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4 MARKUP OF H.R. 1147, THE LEGAL WORKFORCE ACT;

5 H.R. 1149, THE PROTECTION OF CHILDREN ACT OF 2015;

6 H.R. 1153, THE ASYLUM REFORM AND BORDER PROTECTION ACT OF  
7 2015; AND

8 H.R. 1148, THE MICHAEL DAVIS, JR. IN HONOR OF STATE AND LOCAL  
9 LAW ENFORCEMENT ACT (PART 1)

10 Tuesday, March 3, 2015

11 House of Representatives

12 Committee on the Judiciary

13 Washington, D.C.

14 The committee met, pursuant to call, at 10:06 a.m., in  
15 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte  
16 [chairman of the committee] presiding.

17 Present: Representatives Goodlatte, Smith, Chabot,

18 Issa, Forbes, King, Franks, Gohmert, Jordan, Poe, Chaffetz,  
19 Marino, Gowdy, Labrador, Farenthold, Collins, DeSantis,  
20 Walters, Buck, Ratcliffe, Trott, Bishop, Conyers, Nadler,  
21 Lofgren, Jackson Lee, Cohen, Johnson, Pierluisi, Chu, Deutch,  
22 Gutierrez, DelBene, Jeffries, Cicilline, and Peters.

23       Staff Present: Shelley Husband, Majority Staff  
24 Director; Branden Ritchie, Majority Deputy Staff  
25 Director/Chief Counsel; Allison Halataei, Majority  
26 Parliamentarian; Kelsey Williams, Majority Clerk; George  
27 Fishman, Majority Chief Counsel; Andrea Loving, Majority  
28 Counsel; Dimple Shah, Majority Counsel; Perry Apfelbaum,  
29 Minority Staff Director; Danielle Brown, Minority  
30 Parliamentarian; Tom Jawetz, Minority Counsel; and Maggie  
31 Lopatin, Minority Clerk.

32

33 Chairman Goodlatte. The Judiciary Committee will come  
34 to order. And without objection, the chair is authorized to  
35 declare recesses of the committee at any time.

36 Pursuant to notice, I now call up H.R. 1147 for purposes  
37 of markup and move that the committee report the bill  
38 favorably to the House. The clerk will report the bill.

39 Ms. Williams. H.R. 1147, to amend the Immigration and  
40 Nationality Act to make mandatory and permanent requirements  
41 relating to use of an electronic employment eligibility  
42 verification system, and for other purposes.

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

45 [The information follows:]

46

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

49 The American people want our immigration laws to be  
50 enforced. In the past, they were promised tougher  
51 enforcement in exchange for the legalization of those  
52 unlawfully in the U.S. But administrations never kept these  
53 promises, and today we are left with a broken immigration  
54 system.

55 One way to make sure we discourage illegal immigration  
56 in the future is to prevent unlawful immigrants from getting  
57 jobs in the U.S. Requiring the use of E-Verify by all  
58 employers across the country will help do just that. The  
59 Web-based program is a reliable and fast way for employers to  
60 electronically check the work eligibility of newly hired  
61 employees.

62 H.R. 1147, the Legal Workforce Act, builds on E-Verify's  
63 success and finally implements one part of the strong  
64 enforcement that was promised to the American people many  
65 years ago. The Legal Workforce Act does not simply leave  
66 enforcement up to the Federal Government. In fact, it  
67 actually empowers States to help enforce the E-Verify  
68 requirement, ensuring that we do not continue the mistakes of

69 the past where a President can turn off Federal enforcement  
70 efforts unilaterally.

71 Nearly 580,000 employers are currently signed up to use  
72 E-Verify. It is easy for employers to use, and it is  
73 effective. In fact, as USCIS has testified in front of this  
74 committee, E-Verify immediately confirms work-eligible  
75 employees 99.7 percent of the time.

76 But the current system is not perfect. For instance, in  
77 cases of identity theft when an individual submits stolen  
78 identity documents and information, E-Verify may confirm the  
79 work eligibility of that individual. This happens because E-  
80 Verify uses a Social Security number and certain other  
81 corresponding identifying information, such as the name and  
82 date of birth of an individual, to determine if a person  
83 submitting the Social Security number is work eligible.  
84 Thus, if an individual uses a stolen Social Security number  
85 and the real name corresponding with that Social Security  
86 number, a false positive result could occur.

87 The Legal Workforce Act addresses identity theft in  
88 several ways. First, it requires notification to the  
89 rightful owner of a Social Security number whenever that  
90 number is submitted to E-Verify in a manner indicating a

91 pattern of unusual multiple use. The rightful owner of the  
92 Social Security number will know that his or her number may  
93 have been compromised. And once they confirm this, the  
94 Department of Homeland Security and the Social Security  
95 Administration must lock that Social Security number so no  
96 one else can use it for employment eligibility purposes.

97 Among other things, the bill also creates a program  
98 through which parents or legal guardians can lock the Social  
99 Security numbers of their minor children for work eligibility  
100 purposes. This is to combat the rise in the number of thefts  
101 of children's identities.

102 The bill also phases in E-Verify use in 6-month  
103 increments, beginning with the largest U.S. businesses,  
104 raises penalties for employers who do not use E-Verify  
105 according to the requirements, allows employers to use E-  
106 Verify prior to the date they hired an employee, and provides  
107 meaningful safe harbors for employers who use the system in  
108 good faith.

109 I understand that some in the agricultural industry do  
110 not support the Legal Workforce Act because they prefer it to  
111 be moved at the same time as an agricultural guest worker  
112 program, and I remain just as committed to moving such a

113 guest worker program through this committee as I was last  
114 Congress. Unfortunately, the President has tied our hands by  
115 not only refusing to enforce immigration laws, but also by  
116 trying to unilaterally rewrite the laws to implement policies  
117 to allow millions of unlawful immigrants to remain in the  
118 U.S. and get work authorization.

119       The American people are demanding immigration  
120 enforcement prior to any legal immigration reforms. So the  
121 first immigration-related bills the committee must mark up  
122 this Congress are dedicated to interior immigration  
123 enforcement. That in no way diminishes the need for a  
124 workable agricultural guest worker program and in no way  
125 diminishes my commitment to having this committee consider  
126 such a bill as soon as possible.

127       H.R. 1147 balances the needs of the American people  
128 regarding immigration enforcement with the needs of the  
129 business community regarding a fair and workable electronic  
130 employment verification system.

131       I urge my colleagues to support the bill today, and I  
132 now recognize the gentlewoman from California, the ranking  
133 member of the Immigration and Border Security Subcommittee,  
134 Ms. Lofgren, for her opening statement.

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

136 The bill we are considering today is not unfamiliar to  
137 many of us on the committee. The Immigration Subcommittee  
138 has held many hearings over the years about E-Verify, and the  
139 committee has marked up the Legal Workforce Act, or  
140 variations of it, in the last two Congresses. Each time we  
141 mark this bill up, it changes a little bit.

142 When we marked up the Legal Workforce Act in the 112th  
143 Congress, the bill exempted returning seasonal farm workers  
144 from having to be verified upon hire. This giant loophole  
145 came under attack from all sides. From the right, it was  
146 attacked as amnesty, and from the left, it was attacked as an  
147 admission that E-Verify alone would destroy our agricultural  
148 industry and the millions of jobs held by U.S. workers that  
149 are supported by that industry.

150 The committee struck this provision from the bill during  
151 markup. It continues to be omitted from the bill.

152 The version that we considered in the 112th Congress  
153 also created new criminal penalties for unlawful conduct that  
154 were both excessive and wasteful. In addition to imposing  
155 multiple mandatory minimum prison terms, the bill made it a  
156 felony punishable by up to 15 years in prison for a person to



157 use a Social Security number that did not belong to him or  
158 her during the employment verification process. The version  
159 of the bill that we reported during the last Congress changed  
160 several of the criminal provisions pertaining to fraud and  
161 misuse of documents and contained no mandatory minimum prison  
162 terms.

163 The version that we considered in the 113th Congress  
164 contained changes to make E-Verify more workable for the  
165 Social Security Administration, which serves a number of  
166 other critically important functions, and the version that we  
167 are considering today contains two new provisions to relieve  
168 some of the burdens that small businesses are expected to  
169 face disproportionately once they are required to use E-  
170 Verify.

171 I am sure we will discuss small businesses more today,  
172 since they have been the heart of our economy and job  
173 recovery in recent years. But I did want to recognize the  
174 steps taken to address concerns that we raised during the  
175 last Congress.

176 Having said that, today's bill still contains several of  
177 the greatest flaws of the bill that we have addressed in past  
178 markups. First, the bill continues to provide no meaningful

179 due process protections for authorized workers who lose their  
180 jobs because of erroneous final nonconfirmations.

181       The idea that Americans and authorized immigrants will  
182 lose their jobs as a result of this bill is not simply  
183 theoretical. Although we know that the Government continues  
184 to work hard to reduce error rates in E-Verify, errors  
185 absolutely still exist. USCIS testified before the  
186 Immigration Subcommittee last Congress that an estimated 0.3  
187 percent of the authorized workers -- that is U.S. citizens  
188 and others -- received tentative nonconfirmations through the  
189 system and must follow up with DHS or Social Security in  
190 order to avoid losing their jobs.

191       Now, a 0.3 percent error rate sounds very small. But  
192 the real world impact on new and existing hires could be  
193 quite dramatic. By requiring verification of all newly hired  
194 workers, approximately 54 million people each year, and  
195 permitting reverification of all current workers,  
196 approximately 155 million, a 0.3 percent error rate would  
197 place between 162,000 to 465,000 American citizens and  
198 authorized noncitizens at risk of losing their jobs or job  
199 opportunities due to errors.

