

I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself the balance of my time.

I join my voice with Ranking Member CUMMINGS' in being associated with the words from my friend and colleague from the great State of North Carolina in support of this important legislation and to also compliment not only ELIJAH CUMMINGS for his leadership, but former Chairman ISSA for making this a priority and for helping to move it to the floor and make it happen.

This is a good, bipartisan bill. It was worked on diligently by both sides in both the House and the Senate. It is an important step forward for transparency. It is a strengthened bill. It deserves the support of everyone on both sides of the aisle, and I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. MEADOWS. Mr. Speaker, I yield myself such time as I may consume.

I acknowledge the, really, unbelievable work of the staff. Many times, as you well know, Mr. Speaker, we will get up and work very hard, but it is the countless hours on behalf of our staff that really allows us to move legislation forward; so I wouldn't want this day to go by without acknowledging their support and work.

Also, I acknowledge the leadership of Chairman CHAFFETZ in his being able to not only navigate this bill before and, hopefully, to the President's desk for signing, but certainly in his leadership on transparency and in making sure that the government of the people is accountable to the people.

I urge the adoption of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RIGELL). The question is on the motion offered by the gentleman from North Carolina (Mr. MEADOWS) that the House suspend the rules and pass the bill, S. 337.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### OVERSEE VISA INTEGRITY WITH STAKEHOLDER ADVISORIES ACT

Mrs. MIMI WALTERS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3636) to amend the Immigration and Nationality Act to allow labor organizations and management organizations to receive the results of visa petitions about which such organizations have submitted advisory opinions, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3636

*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 "Oversee Visa Integrity with Stakeholder Advisories Act" or the "O-VISA Act".*

#### SEC. 2. ALLOWING CERTAIN ORGANIZATIONS TO RECEIVE THE RESULTS OF VISA PETITIONS.

*Section 214(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(3)) is amended—*

*(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and*

*(2) in the first sentence of the matter following subparagraph (B)—*

*(A) by striking "and (iv)" and inserting "(iv)"; and*

*(B) by striking the period at the end and inserting the following: ", and (v) upon making the decision, the Secretary of Homeland Security shall provide a copy of the decision to each organization with which the Secretary consulted under subparagraph (A) or (B)."*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. MIMI WALTERS) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California (Mrs. MIMI WALTERS).

#### GENERAL LEAVE

Mrs. MIMI WALTERS of California. 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 material on H.R. 3636, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. MIMI WALTERS of California. Mr. Speaker, I yield myself such time as I may consume.

I thank Mr. NADLER and all of the other cosponsors in their helping to advance H.R. 3636, the Oversee Visa Integrity with Stakeholder Advisories Act, otherwise referred to as the O-VISA Act, for a floor vote.

Congress established the O visa program to allow non-immigrants with extraordinary abilities to be employed in the sciences, arts, education, business, or athletics. In recognition of the unique nature of the motion picture and television industry, Congress established special evidentiary criteria for O-1 and O-2 visas for artists who are working in the industry. One requirement mandates that the USCIS consult with the appropriate labor and management organizations for each visa petition. The reason for this is very simple in that those organizations are best suited to evaluate whether a visa applicant has demonstrated extraordinary achievement—the standard for O-1 and O-2 visa petitioners in this industry.

These consulting organizations dedicate substantial resources to advise the USCIS on the merits of visa petitions. They are essential to identifying fraud as well as to protecting U.S. workers who are capable of filling those jobs. Unfortunately, these organizations are never notified as to the USCIS' final petition decisions. The consulting or-

ganizations should be notified of these decisions so that they may better assist the USCIS in determining fraud and in properly implementing the O visa standards.

There have been serious indications of fraud in O-1 and O-2 visa petitions, including the outright forgery of advisory opinions, shell production companies, and sponsoring employers who are without any connection to the motion picture and television industry. These concerns led Chairman GOODLATTE and Ranking Member CONYERS to send a letter to the USCIS in 2014, which stated:

It seems that, at the very least, USCIS should be notifying these organizations when it approves petitions over their objections. However, we are told that such organizations are rarely, if ever, notified regarding the outcome of petitions to which they object. Ensuring transparency in the adjudication process for any visa program is essential to a secure and effective immigration policy, and, therefore, we are concerned about the reported potential fraud in O-1 and O-2 visa petitions.

It is important to note that there are no indications of abuse by the major studios, such as members of the MPAA. In fact, it is my understanding that the labor and management consulting organizations concur with the vast majority of O visa petitions that are submitted by the major studios.

The O-VISA Act, which Mr. NADLER and I have put forth, is a narrow provision that injects transparency into this visa petition process. It amends the Immigration and Nationality Act to require the Secretary of Homeland Security to provide a copy of the USCIS visa petition decision to the consulting organization that was required to provide the advisory opinion for that specific petition. Essentially, the organization will be copied on the agency decision. Congress wisely recognized that the opinions of these private stakeholders deserve proper consideration due to their unique expertise in the industry. Congress should further utilize that expertise by authorizing the USCIS to copy these organizations because this will assist in identifying fraud and in protecting American jobs.

I was pleased to receive the recent report from the nonpartisan Congressional Budget Office that H.R. 3636 will have no significant cost to the taxpayer. In fact, any associated costs will be recouped from fees that are collected by the Department of Homeland Security in the visa application process. Simply put, H.R. 3636 is a model of commonsense, bipartisan legislation that utilizes private sector expertise to improve our governance.

I will take this opportunity to note that there are other issues regarding O visas that must be addressed. In particular, there are serious concerns that the USCIS' decisionmaking process moves far too slowly. This lack of efficiency means that film and television face considerable delays and unnecessary costs. I am committed to working with the committee and the industry to address these issues in the future.

I encourage my colleagues to support H.R. 3636, the O-VISA Act.

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

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

I am pleased to support the O-VISA Act, which is a narrow, but important, bill.

I thank my Judiciary Committee colleagues—the gentlewoman from California (Mrs. MIMI WALTERS) and the gentleman from New York (Mr. NADLER)—for their bipartisan effort in introducing this legislation, which will bring needed transparency to the O visa petition process.

For individuals who seek an O visa specifically to work on a motion picture or a television production, the law requires that an individual have a demonstrated record of extraordinary achievement, which must be recognized in the field through extensive documentation.

In recognizing the need to balance the demand for a global exchange of creative professionals with the need to prevent the displacement of American workers, current law requires that O visa petitioners provide a written advisory opinion from an appropriate labor organization regarding the beneficiary's qualifications. For example, when petitioning for a foreign director, a petitioner must seek an opinion from the Directors Guild of America.

As experts in their fields, these labor organizations are in a great position to appraise a beneficiary's qualifications. This process is intended to ensure that only the most extraordinary and accomplished individuals are granted an O visa. The O-VISA Act requires that the U.S. Citizenship and Immigration Services provide a copy of the agency decision to the labor union that is consulted as part of the petition when one seeks work in a motion picture or on television. By doing this, the bill will help ensure that the union consultation is a meaningful part of the agency adjudication, as required under current law; and it will bring transparency for employers, workers, and the organizations that represent them, which is always a good thing.

I do believe, as the gentlewoman has indicated, we could do more in this area. For example, we should be providing for the portability of O-1 visa holders and others so they can move between jobs. Portability not only helps employers in the industry, but it also ensures that foreign workers aren't trapped in positions or are used to undercut the wages of U.S. workers. I hope that we can continue the bipartisan effort that produced this legislation to make further improvements to the O visa program.

As indicated during the consideration of the bill in the Judiciary Committee, the language contained in this bill has been coupled with provisions that also make important changes to the O visa program that were included in the Senate's comprehensive immigration re-

form from the last Congress, which died here on the House side. That bill provided for portability; it removed redundancies; and it better aligned these programs with others that involved honorarium or appearance fees. I know that we are not doing an entire rewrite of the immigration laws at this juncture, but I am hopeful that we will continue to work on these further improvements as this chairman has indicated he would be interested in.

Finally, I would be remiss if I didn't say what we all know too well, which is that we have enormous problems in our immigration system. I hope that we can work together on real, substantial fixes on behalf of not just the movie industry—as important as that industry is—but for families, refugees, and employers in a range of industries, including agriculture and the high-skilled sector. Over the years, I have worked with friends on the other side of the aisle on immigration reforms, big and small, and I continue to stand ready to do so in the future.

I thank the Speaker, the bill's authors, and the gentlewoman from California (Mrs. MIMI WALTERS).

I reserve the balance of my time.

Mrs. MIMI WALTERS of California. Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. I thank the gentlewoman from California.

Mr. Speaker, I rise in support of H.R. 3636, the Overseas Visa Integrity with Stakeholder Advisories Act, also known as the O-VISA Act.

I support this bipartisan legislation because it will strengthen the role of labor unions in the O visa petition process, a process by which international artists and entertainers with extraordinary ability are brought to the United States.

□ 1730

As many of you may know, my home State of Georgia is one of the Nation's leading locations for film and television production. Since the State updated its tax laws, this industry has generated approximately \$800 million annually in economic development, and it is credited with supporting about 11,000 jobs in Georgia.

In June alone, there were more than 23 movies and TV shows being filmed in the State. And as more studios and production teams move to Georgia, the demand for international talent will continue to rise.

While international audiences have a strong appreciation and demand for American movies, music, and other forms of entertainment, we also want talent from other countries to come to the United States for our enjoyment. In such instances, however, we must ensure that the immigration process effectively balances the needs of the entertainment industry while protecting the rights and interests of American workers.

Congress has long realized that this is a delicate balance, which is why we created a specific role for American labor unions to participate in the O visa petition process for foreign artists and entertainers. Unions help ensure safe working conditions and fair wages for all, regardless of nationality. Under the O visa consultation process, unions provide informed opinions on these significant issues.

The bill before us today makes an important change to current law. It requires the U.S. Citizenship and Immigration Services to provide labor organizations the results of decisions for cases in which they submitted advisory opinions. This new requirement will bring transparency to the O visa process.

In addition, this measure will enable labor unions to better monitor the outcomes of O visa cases and reduce uncertainty about the number of entertainment jobs filled by international artists.

H.R. 3636 will further strengthen international artistic exchange while promoting American workers.

In closing, I want to thank my colleagues on the Judiciary Committee, Representatives MIMI WALTERS and JERROLD NADLER, for their leadership in crafting this bipartisan legislation. H.R. 3636 is a good bill, and I am pleased to support it.

Mrs. MIMI WALTERS of California. Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I have no further speakers. I urge a "yes" vote on the bill.

I yield back the balance of my time.

Mrs. MIMI WALTERS of California. Mr. Speaker, I will close by thanking everyone for their support of this bill. I encourage my colleagues to support H.R. 3636, the O-VISA Act.

I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I rise in strong support of H.R. 3636, the O-VISA Act. As the lead Democratic cosponsor, I also want to thank the Gentlewoman from California, Mrs. WALTERS, for introducing this legislation, which will bring some needed transparency to the O visa application process.

O visas are reserved for individuals with extraordinary ability in the sciences, arts, education, business, or athletics to perform temporary work in their field here in the United States. For those seeking an O visa specifically to work on a motion picture or television production, the law requires that an individual have "a demonstrated record of extraordinary achievement," which must be "recognized in the field through extensive documentation."

Through a unique provision in the law, an applicant for an O visa seeking to work on a film or television production must first obtain an opinion from the relevant labor organization in their field. For example, a director must seek an opinion from the Directors Guild of America, and a set designer must consult with the International Alliance of Theatrical Stage Employees. As experts in their field, these organizations are in the best position to determine an applicant's special qualifications. This process is intended to ensure that only the

most extraordinary and accomplished individuals—those who are so unique that they could not be replaced by an American worker—are granted an O visa.

Unfortunately, in recent years, several unions have expressed deep concerns that a significant number of applicants for whom they have recommended denial have been admitted into the United States nonetheless. In some instances, the unions have documented fraud on the part of the applicant, while in some cases, the government simply reached a different conclusion. But, because the consulting union is never informed by the government whether a particular application was approved or denied, it is impossible to know the full extent of this problem. The O-VISA Act would bring needed transparency to this process by requiring USCIS to provide a copy of any final determination to the consulting union.

This is a narrow, but critically important provision. Although the unions have expended a great deal of resources to discover the outcome of their advisory opinions, they are in the dark about the vast majority of cases. Although they could serve as a partner to USCIS in rooting out fraud and abuse, they lack the information they need to follow up on suspicious cases. I should point out that the unions have assured me that their concerns about fraud do not stem from any applications by the major studios. The problems occur with certain unscrupulous independent companies that abuse the process in a variety of ways.

Of course, there need not be any fraud for USCIS to reach a different conclusion about the merits of a particular applicant. But, if this is occurring in a significant number of cases, it may signify a systemic problem in how the agency is considering applications, or a lack of understanding by the union of how cases should be evaluated. In either case, it is only fair that the unions have sufficient knowledge of how petitions are decided so that they can have a meaningful discussion with USCIS about any concerns they may have.

The O-VISA Act would provide the transparency necessary to undertake this process and I urge my colleagues to support it.

I want to note that since this bill simply requires that USCIS provide a copy of any final decision to the consulting organization, it should not burden the agency or add any delays in processing O visa applications. However, I recognize that many sponsoring employers have expressed concerns over the inefficiency of the current process, and that reforms are needed to streamline the application process.

The language contained in H.R. 3636 has historically been coupled with provisions that also make important changes to the O- and B-visa programs for those seeking entry for motion picture and television productions. These provisions were included in such bills as the Senate's comprehensive immigration reform legislation from last Congress. Specifically, these changes provided the same common-sense portability that exists in other visa categories, removed redundancies in the consultation process, and better aligned these entry programs with others that might involve an honorarium or appearance fee.

I appreciate Chairman GOODLATTE's assurances during the markup on the O-VISA Act that he intends to address these common-sense changes to the O- and B-programs that have historically accompanied the provisions

in this bill in the future. And I am pleased that we are advancing this bill today. The O-VISA Act will help ensure the integrity of the O visa program while protecting the jobs of American artists and craftsmen in the film and television industries. I urge my colleagues to support this legislation.

Ms. JACKSON LEE. Mr. Speaker, I am pleased to support H.R. 3636, the "Oversee Visa Integrity with Stakeholder Advisories Act", also known as the O-VISA Act.

H.R. 3636 is an important bill that supports the need and aim for comprehensive immigration reform and strengthens the role of the labor unions in the O-1B consultation process.

H.R. 3636 would strengthen the role of the labor unions in the O-1B consultation process by amending the "Immigration and Nationality Act" to require U.S. Citizenship and Immigration Services (USCIS) to provide a copy of the O-1B petition decision to the labor union that was consulted as part of the petition process for a foreign artists and performers seeking to work in the United States.

This bill would also require an annual report to Congress from the Department of Homeland Security (DHS) enumerating the adjudicative outcomes of O-1B petitions with a focus on the relationship between the USCIS decision and the recommendation provided in the labor union consultation.

Although H.R. 3636 deals specifically with the O-1B visa, the O nonimmigrant classification is commonly sub-classified in the following categories:

O-1A: individuals with an extraordinary ability in the sciences, education, business, or athletics not including the arts, motion pictures or television industry);

O-1B: individuals with an extraordinary ability in the arts or extraordinary achievement in motion picture or television industry; and

O-2: individuals who will accompany an O-1, artist or athlete, to asset in a specific event or performance.

For an O-1A, the O-2's assistance must be an "integral part" of the O-1A's activity.

For an O-1B, the O-2's assistance must be "essential" to the completion of the O-1B's production.

The O-2 worker has critical skills and experience with the O-1 that cannot be readily performed by a U.S. worker and which are essential to the successful performance of the O-1.

In creating the O-1B visa category, Congress sought a balance between the need for global interchange of creative professionals, and the need to prevent entertainment producers from abusing the immigration laws and the ability of individuals to obtain a visa for extraordinary ability.

In doing so, Congress created the O non-immigrant visa, pursuant to an amendment to the Immigration Act of 1990 (IMMACT), for individuals who possesses extraordinary ability in the sciences, arts, education, business, or athletics, or who have a demonstrated record of extraordinary achievement in the motion picture or television industry and have been recognized nationally or internationally for those achievements.

The changes under IMMACT led to unintended conflicts between labor and management in the industry.

Labor and management reached a settlement, reflected in current law and regulations that give weight, but not control, to labor union advisory opinions of the abilities and profes-

sional prestige of foreign artists and performers sought by industry management.

By requiring that USCIS provide a copy of the O-1B petition decision to the labor union that was consulted, H.R. 3636 will provide labor unions with important data allowing them to see how their consultations are used by the adjudication agency.

H.R. 3636 will reinforce the labor union's position in the adjudication process and lay the groundwork for further legislative action if the newly provided information suggests that more reform is warranted.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. MIMI WALTERS) that the House suspend the rules and pass the bill, H.R. 3636, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Immigration and Nationality Act to allow labor organizations and management organizations to receive the results of visa petitions about which such organizations have submitted advisory opinions."

A motion to reconsider was laid on the table.

#### STRATEGY TO OPPOSE PREDATORY ORGAN TRAFFICKING ACT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3694) to combat trafficking in human organs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3694

*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 "Strategy To Oppose Predatory Organ Trafficking Act" or the "STOP Organ Trafficking Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The World Health Organization (WHO) estimates that approximately 10 percent of all transplanted kidneys worldwide are illegally obtained, often bought from vulnerable impoverished persons or forcibly harvested from prisoners.

(2) In 2004, the World Health Assembly passed a resolution urging its member-states to take measures to protect the poorest as well as vulnerable groups from exploitation by organ traffickers.

(3) On February 13, 2008, the United Nations Global Initiative to Fight Human Trafficking (UNGIFT) hosted the "Vienna Forum to Fight Human Trafficking", and subsequently reported that a lack of adequate illicit organ trafficking laws has provided opportunity for the illegal trade to grow.

(4) On March 21, 2011, the Council of the European Union adopted rules supplementing the definition of criminal offenses and the level of sanctions in order to strengthen the prevention of organ trafficking and the protection of those victims.

(5) In 2005, the United States ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women