

I urge my colleagues to reject this baseless and nakedly political resolution. Let's do the business of the American people in an honest, thoughtful, and proper way. I would remind my Republican colleagues that you are entitled to your own opinion, but you are not entitled to your own facts. The facts are that the administration's proposal would increase work requirements and increase the ability of Americans to get back to work. And here my Republican colleagues are irresponsibly attempting to block that action. Shame.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 788, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of House Joint Resolution 118 will be postponed.

Pursuant to clause 1(c) of rule XIX, further consideration of the joint resolution (H.J. Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program, will now resume.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

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#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

#### STEM JOBS ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6429) to amend the Immigra-

tion and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6429

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "STEM Jobs Act of 2012".

#### SEC. 2. IMMIGRANT VISAS FOR CERTAIN ADVANCED STEM GRADUATES.

(a) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(d)(2) of the Immigration and Nationality Act (8 U.S.C. 151(d)(2)) is amended by adding at the end the following:

"(D)(i) In addition to the increase provided under subparagraph (C), the number computed under this paragraph for fiscal year 2013 and subsequent fiscal years shall be further increased by the number specified in clause (ii), to be used in accordance with paragraphs (6) and (7) of section 203(b), except that—

"(I) immigrant visa numbers made available under this subparagraph but not required for the classes specified in paragraphs (6) and (7) of section 203(b) shall not be counted for purposes of subsection (c)(3)(C); and

"(II) for purposes of paragraphs (1) through (5) of section 203(b), the increase under this subparagraph shall not be counted for purposes of computing any percentage of the worldwide level under this subsection.

"(ii) The number specified in this clause is 55,000, reduced for any fiscal year by the number by which the number of visas under section 201(e) would have been reduced in that year pursuant to section 203(d) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 151 note) if section 201(e) had not been repealed by section 3 of the STEM Jobs Act of 2012.

"(iii) Immigrant visa numbers made available under this subparagraph for fiscal year 2013, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) in such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only to the extent to which the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2013 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) was less than the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2013 in connection with a petition under section 204(a)(1)(F), or an application for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2013.

"(iv) Immigrant visa numbers made available under this subparagraph for fiscal year 2014, but not used for the classes specified in paragraphs (6) and (7) of section 203(b) during such year, may be made available in subsequent years as if they were included in the number specified in clause (ii), but only to the extent to which the cumulative number of petitions under section 204(a)(1)(F), and applications for a labor certification under section 212(a)(5)(A), filed in fiscal year 2014 with respect to aliens seeking a visa under paragraph (6) or (7) of section 203(b) was less than the number specified in clause (ii) for such year. Such immigrant visa numbers may only be made available in fiscal years after fiscal year 2014 in connection with a petition under section 204(a)(1)(F), or an appli-

cation for a labor certification under section 212(a)(5)(A), that was filed in fiscal year 2014."

(b) NUMERICAL LIMITATION TO ANY SINGLE FOREIGN STATE.—Section 202(a)(5)(A) of such Act (8 U.S.C. 1152(a)(5)(A)) is amended by striking "or (5)" and inserting "(5), (6), or (7)".

(c) PREFERENCE ALLOCATION FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 203(b) of such Act (8 U.S.C. 1153(b)) is amended—

(1) by redesignating paragraph (6) as paragraph (8); and

(2) by inserting after paragraph (5) the following:

"(6) ALIENS HOLDING DOCTORATE DEGREES FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

"(A) IN GENERAL.—Visas shall be made available, in a number not to exceed the number specified in section 201(d)(2)(D)(ii), to qualified immigrants who—

"(i) hold a doctorate degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education;

"(ii) agree to work for a total of not less than 5 years in the aggregate for the petitioning employer or in the United States in a field of science, technology, engineering, or mathematics upon being lawfully admitted for permanent residence; and

"(iii) have taken all doctoral courses in a field of science, technology, engineering, or mathematics, including all courses taken by correspondence (including courses offered by telecommunications) or by distance education, while physically present in the United States.

"(B) DEFINITIONS.—For purposes of this paragraph, paragraph (7), and sections 101(a)(15)(F)(i)(I) and 212(a)(5)(A)(iii)(III):

"(i) The term 'distance education' has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

"(ii) The term 'field of science, technology, engineering, or mathematics' means a field included in the Department of Education's Classification of Instructional Programs taxonomy within the summary groups of computer and information sciences and support services, engineering, mathematics and statistics, and physical sciences.

"(iii) The term 'United States doctoral institution of higher education' means an institution that—

"(I) is described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or is a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b)));

"(II) was classified by the Carnegie Foundation for the Advancement of Teaching on January 1, 2012, as a doctorate-granting university with a very high or high level of research activity or classified by the National Science Foundation after the date of enactment of this paragraph, pursuant to an application by the institution, as having equivalent research activity to those institutions that had been classified by the Carnegie Foundation as being doctorate-granting universities with a very high or high level of research activity;

"(III) has been in existence for at least 10 years;

"(IV) does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any recruitment or admission activities for nonimmigrant students or in making decisions regarding the award of student financial assistance to nonimmigrant students; and

“(V) is accredited by an accrediting body that is itself accredited either by the Department of Education or by the Council for Higher Education Accreditation.

“(C) LABOR CERTIFICATION REQUIRED.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary of Homeland Security may not approve a petition filed for classification of an alien under subparagraph (A) unless the Secretary of Homeland Security is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A), except that the Secretary of Homeland Security may, when the Secretary deems it to be in the national interest, waive this requirement.

“(ii) REQUIREMENT DEEMED SATISFIED.—The requirement of clause (i) shall be deemed satisfied with respect to an employer and an alien in a case in which a certification made under section 212(a)(5)(A)(i) has already been obtained with respect to the alien by that employer.

“(7) ALIENS HOLDING MASTER’S DEGREES FROM U.S. DOCTORAL INSTITUTIONS OF HIGHER EDUCATION IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

“(A) IN GENERAL.—Any visas not required for the class specified in paragraph (6) shall be made available to the class of aliens who—

“(i) hold a master’s degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education that was either part of a master’s program that required at least 2 years of enrollment or part of a 5-year combined baccalaureate-master’s degree program in such field;

“(ii) agree to work for a total of not less than 5 years in the aggregate for the petitioning employer or in the United States in a field of science, technology, engineering, or mathematics upon being lawfully admitted for permanent residence;

“(iii) have taken all master’s degree courses in a field of science, technology, engineering, or mathematics, including all courses taken by correspondence (including courses offered by telecommunications) or by distance education, while physically present in the United States; and

“(iv) hold a baccalaureate degree in a field of science, technology, engineering, or mathematics or in a field included in the Department of Education’s Classification of Instructional Programs taxonomy within the summary group of biological and biomedical sciences.

“(B) LABOR CERTIFICATION REQUIRED.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary of Homeland Security may not approve a petition filed for classification of an alien under subparagraph (A) unless the Secretary of Homeland Security is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(5)(A), except that the Secretary of Homeland Security may, when the Secretary deems it to be in the national interest, waive this requirement.

“(ii) REQUIREMENT DEEMED SATISFIED.—The requirement of clause (i) shall be deemed satisfied with respect to an employer and an alien in a case in which a certification made under section 212(a)(5)(A)(i) has already been obtained with respect to the alien by that employer.

“(C) DEFINITIONS.—The definitions in paragraph (6)(B) shall apply for purposes of this paragraph.”.

(d) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1)(F) of such Act (8 U.S.C. 1154(a)(1)(F)) is amended—

(1) by striking “(F)” and inserting “(F)(i)”;

(2) by striking “or 203(b)(3)” and inserting “203(b)(3), 203(b)(6), or 203(b)(7)”;

(3) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(4) by adding at the end the following:

“(ii) The following processing standards shall apply with respect to petitions under clause (i) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b):

“(I) The Secretary of Homeland Security shall adjudicate such petitions not later than 60 days after the date on which the petition is filed. In the event that additional information or documentation is requested by the Secretary during such 60-day period, the Secretary shall adjudicate the petition not later than 30 days after the date on which such information or documentation is received.