200       And while the error rate for U.S. citizens continues to

201 improve, the error rate for noncitizens has been constant and  
202 disproportionately high. Westat Corporation reported in 2012  
203 that the error rate was for U.S. citizens in fiscal year 2009  
204 was 0.2 percent. For permanent residents, the error rate was  
205 0.7 percent, and for all other work-authorized noncitizens,  
206 it was 4.2 percent.

207 Of course, many of these people will be able to correct  
208 the erroneous tentative nonconfirmations, but many will not.  
209 Without adequate due process protections, people will lose  
210 their jobs incorrectly and be without meaningful recourse.

211 The bill also provides no penalties at all for employers  
212 who violate the requirement that they inform an employee  
213 about a tentative nonconfirmation so that the employee can  
214 correct the error. Although USCIS now provides direct notice  
215 of such nonconfirmations to persons who provide an email  
216 address on their Form I-9s, only 12 percent of all tentative  
217 nonconfirmations issued in fiscal year 2014 were provided to  
218 employees via email.

219 The vast majority were provided only to employers, which  
220 means the ability of an employee who receives an erroneous  
221 tentative nonconfirmation to correct the error and avoid  
222 termination rests solely in the hands of those employers.

223 The absence of any consequence for an employer who fails to  
224 provide notice to a worker renders that notice requirement  
225 toothless.

226 Finally, the point I hope every Member understands is  
227 that we can only advance a bill like this together with  
228 necessary reforms to our broken immigration system. We could  
229 design the best E-Verify system imaginable -- a system that  
230 is easy to use, 100 percent accurate, available at virtually  
231 no cost to big and small businesses alike -- but if we impose  
232 that system nationwide and did nothing to fix our broken  
233 immigration system, the consequences would be disastrous.

234 The point is most easily demonstrated. We consider that  
235 50 to 70 percent of farm workers are undocumented. Without  
236 reform, expanding E-Verify would devastate the agricultural  
237 economy, resulting in closed farms, a less secure America,  
238 and mass off-shoring of millions and millions of U.S. jobs,  
239 including all of the upstream and downstream jobs created and  
240 supported by agriculture.

241 Expanding E-Verify alone would also increase the deficit  
242 and decrease tax revenues. Last Congress, the Congressional  
243 Budget Office and the Joint Committee on Taxation concluded  
244 that the Legal Workforce Act would have resulted in a net

245 revenue loss of \$39 billion over 10 years.

246       So I will ask unanimous consent to place the rest of my  
247 statement into the record, Mr. Chairman. But I would just  
248 note that when it comes to ag, if you do E-Verify, you are  
249 going to find something out that we already know.

250       The workers are undocumented. We need them. And if  
251 they are forced to leave, agriculture will collapse.

252       I yield back.

253       [The statement of Ms. Lofgren follows:]

254

255 Chairman Goodlatte. The chair recognizes the gentleman  
256 from Texas, Mr. Smith, the author of the legislation, for his  
257 opening statement.

258 Mr. Smith. Thank you, Mr. Chairman. And thank you,  
259 both for your comments and for bringing this bill up for  
260 markup today.

261 Almost 20 million Americans are unemployed or  
262 underemployed. Meanwhile, 7 million people are working in  
263 the United States illegally. These jobs should go to  
264 American citizens and legal immigrants.

265 The Legal Workforce Act turns off the jobs magnet that  
266 attracts so many illegal immigrants to the United States.  
267 The bill expands the E-Verify system and applies it to all  
268 U.S. employers.

269 Illegal workers cost Americans jobs or depress their  
270 wages, according to nearly all studies on this subject. For  
271 example, illegal immigration reduces the wages of American  
272 workers by an average of \$650 per worker, with unskilled  
273 workers hit the hardest. We need to do all we can to protect  
274 the jobs and wages of American workers.

275 The Legal Workforce Act also would open up millions of  
276 jobs for unemployed Americans by requiring employers to use

277 E-Verify. The E-Verify system is quick and effective,  
278 confirming 99.7 percent of work-eligible employees. I don't  
279 know of a more effective or efficient Government program.

280 Recent data shows that almost 600,000 American employers  
281 voluntarily use E-Verify, and an average of 1,400 new  
282 businesses sign up each week. One third of American jobs are  
283 now covered by E-Verify.

284 The program is free, quick, and easy to use. In fact,  
285 E-Verify will soon be available for use on smartphones. It  
286 takes about 1 minute.

287 Individuals provide their Social Security number when  
288 they visit a doctor, open a bank account, or a buy a home.  
289 It makes sense that other businesses should check the status  
290 of prospective employees to ensure they have a legal  
291 workforce.

292 The Legal Workforce Act requires that U.S. employers use  
293 E-Verify to check the work eligibility of new hires in the  
294 U.S. The verification period is phased in and depends on the  
295 size of the employer's business. Smaller businesses have up  
296 to 2 years to implement E-Verify. Agriculture businesses  
297 have 3.

298 The legislation balances immigration enforcement

299 priorities and legitimate employer concerns. It gives  
300 employers a workable system under which they cannot be held  
301 liable if they use the system in good faith.

302 The bill prevents a patchwork of State E-Verify laws but  
303 retains the ability of States and localities to condition  
304 business licenses on the use of E-Verify. It also allows  
305 States to enforce the Federal E-Verify requirement if the  
306 Federal Government fails to do so.

307 The Legal Workforce Act increases penalties on employers  
308 who knowingly violate the requirements of E-Verify and  
309 imposes criminal penalties on employers and employees who  
310 engage in or facilitate identity theft. The bill creates a  
311 fully electronic employment eligibility verification system,  
312 and it allows employers to voluntarily check their current  
313 workforce, if done in a nondiscriminatory manner.

314 Furthermore, the Legal Workforce Act gives U.S.  
315 Citizenship and Immigration Services the ability to prevent  
316 identity theft. The bill allows individuals to lock their  
317 own Social Security number so that it cannot be used by  
318 others to verify work eligibility. The legislation also  
319 enables parents to lock the Social Security number of a minor  
320 child to prevent identity theft.



321       If a Social Security number shows unusual multiple uses,  
322       the Social Security Administration locks the number for  
323       employment verification purposes and notifies the owner that  
324       their personal information may be compromised. In regard to  
325       cost, one study showed that three-quarters of employers  
326       stated the cost of using E-Verify is zero.

327       Equally important, the American people support E-Verify.  
328       Polls show that from 71 percent to 85 percent of voters  
329       "support Congress passing new legislation that strengthens  
330       the rules making it illegal for businesses in the U.S. to  
331       hire illegal immigrants." In fact, E-Verify received the  
332       most public support of any proposed immigration reform.

333       This bill is a common sense approach that will reduce  
334       illegal immigration and save jobs for legal workers. It  
335       deserves the support of everyone who wants to put the  
336       interest of American workers first.

337       Thank you, Mr. Chairman. Yield back.

338       Chairman Goodlatte. Thank you.

339       The chair recognizes the gentleman from Michigan, the  
340       ranking member of the committee, Mr. Conyers, for his opening  
341       statement.

342       Mr. Conyers. Thank you, Chairman Goodlatte.

343       Members of the committee, today we begin the process of  
344 marking up four deportation-only bills that would have the  
345 effect of separating families, strip protection from  
346 DREAMers, destroy the agricultural industry and the millions  
347 of jobs that depend on it, and return vulnerable children to  
348 face persecution and violence from whence they came.

349       Our Nation -- I am not going to repeat this again. It  
350 has been said so many times. You know what our Nation's  
351 immigration system is. It is broken. It doesn't work for  
352 American families, businesses, or the economy.

353       These problems require real legislative solutions, and  
354 the approach that the committee is taking this week, in my  
355 view, falls far, far short of what we need.

356       Start with H.R. 1147, the Legal Workforce Act, which  
357 would make E-Verify, the electronic employment verification  
358 system, mandatory for all employers. Do you remember that we  
359 have considered this bill twice before? And I have  
360 previously said that E-Verify is an important tool, but the  
361 truth is we can't require all employers to use E-Verify if we  
362 do not also adopt comprehensive reforms to our Nation's  
363 broken immigration system -- there, I have said it again --  
364 and reform E-Verify itself.

365       We are likely to hear today that the E-Verify will help  
366 American workers because every time an undocumented immigrant  
367 is denied a job, an unemployed American can get hired. Come  
368 on, now. We know better than that. Unfortunately, it  
369 doesn't work that way.

370       Immigrants fill major gaps in our workforce. This is  
371 particularly evident in agriculture, where sometimes over  
372 two-thirds of the on-the-field farm workers lack immigration  
373 status. If we mandated the use of E-Verify without also  
374 providing an opportunity for those experienced undocumented  
375 farm workers to fill essential jobs, here is what we would  
376 see.

377       Farms across the Nation would be forced out of business,  
378 pure and simple. Americans would turn to foreign markets to  
379 import our fruits and vegetables. And millions of upstream  
380 and downstream American jobs supported by agriculture would  
381 be lost.

382       Additionally, we must also ensure that this legislation  
383 sufficiently protects American citizens and work-authorized  
384 noncitizens so that they are not inappropriately prohibited  
385 from working. It is true that the measure before us today  
386 contains several requirements intended to protect American

387 workers. For example, it prohibits employers from using E-  
388 Verify until after a job offer has been extended, and  
389 employers must inform workers when the system returns a  
390 tentative nonconfirmation. Also, employers can't rescind job  
391 offers or fire workers until they get a chance to fix any  
392 errors.

393       However, the bill lacks any penalties for failing to  
394 follow these guidelines, and we know that employers who  
395 currently use the system already frequently do not comply  
396 with current requirements. So why would this be any  
397 different should E-Verify becomes mandatory? I don't think  
398 it would be much different.

399       And finally, the bill offers no real protections for  
400 U.S. citizens and other work-authorized persons who are  
401 incorrectly identified as unauthorized to work.

402       I will put the rest of my statement in the record, and I  
403 thank the chairman.

404       [The statement of Mr. Conyers follows:]

405

406 Chairman Goodlatte. The chair thanks the gentleman from  
407 Michigan.

408 And the committee will stand in recess until 1:00 p.m.

409 [Whereupon, at 10:28 a.m., the committee recessed, to  
410 reconvene at 1:20 p.m., the same day.]

411 Chairman Goodlatte. The committee will reconvene. When  
412 the committee recessed, we were considering H.R. 1147, had  
413 heard the opening statements. Any additional opening  
414 statements will be made a part of the record.

415 [The information follows:]

416

417 Chairman Goodlatte. And are there amendments?

418 Mr. King. Mr. Chairman?

419 Chairman Goodlatte. For what purpose does the gentleman  
420 from Iowa seek recognition?

421 Mr. King. I have an amendment at the desk.

422 Chairman Goodlatte. The clerk will report the  
423 amendment.

424 Ms. Williams. Amendment to H.R. 1147, offered by Mr.  
425 King of Iowa --

426 Chairman Goodlatte. For what purpose does the gentleman  
427 from Pennsylvania seek recognition?

428 Mr. Marino. Mr. Chairman, I reserve a point of order.

429 Chairman Goodlatte. Point of order is reserved. The  
430 clerk will report the amendment.

431 Ms. Williams. Add at the end of the bill the following:  
432 Section 15, clarification that wages paid to unauthorized  
433 alien --

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

436 [The amendment of Mr. King follows:]

437

438 Chairman Goodlatte. And the gentleman from Iowa is  
439 recognized for 5 minutes on his amendment.

440 Mr. King. Thank you, Mr. Chairman.

441 This amendment is an amendment that fits right into the  
442 underlying bill and is the logical connection to the general  
443 scope of the underlying bill. It is a bill that I introduced  
444 over the last several Congresses called the New IDEA Act.  
445 And the New IDEA Act, the acronym IDEA stands for the Illegal  
446 Deduction Elimination Act.

447 And as I was thinking this through several years ago, I  
448 am wondering to myself if we can't get the Social Security  
449 Administration to enforce the law, if we can't get the  
450 Department of Homeland Security to enforce the law, and now,  
451 ever more importantly, a President who has ordered the  
452 Department of Homeland Security not to enforce the law and in  
453 some cases actually violate the law, what agency strikes fear  
454 into the heart of people that need to have respect for the  
455 rule of law?

456 Well, there is only one that I can think of, and that is  
457 the -- and that is the Internal Revenue Service. And so, as  
458 one who is a great respecter of the tools of the Internal  
459 Revenue Service, I began to search for a way that we could

460 bring the IRS into the enforcement of our immigration law.  
461 And so, that is where the acronym the Illegal Deduction  
462 Elimination Act comes from is that it clarifies that wages  
463 and benefits that are paid to those who cannot lawfully work  
464 in the United States are not tax deductible for Federal  
465 income tax purposes.

466       It clarifies that fact, and then from that point, it  
467 says to the employers, though, it is your choice on whether  
468 you want to take a risk on losing the business deduction on  
469 your Schedule C of your wage and benefits that are paid to  
470 illegals or if you want to be at risk of the IRS coming in  
471 during a normal audit -- this bill doesn't accelerate the  
472 audit -- but during a normal audit, and through that audit,  
473 they would put the Social Security numbers and the  
474 identifiers through E-Verify. If it came back that those  
475 employees could legally work according to E-Verify, that  
476 would then give the employer safe harbor.

477       So it is not mandatory under the E-Verify component of  
478 this bill, as the underlying bill is, it is voluntary. But  
479 there is a 6-year statute of limitations so that you  
480 accumulate that liability over a period of 6 years. That  
481 gives the employers an opportunity to clean up their



482 workforce incrementally or all at once or in any sequence  
483 that they choose. And so, we also, of course, give the  
484 employer safe harbor if he uses E-Verify.

485 Another component of this is that the Social Security  
486 Administration, the Department of Homeland Security, and the  
487 IRS are required to build, put together a cooperative  
488 committee and exchange information so that the right hand,  
489 the left hand, and the middle hand of government all know  
490 what the other is doing.

491 And another component is that when you calculate this  
492 from a business perspective, and if I am an employer that  
493 didn't happen to just simply say the standard is I only hire  
494 legal employees. I believe that has been our standard now  
495 for 40 years in King Construction. We have only hired legal  
496 employees.

497 But if you were paying presumably \$10 an hour for an  
498 illegal employee, but you had to run the risk of an IRS audit  
499 that might by time they did the audit and if they rejected an  
500 employee at \$10 an hour, the interest in the penalty and the  
501 tax liability falls in the range of \$6. So you are looking  
502 at not a \$10 an hour business expense, but a \$16 an hour  
503 business expense if E-Verify -- or excuse me, if the New IDEA

504 Act would be implemented into law.

505 This is actually a simple solution to a complex problem.  
506 It doesn't rely upon the President of the United States  
507 ordering DHS to go in and inspect and audit an employer.  
508 What it does instead is it allows for the sequence of normal  
509 IRS audits to provide an incentive for all employers to clean  
510 up their workforce.

511 You never know when the IRS is going to come in with an  
512 audit. And if you know that at 6 years from the enactment  
513 that they can go back 6 years, and you would have that 6-year  
514 liability, it becomes a cumulative powerful incentive for the  
515 employers to clean up their workforce because they get safe  
516 harbor with E-Verify.

517 This is a bill that has been jointly referred to the  
518 Judiciary and to the Ways and Means Committee, and I  
519 recognize there is some question about the jurisdiction of  
520 this, and I expect that I will be listening to a compelling  
521 argument in a moment.

522 But, Mr. Chairman, that is my advance of this amendment,  
523 and I yield back -- and I urge its adoption and yield back  
524 the balance of my time.

525 Chairman Goodlatte. The chair thanks the gentleman.

526 Does the gentleman from Pennsylvania insist on his point  
527 of order?

528 Mr. Marino. Yes, I do insist on my point of order.

529 Chairman Goodlatte. The gentleman is recognized.

530 Mr. Marino. Chairman and my good friend, there is no  
531 one that wants to see the IRS dismantled more than I do. But  
532 this amendment makes changes to the Internal Revenue Code, a  
533 statute that is within the jurisdiction of the Ways and Means  
534 Committee, and because this section amending the Internal  
535 Revenue Codes are outside the jurisdiction of this committee,  
536 I insist on my point of order.

537 And I yield back.

538 Chairman Goodlatte. Does the gentleman from Iowa wish  
539 to respond to the point of order?

540 Mr. King. Mr. Chairman, yes.

541 Chairman Goodlatte. The gentleman is recognized.

542 Mr. King. And I appreciate being recognized. I think  
543 there is an argument here that I have not heard presented  
544 before this committee with regard to the jurisdiction of this  
545 committee and the germaneness of this particular amendment.  
546 And looking back through the history books, in 1902, there  
547 was a bill to regulate immigration of aliens in the United

548 States. And Representative Oscar W. Underwood proposed an  
549 amendment providing an education qualification since there  
550 wasn't one in the bill.

551 Well, the ruling of the chair at that time, not that  
552 long ago, was that, and I quote from the chair, "Any  
553 amendment to this bill, in the opinion of the chair, is  
554 clearly and distinctly connected logically with the general  
555 scope and intent of the bill, would be germane," and did rule  
556 so.

557 So I think we have a -- you know, we have a broader  
558 interpretation here of what is in order, but also I would be  
559 willing to listen to a compelling argument on the part of the  
560 chairman, if he should be happy to yield to that opinion.

561 Chairman Goodlatte. Well, first of all, let me say to  
562 the gentleman I thank him for his amendment. I, as he knows,  
563 am a supporter of the concept lying behind the amendment.  
564 But the chair is prepared to rule on the point of order.

565 Mr. King. Mr. Chairman?

566 Chairman Goodlatte. Yes?

567 Mr. King. If I could reclaim my time, I think then  
568 rather than submit to the ruling on the point of order, I  
569 would ask unanimous consent to withdraw my amendment.

570 Chairman Goodlatte. Well, the chair thanks the  
571 gentleman. And without objection, the amendment is  
572 withdrawn.

573 Are there further amendments to H.R. 1147? For what  
574 purpose does the gentleman from California seek recognition?

575 Mr. Peters. I ask unanimous consent to enter into the  
576 record 18 letters. Can I describe them?

577 Chairman Goodlatte. Yes, just list them, I guess.

578 Mr. Peters. Just really quickly, I didn't mean to take  
579 time. Signed by 70 different organizations in opposition to  
580 H.R. 1147, written by the following organizations: Heger  
581 Farms, the American Immigration Lawyers Association, the  
582 National Immigration Law Center, the Ag Workforce Coalition,  
583 the American Farm Bureau Federation, the Lutheran Immigration  
584 and Refugee Service, Coalition for Humane Immigrant Rights of  
585 Los Angeles, Service Employees International Union, NETWORK,  
586 Disciples of Christ, Fair Immigration Reform Movement, the  
587 Advocates for Human Rights, National Council of Asian-Pacific  
588 Americans, We Belong Together, the National Immigration  
589 Forum, the Leadership Conference on Civil and Human Rights,  
590 the U.S. Conference of Catholic Bishops, and the Asian-  
591 Americans Advancing Justice.

592           Thank you, Mr. Chairman.

593           Chairman Goodlatte. Without objection, they will be  
594 made a part of the record.

595           [The information follows:]

596

597 Chairman Goodlatte. Are there further amendments? For  
598 what purpose does the gentlewoman from Washington seek  
599 recognition?

600 Ms. DelBene. Mr. Chair, I have an amendment at the  
601 desk.

602 Chairman Goodlatte. The clerk will report the  
603 amendment.

604 Ms. Williams. Amendment to H.R. 1147, offered by Ms.  
605 DelBene of Washington. In Section 2 --

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

608 [The amendment of Ms. DelBene follows:]

609

610 Chairman Goodlatte. And the gentlewoman is recognized  
611 for 5 minutes on her amendment.

612 Ms. DelBene. Thank you, Mr. Chair.

613 Agriculture is a key part of Washington State's economy,  
614 and my district has thousands of farms producing millions of  
615 dollars worth of goods and employing thousands of people.  
616 And in addition to serving on this committee, I am a member  
617 of the Agriculture Committee, and I have had the privilege of  
618 being a voice here in D.C. for Washington's local farmers and  
619 our food producers.

620 Today, I speak in the strongest terms against the  
621 mandatory use of E-Verify that H.R. 1147 seeks to impose on  
622 employers in the ag sector. This bill represents a misguided  
623 enforcement-only approach to solving our Nation's immigration  
624 challenges, and it would have a disastrous impact on farmers  
625 in my district and across the country.

626 Imposing mandatory E-Verify on the agriculture sector  
627 without simultaneously enacting a legislative solution to  
628 address farmers' labor needs would create massive disruptions  
629 in a critical sector of the U.S. economy, harming American  
630 jobs, crippling our agricultural output, and all the while  
631 failing to move the country closer to a permanent solution



632 that takes into account unique labor challenges associated  
633 with this sector of the economy.

634 While this year's 3-year timeline for agricultural  
635 employers, up from 2 last time we considered this proposal,  
636 is some acknowledgment of these challenges, the extension is  
637 far from adequate, given the scope of the disruption farmers  
638 would face. Comprehensive immigration reform is the only way  
639 to accomplish meaningful change without creating economic  
640 instability in farming communities across America, but  
641 leadership has repeatedly refused to allow this approach.

642 So, today, I am offering amendment to the Legal  
643 Workforce Act that would require the Secretary of Homeland  
644 Security, in consultation with the Secretary of Agriculture,  
645 to certify that the requirement to verify agricultural  
646 employees will not cause significant labor shortages for the  
647 sector. Additionally, my amendment would strike the 3-year  
648 compliance timeline and instead provide that verification  
649 would not be required until this certification is made.

650 I urge my colleagues to support this amendment and, with  
651 it, the farmers in our communities who are putting food on  
652 our tables, creating jobs, and contributing billions of  
653 dollars a year to the U.S. economy.

654 And I yield back.

655 Chairman Goodlatte. The chair thanks the gentlewoman.

656 For what purpose does the gentleman from Texas seek  
657 recognition?

658 Mr. Smith. Mr. Chairman, I oppose the amendment.

659 Chairman Goodlatte. The gentleman is recognized for 5  
660 minutes.

661 Mr. Smith. Mr. Chairman, I oppose this amendment  
662 because it prevents implementation of E-Verify's required use  
663 for the agricultural industry until such time as the DHS  
664 Secretary and the Agricultural Secretary certify that the use  
665 of E-Verify "will not cause a significant shortage of persons  
666 available to perform" agricultural labor or services in the  
667 United States.

668 H.R. 1147 is one in a series of steps on the way to a  
669 broader fix to our broken immigration system, and I hope the  
670 gentlewoman from Washington is aware of this committee's and  
671 I think I speak for the chairman's commitment to providing  
672 the agriculture industry with a workable system through which  
673 to get needed workers. And H.R. 1147 gives agricultural  
674 employers 36 months from the date of enactment, longer than  
675 any other employer, before they have to start using E-Verify

676 for their newly hired agricultural employees.

677 But this amendment is not just about delaying  
678 implementation of E-Verify until it is deemed that there will  
679 not be a shortage of agricultural workers. The amendment  
680 actually leaves up to the Secretaries the determination of  
681 whether a shortage would be created.

682 So implementation of E-Verify would be subject to the  
683 whim of whomever happens to be the Secretary of DHS and the  
684 Secretary of Agriculture. If those individuals happen to be  
685 opposed to the use of E-Verify in general, there is an  
686 incentive never to certify that a shortage of workers will  
687 not be created.

688 This provision abrogates Congress' role in determining  
689 immigration policy. So I urge my colleagues to support it  
690 and yield back.

691 Chairman Goodlatte. If the gentleman would yield?

692 Mr. Smith. I would be happy to yield to the chairman of  
693 the committee.

694 Chairman Goodlatte. I thank the gentleman, and I share  
695 his concern and join him in opposing the amendment. But I do  
696 want to say to the gentlewoman that I think that as I stated  
697 very thoroughly in my opening statement, I agree that we need

698 to do an agricultural guest worker bill to address these  
699 employment needs.

700 But I think in the circumstances we find ourselves in,  
701 the American people and I think the majority of this  
702 committee believe that we need to address immigration  
703 enforcement measures first. And so that is why we are taking  
704 up this measure and why I cannot support her amendment, but I  
705 will work with her moving forward in the future on making  
706 sure that those needs are addressed.

707 Ms. Lofgren. Mr. Chairman?

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

710 Ms. Lofgren. Strike the last word.

711 Chairman Goodlatte. The gentlewoman is recognized for 5  
712 minutes.

713 Ms. Lofgren. I think this is one of the most important  
714 amendments we will be considering today, and I thank the  
715 gentlelady for introducing it.

716 Delaying the verification requirement until we actually  
717 have a system that works in ag is very important. And if we  
718 don't do this, at least delay the application to seasonal  
719 farm workers until we have confidence that the industry won't

720 be decimated.

721       You know, in Georgia and Alabama, mandatory E-Verify did  
722 extensive damage to the States' farmers and ag industry.  
723 Without other reforms, the nationwide E-Verify would cause  
724 just huge disruptions.

725       Now 50 to 70 percent of the on-the-field farm workers  
726 lack immigration status, and the percentage appears to be  
727 growing. Losing 1 million to 1.5 million workers would  
728 devastate American farms. There are nowhere near 1 million  
729 to 1.5 million U.S. workers who are willing and able to fill  
730 these jobs.

731       As you will recall in Georgia, who mandated E-Verify,  
732 they lost so many farm workers that Governor Nathan Deal was  
733 forced to try to get convicts or ex-convicts to fill the  
734 jobs, and the Georgia Agribusiness Council reported that they  
735 lost \$300 million. In Alabama, which had a similar scheme,  
736 some farmers reported they lost half of their workforce.

737       So rather than just move ahead, we should stop and do as  
738 the gentlelady's amendment suggests.

739       You know, Chuck Conner, of the National Council of Farm  
740 Cooperatives, testified on this bill earlier, saying that it  
741 would not work unless we had an ag program in place. Katie

742 Heger of the Heger Farms in Underwood, North Dakota, wrote to  
743 Congress just last week to express strong opposition to the  
744 bill. And this is what she asked. Do we want to import  
745 workers or import food?

746 Finally, the Agricultural Workforce Coalition wrote to  
747 this committee just yesterday to express their strong  
748 opposition to the Legal Workforce Act. They conclude by  
749 saying that the Legal Workforce Act, as it is, does not  
750 address the workforce crisis, and they urge the committee not  
751 to advance this measure until these challenges are met.

752 I note that the chairman in the last Congress had a  
753 temporary agricultural worker bill that he thought was  
754 workable, and much as I respect the chairman, no one else in  
755 the world appeared to think it was workable, and we never did  
756 pass it to the floor.

757 I do think to proceed on this basis is a huge mistake,  
758 and what will happen, we will E-Verify that workforce. We  
759 will find out what we already know, which is two-thirds of  
760 them are undocumented, and they will have to leave. And the  
761 farmers will be left holding the bag, or should I say the bag  
762 of rotten vegetables.

763 This is a mistake to proceed. I hope that we adopt the

764 gentlelady's very sensible amendment. And with that, I would  
765 yield to the gentlelady if she has additional comments.

766 Ms. DelBene. I just wanted to add that Congressman  
767 Deutch also joined with me to introduce this amendment and I  
768 know would like to speak to it. Hopefully, he will join us  
769 soon.

770 Ms. Lofgren. With that then, Mr. Chairman, I would be  
771 happy to yield back.

772 Chairman Goodlatte. The chair thanks the gentlewoman.

773 For what purpose does the gentleman from California seek  
774 recognition?

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

776 Chairman Goodlatte. The gentleman is recognized for 5  
777 minutes.

778 Mr. Issa. Mr. Chairman, you and I agree on virtually  
779 everything that we deal with in this committee. You and I  
780 agree, I believe, 100 percent on the need for universal E-  
781 Verify as part of a comprehensive system in which people who  
782 have a right to have a job get a job, and people who are not  
783 entitled to work in the United States are told to go  
784 elsewhere. So I support the underlying bill, and I will  
785 oppose this amendment.

786 But I want to take a moment on behalf of Congresswoman  
787 DelBene to say she is right. We cannot move this bill in a  
788 vacuum. We must -- and I reach out to my colleagues on the  
789 other side of the aisle. We must start, if possible, with  
790 the base bill that you moved in the last Congress, Mr.  
791 Chairman, on ag jobs.

792 Dust off Howard Berman's good work many years ago for ag  
793 jobs, a Democratic-supported bill that I was a cosponsor of,  
794 and figure out if we can't, in fact, carve a good piece of  
795 legislation for our farmers around the country. I am not  
796 going to say that Howard's bill is perfect. It has been many  
797 years.

798 The chairman's bill I tried to amend even when it was  
799 here last year. But I would reach out to my colleague from  
800 Washington and say on behalf of all of my farmers in avocados  
801 and tomatoes, in citrus, we need reform. We are employing in  
802 Southern California disproportionately people who are  
803 undocumented. And E-Verify alone will, in fact, leave us  
804 with an eventual workforce disaster.

805 But the cure for it is not to exclude this bill. This  
806 is a very important bill expanding something that has been  
807 around since Ken Calvert brought it into Congress before I



808 came.

809 But if we move and if we have the chairman's commitment,  
810 and I am hoping to get it, that if we can hammer out good  
811 bipartisan ag legislation and bring it to this committee,  
812 that it will be heard sooner, not later. And that it won't  
813 have to languish far behind these enforcement bills because I  
814 believe what we did in the last Congress or tried to do, we  
815 should work together on a bipartisan basis to do it.

816 So I am going to vote against your amendment, Suzan, and  
817 not because I don't agree with you on the problem. I do.  
818 But it is not a solution. I am going to vote for the  
819 underlying bill.

820 But, Mr. Chairman, I would be glad to yield to you in  
821 hopes that if we can hammer out bipartisan legislation using  
822 your base text, that you would bring that up sooner rather  
823 than later.

824 Chairman Goodlatte. Well, I thank the gentleman for  
825 yielding, and as I indicated in my opening statement, I very  
826 much agree with the need to have an agricultural guest worker  
827 program. It is critical to the immigration reform process,  
828 and I look forward to working with you and the gentlewoman  
829 from Washington to achieve a bill that addresses those

830 concerns.

831 And we will take that up as quickly as we can, but we  
832 will not know exactly when that will be until we finish this  
833 process that we are in.

834 Mr. Farenthold. Will the gentleman from California  
835 yield?

836 Mr. Issa. I would further yield to the gentleman.

837 Mr. Farenthold. I would like to join with you in urging  
838 the chairman and Congress as a whole to deal with the  
839 agricultural issue. This is a potential problem waiting to  
840 happen, and I do think it needs to be addressed right away.

841 And I will yield back.

842 Mr. Issa. And reclaiming my time, for the gentlelady  
843 from Washington, I had dinner last night with Howard Berman,  
844 a member of this committee I worked with for a long time. He  
845 is missed.

846 I am hoping that you and some of your colleagues, Ms.  
847 Lofgren and others, will seriously consider us forming a  
848 working group and let us work on this. Let us figure out if  
849 we can't solve a problem that is the biggest single part of  
850 the undocumented workforce together.

851 I commit to do it. This is now the committee that I

852 spend 99 percent of my time at. So if you will come half  
853 way, I promise you I will come half way, and I suspect the  
854 gentleman from Texas will come along with us.

855 So, Mr. Chairman, I thank you for your indulgence.

856 Ms. DelBene. Would the gentleman yield?

857 Mr. Issa. Of course, I yield.

858 Ms. DelBene. Thank you. And I appreciate the spirit of  
859 your remarks on this issue.

860 I know we came together and had bipartisan legislation  
861 last Congress that we didn't get across the finish line with  
862 respect to comprehensive immigration reform, and I know it is  
863 important, I believe, that we look comprehensively because  
864 each individual bill creates challenges of its own, just like  
865 this one does, without other legislation.

866 So I hope we are able to put legislation together to  
867 make sure we address this in a comprehensive way to help  
868 agriculture but, frankly, to help many across our country  
869 with the immigration challenges that we face.

870 And I know my farmers said to me last Congress, there is  
871 two things we need. We need a farm bill, and we need  
872 comprehensive immigration reform. We got one done, but it is  
873 important that we get the other one done, too.

874 Mr. Issa. Thank you. And Mr. Chairman, my farmers only  
875 asked for relief. I yield back.

876 Mr. Conyers. Mr. Chairman?

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

879 Mr. Conyers. I would like to speak in support of the  
880 amendment.

881 Chairman Goodlatte. The gentleman is recognized for 5  
882 minutes.

883 Mr. Conyers. Thank you very much.

884 This is not complex. The DelBene amendment is for E-  
885 Verification for agriculture delayed until the Department of  
886 Homeland Security, in consultation with the Department --  
887 with DOA, certifies that it will not cause a significant  
888 agricultural labor shortage. What is wrong with that? I  
889 think it is a great idea.

890 It delays verification requirements from applying to  
891 seasonal agricultural workers until Homeland Security, in  
892 consultation with the Department of Agriculture, certifies  
893 that requiring verification of such workers will not cause a  
894 significant shortage of persons available to perform labor or  
895 services in the United States. We must delay E-Verify in

896 agriculture until Homeland Security and Agriculture certifies  
897 that E-Verify won't destroy the Nation's agriculture  
898 industry.

899       And if we don't exempt ag from the bill's verification  
900 requirements altogether, we should at least delay their  
901 application to seasonal farm workers until we have confidence  
902 that the industry won't be decimated by a loss of workers,  
903 which is a very real consideration.

904       This amendment would essentially delay the bill from  
905 applying in agriculture until Homeland Security, in  
906 consultation with the Department of Agriculture, certifies  
907 that the bill's verification requirements will not rob the  
908 United States agricultural industry of the stable labor force  
909 required to keep the industry alive.

910       Now the bill is a ticking time bomb for fruit and  
911 vegetable agriculture sector. In Georgia and Alabama,  
912 mandatory E-Verify has done extensive damage already to the  
913 States' farmers and agriculture industry. Without other  
914 reforms, nationwide E-Verify will cause huge disruptions in  
915 our Nation's food system.

916       Over 15 percent of our economy relies on agriculture,  
917 and the industry itself represents 2 percent of our gross

918 domestic product. Now over two-thirds of the on-the-field  
919 farm workers lack immigration status, and this percentage is  
920 growing. Losing those 1 million to 1.5 million workers would  
921 be devastating.

922 American farms would go under. America would be less  
923 secure. And we would see a mass off-shoring of jobs,  
924 including all of the upstream and downstream American jobs  
925 supported by agriculture.

926 There are nowhere near 1.5 million U.S. workers who are  
927 willing and able to fill these jobs. You know it, and I know  
928 it. Georgia, which recently mandated E-Verify, lost so many  
929 farm workers that Governor Nathan Deal, former colleague, was  
930 forced to try to get ex-convicts to fill those jobs. That  
931 didn't work. And the Georgia Agribusiness Council reports  
932 that Georgia farms have already lost \$300 million and may  
933 lose up to \$1 billion next year.

934 In Alabama, some farmers have reported losing half of  
935 their workforce. Rather than heed the lessons from the  
936 States, this bill says full speed ahead. Damn the torpedoes.

937 Applied nationwide, this bill will have disastrous  
938 result. Support this amendment if you care about the  
939 Nation's agriculture sector. Support this amendment if you

940 want to ensure that U.S. farmers can continue to have access  
941 to the labor force they need to grow the food that feeds the  
942 Nation.

943 Support this amendment if you want to prevent the  
944 destruction of our agricultural industry and the millions of  
945 Americans jobs supported by that industry.

946 I thank the chairman.

947 Chairman Goodlatte. The committee will stand in recess,  
948 and we will reconvene immediately following the vote that is  
949 on the floor. There are 2 minutes and 40 seconds left in the  
950 vote.

951 [Recessed.]

952 Chairman Goodlatte. The committee will reconvene. When  
953 the committee recessed, we were considering amendments to  
954 H.R. 1147, including the amendment offered by the gentlewoman  
955 from Washington, Ms. DelBene.

956 The question occurs on the amendment offered by the --

957 Mr. Deutch. Mr. Chairman?

958 Chairman Goodlatte. For what purpose does the gentleman  
959 from Florida seek recognition?

960 Mr. Deutch. Move to strike the last word.

961 Chairman Goodlatte. The gentleman is recognized for 5

962 minutes.

963       Mr. Deutch. Thank you, Mr. Chairman. Mr. Chairman, I  
964 strongly support the DelBene amendment. Under H.R. 1147, the  
965 Legal Workforce Act, mandatory E-Verify would not apply to  
966 our Nation's agricultural industry for 3 years. This  
967 amendment would require the Secretary of Homeland Security in  
968 consultation with the Secretary of Agriculture to certify  
969 that the mandatory E-Verify provisions will not cause a  
970 significant shortage of people to work in the agricultural  
971 industry.

972       Should the Secretary of Homeland Security find that the  
973 mandatory E-Verify provisions will cause a significant  
974 agricultural labor shortage, then the mandatory E-Verify  
975 provisions would not go into effect until the Secretary  
976 certifies otherwise. This well-thought out and critical  
977 amendment would ensure that the mandatory E-Verify provisions  
978 of the Legal Workforce Act do not have a devastating impact  
979 on our Nation's agriculture sector, including in my own State  
980 of Florida.

981       Currently, more than 75 percent of the on-the-field farm  
982 workers lack immigration status, and this number continues to  
983 grow. Mandatory E-Verify could cause the loss of more than 1



984 to 1 and a half million workers in the agriculture industry.  
985 And it is well known that there is nowhere near 1 to 1 and a  
986 half million U.S. workers who are willing to fill these jobs.

987 In addition, a report recently commissioned by the  
988 American Farm Bureau Federation found that implementing  
989 mandatory E-Verify without a viable agricultural worker  
990 program would cause agricultural output to fall by \$30 to \$60  
991 billion. The report also found that such a policy would  
992 cause food prices to increase by 5 to 6 percent with domestic  
993 fruit production down between 30 and 60 percent, and  
994 vegetable production down 13 to 27 percent.

995 Mr. Chairman, I ask unanimous consent to enter this  
996 February 2014 report into the record.

997 Chairman Goodlatte. Without objection, so ordered.

998 [The information follows:]

999

1000 Mr. Deutch. Thank you, Mr. Chairman. The only State  
1001 whose agricultural industry would be hit harder than Florida  
1002 would be California. Such impacts to the agricultural  
1003 industry would send Florida and other States into economic  
1004 recession, and we cannot afford to go backwards.

1005 Moreover, mandatory E-Verify for the agricultural  
1006 community is completely impractical. E-Verify requires  
1007 access to broadband. However, much of the agricultural  
1008 communities, many in Florida, do not have access to  
1009 broadband, and, therefore, would be unable to use E-Verify to  
1010 check the status of the workforce.

1011 For example, Florida counties, such as eastern Collier  
1012 County, Henry County, Glades County, and areas just outside  
1013 my own district in South Florida, are dependent upon  
1014 satellite. Lack of access to broadband exists throughout the  
1015 rural counties of the State, and this bill would impose  
1016 impossible compliance requirements on Florida farmers.

1017 It would be irresponsible, Mr. Chairman, for Congress to  
1018 cut off the labor supply for agriculture without having a  
1019 viable working agricultural guest worker program in  
1020 existence. Indeed, this committee has yet to schedule a  
1021 markup on a viable guest worker bill, and there is no

1022 guarantee that a revised program would be in place when E-  
1023 Verify becomes mandatory in accordance with the Legal  
1024 Workforce Act's 3-year timeframe.

1025 I would like to thank my colleague, Congressman DelBene,  
1026 for all of her hard work on this issue in protecting the  
1027 agricultural community from the impacts of mandatory E-  
1028 Verify. Absent a viable agriculture guest worker bill,  
1029 mandatory E-Verify would cause a massive loss of agricultural  
1030 workers, which would devastate agricultural industry and  
1031 cause irreparable harm to other industries, including food  
1032 processing, transportation, farm equipment, marketing, and  
1033 the retail sectors.

1034 We absolutely must protect our farmers by having the  
1035 agricultural sector begin by complying with the E-Verify  
1036 provisions only once there is a viable legal guest worker  
1037 system in place. I urge the committee to avert a looming  
1038 agricultural disaster and support this good amendment.

1039 Thank you, Mr. Chairman, and I yield back the balance of  
1040 my time.

1041 Chairman Goodlatte. The question occurs on the  
1042 amendment offered by the gentlewoman from Washington State.

1043 All those in favor, respond by saying aye.

1044           Those opposed, no.

1045           In the opinion of the chair, the noes have it, and the  
1046 amendment is not agreed to.

1047           Ms. DelBene. Mr. Chair, can I ask for a recorded vote?

1048           Chairman Goodlatte. A recorded vote is requested, and  
1049 the clerk will call the roll.

1050           Ms. Deterding. Mr. Goodlatte?

1051           Chairman Goodlatte. No.

1052           Ms. Deterding. Mr. Goodlatte votes no.

1053           Mr. Sensenbrenner?

1054           [No response.]

1055           Ms. Deterding. Mr. Smith?

1056           Mr. Smith. No.

1057           Ms. Deterding. Mr. Smith votes no.

1058           Mr. Chabot?

1059           Mr. Chabot. No.

1060           Ms. Deterding. Mr. Chabot votes no.

1061           Mr. Issa?

1062           Mr. Issa. No.

1063           Ms. Deterding. Mr. Issa votes no.

1064           Mr. Forbes?

1065           Mr. Forbes. No.

1066 Ms. Deterding. Mr. Forbes votes no.  
1067 Mr. King?  
1068 [No response.]  
1069 Mr. Deterding. Mr. Franks?  
1070 Mr. Franks. No.  
1071 Ms. Deterding. Mr. Franks votes no.  
1072 Mr. Gohmert?  
1073 [No response.]  
1074 Ms. Deterding. Mr. Jordan?  
1075 [No response.]  
1076 Ms. Deterding. Mr. Poe?  
1077 [No response.]  
1078 Ms. Deterding. Mr. Chaffetz?  
1079 Mr. Chaffetz. No.  
1080 Ms. Deterding. Mr. Chaffetz votes no.  
1081 Mr. Marino?  
1082 Mr. Marino. No.  
1083 Ms. Deterding. Mr. Marino votes no.  
1084 Mr. Gowdy?  
1085 [No response.]  
1086 Ms. Deterding. Mr. Labrador?  
1087 [No response.]

1088 Ms. Deterding. Mr. Farenthold?  
1089 Mr. Farenthold. No.  
1090 Ms. Deterding. Mr. Farenthold votes no.  
1091 Mr. Collins?  
1092 Mr. Collins. No.  
1093 Ms. Deterding. Mr. Collins votes no.  
1094 Mr. DeSantis?  
1095 Mr. DeSantis. No.  
1096 Ms. Deterding. Mr. DeSantis votes no.  
1097 Ms. Walters?  
1098 Ms. Walters. No.  
1099 Ms. Deterding. Ms. Walters votes no.  
1100 Mr. Buck?  
1101 [No response.]  
1102 Ms. Deterding. Mr. Ratcliffe?  
1103 Mr. Ratcliffe. No.  
1104 Ms. Deterding. Mr. Ratcliffe votes no.  
1105 Mr. Trott?  
1106 Mr. Trott. No.  
1107 Ms. Deterding. Mr. Trott votes no.  
1108 Mr. Bishop?  
1109 Mr. Bishop. No.

1110 Ms. Deterding. Mr. Bishop votes no.  
1111 Mr. Conyers?  
1112 Mr. Conyers. Aye.  
1113 Ms. Deterding. Mr. Conyers votes aye.  
1114 Mr. Nadler?  
1115 [No response.]  
1116 Ms. Deterding. Ms. Lofgren?  
1117 Ms. Lofgren. Aye.  
1118 Ms. Deterding. Ms. Lofgren votes aye.  
1119 Ms. Jackson Lee?  
1120 [No response.]  
1121 Ms. Deterding. Mr. Cohen?  
1122 Mr. Cohen. Aye.  
1123 Ms. Deterding. Mr. Cohen votes aye.  
1124 Mr. Johnson?  
1125 Mr. Johnson. Aye.  
1126 Ms. Deterding. Mr. Johnson votes aye.  
1127 Mr. Pierluisi?  
1128 [No response.]  
1129 Ms. Deterding. Ms. Chu?  
1130 [No response.]  
1131 Ms. Deterding. Mr. Deutch?

1132 Mr. Deutch. Aye.

1133 Ms. Deterding. Mr. Deutch votes aye.

1134 Mr. Gutierrez?

1135 [No response.]

1136 Ms. Deterding. Ms. Bass?

1137 [No response.]

1138 Ms. Deterding. Mr. Richmond?

1139 [No response.]

1140 Ms. Deterding. Ms. DelBene?

1141 Ms. DelBene. Aye.

1142 Ms. Deterding. Ms. DelBene votes aye.

1143 Mr. Jeffries?

1144 Mr. Jeffries. Aye.

1145 Ms. Deterding. Mr. Jeffries votes aye.

1146 Mr. Cicilline?

1147 Mr. Cicilline. Aye.

1148 Ms. Deterding. Mr. Cicilline votes aye.

1149 Mr. Peters?

1150 Mr. Peters. Aye.

1151 Ms. Deterding. Mr. Peters votes aye.

1152 Chairman Goodlatte. The gentleman from Iowa?

1153 Mr. King. No.



1154       Ms. Deterding. Mr. King votes no.

1155       Chairman Goodlatte. The gentlewoman from California,

1156 Ms. Chu?

1157       Ms. Chu. Aye.

1158       Ms. Deterding. Ms. Chu votes aye.

1159       Chairman Goodlatte. The gentleman from Puerto Rico?

1160       Mr. Pierluisi. Aye.

1161       Ms. Deterding. Mr. Pierluisi votes aye.

1162       Chairman Goodlatte. Has every member voted who wishes

1163 to vote?

1164       [No response.]

1165       Chairman Goodlatte. The clerk will report.

1166       Ms. Deterding. Mr. Chairman, 11 members voted ayes, 16

1167 members voted no.

1168       Chairman Goodlatte. And the amendment is not agreed to.

1169       Are there further amendments?

1170       Mr. Conyers. Mr. Chairman?

1171       Chairman Goodlatte. For what purpose does the gentleman

1172 from Michigan seek recognition?

1173       Mr. Conyers. I have an amendment at the desk and ask

1174 that it be brought forward.

1175       Chairman Goodlatte. The clerk will report the

1176 amendment.

1177 Ms. Deterding. Amendment to H.R. 1147, offered by Mr.

1178 Conyers, in Section 2, in the --

1179 Chairman Goodlatte. Without objection, the amendment is

1180 considered as read.

1181 [The amendment of Mr. Conyers follows:]

1182

1183 Chairman Goodlatte. And the gentleman is recognized for  
1184 5 minutes on his amendment.

1185 Mr. Conyers. Members of the committee, my amendment  
1186 corrects a serious imbalance in H.R. 1147 by adding an  
1187 enforcement mechanism to the bill's worker protections. The  
1188 Legal Workforce Act contains several requirements intended to  
1189 protect American workers, but these provisions are really  
1190 nothing more than mere suggestions without any associated  
1191 penalties.

1192 As we know, H.R. 1147 imposes a series of new mandates  
1193 on employers, including the requirement that they verify  
1194 appropriately 54 million new hires each year, re-verify  
1195 current employees in certain circumstances, notify the  
1196 Department of Homeland Security if the employer chooses not  
1197 to terminate an employee after receiving a final non-  
1198 confirmation, and refrain from putting false information into  
1199 the verification system.

1200 Now, if an employer violates these requirements, there  
1201 are penalties, but when it comes to the bill's protection for  
1202 American workers and authorize non-citizens, the bill is  
1203 absolutely silent. For example, 1147 requires employers to  
1204 notify workers when E-Verify provides a tentative non-

1205 confirmation, but it imposes no penalty if the employer fails  
1206 to comply.

1207 In addition, the bill prohibits employers from  
1208 terminating an employee or rescinding a job offer based on a  
1209 tentative non-confirmation until that employer receives a  
1210 final non-confirmation. But, again, the bill lacks any  
1211 penalty provision for violating that protection.

1212 And here is a further example. H.R. 1147 requires  
1213 employers who choose to re-verify an existing employee to  
1214 also re-verify all other employees at the same geographic  
1215 location, or all employees in the same job category. Once  
1216 again, the bill fails to subject any employers who break this  
1217 rule to any penalty.

1218 In fact, despite the fact that re-verification is a  
1219 powerful tool to retaliate against workers at particular job  
1220 sites or in certain job categories that are organizing for  
1221 better working protections, this legislation actually bars  
1222 review of an employer's decision to re-verify the workforce  
1223 in any government investigation. And so, my amendment  
1224 addresses this oversight by applying the existing penalty  
1225 structure to violations of these provisions. These changes  
1226 will better protect United States' workers.

1227           And finally, my amendment makes the intentional misuse  
1228   of the verification system an unfair immigration-related  
1229   employment practice. This will empower the Office of Special  
1230   Counsel to investigate such abuses and to ensure that persons  
1231   harmed by unlawful conduct have an opportunity to obtain  
1232   relief. And so, I urge my colleagues on this committee to  
1233   support this amendment, and, Mr. Chairman, I yield back the  
1234   balance of my time.

1235           Chairman Goodlatte. The chair thanks the gentleman.  
1236   For what purpose does the gentleman from Texas seek  
1237   recognition?

1238           Mr. Smith. Mr. Chairman, I oppose the amendment.

1239           Chairman Goodlatte. The gentleman is recognized for 5  
1240   minutes.

1241           Mr. Smith. Thank you, Mr. Chairman. This amendment  
1242   makes sweeping changes to the actions considered in violation  
1243   of the employment eligibility verifications requirements  
1244   under H.R. 1147, and it strikes provisions designed to make  
1245   the E-Verify system more employer friendly.

1246           Perhaps most overbroad is the prohibition on an employer  
1247   taking "adverse employment action against the individual"  
1248   seeking work or employed by the employer. Adverse employment

1249 action could be almost any action. It is not defined and  
1250 overly broad. We should be educating our employers about  
1251 possible inadvertent mistakes, not punishing them for  
1252 undefined mistakes.

1253 And the amendment strikes the provision of H.R. 1147  
1254 that allows a job offer to be contingent on the final  
1255 confirmation of work eligibility. This common sense  
1256 provision spares an employer from having to go through the  
1257 process of hiring an individual who turns out not to be work  
1258 eligible. Again, this language is overly broad and can  
1259 subject employers to penalties for the smallest of  
1260 infractions that the Office of Special Counsel at the  
1261 Department of Justice deems adverse.

1262 All these changes taken together could have a very  
1263 chilling effect on employers' desire to use E-Verify. So I  
1264 oppose this amendment because it unduly burdens employers,  
1265 and I urge my colleagues to also oppose. Yield back.

1266 Chairman Goodlatte. The question occurs on the  
1267 amendment offered by the gentleman from Michigan.

1268 All those in favor, respond by saying aye.

1269 Those opposed, no.

1270 In the opinion of the chair, the noes have it.

1271 Mr. Conyers. Record vote, please.

1272 Chairman Goodlatte. A recorded vote is requested, and

1273 the clerk will call the roll.

1274 Ms. Deterding. Mr. Goodlatte?

1275 Chairman Goodlatte. No.

1276 Ms. Deterding. Mr. Goodlatte votes no.

1277 Mr. Sensenbrenner?

1278 [No response.]

1279 Ms. Deterding. Mr. Smith?

1280 Mr. Smith. No.

1281 Ms. Deterding. Mr. Smith votes no.

1282 Mr. Chabot?

1283 Mr. Chabot. No.

1284 Ms. Deterding. Mr. Chabot votes no.

1285 Mr. Issa?

1286 [No response.]

1287 Ms. Deterding. Mr. Forbes?

1288 [No response.]

1289 Ms. Deterding. Mr. King?

1290 Mr. King. No.

1291 Ms. Deterding. Mr. King votes no.

1292 Mr. Franks?

1293 Mr. Franks. No.

1294 Ms. Deterding. Mr. Franks votes no.

1295 Mr. Gohmert?

1296 [No response.]

1297 Ms. Deterding. Mr. Jordan?

1298 [No response.]

1299 Ms. Deterding. Mr. Poe?

1300 [No response.]

1301 Ms. Deterding. Mr. Chaffetz?

1302 Mr. Chaffetz. No.

1303 Ms. Deterding. Mr. Chaffetz votes no.

1304 Mr. Marino?

1305 [No response.]

1306 Ms. Deterding. Mr. Gowdy?

1307 [No response.]

1308 Ms. Deterding. Mr. Labrador?

1309 [No response.]

1310 Ms. Deterding. Mr. Farenthold?

1311 Mr. Farenthold. No.

1312 Ms. Deterding. Mr. Farenthold votes no.

1313 Mr. Collins?

1314 Mr. Collins. No.



1315 Ms. Deterding. Mr. Collins votes no.  
1316 Mr. DeSantis?  
1317 Mr. DeSantis. No.  
1318 Ms. Deterding. Mr. DeSantis votes no.  
1319 Ms. Walters?  
1320 [No response.]  
1321 Ms. Deterding. Mr. Buck?  
1322 [No response.]  
1323 Ms. Deterding. Mr. Ratcliffe?  
1324 Mr. Ratcliffe. No.  
1325 Ms. Deterding. Mr. Ratcliffe votes no.  
1326 Mr. Trott?  
1327 Mr. Trott. No.  
1328 Ms. Deterding. Mr. Trott votes no.  
1329 Mr. Bishop?  
1330 Mr. Bishop. No.  
1331 Ms. Deterding. Mr. Bishop votes no.  
1332 Mr. Conyers?  
1333 Mr. Conyers. Aye.  
1334 Ms. Deterding. Mr. Conyers votes aye.  
1335 Mr. Nadler?  
1336 [No response.]

1337 Ms. Deterding. Ms. Lofgren?  
1338 Ms. Lofgren. Aye.  
1339 Ms. Deterding. Ms. Lofgren votes aye.  
1340 Ms. Jackson Lee?  
1341 Ms. Jackson Lee. Aye.  
1342 Ms. Deterding. Ms. Jackson Lee votes aye.  
1343 Mr. Cohen?  
1344 Mr. Cohen. Aye.  
1345 Ms. Deterding. Mr. Cohen votes aye.  
1346 Mr. Johnson?  
1347 Mr. Johnson. Aye.  
1348 Ms. Deterding. Mr. Johnson votes aye.  
1349 Mr. Pierluisi?  
1350 Mr. Pierluisi. Aye.  
1351 Ms. Deterding. Mr. Pierluisi votes aye.  
1352 Ms. Chu?  
1353 Ms. Chu. Aye.  
1354 Ms. Deterding. Ms. Chu votes aye.  
1355 Mr. Deutch?  
1356 [No response.]  
1357 Ms. Deterding. Mr. Gutierrez?  
1358 [No response.]

1359 Ms. Deterding. Ms. Bass?  
1360 [No response.]  
1361 Ms. Deterding. Mr. Richmond?  
1362 [No response.]  
1363 Ms. Deterding. Ms. DelBene?  
1364 Ms. DelBene. Aye.  
1365 Ms. Deterding. Ms. DelBene votes aye.  
1366 Mr. Jeffries?  
1367 [No response.]  
1368 Ms. Deterding. Mr. Cicilline?  
1369 Mr. Cicilline. Aye.  
1370 Ms. Deterding. Mr. Cicilline votes aye.  
1371 Mr. Peters?  
1372 Mr. Peters. Aye.  
1373 Ms. Deterding. Mr. Peters votes aye.  
1374 Chairman Goodlatte. The gentleman from Virginia?  
1375 Mr. Forbes. No.  
1376 Ms. Deterding. Mr. Forbes votes no.  
1377 Chairman Goodlatte. Has every member voted who wishes  
1378 to vote?  
1379 [No response.]  
1380 Chairman Goodlatte. The clerk will report.

1381           Ms. Deterding. Mr. Chairman, 10 members voted aye, 13  
1382 members voted no.

1383           Chairman Goodlatte. And the amendment is not agreed to.

1384           Are there further amendments to H.R. 1147?

1385           Ms. Jackson Lee. Mr. Chairman?

1386           Chairman Goodlatte. For what purpose does the  
1387 gentlewoman from Texas seek recognition?

1388           Ms. Jackson Lee. Mr. Chairman, I have an amendment at  
1389 the desk. It is listed on the roster as Number 3.

1390           Chairman Goodlatte. The clerk will report the  
1391 amendment.

1392           Ms. Deterding. Amendment to H.R. 1147, offered by Ms.  
1393 Jackson Lee of Texas, in Section in the proposed --

1394           Chairman Goodlatte. Without objection, the amendment is  
1395 considered as read.

1396           [The amendment of Ms. Jackson Lee follows:]

1397

1398 Chairman Goodlatte. And the gentlewoman is recognized  
1399 on her amendment for 5 minutes.

1400 Ms. Jackson Lee. Thank you very much, Mr. Chairman. I  
1401 know that there is not a disagreement on the importance of  
1402 knowing who is here to do us harm and who is here to seek an  
1403 opportunity. I know that most employers would like to adhere  
1404 by the law. I also know that the system would work much  
1405 better, farmers would be protected, and individuals with  
1406 Hispanic surnames would be protected if we had comprehensive  
1407 immigration reform.

1408 My friends on the other side of the aisle choose not to  
1409 do it in that way. So my amendment authorizes employer  
1410 audits by the Department of Homeland Security Office of Civil  
1411 Rights and Civil Liberties that includes the use of testers  
1412 and provides for the civil liberties and civil rights of  
1413 those who may be discriminated against incorrectly because of  
1414 their immigrant sounding name. This amendment authorizes  
1415 that process to protect innocent persons, as I indicated.

1416 The Legal Workforce Act would mandate the use of E-  
1417 Verify, an ineffective and expensive employment eligibility  
1418 verification system, that will harm our economy, hurt small  
1419 businesses, and increase unemployment. Moreover, workers who

1420 receive an erroneous E-Verify determination often have to  
1421 take unpaid time off from work to attempt to correct their  
1422 records, which may require more than one trip to a government  
1423 office.

1424       A government commission study found that almost half of  
1425 such workers lost partial or complete days of work, and 14  
1426 percent lost more than 2 days of work as a result of their  
1427 efforts to correct an E-Verify error. Quite tellingly, the  
1428 Congressional Budget Office found that the Legal Workforce  
1429 Act, as reported in the 2013 Congress, would increase Federal  
1430 budget deficits by \$30 billion, and cost the Federal  
1431 government and U.S. taxpayers over \$1.2 billion to implement.

1432       In addition to increasing the deficit, the Legal  
1433 Workforce Act would cost small businesses billions in out-of-  
1434 pocket costs, put U.S. citizens and work-authorized non-  
1435 citizens' jobs at risk, and compound the discriminatory  
1436 impacts of the current E-Verify system on Latino and foreign-  
1437 born workers and on working women. The bill does nothing to  
1438 create jobs, but instead will exacerbate the problems caused  
1439 by a broken immigration system.

1440       What it does do is it puts in jeopardy citizens and  
1441 others with status who have the right to work. It puts in

1442 jeopardy these individuals because of no protections. And  
1443 so, my amendment would add those protections, which I cannot  
1444 imagine that any of my colleagues here would not wish to  
1445 ensure that individuals who have every right to work in this  
1446 country would, in fact, do so by supporting this amendment.

1447 I would like to submit into the record a Texas Farm  
1448 Bureau statement that says the risk of an enforcement only  
1449 approach is too high, and the impact on agriculture is so  
1450 great, to watch this go through without informing you of the  
1451 negative impact in stand-alone E-Verify. They ask that there  
1452 be an employment eligibility verification system that is  
1453 simple and conclusive, provide an affirmative defense for  
1454 employers who act in good faith. And they also are concerned  
1455 about the discrimination against employees.

1456 Chairman Goodlatte. Without objection, it will be made  
1457 a part of the record.

1458 [The information follows:]

1459

1460           Ms. Jackson Lee. Therefore, Mr. Chairman, I ask my  
1461 colleagues to support the Jackson Lee amendment, and with  
1462 that I yield back.

1463           Chairman Goodlatte. For what purpose does the gentleman  
1464 from Texas seek recognition?

1465           Mr. Smith. Mr. Chairman, I oppose the amendment.

1466           Chairman Goodlatte. The gentleman is recognized for 5  
1467 minutes.

1468           Mr. Smith. Mr. Chairman, this amendment creates  
1469 additional authorities for the Department of Homeland  
1470 Security Office of Civil Rights and Civil Liberties. But the  
1471 Department of Justice Special Counsel, OSC, for immigration-  
1472 related unfair employment practices already conducts  
1473 investigations aimed at the prevention of immigration-related  
1474 discrimination by employers. So this amendment is a solution  
1475 looking for a problem.

1476           In addition, the amendment validates bad faith behavior  
1477 that will cost businesses scarce time and millions of  
1478 dollars. Specifically, the amendment requires CRCL to  
1479 conduct annual audits of E-Verify use. Those audits include  
1480 the use of testers to determine whether employers use E-  
1481 Verify properly, the use of random audits to determine



1482 employer compliance with civil liberties and civil rights  
1483 protections, and periodic audits of employers for which CRCL  
1484 and OSC receives complaints.

1485 OSC was created by the Immigration Reform and Control  
1486 Act of 1986 specifically to investigate charges and issue  
1487 complaints under Section 274(b) of the Immigration and  
1488 Nationality Act. Section 274(b) sets out prohibitions on  
1489 "unfair immigration related employment practices," so OSC  
1490 already accomplishes the goal of this amendment prosecuting  
1491 immigration-related discrimination violations.

1492 Current law already provides the means to ensure  
1493 employer compliance with E-Verify not only through the OSC,  
1494 but also through the Department of Homeland Security, which  
1495 is specifically tasked with enforcement of immigration laws,  
1496 including those relating to the current E-Verify system and  
1497 the Legal Workforce Act. The point of the Legal Workforce  
1498 Act it to put Americans back to work. There is no room in  
1499 the bill for any provision that has the opposite effect.

1500 So, Mr. Chairman, I oppose the amendment and yield back.

1501 Chairman Goodlatte. The question occurs on the -- for  
1502 what purpose does the gentleman seek Iowa seek recognition?

1503 Mr. King. Move to strike the last word.

1504 Chairman Goodlatte. The gentleman is recognized for 5  
1505 minutes.

1506 Mr. King. Thank you, Mr. Chairman. I would just like  
1507 to make the point that this bill actually has protections and  
1508 provisions within it that will establish to avoid even the  
1509 allegations of using E-Verify for discriminatory purposes.  
1510 But I think it is important to make the broader point that  
1511 you cannot use E-Verify to discriminate because the E-Verify  
1512 database does not register to the employer anything that has  
1513 to do with race, ethnicity, and national origin. It simply  
1514 verifies whether the identifying documents that are  
1515 introduced into it identify someone who can lawfully work in  
1516 the United States.

1517 So if you put yourself in the position of an employer  
1518 that may want to do what Ms. Jackson Lee is concerned about,  
1519 all they could do is put employer identification into E-  
1520 Verify, and, again, the database is not going to come back  
1521 tell you whether it has targeted someone by race, ethnicity,  
1522 national origin, age, or any other discriminatory property.  
1523 So I think that, you know, this is a solution looking for a  
1524 problem, and the E-Verify program has been very reliable and  
1525 getting better. And actually it is very good. And if it is

1526 going too perfect, it is only if we use to clean up those  
1527 little pieces on the end.

1528 So I am opposed to this amendment, and I yield back the  
1529 balance of my time.

1530 Chairman Goodlatte. The question occurs on the  
1531 amendment offered by the gentlewoman from Texas.

1532 All those in favor, respond by saying aye.

1533 Those opposed, no.

1534 In the opinion of the chair, the noes have it, and the  
1535 amendment is not agreed to.

1536 The chair would advise the committee that we have 8 and  
1537 a half minutes remaining in this vote, and the committee will  
1538 stand in recess and return for consideration of further  
1539 amendments immediately after this vote.

1540 [Recess.]

1541 Chairman Goodlatte. The committee will reconvene. When  
1542 the committee recessed, we were considering amendments to  
1543 H.R. 1147. Are there further amendments to the bill? For  
1544 what purpose does the gentleman from Georgia seek  
1545 recognition?

1546 Mr. Johnson. Mr. Chairman, I have an amendment at the  
1547 desk.

1548 Chairman Goodlatte. The clerk will report the  
1549 amendment.

1550 Ms. Deterding. Amendment to H.R. 1147, offered by Mr.  
1551 Johnson of Georgia, in Section 2 in the proposed subsection  
1552 (b) (1) (C) (2) (v) by adding at the end the following.

1553 Chairman Goodlatte. Without objection, the amendment is  
1554 considered as read.

1555 [The amendment of Mr. Johnson follows:]

1556

1557 Chairman Goodlatte. And the gentleman is recognized for  
1558 5 minutes on his amendment.

1559 Mr. Johnson. Thank you, Mr. Chairman. My amendment  
1560 provides critical due process protections for authorized  
1561 workers who incorrectly receive final non-confirmations. As  
1562 it is written now, the bill provides no protections for U.S.  
1563 workers who receive erroneous final non-confirmations. My  
1564 amendment provides an administrative remedy in an appeals  
1565 process with judicial review which allows workers to retain  
1566 their jobs during the pendency of the appeal, and ensures  
1567 that back pay and attorneys' fees will be provided to workers  
1568 who lose their jobs due to system or employer error.

1569 With 54 million new hires each year that would have to  
1570 be run through E-Verify, and 155 million people currently in  
1571 the workforce who could be run through E-Verify, it is  
1572 projected that 162 to 465,000 authorized workers would be at  
1573 risk of losing their jobs or job opportunities. The only  
1574 thing that the bill does for workers who incorrectly lose  
1575 employment because of E-Verify is to authorize lawsuit for  
1576 lost wages against the Federal government under the Federal  
1577 Tort Claims Act.

1578 This is a joke. An FTCA lawsuit against the Federal

1579 government in our crowded courts will take months or years,  
1580 and before filing a suit the worker would first have to file  
1581 an administrative claim and wait for either a denial of that  
1582 claim or the passage of 6 months.

1583 In these tough economic times, the worker would be  
1584 jobless and without pay for this entire period. They will  
1585 also get nothing if they cannot prove the error resulted from  
1586 a negligent or wrongful act or omission of any employee of  
1587 the government. In some cases, the employer who typed their  
1588 information into the system or the government employee  
1589 reviewing their information may make an error. Until E-  
1590 Verify systems and the humans who enter information are able  
1591 to process information without error, due process is  
1592 absolutely necessary.

1593 Finally, the bill prohibits wrongfully terminated  
1594 American workers from bringing class action lawsuit under the  
1595 FTCA. Class action lawsuit are oftentimes the only way  
1596 people can afford to bring suit. By prohibiting class  
1597 actions, the Legal Workforce Act will prevent American  
1598 workers from receiving their day in court. Farms in Georgia  
1599 have already lost \$300 million due to E-Verify, and the  
1600 impact on the rest of the Nation could be disastrous.

1601 And with that, I yield back.

1602 Chairman Goodlatte. For what purpose does the gentleman  
1603 from Texas seek recognition?

1604 Mr. Smith. Mr. Chairman, I oppose the amendment.

1605 Chairman Goodlatte. The gentleman is recognized for 5  
1606 minutes.

1607 Mr. Smith. