseball, we see that P visas are used

1473 by 1,400 minor league players and 220 major league players
1474 from over 35 countries around the world, including Australia,
1475 Canada, China, France, Germany, Japan, the Netherlands, New
1476 Zealand, Korea, Spain, Taiwan, and the United Kingdom, as
1477 well as many Latin American countries.

1478 Athletes' careers are lasting longer and longer these
1479 days. For example, some athletes can play in baseball minor
1480 leagues for 10 years before ever making it to the big show,
1481 the major leagues. Under current law, their career would be
1482 over before ever getting to play with a major league team.
1483 This bill would remedy that problem.

1484 Athletes contribute to our communities in many ways. On
1485 the most basic level, they bring in revenue, pay taxes,
1486 provide entertainment and a source of civic pride.

1487 In 1 year, Major League Baseball brings in over \$5
1488 billion in revenue, the National Basketball Association over
1489 \$3 billion, and the National Hockey League over \$2 billion.

1490 These athletes also engage in humanitarian and
1491 philanthropic activities. For example, two-time NBA most
1492 valuable player Steve Nash of the Phoenix Suns is a Canadian
1493 citizen.

1494 He started a foundation that provides services to
1495 children affected by poverty, illness, abuse or neglect and
1496 creates opportunity for education, play and empowerment.

1497 Now, I don't know exactly what his immigration status

1498 is, but I do know that he is among the many foreign athletes
1499 who have dedicated themselves to more than just sports.

1500 Athletes have become role models for American youth, and
1501 in many ways cultural ambassadors. And the bottom line is
1502 they are just fun to watch.

1503 I thank my colleagues on both sides of the aisle for
1504 their support and urge them to vote for this bill.

1505 And with that, I yield back the balance of my time.

1506 Ms. Lofgren. The gentlelady yields back.

1507 And I yield back to the chairman.

1508 Chairman Conyers. I thank you so much and recognize
1509 Lamar Smith.

1510 Mr. Smith. Thank you, Mr. Chairman. I support this
1511 legislation, and I will yield the balance of my time to the
1512 gentleman from Iowa, the ranking member of the Immigration
1513 Subcommittee, Mr. King.

1514 Mr. King. I thank the gentleman and the ranking member
1515 of the full committee, Mr. Smith, for yielding.

1516 And I would point out that P temporary visas are
1517 available for athletes who perform as an athlete individually
1518 or as part of a group or team at an internationally
1519 recognized level of performance and who seek to enter the
1520 U.S. temporarily for the purpose of performing as such an
1521 athlete.

1522 Aliens admitted as athletes can stay for an initial

1523 period of up to 5 years which can be extended by DHS for one
1524 additional 5-year period.

1525 The petitioning employer must submit an advisory opinion
1526 from a labor organization with expertise in the specific
1527 field of athletics. The P category is for athletes who
1528 cannot qualify under the extraordinary ability standard for O
1529 visas.

1530 Major League Baseball is concerned that some players may
1531 soon have to be sent home if the 10-year P visa limit is not
1532 modified. And why is this suddenly an issue? Well, for two
1533 reasons.

1534 First, Congress recently passed legislation clarifying
1535 that Minor League Baseball players can receive P visas.
1536 Minor leaguers had in the past used H2B visas which have
1537 become unavailable because of the H2B cap.

1538 Thus, after spending time in the minors on P visas,
1539 foreign players may now have only a few years left of P visa
1540 eligibility once they get to the majors.

1541 Second, the former DHS policy was to reset the 10-year
1542 clock whenever a foreign player who went home in the off
1543 season returned on a new P visa. Under a new policy, all
1544 time spent in P visa status is aggregated for purposes of
1545 determining whether the 10 years have been expended.

1546 In response, H.R. 5060 grants DHS the discretion to
1547 grant additional 5-year extensions of P visas for individual

1548 athletes. This bill is a reasonable accommodation to the
1549 fact of long athletic careers.

1550 And in fact, I mentioned Brett Favre's 17 years in the
1551 pros, and the Cubs need some help. I appreciate the
1552 gentlelady from California bringing this bill before the
1553 committee. I urge its adoption.

1554 And I yield back the balance of my time.

1555 Chairman Conyers. Are there any amendments to the bill
1556 H.R. 5060?

1557 Mr. Delahunt?

1558 Mr. Delahunt. Yes, I intend to support the bill, and I
1559 heard the ranking member reference the fact that we are
1560 taking care of minor league ball players because of the
1561 problems associated with H2B visas.

1562 And I heard the word from my dear friend and colleague
1563 from California, "revenue generating," and contributing to
1564 the community. It is clear that those minor leaguers are
1565 seasonal, if they were operating under the H2B visa program.

1566 And I am glad that we are taking care of athletes. I
1567 would like to take care of folks that were gardeners, and
1568 service employees at hotels and tourist destinations, and
1569 people whose future weren't quite as bright as Steve Nash or
1570 other NBA and NHL and Major League Baseball luminaries that
1571 were never going to make millions and millions and millions
1572 of dollars.

1573 I find it interesting that we talk about revenue
1574 generating. In fact, this Congress passed a stimulus bill.
1575 I think checks are in the mail.

1576 In the meantime, because of our inability to deal with
1577 other programs, with people who aren't quite as famous as
1578 professional athletes, we have regional economies all over
1579 this country imploding and having a corrosive effect on
1580 communities everywhere.

1581 And I include my own district, which embraces Cape Cod
1582 and the islands and America's home town, Plymouth,
1583 Massachusetts, where mom and pop operations are going to
1584 close because of the H2B visa problem. But that is okay,
1585 because they are not famous people.

1586 And with that, I yield back.

1587 Chairman Conyers. Yes, the gentlelady from Texas?

1588 Ms. Jackson Lee. Mr. Chairman, I would like to strike
1589 the last word.

1590 Chairman Conyers. The gentlelady is recognized.

1591 Ms. Jackson Lee. Just a housekeeping matter, Mr.
1592 Chairman, and I would like to comment on the bill.

1593 But I was detained chairing a classified briefing when
1594 you marked up H.R. 2176, H.R. 4115. If I had been present, I
1595 would have cast my vote for H.R. 2176 as a "no" and H.R. 4115
1596 as a "no."

1597 Chairman Conyers. Thank you.

1598 Ms. Jackson Lee. I do want to—I ask unanimous consent
1599 that it might be appropriately placed in the record.

1600 Chairman Conyers. Without objection.

1601 Ms. Jackson Lee. Just quickly, I want to indicate my
1602 support for the underlying legislation and cite in particular
1603 a basketball player that is in my community, Mutombo, who, as
1604 everyone knows, is certainly an outstanding NBA figure but,
1605 as well, has expanded his reach to provide opportunities for
1606 his homeland, the Congo, with a newly built hospital.

1607 I only say that to say that we need to look at athletes
1608 in a broader view. I think this amendment particularly gives
1609 us that opportunity. And I support the gentlelady in the
1610 effort and as well the intent for what it does.

1611 And I will then echo and say that Houston is another
1612 site, Texas, who is impacted negatively by the lack of
1613 movement, although championed by the gentlelady from
1614 California and the gentlelady from—the gentleman from
1615 Michigan—a comprehensive approach to immigration.

1616 We have not yet been able to move on it, and I hope that
1617 as the gentleman from Massachusetts is saying, we all
1618 recognize that our home sites are affected in a negative way,
1619 and I hope that we will see ourselves able to address the
1620 question of the holistic approach to immigration, border
1621 security and, as well, benefits.

1622 Let me correct the record as I close by saying that I

1623 thought I was voting "no" on these bills. I understand in
1624 order to vote "no," Mr. Chairman, I should vote "yes."

1625 Chairman Conyers. Yes.

1626 Ms. Jackson Lee. Then let me ask—

1627 Chairman Conyers. They were reported adversely.

1628 Ms. Jackson Lee. I see. Let me ask to withdraw the
1629 previous announcement of a "no" vote.

1630 Chairman Conyers. I am sorry, it is too late now. We
1631 can't do that.

1632 [Laughter.]

1633 We are unable to accommodate the gentlelady, as much as
1634 I would love to do that.

1635 Mr. Watt. Mr. Chairman, does that mean we have to
1636 withdraw all of this stuff about this being a unanimous vote,
1637 and everything Mr. Cohen said about—

1638 Chairman Conyers. It is unfortunate, Mel. You are
1639 absolutely—

1640 Mr. Watt. —Sandy Koufax and—

1641 Chairman Conyers. We had worked so well together up
1642 till this hour.

1643 Ms. Jackson Lee. May I, Mr. Chairman, ask unanimous
1644 consent to withdraw the previous stated-on-the-record "no"
1645 votes for H.R. 2176 and H.R. 417?

1646 Chairman Conyers. But of course.

1647 Ms. Jackson Lee. And then may I at this time correct

1648 the record? And I thank the distinguished chairman and the
1649 distinguished ranking member for H.R. 4176 and H.R. 417.

1650 I ask unanimous consent that my vote be listed as "yes"
1651 for both of those. I ask unanimous consent to the committee—
1652 and be placed in the record.

1653 Chairman Conyers. Without objection, and hoping you
1654 will never make that error again.

1655 Ms. Jackson Lee. I yield back.

1656 Mr. Scott. The clerk is asking for clarification on the
1657 bills that you want—

1658 Ms. Jackson Lee. Someone gave me a note that said 417,
1659 so—it is 2176 and 4115, unanimous consent to place in the
1660 record my vote for "yes," since I was detained, and ask that
1661 it be placed in the record appropriately. All other matters
1662 withdrawn.

1663 Ms. Lofgren. Would the gentlelady yield?

1664 Ms. Jackson Lee. I would be happy to yield.

1665 Ms. Lofgren. I thank the gentlelady for yielding.

1666 I just wanted to comment briefly in response to Mr.
1667 Delahunt's very heartfelt comments. The gentleman and I have
1668 had an opportunity to discuss this issue privately, and I
1669 think it is absolutely appropriate that it be aired publicly
1670 in addition.

1671 And I would hope and suggest that perhaps we could have
1672 a further discussion on this subsequent to this public

1673 markup, perhaps even with the chairman, and explore what our
1674 possibilities are.

1675 And I yield back to the gentlelady.

1676 Chairman Conyers. May I make sure the clerk knows that
1677 she is indicating how she would have voted? She cannot vote
1678 at this particular point.

1679 Ms. Jackson Lee. Do you have it correct? Is it
1680 corrected?

1681 Chairman Conyers. We will take care of it. You have
1682 been helpful enough this afternoon.

1683 Ms. Jackson Lee. Thank you. I know.

1684 Chairman Conyers. We appreciate that.

1685 Ms. Jackson Lee. I just want it to be a "yes," Mr.
1686 Chairman.

1687 Chairman Conyers. We appreciate that. Thank you.

1688 Ms. Jackson Lee. I yield back.

1689 Chairman Conyers. If there is no further comments or
1690 amendments on 2760, we are now prepared to call for the
1691 question on this measure, and—wait a minute, on 5060, on the
1692 5-year authorized non-immigrant admission for athletes.

1693 All in favor, please indicate by saying "aye." Those
1694 opposed, by saying "no." The "ayes" have it, and so it is
1695 ordered—the majority having voted in favor of the bill, it is
1696 ordered reported favorably to the House, and the members will
1697 have 2 days to submit additional views.

1698 Pursuant to notice, I now call up the bill H.R. 5569 to
1699 extend for 5 years the EB-5 regional center pilot program for
1700 purposes of markup and ask the clerk to report the bill.

1701 The Clerk. H.R. 5569, to extend for 5 years the EB-5
1702 regional center pilot program. Section 1-

1703 [The information follows:]

1704 ***** INSERT *****

1705 Ms. Lofgren. Mr. Chairman, I ask unanimous consent that
1706 the bill be considered as read.

1707 Chairman Conyers. Without objection, so ordered. And
1708 the gentlelady, chair of the Subcommittee on Immigration, is
1709 recognized.

1710 Ms. Lofgren. Thank you, Mr. Chairman.

1711 Congress created the fifth employment-based preference
1712 otherwise known as EB-5 immigrant visa category in 1990 for
1713 immigrants seeking to enter to engage in a commercial
1714 enterprise that will benefit the U.S. economy and create at
1715 least 10 full-time jobs.

1716 The basic amount required to invest is \$1 million,
1717 although that amount may be \$500,000 if the investment is
1718 made in a targeted employment area.

1719 Of the approximately 10,000 numbers available for this
1720 preference each year, 3,000 are reserved for entrepreneurs
1721 who invest in targeted employment areas. A separate
1722 allocation of 3,000 visas is set aside for entrepreneurs who
1723 immigrate through a regional center pilot program.

1724 Interestingly enough, although this is a substantial
1725 visa category, at most only about 1,000 people a year have
1726 immigrated in the EB-5 category, just one-tenth of the visas
1727 available.

1728 In 2005, only 346 people, including family dependent
1729 members, immigrated in this category. In 2006, that number

1730 was still under 1,000, at 749.

1731 To encourage immigration through the EB-5 category
1732 because it would benefit the American economy, Congress
1733 created a temporary pilot program in 1993. This pilot
1734 program sets aside the 3,000 visas each year for people who
1735 invest in designated regional centers.

1736 The pilot program has been renewed several times and is
1737 currently due to expire September 30th of this year. This
1738 bill would extend the pilot for regional centers for 5 years.

1739 An investment under the EB-5 pilot program must be made
1740 in a commercial enterprise located within a regional center
1741 defined as any economic unit, public or private, which is
1742 involved with the promotion of economic growth, including
1743 increased export sales, improved regional productivity, job
1744 creation, or increased domestic capital investment.

1745 A center seeking approval must submit a proposal showing
1746 how it plans to focus on a geographical region within the
1747 United States and to achieve the required growth by the means
1748 specified.

1749 The proposal must show in verifiable detail how jobs
1750 will be created indirectly through increased exports as well
1751 as the amount and source of capital committed and the
1752 promotional efforts made and planned.

1753 There are about 17 functioning regional centers today,
1754 and parts of the country have woken up to this opportunity.

1755 There are now 12 other pending applications for regional
1756 center designation.

1757 The USCIS is currently stepping up its review of new
1758 regional center applications and increasing oversight of this
1759 program.

1760 The GAO took a look at the program in 2003 and decided
1761 that the program had been underused for a variety of reasons,
1762 including a rather onerous application process and a failure
1763 to issue regulations.

1764 The report, however, found that even though few people
1765 had used the visa category, EB-5 participants had invested an
1766 estimated \$1 billion in a variety of U.S. businesses.

1767 So I have been visited by regional economic development
1768 specialists from a variety of areas that are finding economic
1769 distress in the Dakotas, in the Midwest, and now in the
1770 Central Valley of California. This is a real opportunity for
1771 distressed parts of the country to get capital and grow their
1772 economy.

1773 It needs to be renewed. It was approved unanimously in
1774 the subcommittee. And I hope it can be unanimously approved
1775 here today.

1776 And I yield back.

1777 Chairman Conyers. Thank you.

1778 Lamar Smith?

1779 Mr. Smith. Thank you, Mr. Chairman.

1780 I, too, support this legislation, and I will yield the
1781 balance of my time to Mr. King.

1782 Mr. King. I thank the ranking member from Texas for
1783 yielding.

1784 And I appreciate you bringing this bill before this
1785 committee for its markup today. The investor visa program is
1786 designed to attract entrepreneurial talent and capital to the
1787 United States and to create American jobs.

1788 Under the program, permanent resident visas are
1789 available each year to aliens who fit three categories. One,
1790 they establish a new business in the United States. Two,
1791 invest \$500,000 to \$1 million in the business. And three,
1792 see that business eventually create 10 full-time jobs for
1793 American workers.

1794 Once the Department of Homeland Security approves an
1795 alien's business plan, the alien receives conditional
1796 permanent resident status. Two years later, DHS determines
1797 whether the above requirements have, in fact, been met. If
1798 they have, the alien receives permanent residence.

1799 To further encourage economic development, in 1993
1800 Congress created a temporary pilot program that set aside
1801 3,000 investor visas each year for aliens who invested at
1802 least \$500,000 in "designated regional centers."

1803 A regional center is any economic unit, public or
1804 private, which is involved with the promotion of economic

1805 growth, including increased export sales, improved regional
1806 productivity, job creation, or increased domestic capital
1807 investment.

1808 Further, a regional center shall have jurisdiction over
1809 a limited geographic area which shall be described in the
1810 proposal and consistent with the purpose of concentrating a
1811 pooled investment in defined economic zones.

1812 The establishment of a regional center may be based on
1813 jobs that will be created directly or indirectly as a result
1814 of such capital investments and the other positive economic
1815 effects such capital investments will have.

1816 I should acknowledge that one of the operating pilot
1817 projects the Iowa New Farm Family Project, and that is under-
1818 the host communities are inviting farm families to establish
1819 modern dairy farms in Iowa.

1820 According to Iowa State University, the project has the
1821 potential to enrich Iowa communities with young families who
1822 establish value-added agricultural business and foster
1823 healthy economic development.

1824 The project creates opportunities to increase the
1825 population of rural communities, support agriculture, expand
1826 value-added agriculture, and maintain Iowa's existing dairy
1827 processing industry.

1828 I would also point out that Iowa being an ag state with
1829 a—and a net importer of milk, we need more dairy farmers in

1830 the state. This is helping that program. It is helping many
1831 regions around the country.

1832 I fully support this reauthorization that has been
1833 brought before this committee, and I urge its adoption.

1834 And I yield back that balance of my time.

1835 Chairman Conyers. I thank the gentleman.

1836 Mr. Goodlatte. Mr. Chairman?

1837 Chairman Conyers. Yes. I recognize Mr. Goodlatte, the
1838 ranking member on the Committee on Agriculture.

1839 Mr. Goodlatte. Thank you, Mr. Chairman.

1840 Mr. Chairman, I, too, support this legislation.

1841 I have had some conversations with the chairman of the
1842 subcommittee and advised her of some of my concerns about the
1843 fact that there has not been a change in the amount of
1844 investment required in this program, I think since its
1845 inception more than 20 years ago. It remains at \$1 million
1846 and \$500,000 in certain economically distressed areas.

1847 And I also note, especially after my conversation with
1848 her, the fact that there is not a lot of subscription for
1849 this. And I am pleased to see that there are some parts of
1850 the country that are seeking to utilize this.

1851 It is an engine for the prospect of increasing the
1852 number of jobs in this country as well as investment in the
1853 country. And I would ask—I was going to offer an amendment
1854 to increase the amount of capital required.

1855 But it seems to me that more than that is needed, that
1856 the program needs to be reviewed in terms of the regulations
1857 that have not been—existed, and the guidelines which are not
1858 clear, to encourage more use of the program, but at the same
1859 time to encourage greater investment.

1860 Obviously, the 10 jobs you could create in 1985 with \$1
1861 million would be very different jobs than the 10 you might
1862 create in 2008 with \$1 million. And therefore, the program,
1863 I think, needs an overhaul.

1864 And I would ask the gentlewoman if she would be willing
1865 to—

1866 Ms. Lofgren. Would the gentleman yield?

1867 Mr. Goodlatte. —take up that issue in her subcommittee.

1868 Ms. Lofgren. I thank the gentleman for yielding. I do
1869 think that this is something that needs review, as you and I
1870 have discussed privately, not only the dollar amount—I mean,
1871 I would hate to change it now without knowing what—because
1872 there is so few participants as it is.

1873 I want to move forward on the renewal because the
1874 program expires at the end of this year. But it is my hope
1875 that we can work and see how the program can be improved.

1876 One of the things that I have been exploring is the—you
1877 know, some of the business development is not just a matter
1878 of capital. It is a matter of ideas.

1879 And Google is maybe the best example. One of the co-

1880 founders, Sergey Brin, was originally born in Russia. Google
1881 now has 25,000 employees. They didn't bring money. They
1882 brought smarts to that business.

1883 And so I have been thinking is there a way to capture
1884 venture capital-backed development that does create
1885 tremendous growth. It is not as easy to draft as it sounds.

1886 And I would like to work with the gentleman on that as
1887 well as reviewing the overall program so that the maximum
1888 economic benefit to America can be achieved.

1889 And with that, I thank the gentleman for yielding.

1890 Mr. Goodlatte. Well, I thank the gentlewoman.

1891 And reclaiming my time, I would say that based on that
1892 assurance I will not offer this amendment today. But I very
1893 much look forward to working with the committee in hopes of—

1894 Ms. Jackson Lee. Would the gentleman yield?

1895 Mr. Goodlatte. —improving this program to benefit
1896 American workers. Thank you.

1897 Ms. Jackson Lee. Would the gentleman yield?

1898 Mr. Goodlatte. I would be happy to yield.

1899 Ms. Jackson Lee. Let me join the gentleman in
1900 supporting the bill but also with reservations that I, too,
1901 had intended to offer an amendment. I think that one of the
1902 issues I have is one similarly situated, the amount of money
1903 that this provision allows.

1904 But I also, from my perspective—from an urban

1905 perspective, I am concerned about the lack of diversity in
1906 the investment and the areas that are served, the underserved
1907 areas, the urban depressed areas, minority areas.

1908 And so to the chairwoman as well, and to the chairman of
1909 the full committee and ranking members, I would like to see
1910 incentives given so that these jobs that are created can
1911 truly penetrate some of the lower income area and see a great
1912 improvement.

1913 I think rural areas and agricultural projects equally
1914 provide great opportunity. So I had an amendment which I
1915 will not offer, but I would hope that I could work with the
1916 gentlelady and talk about some of the limitations of this
1917 investment.

1918 Ms. Lofgren. If the gentlelady will yield—

1919 Mr. Goodlatte. I would be happy to yield to the
1920 gentlelady.

1921 Ms. Lofgren. Gentleman will yield—I hope that we can
1922 look at that. I think that the program is bureaucratic. I
1923 was designed to be bureaucratic to be protectionist. That is
1924 fine.

1925 But we also want to grow our economy, and it should be
1926 equally oriented toward economically disadvantaged areas in
1927 rural and urban communities. We want all of America to
1928 prosper.

1929 And so I welcome the suggestion and look forward to

1930 working with all the members of the subcommittee on this as
1931 the year progresses.

1932 And I thank the gentleman for yielding.

1933 Mr. Goodlatte. I thank the gentlelady.

1934 I yield back. Thank you, Mr. Chairman.

1935 Chairman Conyers. You are welcome, and I thank you for
1936 your contribution.

1937 Are there any other statements? Are there any
1938 amendments?

1939 If not, a reporting quorum being present, the question
1940 is on reporting the bill favorably to the House. Those in
1941 favor of reporting H.R. 5569 to the House, please say "aye."
1942 Those opposed, please say "no." The ayes have it.

1943 And we are now—the majority having voted in favor of the
1944 bill, it is ordered reported favorably to the House, and the
1945 members will have 2 days to submit views.

1946 We are now pleased to call forward—and we are moving
1947 rapidly because Mr. Delahunt has a committee to chair very
1948 shortly, and we don't want to lose our quorum.

1949 Mr. Delahunt. I will try to be brief, Mr. Chairman, if
1950 I am allowed to proceed.

1951 Chairman Conyers. No, this one isn't your bill. Your
1952 bill is the next one.

1953 Mr. Delahunt. I am the last—I noted, and I have noted
1954 in the past, that I have been last.

1955 Chairman Conyers. Well, we could--

1956 Ms. Lofgren. The last shall be first.

1957 Chairman Conyers. We could make an exception for one
1958 time only for you, but we don't want you to surrender your
1959 position as last.

1960 Mr. Delahunt. Well, if the chair would defer and--

1961 Chairman Conyers. The chair will call up H.R. 1777 and
1962 ask that the clerk report the bill. H.R. 1777.

1963 The Clerk. H.R. 1777, a bill to amend the Improving
1964 America's Schools Act of 1994, to make permanent the
1965 favorable treatment of need-based educational aid under the
1966 antitrust laws. Section one, short title, this act may be
1967 cited as--

1968 [The bill follows:]

1969 ***** INSERT *****

1970 Mr. Delahunt. Mr. Chairman, I ask that the bill be
1971 considered as-

1972 Chairman Conyers. Without objection, the bill is
1973 considered read.

1974 And I would defer to Mr. Delahunt to make the opening
1975 statement on behalf of the majority.

1976 Mr. Delahunt. Thank you, Mr. Chairman, for bringing
1977 this bill up before the committee, and I also want to
1978 acknowledge that it is co-sponsored by my friend, the ranking
1979 member of the committee, Mr. Lamar Smith, and we have worked
1980 on this together in a bipartisan fashion.

1981 This particular act would extend permanently the current
1982 antitrust exemption which expires on December 30th, 2008 for
1983 colleges and universities that admit all students on a need-
1984 blind basis, without regard to the student's ability to pay.

1985 This safe harbor from the antitrust laws allows two or
1986 more of these schools to agree on a common aid application
1987 and a common system of analysis of financial aid and to
1988 exchange information on commonly admitted students.

1989 It does not permit discussion or comparison of
1990 institutional awards for individual students. Beginning in
1991 the mid 1950s, a number of prestigious private colleges and
1992 universities agreed to award institutional financial aid to
1993 students solely on the basis of demonstrated financial need.

1994 This decision was made in service of a social goal that

1995 the antitrust laws do not adequately address; namely, making
1996 financial aid available to the broadest number of students
1997 solely on the basis of demonstrated financial need.

1998 Without the agreement, the schools recognize that most,
1999 if not all, of the resources would be directed toward
2000 financial aid awards in competition for the very stop
2001 students, regardless of need, leaving little or none for
2002 other qualified students of lesser means.

2003 In the late 1980s, the Department of Justice sued,
2004 alleging that the schools' agreement violated Section 1 of
2005 the Sherman Act, that it was a contract, combination and a
2006 conspiracy in restraint of trade or commerce.

2007 The district court's ruling in favor of the government
2008 resulted in a consent decree between the government and the
2009 schools, all but ending the practice.

2010 Congress responded quickly, passing the first temporary
2011 antitrust exemption in 1992. We have reauthorized the
2012 exemption on three separate occasions, each time improving
2013 and extending the exemption over the previous iteration.

2014 Our bill is a straight reauthorization of the current
2015 exemption without a sunset. As many in this committee know,
2016 in both 1997 and 2001, the Judiciary Committee voice-voted
2017 out a permanent bill, and the House passed it overwhelmingly.

2018 I am hopeful that this year we can pass a bicameral
2019 permanent bill rather than requiring the schools to return

2020 again, after a term of years, asking us again to pass another
2021 extension.

2022 The latest reauthorization required the GAO to analyze
2023 the exemption's effect on college costs, and its report
2024 issued in 2006 found virtually no difference in the amount
2025 students and their families were expected to pay between
2026 schools using the exemption and similar schools not using the
2027 exemption.

2028 The schools themselves had lauded the exemptions, saying
2029 that access to need-based aid has increased and financial aid
2030 allocations have become more transparent.

2031 In addition, many of us here have had the benefit of
2032 these schools' approach, whether-by virtue of our admission
2033 into an ability to attend one of those schools.

2034 A half century ago, these great academic institutions
2035 realized the wisdom and virtue in opening their doors to any
2036 student who would enrich the intellect and industry of the
2037 campus and not just the endowment, and in offering to
2038 students a choice based on quality of academics rather than a
2039 quantity of money.

2040 Congress embraced this notion when it was first forced
2041 to act in 1992, and we have seen that not just the goal but
2042 the effect is tailored and consistent with antitrust
2043 principles.

2044 Therefore, I urge my colleagues to report this bill

2045 favorably out of the committee.

2046 With that, I yield back, Mr. Chairman, and thank the
2047 chair for its indulgence.

2048 Chairman Conyers. I thank the gentleman.

2049 Lamar Smith?

2050 Mr. Smith. Thank you, Mr. Chairman.

2051 And I want to—I especially appreciate your bringing up
2052 this timely piece of legislation. I also want to thank the
2053 gentleman from Massachusetts, Mr. Delahunt, for his early and
2054 strong promotion of this bill.

2055 I have a bit of a vested interest. I was the one who
2056 introduced this bill in 2001, and I think 1997 as well, so it
2057 is nice to have a bipartisan piece of legislation before us
2058 again.

2059 Beginning in the mid 1950s, a number of private colleges
2060 and universities agreed to award financial aid solely on the
2061 basis of demonstrated need.

2062 These schools also agreed to use common criteria to
2063 assess each student's financial need and to give the same
2064 financial aid award to students admitted to more than one
2065 member of that group of schools.

2066 From the 1950s to the late 1980s, the practice continued
2067 undisturbed. In 1989, the antitrust division of the
2068 Department of Justice brought suit against nine of the
2069 colleges. After extensive litigation, the parties entered

2070 into a consent decree in 1991 that all but ended the
2071 practice.

2072 In 1992, Congress passed the first exemption to the
2073 antitrust laws for these colleges as part of the Higher
2074 Education Amendments of 1992.

2075 That temporary exemption codified the settlement and
2076 allowed agreements to provide aid on the basis of need only,
2077 to use common criteria to determine need, to use a common
2078 financial aid application form, and to allow the exchange of
2079 a student's financial information to a third party. It also
2080 prohibited the schools from agreeing on awards to specific
2081 students.

2082 In 1994, Congress extended this exemption of Section 568
2083 of the Improving America's Schools Act. Congress has
2084 extended the exemption twice since 1994, in 1997 and 2001.

2085 Twenty-seven schools currently are members of the so-
2086 called president's group which utilizes this antitrust
2087 exemption. Several other colleges, including Yale and
2088 Harvard, participate as advisory members of the group. This
2089 exemption expires on September 30th, 2008.

2090 Common treatment of these types of issues makes sense,
2091 and to my knowledge there are no complaints about the
2092 existing exemption. In fact, a recent GAO study of the
2093 exemption found that there had been no abuse of the exemption
2094 and stated that there had not been an increase in the price

2095 of college as a result of the exemption.

2096 The Antitrust Modernization Commission studied this
2097 exemption and found that it provides "limited immunity for
2098 limited conduct." That is, it is narrowly tailored to meet
2099 its goals of promoting access to need-based financial aid.

2100 This bill would make the exemption passed in 1992, 1994,
2101 1997 and 2001 permanent. It would not make any change to the
2102 substance of the exemption.

2103 The need-based financial aid system serves worthy goals
2104 that the antitrust laws did not adequately address; namely,
2105 making financial aid available to the broadest number of
2106 students solely on the basis of demonstrated need.

2107 No student who is otherwise qualified should be denied
2108 the opportunity to go to one of these schools because of the
2109 limited financial means of his or her family. This bill
2110 helps protect need-based aid and need-blind admissions.

2111 Mr. Chairman, the last time the committee considered a
2112 permanent extension of this antitrust exemption, it was
2113 reported favorably by voice vote, and the House passed the
2114 bill by a vote of 414-0.

2115 The bill is supported by the American Association of
2116 Community Colleges, the American Association of State
2117 Colleges and Universities, the American Council on Education,
2118 the Association of American Universities, the National
2119 Association for Independent Colleges and Universities, the

2120 National Association of State Universities and Land Grant
2121 Colleges, and the President's Group, and I urge my colleagues
2122 to support this legislation and now yield back.

2123 Chairman Conyers. Thank you. We appreciate your
2124 continuing leadership in this regard.

2125 Mr. Keller. Move to strike last word.

2126 Chairman Conyers. Yes, Mr. Ric Keller, gentleman from
2127 Florida, is recognized.

2128 Mr. Keller. Thank you, Mr. Chairman.

2129 As the former chairman of the Higher Education
2130 Subcommittee and now as ranking member, I rise in strong
2131 support of the Need-Based Educational Act of 2007, H.R. 1777.

2132 As I look across the front row here, I see a lot of
2133 Harvard and Yale graduates on your side and, of course, our
2134 ranking member. I myself was this close to going to Harvard.
2135 That is how thick my rejection letter was, if I can recall.

2136 [Laughter.]

2137 But I can tell you that I have—yes. Vanderbilt I ended
2138 up with, and they are just fine, too.

2139 But I can tell you, as someone who follows the
2140 skyrocketing tuition problem and the access to college issue,
2141 that I have no concerns whatsoever of any abuse by Harvard or
2142 Yale or these other schools in connection with this
2143 exemption, and I will tell you why.

2144 Earlier this year, Harvard, for example, decided to use

2145 a good chunk of its substantial \$36 billion endowment to pay
2146 for the tuition of all the students at that school who are
2147 accepted and need it, even if their parents make up to
2148 \$180,000. It was absolutely remarkable.

2149 And Yale and other institutions have followed suit and
2150 decided to also make substantial commitments out of their
2151 endowment to make sure that every single child, rich or poor,
2152 has the opportunity to have a first-class education.

2153 And so I think they have led by example and put their
2154 money where their mouth is to make sure that all kids
2155 accepted to their school will be able to afford the tuition.

2156 And I think they have shown to their good faith that
2157 they are worthy of this immunity, and it should be made
2158 permanent.

2159 And I would urge other universities throughout the
2160 country to follow suit as best they can, even though they
2161 don't have the equivalent endowment, and urge all of my
2162 colleagues on both sides of the aisle to strongly support
2163 this legislation and vote "yes."

2164 And I will yield back the balance of my time.

2165 Chairman Conyers. I thank the gentleman.

2166 Are there any other comments or amendments? If not, the
2167 question is on reporting the bill favorably to the House.
2168 All in favor, say "aye." All opposed, say "no." "Ayes" have
2169 it and the bill is ordered favorably to the House. We will

2170 allow members 2 days to submit additional views.

2171 And we now have only one measure remaining. I ask the
2172 clerk to report H.R. 5571.

2173 The Clerk. H.R. 5571, a bill to extend for 5 years the
2174 program relating to waiver of the foreign country residence
2175 requirement with respect to international medical graduates.
2176 Section one, extension of waiver program. Section 220(c) of
2177 the Immigration and-

2178 [The bill follows:]

2179 ***** INSERT *****

2180 Chairman Conyers. Without objection, the further
2181 reading will be dispensed with, and the chair would recognize
2182 the gentlelady from California—

2183 Ms. Lofgren. Thank you, Mr. Chairman.

2184 Chairman Conyers. —to make a statement for the
2185 majority.

2186 Ms. Lofgren. The Immigration and Nationality Act allows
2187 foreign doctors to train in the United States under the J-1,
2188 visa program otherwise known as non-immigrant, in the
2189 Exchange Visitor Program.

2190 Now, the Exchange Visitor Program is intended to promote
2191 peaceful relations, mutual understanding, by having students
2192 from other countries come to America and then return home
2193 with their knowledge and expertise and, we hope, positive
2194 impressions about the United States.

2195 Accordingly, there is a requirement that people in the
2196 J-1 program must return to their country of origin for 2
2197 years.

2198 A waiver is available of the 2-year foreign residency
2199 requirement for doctors who have trained in the United States
2200 if a state or an interested federal agency sponsors the
2201 physician exchange visitor to work in a health manpower
2202 shortage area within the state for 3 years as a non-immigrant
2203 in H1B status.

2204 The secretary of health and human services determines

2205 which areas have a health manpower shortage. This waiver
2206 provision expires on June 1st of this year, and so this bill
2207 would extend the existing waiver provision for 5 years.

2208 This is important because, as we know, there is a
2209 shortage of physicians in certain parts of the United States,
2210 and this allows for the medical needs of Americans to be met
2211 in those shortage areas.

2212 It has been a useful provision of the law and, as I say,
2213 expires June 1st, so we really should act promptly to renew
2214 this measure. I do believe that it is important that
2215 exchange visitors go and promote the United States, but we
2216 always have the—to return. We can keep the physicians in the
2217 underserved medical areas. And I would yield back.

2218 Chairman Conyers. I thank the chairwoman and recognize
2219 Lamar Smith, who recognizes this is one of his bills that he
2220 led when chair of Immigration.

2221 Mr. Smith. Thank you, Mr. Chairman.

2222 And I do think it is a good program and had been
2223 involved with it before, as you mentioned, and I support this
2224 legislation.

2225 Mr. Chairman, I will yield the balance of my time to the
2226 gentleman from Iowa, Mr. King, the ranking member of the
2227 Immigration Subcommittee.

2228 Mr. King. I thank the gentleman from Texas, our ranking
2229 member of the full committee, and appreciate this bill being

2230 brought before us.

2231 Aliens who participate in medical residencies in the
2232 United States on J exchange program visas must generally
2233 leave the U.S. at the conclusion of their residencies to
2234 reside abroad for 2 years before they can be eligible to
2235 return.

2236 The intent behind this policy is to encourage American-
2237 trained foreign doctors to return home to improve health
2238 conditions and advance the medical professions in their
2239 native countries.

2240 In 1994, Congress created a waiver of the 2-year foreign
2241 residence requirement. The waiver was available if requested
2242 by state departments of public health for foreign doctors who
2243 committed to practice medicine for 3 years in areas having a
2244 shortage of health care professionals.

2245 The number of foreign doctors who could receive the
2246 waiver was limited to 20 per state. The Congress has
2247 extended this waiver on multiple occasions and has also
2248 expanded the numerical limitation on waivers to 30 per state.

2249 The waiver is set to expire on June 1st of this year.
2250 In fiscal year 2007, 768 doctors received waivers. H.R.
2251 5571, introduced by Immigration Subcommittee chair Lofgren,
2252 further extends the waiver until June 1st, 2013.

2253 I can't help but remark that this looks like about a 5-
2254 year extension on this one, and so I don't know what we have

2255 for the integrity in the system. I have got no reports that
2256 this is anything other than a solid program.

2257 And I support this bill. The waiver program assists
2258 people in rural and inner-city communities, and those are the
2259 ones who need more access to medical care. It should be
2260 continued. I urge its adoption.

2261 And I yield back the balance of my time.

2262 Chairman Conyers. Yes, the chair recognizes the
2263 gentleman from Tennessee, Mr. Cohen.

2264 Mr. Cohen. Thank you, Mr. Chairman.

2265 I would like to offer an amendment.

2266 Chairman Conyers. The clerk will report.

2267 The Clerk. Amendment to H.R. 5571 offered by Mr. Cohen
2268 of Tennessee. Insert at the end the following—

2269 Mr. King. Mr. Chairman, I reserve a point of order.

2270 The Clerk. —Section two—

2271 Chairman Conyers. The point of order by Mr. King is
2272 noted.

2273 The Clerk. —outstanding professors and researchers.
2274 Section 212(e) of the Immigration and Nationality Act of
2275 1952, 8 USC Section 1185(e), is amended by adding at the end
2276 the following: It is further provided that in the case of an
2277 individual who is classified as an outstanding professor or
2278 researcher pursuant to Section 203(b)(1)(B), 8 USC Section
2279 1153(b)(1)(B), the attorney general shall waive the

2280 requirement of such 2-year foreign residency.

2281 [The amendment by Mr. Cohen follows:]

2282 ***** INSERT *****

2283 Chairman Conyers. The gentleman is recognized in
2284 support of his amendment.

2285 Mr. Cohen. Thank you, Mr. Chairman.

2286 What this amendment intends to do is to take into
2287 consideration the purpose of the bill as drawn, which is to
2288 extend the program relating to waiver of foreign country
2289 residence requirements with respect to international medical
2290 graduates.

2291 While it is extremely important, and I am very
2292 supportive of extending this requirement or this waiver to
2293 people who serve underserved communities, rural or inner-
2294 city, I believe that if we have outstanding professors and
2295 researchers in this country that they should be able to
2296 continue doing their outstanding job, and that is a term of
2297 art, in helping look for cures to illnesses.

2298 My city is the home of St. Jude Children's Hospital, and
2299 we have lots of researchers there, and some in particular who
2300 are from foreign countries, who are doing outstanding jobs
2301 trying to find cures for cancer and other diseases that
2302 strike children down.

2303 And I think it is a disservice to the world, not simply
2304 to a portion of a country that loses a physician, to lose an
2305 outstanding professor and researcher.

2306 I know there is some question concerning germaneness. I
2307 would submit that the fact that it comes within the "to

2308 extent" clause in the beginning would make it germane, and I
2309 would like to—

2310 Ms. Lofgren. Would the gentleman yield?

2311 Mr. Cohen. Yes.

2312 Ms. Lofgren. If I may, I just saw this for the—I know
2313 the staff has been trying to look at this, and the gentleman
2314 did mention he had an interest in this before the last set of
2315 votes.

2316 I think probably it may not—there is a germaneness issue
2317 here, but I am wondering if it would be possible for the
2318 gentleman to withdraw the amendment at this time, if we could
2319 talk to the minority and see if we can't reach some consensus
2320 on this between now and the floor, because I think the point
2321 raised is a good one.

2322 And we all want America to be prosperous here in the
2323 medical field. And I think that might be the most effective
2324 way to make progress on this.

2325 Mr. Cohen. I thank the gentlelady for her suggestion,
2326 which I guess is legislative "take two aspirin and call me in
2327 the morning," and I will do that. Thank you.

2328 [Laughter.]

2329 Chairman Conyers. We thank the gentleman for his
2330 generous disposition this afternoon.

2331 Ms. Jackson Lee. Mr. Chairman, I have an amendment.

2332 Chairman Conyers. The gentlelady's amendment from

2333 Houston, Texas will be reported.

2334 The Clerk. Amendment to H.R. 5571 offered by Ms.

2335 Jackson Lee of Texas. At the end of the bill, add Section-

2336 [The amendment by Ms. Jackson Lee follows:]

2337 ***** INSERT *****

2338 Ms. Jackson Lee. Mr. Chairman, I ask unanimous consent
2339 that the amendment may be considered as read.

2340 Chairman Conyers. Without objection.

2341 Mr. King. Mr. Chairman, I reserve a point of order.

2342 Chairman Conyers. The King reservation is noted.

2343 And the gentlelady will be recognized in support of her
2344 amendment.

2345 Ms. Jackson Lee. Thank you very much, Mr. Chairman.

2346 A number of us have been working on this legislation
2347 over the years as members of the subcommittee. This issue
2348 tries to address and clarify the manpower language in the
2349 bill, which simply says that we would hope that the doctors
2350 that receive waivers could focus on areas including minority-
2351 serving rule and impoverished regions.

2352 If you ask any of our states, you will find that it is
2353 difficult to encourage these doctors to go to low-serving
2354 areas or low-income or rural areas.

2355 Texas in particular has—with its wonderful medical
2356 center, draws a great deal of these visas, and we are proud
2357 of that. But at the same time, our inner city, our rural
2358 areas, do not have the same attractiveness.

2359 And this simply is a sense of Congress that indicates
2360 that as you define the word manpower shortage that you would
2361 be encouraged to include those areas.

2362 And I yield to the gentlelady.

2363 Ms. Lofgren. I thank the gentlelady for yielding.

2364 Again, I think that this is an amendment that looks
2365 good, but I think especially the minority has just seen this,
2366 and if we would have a chance to sort through it between now
2367 and the floor, I am hopeful we might reach consensus on this.

2368 And I wonder if the gentlelady could withdraw so that we
2369 can go through that process and hopefully make progress on
2370 this.

2371 Ms. Jackson Lee. I thank the gentlelady's input. I
2372 would like to—I would be happy to do so—yield to Mr. Smith,
2373 as I know he was looking at this and also had an issue of
2374 concern, so I will know what our concerns are.

2375 Mr. Smith. Thank you for yielding.

2376 I would be happy to discuss the subject of the proposed
2377 amendment with the gentlelady from Texas whenever we can. I
2378 do have some questions, and I will simply pledge to work with
2379 you and Ms. Lofgren between now and the House floor.

2380 Ms. Jackson Lee. I thank both of you for your
2381 graciousness and the graciousness of the committee, chairman
2382 of the full committee, and at this time I ask to withdraw the
2383 amendment, unanimous consent.

2384 Chairman Conyers. Without objection, so ordered.

2385 Are there any other comments or any other amendments?

2386 If not, the question is on H.R. 5571, the last measure to be
2387 reported by the committee today.

2388 All in favor, indicate by saying "aye." All opposed,
2389 indicate by saying "no." The "ayes" then so have it. And we
2390 have a majority voting in favor of the bill, and it is
2391 ordered reported favorably to the House. Members will have 2
2392 days to submit views.

2393 And, ladies and gentlemen of the committee, that
2394 completes our agenda for today. The chair thanks you for
2395 your intermittent cooperation. And we will declare the
2396 committee adjourned.

2397 [Whereupon, at 1:21 p.m., the committee was adjourned.]