“(II) The petitioner shall be notified in writing within 30 days of the date of filing if the petition does not meet the standards for approval. If the petition does not meet such standards, the notice shall include the reasons therefore and the Secretary shall provide an opportunity for the prompt resubmission of a modified petition.”.

(e) LABOR CERTIFICATION AND QUALIFICATION FOR CERTAIN IMMIGRANTS.—Section 212(a)(5) of such Act (8 U.S.C. 1182(a)(5)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii)—

(i) in subclause (I), by striking “, or” at the end and inserting a semicolon;

(ii) in subclause (II), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(III) holds a doctorate degree in a field of science, technology, engineering, or mathematics from a United States doctoral institution of higher education (as defined in section 203(b)(6)(B)(iii)).”;

(B) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively;

(C) by inserting after clause (i) the following:

“(ii) JOB ORDER.—

“(I) IN GENERAL.—An employer who files an application under clause (i) shall submit a job order for the labor the alien seeks to perform to the State workforce agency in the State in which the alien seeks to perform the labor. The State workforce agency shall post the job order on its official agency website for a minimum of 30 days and not later than 3 days after receipt using the employment statistics system authorized under section 15 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

“(II) LINKS.—The Secretary of Labor shall include links to the official websites of all State workforce agencies on a single webpage of the official website of the Department of Labor.”; and

(D) by adding at the end the following:

“(vi) PROCESSING STANDARDS FOR ALIEN BENEFICIARIES QUALIFYING UNDER PARAGRAPHS (6) AND (7) OF SECTION 203(b).—The following processing standards shall apply with respect to applications under clause (i) relating to alien beneficiaries qualifying under paragraph (6) or (7) of section 203(b):

“(I) The Secretary of Labor shall adjudicate such applications not later than 180 days after the date on which the application is filed. In the event that additional information or documentation is requested by the Secretary during such 180-day period, the Secretary shall adjudicate the application not later than 60 days after the date on which such information or documentation is received.

“(II) The applicant shall be notified in writing within 60 days of the date of filing if the application does not meet the standards for approval. If the application does not meet such standards, the notice shall include the

reasons therefore and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.”; and

(2) in subparagraph (D), by striking “(2) or (3)” and inserting “(2), (3), (6), or (7)”.

(f) GAO STUDY.—Not later than June 30, 2017, the Comptroller General of the United States shall provide to the Congress the results of a study on the use by the National Science Foundation of the classification authority provided under section 203(b)(6)(B)(iii)(II) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(6)(B)(iii)(II)), as added by this section.

(g) PUBLIC INFORMATION.—The Secretary of Homeland Security shall make available to the public on the official website of the Department of Homeland Security, and shall update not less than monthly, the following information (which shall be organized according to month and fiscal year) with respect to aliens granted status under paragraph (6) or (7) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as added by this section:

(1) The name, city, and State of each employer who petitioned pursuant to either of such paragraphs on behalf of one or more aliens who were granted status in the month and fiscal year to date.

(2) The number of aliens granted status under either of such paragraphs in the month and fiscal year to date based upon a petition filed by such employer.

(3) The occupations for which such alien or aliens were sought by such employer and the job titles listed by such employer on the petition.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2012, and shall apply with respect to fiscal years beginning on or after such date.

### SEC. 3. ELIMINATION OF DIVERSITY IMMIGRANT PROGRAM.

(a) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting “and” at the end of paragraph (1);

(B) by striking “; and” at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking “(a), (b), or (c),” and inserting “(a) or (b),”;

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking “(a), (b), or (c)” and inserting “(a) or (b),”;

(5) in subsection (g), by striking “(a), (b), and (c)” and inserting “(a) and (b)”.

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I); and

(2) in subsection (e), by striking “(a), (b), or (c)” and inserting “(a) or (b)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2012, and shall apply with respect to fiscal years beginning on or after such date.

### SEC. 4. PERMANENT PRIORITY DATES.

(a) IN GENERAL.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by adding at the end the following:

“(i) PERMANENT PRIORITY DATES.—

“(1) IN GENERAL.—Subject to subsection (h)(3) and paragraph (2), the priority date for any employment-based petition shall be the date of filing of the petition with the Secretary of Homeland Security (or the Secretary of State, if applicable), unless the filing of the petition was preceded by the filing

of a labor certification with the Secretary of Labor, in which case that date shall constitute the priority date.

“(2) SUBSEQUENT EMPLOYMENT-BASED PETITIONS.—Subject to subsection (h)(3), an alien who is the beneficiary of any employment-based petition that was approvable when filed (including self-petitioners) shall retain the priority date assigned with respect to that petition in the consideration of any subsequently filed employment-based petition (including self-petitions).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to aliens who are a beneficiary of a classification petition pending on or after such date.

#### SEC. 5. STUDENT VISA REFORM.

(a) IN GENERAL.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

“(F) an alien—

“(i) who—

“(I) is a bona fide student qualified to pursue a full course of study in a field of science, technology, engineering, or mathematics (as defined in section 203(b)(6)(B)(ii)) leading to a bachelors or graduate degree and who seeks to enter the United States for the purpose of pursuing such a course of study consistent with section 214(m) at an institution of higher education (as described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) or a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C. 1002(b))) in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution fails to make reports promptly the approval shall be withdrawn; or

“(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I);

“(ii) who has a residence in a foreign country which the alien has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study, and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(m) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution of learning or place of study shall have agreed to report to the Secretary of Homeland Security the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn;

“(iii) who is the spouse or minor child of an alien described in clause (i) or (ii) if accompanying or following to join such an alien; or

“(iv) who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) or (ii) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico.”.

(b) ADMISSION.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by inserting “(F)(i),” before “(L) or (V)”.

(c) CONFORMING AMENDMENT.—Section 214(m)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(m)(1)) is amended, in the matter preceding subparagraph (A), by striking “(i) or (iii)” and inserting “(i), (ii), or (iv)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to nonimmigrants who possess or are granted status under section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) on or after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 6429 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

When it comes to STEM fields—science, technology, engineering, and math—American universities set the standard. Our STEM graduates create the innovations and new businesses that fuel our economic growth and create jobs.

Many of the world's top students come to the U.S. to obtain advanced STEM degrees. But what happens to these foreign students after they graduate? Under the current system, we educate scientists and engineers only to send them back home where they often work for our competitors.

We could boost economic growth and spur job creation by enabling American employers to hire some of the best and brightest graduates of U.S. universities. These students become entrepreneurs, patent holders, and job creators.

The STEM Jobs Act makes available 55,000 immigrant visas a year for foreign graduates of American universities with advanced degrees in STEM fields.

Three-quarters of likely voters strongly support such legislation, and a wide range of trade associations have endorsed this legislation as well. These include the Institute for Electrical and Electronics Engineers, the U.S. Chamber of Commerce, Compete America, the Information Technology Industry Council, and the Society for Human Resource Management.

To protect American workers, employers who hire STEM graduates must advertise the position; and if a quali-

fied American worker is available, the STEM graduate will not be hired.

This bill makes our immigration system smarter by admitting those who have the education and skills America needs. STEM visas are substituted for Diversity Visas which invite fraud and pose a security risk.

The STEM Jobs Act generates jobs, increases economic growth, and benefits American businesses. What more do we want?

Let's put the interest of our country first and support this legislation.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

For more than a decade, I've been working to increase high-skilled visas for foreign students with advanced STEM degrees from America's greatest research universities. I'm fortunate enough to see firsthand the new technologies, the new companies, the new jobs they create every day in my district in the Silicon Valley. For that reason, it pains me greatly that I cannot support this bill.

First, although this bill ostensibly seeks to increase STEM visas, it appears to have another, in my opinion, more sinister purpose—to actually reduce legal immigration levels. The bill does it in two ways.

On its face, the bill eliminates as many visas as it creates by killing the Diversity Visa Program which benefits immigrants from countries that have low rates of immigration to the United States. But the bill also discreetly ensures that many of the new visas will go unused by preventing unused visas after 2014 from flowing to other immigrants stuck in decades-long backlogs. This is not the way our immigration system works.

I believe the only reason the bill is written in this fashion is to satisfy anti-immigrant organizations that have long lobbied for reduced levels of immigration.

My colleagues on the other side of the aisle are fond of saying that while they are opposed to illegal immigration, they are very much in favor of legal immigration. But this bill shows the opposite.

Supporters of legal immigration would not have killed one immigration program to benefit another, nor would they agree to a Grover Norquist-style no-new-immigration pledge that will continue to strangle our immigration system for years to come.

Agreeing to zero-sum rules now means never helping the almost 5 million legal immigrants currently stuck in backlogs.

The Republican bill also expressly allows for-profit and online schools to participate. While the bill contains language limiting immediate participation, it unquestionably opens the door to future participation.

I cannot support a bill that will allow such schools to essentially sell visas to rich, young foreigners.

The vast majority of Democrats in this Chamber strongly support STEM visas. I've introduced a bill that creates STEM visas without eliminating other visas or including for-profit colleges. It has the support of the Black, Hispanic, and Asian Caucus chairs. Bring that to the floor, and you'll see strong support from Democrats. It should also get strong Republican support.

Republicans in the past, including very conservative Members, have supported STEM legislation that does not eliminate other types of visas. In the 110th Congress, I introduced a bill that did just that with very conservative Republicans such as Texas Members JOHN CARTER and PETE SESSIONS as co-sponsors. If they can support new STEM visas without offsets, so can Republicans today.

There is a unique opportunity here to craft a balanced, bipartisan bill that can pass the Senate; but our majority has instead chosen to jam through a partisan bill that has no chance of becoming law, solely, I think, to score political points.

It seems the only reason they have chosen to pursue this strategy right before an election is an attempt to appear more immigrant friendly than their record proves them to be and perhaps to curry favor with high-tech groups.

But this is an anti-immigration bill, and it only sets back the high-skilled visa cause.

I believe if we take a step back and work in good faith on a bipartisan basis, we can pass a STEM bill with overwhelming support. I am eager to work with my colleagues on the other side of the aisle to do just that. It's the right thing to do for the district I represent, and for our country. But this flawed bill is one I cannot support.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, before yielding to the gentleman from Texas (Mr. HALL), I'm going to yield myself 1 minute.

Mr. Speaker, the gentlewoman from California said at least two things that are completely inaccurate. Let me correct those statements.

First, she said this bill is going to reduce immigration and that that was somehow the intent behind the bill. The gentlewoman from California practiced immigration law, and she knows better than to say this. Under this bill, and she knows this to be the case, individuals in other employment categories who are waiting for other types of employment visas can switch over and apply for these STEM visas if they are master's or Ph.D. holders in the STEM fields. There's no limit on those. I expect every year that the number of visas that are not used directly will be used by these individuals in other employment-based categories.

I want to make the point, too, that America is the most generous country in the world. We admit almost 1 million people legally every year. That's

far more than any other nation, and it may well be as many as every other country combined.

The purpose of this bill is not to increase or decrease immigration, and I want to make that point, and also the fact that most Americans agree with this. Gallop recently reported that four out of five Americans do not want to increase the levels of immigration. Only 4 percent believe that the number of immigrants now entering the U.S. is too low. This bill reflects what the American people want.

Lastly, in regard to for-profit schools, the gentlewoman made light of that and seemed to think that this bill was going to be abused by those types of institutions.

First of all, any institution, even if they are profit-making—and why do so many Democrats oppose profits and free enterprise? I don't know—but any profit-making institution, if they otherwise qualify, which is to say if they grant doctorates or master's in STEM fields and if they are a research university as deemed by the Carnegie Institute of Higher Education, yes, they'll qualify. But I want to say to the gentlewoman from California, today, none of those for-profit institutions would qualify.

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If they somehow meet the qualifications in the future, why wouldn't we want them to be eligible to have their graduates—master's and Ph.D. only—apply for these STEM visas?

I am happy now to yield 2 minutes to the chairman of the Science Committee, the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I commend my good friend from Texas, Chairman SMITH, for his leadership on the bill today.

As a member of the Science Committee since first elected in 1980, I've heard repeatedly of talented foreign students who receive advanced degrees from American universities who would like to stay in the United States and put those degrees to work and are simply not permitted to do so. So they return home to their home country and ended up competing with us.

Likewise, I hear from industry, particularly the technology industry, that they have ample jobs to fill, but there are not enough qualified Americans to fill those jobs. If this is true, we want those jobs filled by Americans and are working to improve STEM education in the country. But absent that talent now, and with many of these companies already seeking employees overseas, then it seems to me we should take advantage of the opportunity in front of us and help those foreign students who have received their education in the U.S. remain in the U.S.

I have expressed to the chairman that I remain hopeful that qualified Americans should always fill available jobs first, and I understand provisions are in place to ensure this. I further ap-

preciate his willingness to reach a consensus on broadening institution eligibility. We must remember that a large number of well-respected institutions across the country only grant degrees as high as a masters, and qualified graduates from those universities should also be eligible.

In closing, I support the bill before us today, with the assurance that the chairman will continue to work with the Science Committee and with me as we move forward.

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent to allow the ranking member of the full committee to control the remainder of the time.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan will control the time.

There was no objection.

Mr. CONYERS. Mr. Speaker, it is with great pleasure that I thank the gentlelady from California (Ms. LOFGREN) and yield her such time as she may consume.

Ms. ZOE LOFGREN of California. I will be brief. I do feel the need to address the issue that the chairman has raised; I think he misunderstands the issue.

We have, in U.S. universities, graduating in STEM fields 10,000 Ph.D. and 30,000 masters degrees a year. Assuming that all 40,000 want to stay in the United States—and that is not a valid assumption—we will not use up all of the 50,000 visas. It is true that the EB2s might apply, but many of them did not go to American universities. So the easiest way to make sure these visas are not eliminated is to do what happens in all the rest of the immigration EB categories, which is to allow those visas to flow.

Finally, I just have to say I have never once been asked by a high-tech company to have some online university be the awardee of the Ph.D. It's not a demand, it's not an interest that anybody in the technology field has ever expressed to me.

Mr. CONYERS. Mr. Speaker, I would now proudly yield 3 minutes to our distinguished whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, in order to compete in today's global economy, we need to attract the best and brightest math and science students from around the world. I think we all agree on that.

American technology and Internet companies—which are far and away the best in the world—are in dire need of more highly educated engineers and scientists. We're just not producing enough here. In the long term, we need to educate more Americans in STEM fields, but we also must increase the number of STEM visas so that our businesses can hire the top international graduates of American universities.

This could be a broadly bipartisan bill. It could pass easily. But once

again, unfortunately, we have chosen a good bill and inserted a partisan poison pill, making it impossible to pass the Senate or attract broad bipartisan support. How sad it is that that's been the history of this Congress. That poison bill is, of course, the elimination of the Diversity Visa Program, which ensures that individuals from a broad array of countries have the opportunity to seek a better life here in America. The Statue of Liberty, with her torch raised, is being brought down just a little bit.

We don't know where our next great innovators will come from, and we ought to not close the doors on those who have been waiting patiently to have their number called in some far off corner of the world. That lottery is not only their salvation, but also our benefit. It's part of what makes America great.

I call on the Republican leadership to withdraw this bill and instead take up the bill introduced by my friend, the gentlewoman from California, Representative LOFGREN, which accomplishes the objective I think we all want to accomplish. That version would create opportunities through a new STEM visa program without taking current opportunities away. I commend Ms. LOFGREN for her work on this issue and for helping to sustain that yearning for America that still moves the hearts of millions around the world.

In light of what I have just said, Mr. Speaker, I would ask the gentleman from Texas if he will yield for the purpose of allowing me to make a unanimous consent to amend his bill by striking all after the enacting clause and replacing the text with that of the gentlewoman from California's alternative, H.R. 6412, the Attracting the Best and Brightest Act of 2012. I tell my friend that will accomplish the objectives that you've talked about and I've talked about in getting high-tech people, the availability, for our companies here in America. They need them, we want them, we ought to get them; and we ought to do it in a bipartisan way.

This is an opportunity for bipartisan ship that unfortunately has not come as often as we would like. I would ask my friend to allow me to make that unanimous consent, that we agree to that. And I guarantee the gentleman we will get very substantial numbers of votes on this side of the aisle for that proposition, and I hope on your side as well.

Would the gentleman yield for that unanimous consent? The gentleman has been instructed not to yield to me for that unanimous consent, I understand? I regret that your side of the aisle wouldn't give me that opportunity for America—for America and our high-tech businesses.

Mr. SMITH of Texas. Mr. Speaker, on the way to yielding to the majority leader of the House, I'd like to respond very quickly to what the gentleman from Maryland just said.

I want to make, again, the points that the Diversity Visa invites fraud, and absolutely means that we would have a security risk if we were to continue it.

I want to quote the assistant Secretary of State. The assistant Secretary of State for Visa Services has testified that Diversity Visa fraud includes:

Multiple entries, fraudulent claims to education or work experience, pop-up spouses or family members, relatives added after the application is submitted, and false claims for employment or financial support in the United States.

The State Department's Inspector General has testified that the Diversity Visa program:

Contains significant risk to national security from hostile intelligence officers, criminals and terrorists attempting to use the program for entry into the United States as permanent residents.

We've already had one individual who was admitted on a Diversity Visa try to blow up the World Trade Center in 1993. He killed six people and injured hundreds of people. That's why this program is not good for this country.

I'm more than happy to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the majority leader for the House of Representatives.

Mr. CANTOR. I thank the gentleman from Texas for his leadership on this bill.

Mr. Speaker, since we were elected to the majority, the House Republicans have put forward solutions to spur job creation and economic growth by, frankly, focusing on and helping small businesses get off the ground to grow and hire. We've worked hard to drive small business job creation and innovation by enacting patent reform, the JOBS Act, and the removal of regulatory and tax burdens that are impeding small businesses' growth.

The STEM Jobs Act we are voting on today is part of our commitment to help small businesses, to help them create jobs by ensuring that top foreign students in American universities have the opportunity to launch or work for American businesses.

The bipartisan STEM Jobs Act takes 55,000 visas currently awarded based on a lottery and instead awards them to foreign graduates of U.S. universities with advanced degrees in science, technology, engineering, and mathematics. This legislation provides students with the opportunity to stay here in America where they can contribute to the American economy rather than leaving for other countries, taking their venture capital with them to compete against America and her businesses.

□ 1600

I want to thank the gentleman from Texas, Chairman SMITH, as well as Congressman HENRY CUELLAR for introducing this legislation. I'd also like to note that Congressman BOB GOODLATTE of Virginia and Congressman RAÚL LABRADOR from Idaho have also been instrumental in getting us here.

But there's a reason why we in America are the world's leading innovators and have within our borders the world's leading innovators and why they choose to launch their companies here. Our Nation offers immense opportunities to those who come to our shores.

My grandparents, just like so many others who immigrated to America, knew what foreign students know today: that America has always been a place which puts a premium on ensuring that, no matter who you are or where you're from, everyone here should have the opportunity to go and achieve and earn success.

According to the Partnership for a New American Economy, 40 percent of Fortune 500 companies were founded by immigrants or their children. So we must start to take advantage of our status as a destination for the world's best and brightest. We must continue to do that. We want job creation and innovators to stay here and help us compete.

Over the past two decades, the number of international graduate students enrolled in our Nation's top-notch universities has grown. But, as the Congressional Research Service shows, the percentage of these students who gain visas has largely remained the same since 1990. The STEM Jobs Act says to our foreign graduates, You choose America and America chooses you.

More talent in our workforce will mean more innovation, more start-ups, more entrepreneurship, more jobs and a better economy. It's time our visa system adopted this commonsense advancement. It's time for us to pass this bill, Mr. Speaker, and I hope there is a broad bipartisan base of support when the vote occurs.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to JUDY CHU, an active member of the Judiciary Committee who, additionally, heads the Asian Pacific Caucus.

Ms. CHU. I rise today in opposition to this bill which will further damage our already broken immigration system. I strongly support increasing visas for STEM foreign students so they can stay, work, and innovate here. But while this bill claims to do that, it actually reduces the number of overall visas available and lets unused STEM visas disappear by 2014.

The bill also gets rid of 50,000 legal immigrant visas each year under the Diversity Visa Program, which gives every immigrant, no matter their background, a chance of immigrating to the United States and is so important to immigrants who don't fall into other categories.

Supporters of legal immigration should not have to kill other immigration programs to help our economy maintain its competitive edge. This is not a zero-sum game.

Anyone in support of fair legal immigration should oppose this bill. And I urge both sides to come together to work on a bipartisan STEM visa bill

that will help keep our economy competitive without making our backlogged immigration system worse.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA), who is the chairman of the Government Oversight Committee.

Mr. ISSA. Mr. Speaker, for 12 years, my greatest ambition here in Congress has been my membership in Judiciary and my activities of trying to bring real immigration reform that's a plus to our country.

My district has two notable areas: one, the agricultural areas that so desperately need a guest worker program; the other, throughout San Diego and Orange County, the high-tech areas that in many ways rival the best in the world, that, in fact, run out of H-1Bs on the day that they're offered. So I support the STEM skills reform because it's necessary.

But let me just go through two or three things quickly that are so obvious here in this debate.

One is: People who are detractors from this say, We'd love to have it; we simply want an expansion in the total number of immigrants. Let's understand, America allows more people to immigrate to our shores than the entire rest of the world, combined, does to theirs. We're already the most generous, and there has to be a number and that number has been set.

Secondly, it doesn't take away from anyone who has a valid need or reason to come here. It's not going to limit reunification. It's not going to limit those who have been tortured or in some other way affected in their foreign country.

But I think the most telling one is the CBO, our independent, nonpartisan organization that, in fact, has said that making this change will save over \$1 billion in costs from the dependency that many diversity candidates prove to have, in spite of the regulations saying they shouldn't.

And lastly, and the most important one, as an employer of a high-tech company, a founder and employer for many years, America has to be like every high-tech company. You are always open to hire somebody who will make your company grow. America will grow in four jobs or more for each person who applies and receives one of these visas. That is about getting the economy going again and jobs happening again.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

I thank you, because there's only one problem separating the two views that have been presented by both sides of the aisle here this afternoon. But the proposal of those on the other side, of steamrolling through today, simply does not provide for new visas for STEM graduates. Instead, it completely eliminates diversity visas, a longstanding legal immigration program. And, as surely everyone under-

stands on both sides of the aisle, we strongly oppose a zero-sum game that trades one legal immigration program for another. I heard someone suggest that.

The elimination of the Diversity Visa Program will drastically decrease immigration from African countries. It's as simple as that. In recent years, African immigrants have comprised approximately 40 to 50 percent of the Diversity Visa Program's annual beneficiaries. And so we just say simply: That is not fair. There's no point in us having to swallow this poison pill. And I can assure you that there's no intention that that be done.

Second, the Diversity Visa Program plays an important foreign policy role for the United States. As a former Ambassador testified the year before last at a Judiciary Committee hearing:

The program engenders hope abroad for those that are all too often without it—hope for a better life, hope for reunification with family in the United States, and hope for a chance to use their God-given skills and talent.

And so I ask my colleague to please consider how we can move the STEM issue forward without eliminating the Diversity Visa Program.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), a senior member of the Judiciary Committee and an original cosponsor of this legislation.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Texas, the chairman of the committee, for his fine work on this legislation, and I rise in support of it.

You know, this House has twice passed through the entire House legislation eliminating the visa lottery program—55,000 visas, not given based upon family reunification needs, not given based upon job shortages in the United States, but based upon pure luck. And it's unfair to people from more than a dozen countries around the world that stand in long lines, on waiting lists, and then watch somebody have their name drawn out of a computer at random, with no particular job skills, no ties in this country, and they get to go right past them into a green card in the United States.

□ 1610

So, if you're from Mexico, you're not eligible for the visa lottery program. If you're from Canada, you're not eligible for the visa lottery program. If you're from China or India or the Philippines or from more than a dozen countries, you are not eligible for this program at all.

Let me just say that far more people with far greater contributions to make to our economy, to our system, will benefit from using those visas for STEM—for science, for technology, for engineering, and math. In fact, most African immigrants to the U.S. do not come through the diversity program,

and many will benefit from a STEM visa program. There are more than 3,000 students from Nigeria alone who are studying in STEM fields in the United States. They will be able to stay in the U.S. because of the STEM Jobs Act.

This is a good proposal that is fair to people who want to come to this country to better their lives for themselves but to also help the United States in these difficult economic times find people who are needed here or who have legitimate family reunification needs, not simply based on pure luck. Our immigration system is in need of more reform than this, but this is great reform, and I urge my colleagues to pass this legislation.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 2 minutes to the former chairman of the Education and Labor Committee, the distinguished gentleman from California, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this partisan bill. It's unfortunate. Maintaining this country's advantage in science and technology is an important issue, and it should not be a partisan issue. Democrats have long supported efforts to increase STEM careers in this country and to address the question of STEM visas.

We all recognize how important these careers are to the future economic strength of this country. We could be working together in a bipartisan way to address these issues in a fair and thoughtful manner, but this bill does not do that. Instead of working together, the majority has chosen a partisan route.

This route puts American workers' wages at risk at a time when they can ill afford it. It allows a dangerous race to the bottom that will drive wages down for American workers. It allows employers to pay visa holders less than the actual wages paid to similarly situated workers at those employers. A U.S. worker and a visa holder could be working right next to one another, doing the same work, and the foreign worker is cheaper. We know what this will mean for U.S. workers' pay and job opportunities. Depressing families' wages is not what our country needs. That's why I joined with Congresswoman LOFGREN on legislation that would require a visa holder to be paid at least the actual wage being paid to a U.S. worker with similar experience.

I also have deep concerns that this partisan bill is also a payoff for predatory for-profit education institutions. The Republican bill includes language that specifically allows for-profit institutions to participate in this program. Why is that? Tech and other high-skilled employers have not been pushing to get more foreign graduates from for-profit schools. This provision would allow these institutions to find new, potentially lucrative revenue streams for their shareholders without regard



to the actual needs of the American labor market.

Mr. Speaker, the American people have made it clear that they are fed up with the powerful special interests gaming the system to increase their bottom line. They are fed up with partisan exercises meant to gain political advantage during an election cycle. It is no surprise that for 2 years this Congress had an opportunity to have a full and open debate on this very important issue but that the Republicans have chosen partisanship, obstruction, and polarization over moving this country forward. That's why we see this bill at the last minute, and that's why we see this bill requiring a two-thirds vote.

Mr. SMITH of Texas. Under this bill, the employers have to pay the prevailing wage. I don't know from where the gentleman got his information.

Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. GRIFFIN), a distinguished and active member of the Judiciary Committee.

Mr. GRIFFIN of Arkansas. I rise today in support of the STEM Jobs Act, and I thank Chairman SMITH for his leadership.

Mr. Speaker, I want to tell you about some job creators in my district who would benefit from this bill. Welspun Tubular, which made the pipes for the Keystone pipeline, needs advanced STEM graduates to train workers. Power Technology needs highly skilled workers to design, develop, and manufacture laser products. These companies have struggled to find the specific talent they need, and this bill would help them create jobs.

We are currently educating highly skilled Ph.D.'s and masters and are sending them back home to compete against us after they graduate. That's like Arkansas recruiting the best college football players from Texas, training them on our offense and sending them back to Texas to compete against us. That doesn't make any sense. Let's fix it. Let's pass this bill.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. GUTIERREZ) as few have worked harder on this with ZOE LOFGREN.

Mr. GUTIERREZ. Thank you so much.

It might appear like we are having a debate about whether we should send STEM graduates—those with advanced degrees in science, technology, engineering, and math—to faraway lands to work for companies to compete against us, but this debate is not about that because, on the need for STEM visas, there is no debate. The real debate we are having today, in creating STEM visas, is whether to shut the door to opportunity to others who contribute to the United States of America.

I haven't seen one letter from Google, Yahoo!, Apple, Intel or the high-tech industry that says to eliminate 25,000 to 30,000 visas to those from Africa and give them to the high-tech industry. I haven't seen one letter that says that, and they know that. It's just

something they want to do, and they want to poison this well with what I think is bad policy. Based on the immigrant stories we heard from almost every speaker at the Republican and Democratic conventions, I would guess all of us here would welcome to the U.S. any decent, hardworking person with enough heart and guts to pursue his biggest dreams, but that's not what this bill does. I wish it did.

Imagine if those millions who passed through Ellis Island had been given a test when they arrived. If they were gifted in science and math, they were in. If they were simply hardworking men or women in search of better lives, prepared to sweat and toil in the fields or in our factories, they wouldn't have been good enough under this bill. Think about it. Where would we all be if we had to pass that test—the Pelosis and the Palazzos, the Boehners and the Blumenauers, the Schakowskys and the Lipinksis, the Kennedys and the Kuciniches, the Romneys and—yes—the Rubios?

When my parents came from Puerto Rico, they didn't need a visa. They just had a sixth-grade education and a ninth-grade education. Under this bill, they would say, Not here and not in this America. You're not welcome. My mom worked in a factory, and my dad drove a cab, and they worked hard every day. They worked hard every day to make this. They sent their children to college, and one of them today serves in the Congress of the United States.

The SPEAKER pro tempore (Mr. LATOURETTE). The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman 30 more seconds.

Mr. GUTIERREZ. They lived the story of America. They came with nothing but hopes, and they played by the rules and achieved great things, not necessarily for themselves but for their children and now their grandchildren.

Has America benefited? Could we attract the smartest and the brightest? Yes. But America is also a better Nation because we attract those with the most heart and soul to make something of themselves. Let's defeat that bill so we can continue that great American tradition.

Mr. SMITH of Texas. I yield myself 30 seconds.

Mr. Speaker, no one is hurt more by the diversity visa program than unemployed Hispanics and black Americans. The unemployment rate for Hispanics with only a high school education is almost 14 percent. The unemployment rate for African Americans with only a high school education is almost 19 percent. The diversity visa program forces these unemployed Americans to compete for very scarce American jobs with those other individuals who don't have more than a high school education. Why do we want to do this to our own people?

I yield 2 minutes to the gentleman from Idaho (Mr. LABRADOR), an original

cosponsor of this legislation who is very active on this subject.

Mr. LABRADOR. I rise today in support of the STEM Jobs Act of 2012. This bill addresses one of the bipartisan issues we ought to be able to solve here in the House of Representatives.

Both President Obama and Governor Romney have spoken about the need to reform our immigration system in order to keep more of the best and the brightest minds in America. I am very pleased to have worked with Chairman SMITH on this bill, and I want to thank him for his leadership. I also want to thank Mr. GOODLATTE and the majority leader for their commitment to bringing this jobs bill to the floor.

The future of our economy is in the STEM fields. New printers from Hewlett-Packard, new semiconductors from Micron, and new phones from Apple all rely on retaining the world's best and brightest students and on harnessing their ingenuity to create jobs here in America. Even in an economic downturn, there aren't enough U.S.-born graduates to meet the needs of high-tech employers. Right now, foreign-born students are benefiting from our education system and are then going home to compete with us.

□ 1620

This legislation allows us to retain their skills and innovation. We know that every American with an advanced STEM degree creates two to three new American jobs. We are replacing a broken, inefficient visa program with one that works, rewards innovation, and makes jobs for our economy.

Mr. Speaker, I heard the other side talk about this bill all day today. This other side controlled the House, the Senate, and the Presidency for 2 years and did nothing to improve the immigration system. They didn't pass immigration bills, yet the President campaigns on the issue of immigration reform. Once again, faced with actually passing a bill that improves the immigration system, they're making a stand against immigration reform and against economic growth.

Let me clarify one thing. I have a great deal of respect for Congresswoman LOFGREN. She and I have talked about this issue for the entire 1½ to 2 years that I've been here in Congress, and I recognize that she's been a leader on this issue over the years. I'm also an immigration attorney. I've been an immigration attorney for 15 years. I must clarify that unused diversity visas have never rolled over, and to oppose this bill on those grounds is just proof that this is more about politics than policy.

Mr. CONYERS. Mr. Speaker, I would like to gain the previous speaker's attention. The House, of which you are a Member, passed the DREAM Act 216-208, and we enjoyed the support of eight Republican Members.

Mr. Speaker, I now yield 1½ minutes to a senior member of the Judiciary Committee, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Mr. Speaker, I'm most grateful. Thank you very much.

To the Speaker and to my colleague from Texas, this is the perfect infrastructure for collaboration and bipartisanship. We have worked together on this issue, and we have confronted the issue that I mentioned to Congresswoman LOFGREN on which we will continue to work, which is to ensure the outreach to Historically Black Colleges and Hispanic-serving colleges for the engineers and scientists who are prepared to work in America's technology industry, and I expect that that will happen. I am supportive of STEM visas to provide for the infrastructure of workers for the dynamic technology, Silicon Valley software, Austin, Texas, and beyond to be able to be vibrant and thriving.

But as I just left the President of Malawi, a woman who has inspired Malawians to look to the future, and as they look to the future, we have said that we want to ensure that America has a future with the continent. To remove the diversity visas that create diversity, to take away opportunities from a continent that, by and large, has been an ally and friend to the United States, whose African citizens have come to be reunited with families, who have generated outstanding businesses, from South Africans, to Kenyans, to Guineans, to those from Cote d'Ivoire and those from Nigeria—in my town, Nigerians have created the most successful brand of small businesses from being seamstresses to doctors and lawyers and others.

I cannot vote for a bill that will allow us to remove the component for diversity visas as an exchange or substitute for this kind of approach. We must have balanced and comprehensive immigration reform.

Mr. SMITH of Texas. Mr. Speaker, let's put our own unemployed Hispanics and black Americans first. They should come first.

Mr. Speaker, I yield 45 seconds to the gentleman from California (Mr. BILBRAY), who is the chairman of the Immigration Reform Caucus.

Mr. BILBRAY. Mr. Speaker, I rise today in strong support of this piece of legislation.

All over America, Americans are having to make priority decisions in their families. The fact is this Congress needs to make some priority decisions. It is not only the right, but the responsibility, of this Congress and this Nation to make sure that our immigration policy is good for America first and foremost.

This bill will replace a failed system that actually gambled with America's future by having a lottery. It replaces it with bringing good scientists in. Let me just give you the numbers from just recently.

This is going to create 55,000 jobs. Do we want to have 6,000 Iranians coming here or do you want 6,000 scientists and researchers coming in? Do we want to

set aside an area where we have over 2,000 Moroccans being given a set-aside for their country rather than treating individuals that have proven that they have an asset that we need in this country?

The real issue here is, Mr. Speaker, whether we are willing to correct a mistake of the past to move forward with a fair system that judges individuals based on their merit, not based on the country that they're coming from.

Mr. CONYERS. Mr. Speaker, I yield the gentledady, Ms. SHEILA JACKSON LEE, 25 seconds.

Ms. JACKSON LEE of Texas. If we pass the American Jobs Act, we will help Hispanic youngsters, Anglo youngsters, African American youngsters, and all Americans.

However, what an insult to America's values to suggest that those who come to this country to give by way of a legal process, diversity visas, are not contributing. I do not want to insult anyone who comes with the idea of helping America. That means wherever they've come from: Africa, Iran, elsewhere.

If they come for a good reason through the diversity visa to reunite with their family, that is the American way. Immigration by law, that is the American way.

Mr. CONYERS. Mr. Speaker, I'm pleased to yield 1½ minutes to the very patient Member from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise to strongly oppose H.R. 6429, the Republican STEM proposal before the House today under suspension of the rules.

As the ranking member of the Subcommittee on Higher Education and Workforce and vice chair of the Congressional Hispanic Caucus, I urge my colleagues on both sides of the aisle to join me and members of the Congressional Hispanic Caucus, the Congressional Black Caucus, and the Asian American Caucus in strongly opposing this Republican STEM proposal, misguided legislation that would curtail legal immigration to the United States.

As a proud cosponsor of this bill, I support this legislation because it would allow advanced STEM graduates to remain in the United States and contribute to our Nation's scientific discovery and technological innovation, increasing our Nation's global competitiveness. This bill reduces backlogs for STEM-degree recipients by attracting and retaining critical talent and creating a new EB-6 green card category for persons with advanced degrees in STEM from research universities in the United States.

I must underscore that this bill does not eliminate or weaken our immigration programs to increase STEM visas. This bill targets only the best and the brightest foreign students. Unlike the Republican proposal, this legislation, H.R. 6412, does not allow foreign graduates of for-profit colleges to receive

STEM visas, including degrees earned by mail or over the Internet.

In closing, I urge my colleagues to strengthen our Nation's global competitiveness.

Mr. Speaker, I rise to strongly oppose H.R. 6429, the Republican STEM proposal, before the House today under suspension of the rules.

As Ranking Member of the Subcommittee on Higher Education and Workforce Training and Vice Chair of the Congressional Hispanic Caucus (CHC), I urge my colleagues, on both sides of the aisle, to join me and members of the Congressional Hispanic Caucus, the Congressional Black Caucus, and the Congressional Asian Pacific American Caucus in strongly opposing the Republican STEM proposal, misguided legislation that would curtail legal immigration to the United States.

Instead, I encourage my colleagues in this chamber to support H.R. 6412, "The Attracting the Best and the Brightest Act of 2012" sponsored by Representative ZOE LOFGREN.

As a proud cosponsor of this bill, I support this legislation because it would allow advanced STEM graduates to remain in the United States and contribute to our Nation's scientific discovery and technological innovation, increasing our Nation's global competitiveness.

This bill reduces backlogs for STEM "degree recipients by attracting and retaining critical talent and creating a new "EB-6 green card category for persons with advanced degrees in science, technology, engineering, and mathematics (STEM) from research universities in the United States.

I must underscore that this bill does not eliminate or weaken other immigration programs to increase STEM visas. While H.R. 6412 provides the same number of STEM visas (50,000) as the Republican proposal, it does so without eliminating the long-standing Diversity Visa program, which ensures diversity among new immigrants and provides one of the few legal pathways to enter the United States.

This bill targets only the best and the brightest foreign students, and requires that these individuals have an advanced degree from an accredited public or nonprofit university classified by the National Science Foundation as a research institution or as otherwise excelling in STEM instruction.

Unlike the Republican proposal, this legislation H.R. 6412 does not allow foreign graduates of "for-profit colleges" to receive STEM visas, including degrees earned by mail or over the internet.

H.R. 6412 includes a provision which provides wage protections for U.S. workers and requires that the offered wage to the STEM graduate meets or exceeds the actual wage paid to U.S. workers with similar levels of experience.

The Republican proposal does not include this provision and does not adequately ensure that American workers are protected.

In closing, I urge my colleagues to strengthen our Nation's global competitiveness by opposing the misguided Republican STEM proposal and cosponsoring H.R. 6412, "The Attracting the Best and the Brightest Act of 2012."

Mr. SMITH of Texas. Mr. Speaker, I yield 45 seconds to the gentleman from Arizona (Mr. FLAKE), who has long been active on the subject of immigration.



Mr. FLAKE. I thank the gentleman for yielding, Mr. Speaker.

I rise in strong support of the STEM Jobs Act.

For the past three Congresses, I've worked on this issue with the introduction of the STAPLE Act, which would do much the same as this bill does, as well as support for other pieces of legislation that do what this piece of legislation does, which is allow those who are trained in our universities here to contribute to the U.S. economy.

We all know that it's not government that creates jobs, that the job of government is to enable the private sector to create jobs. I can think of no better way than to allow the private sector access to the brainpower and knowledge of those who have been trained in our universities to stay here and help create jobs.

This is a good piece of legislation. It's one of the few pieces of immigration legislation that has bipartisan support. I urge its adoption.

Mr. CONYERS. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE), who is also chairman of the Foreign Affairs Terrorism Subcommittee.

Mr. ROYCE. Mr. Speaker, I urge my colleagues to support the STEM Jobs Act. It is time to alter the current immigration system. It is time to substantially increase the proportion of new entrants with high levels of education and skills.

Today, we are educating many of the best and brightest from around the world, and then, ironically, we're sending them back to work for our competitors. This makes no sense.

□ 1630

Skilled immigrants can contribute to a rising U.S. standard of living. They bring capital, they bring ideas, and they produce new companies. With this bill, we can help grow innovation, and we can create jobs in the U.S. We've got plenty of examples of IT firms in California that are founded by immigrants from China and India that were educated in our institutions.

Let's pass this bill and help our economy grow.

Mr. SMITH of Texas. Mr. Speaker, I yield 45 seconds to the gentleman from Pennsylvania (Mr. ALTMIRE), who is a member of the Education and the Workforce Committee.

Mr. ALTMIRE. Mr. Speaker, while I would have preferred the Lofgren approach, I rise in support of the STEM Jobs Act because it's critical to keeping America competitive in the global economy. The United States has the best institutions of higher education in the world, particularly when it comes to the STEM fields.

Yet U.S. businesses frequently express concerns over the availability of qualified workers to perform jobs that are available and need to be filled once we educate and train these students for

jobs. We send them back to their home countries to compete against us. This simply makes no sense.

By passing this bill, we will help ensure that the best and brightest in the world aren't working for our competitors abroad, but that America keeps that talent here at home and they play on our team instead of competing against us.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LUNGREN), who is chairman of the House Administration Committee and a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, let's remember where we are. Up until 1965, we had a quota system that essentially gave advantages to certain countries to get their people in here versus others.

We removed that in 1965. We went to a worldwide quota system based on the fact that everyone around the world would have an equal chance to get to the United States based on their talents and their reason for coming here.

In about 1981, there was a cry that we weren't getting enough Irish coming in here. Tip O'Neill—I recall, I was here on the floor at this time—Tip O'Neill and Teddy Kennedy worked together to create the Diversity program that allowed anybody to apply for it at 12:01 a.m. one morning.

What do you know, only the Irish knew about it. We got essentially Irish in. That worked for a while. Then we changed it so that they and others were no longer allowed, and we only allowed certain countries in. We're going back to a quota system by country. It doesn't make sense. It ought to be a worldwide quota system.

In addition, I would just say that most African American immigrants in the U.S. do not come through the Diversity program. We have many who are engaged in the STEM program study here. Just 3,000 from Nigeria alone would be able to participate.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the distinguished gentlewoman from California, Ms. ZOE LOFGREN.

Ms. ZOE LOFGREN of California. Mr. Speaker, I think this is a disappointing day at a time when we look for leadership on the part of the majority to bring us together. Instead, we have a partisan bill before us.

We have 54 cosponsors on the bill that we've introduced. The remarkable thing is that we have support across the entire breadth of the Democratic Caucus for STEM visas. The things that have been said about the Diversity Visa today are simply wrong.

They remind me of the warnings we got a short while ago about the "terror babies" who would somehow emerge after 21 years. It's absurd.

We need to vote against this bill, but I think we can quickly reconvene and get to the bipartisan effort that this country deserves.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the STEM Jobs Act spurs economic growth and spurs job creation by enabling American employers to hire some of the best and brightest foreign students who graduate from American universities. The American public, American employers, and the high-tech community all support this bipartisan piece of legislation.

I urge my colleagues to vote for jobs, vote for innovation, and vote for economic growth. Let's put the interests of America first.

I yield back the balance of my time.

Mr. MANZULLO. Mr. Speaker, as a proud original co-sponsor of the STEM Jobs Act, I urge my colleagues to support this carefully-crafted legislation. The American economy faces many challenges today, from burdensome regulations to uncertainty over taxes. One of our biggest challenges, especially in the manufacturing sector, is the skills gap—a lack of highly trained workers with the expertise to perform certain manufacturing jobs, or a shortage of scientists and engineers to develop new technologies. Manufacturing in America relies on innovation and skill, but too many factories slow down, too many opportunities are missed, and too many jobs are lost because of this skills gap. And worse, America's universities train and educate some of the most promising scientists and engineers from around the world, but our immigration laws force us to send them away to compete against American companies.

It makes no sense to educate foreign students in the fields of science, technology, engineering, and mathematics, only to send them overseas once they complete their studies. Rather than force these innovators and experts to join companies overseas to be in direct competition with American high-technology manufacturing firms, we should keep innovation and entrepreneurship here at home. The STEM Jobs Act will allow these bright minds who study at top American universities and are already in this country legally under a student visa, the option to stay and work for American companies, build our economy, and help create American jobs.

Mr. Speaker, this bill will not increase the total number of green cards offered to immigrants, and it will not allow foreign workers to take jobs that Americans are available to do. Instead, the STEM Jobs Act makes our immigration laws smarter and guarantees that these green cards are available only to fill jobs that Americans can't fill. This bill will enhance America's competitiveness in the global marketplace and will lead to the economic growth and job creation that American workers need.

Mr. BACA. Mr. Speaker, I rise today to voice my strong opposition to H.R. 6429, the misnamed STEM Jobs Act.

Make no mistake about it, this bill is designed to reduce legal immigration to the United States.

H.R. 6429 doesn't just increase STEM visas, it also eliminates the Diversity Visa program—a legal immigration program that makes visas available to immigrants from countries that have low rates of immigration to the United States.

It is wrong to force Congress to eliminate one immigration program, in an effort to support another.

This misguided legislation also eliminates rollover provisions for unused visas.

Unfortunately, H.R. 6429 lets unused visas go to waste, and forces legal immigrants to continue to suffer in long backlogs.

In addition, I have serious concerns that this legislation automatically allows for-profit and on-line schools to participate in the new STEM green card program.

It's not too late for my Republican colleagues to change course, and sit down with Democrats to work on a bipartisan bill that strengthens the STEM visa program without limiting legal immigration.

I urge my colleagues to stand in solidarity and vote "no" on this attempt to reduce legal immigration.

Ms. HIRONO. Mr. Speaker, I rise in opposition to H.R. 6429, the misnamed STEM Jobs Act of 2012.

The ability our nation to attract the world's best and brightest has contributed greatly to the creation of American jobs and the success of American businesses large and small. However, many foreign students who graduate from our best universities in the science, technology, engineering and mathematics (STEM) fields become victims of a broken visa system. The absence of specific visas for graduates in these critical fields has resulted in long wait times and forces many to move back home, taking their valuable skills out of the American economy. Clearly, the time has come for change.

Unfortunately, H.R. 6429 isn't the change we need. It follows the pattern of the Republicans' approach of giving with one hand while taking with the other. This bill would create STEM visas at the expense of eliminating the Diversity Visa Program. Diversity visas provide a legal path for people from countries with low rates of immigration to the United States. Half the recipients are from Africa and almost a third are from Asia.

Democrats and Republicans agree that we should establish a STEM visa program, but unfortunately Republicans inserted a poison pill in this bill that guarantees it will not pass. It is also clear that the Senate will not take up the bill with this provision included.

We in Hawaii know that diversity is a strength. Hawaii has been enriched by the diverse immigrants who call it home, hailing from places like the Philippines, Japan, Samoa, Portugal, and around the Pacific Rim. While I believe we should be looking for ways to encourage the best and brightest to come to our shores and create American jobs, we don't need to do it at the expense of the Diversity Visa Program.

As an immigrant, I know the promise America offers and the hopes of those who come to our shores seeking a better life. That's why I support efforts to improve our immigration system and encourage those with needed skills to come and work for our businesses. Furthermore, a strong economic foundation depends on a world class American education system that prepares the young people of our country to compete in the STEM fields. I am convinced we can find a way to come together to create a fair STEM Visa Program and to strengthen our STEM education so more Americans can get these jobs.

H.R. 6429 is a flawed bill, and I urge my colleagues to oppose it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6429.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: passage of House Joint Resolution 118; the motion to suspend the rules and pass H.R. 6429; and the motion to suspend the rules and pass H.R. 5987.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### DISAPPROVING RULE RELATING TO WAIVER AND EXPENDITURE AUTHORITY WITH RESPECT TO THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 250, nays 164, not voting 15, as follows:

[Roll No. 589]

YEAS—250

Adams	Bilirakis	Camp
Aderholt	Bishop (UT)	Campbell
Alexander	Black	Canseco
Amash	Blackburn	Cantor
Amodei	Bonner	Capito
Austria	Bono Mack	Carter
Bachmann	Boren	Cassidy
Bachus	Boswell	Chabot
Barber	Boustany	Chaffetz
Barletta	Brady (TX)	Chandler
Barrow	Brooks	Coble
Bartlett	Broun (GA)	Coffman (CO)
Barton (TX)	Buchanan	Cole
Bass (NH)	Bucshon	Conaway
Benish	Buerkle	Cravack
Berg	Burgess	Crawford
Biggert	Burton (IN)	Crenshaw
Bilbray	Calvert	Culberson

Denham	King (IA)	Price (GA)
Dent	King (NY)	Quayle
DesJarlais	Kingston	Reed
Diaz-Balart	Kinziger (IL)	Rehberg
Dold	Kissell	Reichert
Donnelly (IN)	Kline	Renacci
Dreier	Labrador	Ribble
Duffy	Lamborn	Rigell
Duncan (SC)	Lance	Rivera
Duncan (TN)	Landry	Roby
Ellmers	Lankford	Roe (TN)
Emerson	Latham	Rogers (AL)
Farenthold	LaTourette	Rogers (KY)
Fincher	Latta	Rogers (MI)
Fitzpatrick	Lewis (CA)	Rohrabacher
Flake	Lipinski	Rokita
Fleischmann	LoBiondo	Rooney
Fleming	Loeb	Ros-Lehtinen
Flores	Long	Roskam
Forbes	Lucas	Ross (FL)
Fortenberry	Luetkemeyer	Royce
Fox	Lummis	Runyan
Franks (AZ)	Lungren, Daniel	Ryan (WI)
Frelinghuysen	E.	Scalise
Garamendi	Lynch	Schilling
Gardner	Manzullo	Schock
Garrett	Marchant	Schweikert
Gerlach	Marino	Scott (SC)
Gibbs	Matheson	Scott, Austin
Gibson	McCarthy (CA)	Sensenbrenner
Gingrey (GA)	McCauley	Sessions
Gohmert	McClintock	Shimkus
Goodlatte	McHenry	Shuler
Gosar	McIntyre	Shuster
Gowdy	McKeon	Simpson
Graves (GA)	McKinley	Smith (NE)
Graves (MO)	McMorris	Smith (NJ)
Griffin (AR)	Rodgers	Smith (TX)
Griffith (VA)	McNerney	Southerland
Grimm	Meehan	Stearns
Guinta	Mica	Stivers
Guthrie	Michaud	Stutzman
Hall	Miller (FL)	Terry
Hanna	Miller (MI)	Thompson (PA)
Harper	Miller, Gary	Thornberry
Harris	Mulvaney	Tiberi
Hartzer	Murphy (PA)	Tipton
Hastings (WA)	Myrick	Turner (NY)
Hayworth	Neugebauer	Turner (OH)
Heck	Noem	Upton
Hensarling	Nugent	Walberg
Herger	Nunes	Walden
Herrera Beutler	Nunnelee	Walsh (IL)
Hochul	Olson	Webster
Huelskamp	Owens	West
Huizenga (MI)	Palazzo	Westmoreland
Hultgren	Paul	Whitfield
Hunter	Paulsen	Wilson (SC)
Hurt	Pearce	Wittman
Issa	Pence	Wolf
Johnson (IL)	Peterson	Womack
Johnson (OH)	Petri	Woodall
Johnson, Sam	Pitts	Yoder
Jones	Poe (TX)	Young (AK)
Jordan	Pompeo	Young (FL)
Kelly	Posey	Young (IN)

NAYS—164

Ackerman	Connolly (VA)	Gutierrez
Altmire	Conyers	Hahn
Andrews	Cooper	Hanabusa
Baca	Costa	Hastings (FL)
Baldwin	Costello	Heinrich
Bass (CA)	Courtney	Higgins
Becerra	Critz	Himes
Berkley	Crowley	Hinche
Berman	Cuellar	Hinojosa
Bishop (GA)	Cummings	Hirono
Bishop (NY)	Davis (CA)	Holden
Blumenauer	DeFazio	Holt
Bonamici	DeGette	Honda
Brady (PA)	DeLauro	Hoyer
Braley (IA)	Deutch	Israel
Brown (FL)	Dicks	Jackson Lee
Butterfield	Dingell	(TX)
Capps	Doggett	Johnson (GA)
Capuano	Doyle	Johnson, E. B.
Carnahan	Edwards	Kaptur
Carney	Ellison	Keating
Carson (IN)	Engel	Kildee
Castor (FL)	Eshoo	Kind
Chu	Farr	Kucinich
Cicilline	Fattah	Langevin
Clarke (MI)	Frank (MA)	Larsen (WA)
Clarke (NY)	Fudge	Larson (CT)
Clay	Gonzalez	Lee (CA)
Cleaver	Green, Al	Levin
Clyburn	Green, Gene	Lewis (GA)
Cohen	Grijalva	Lofgren, Zoe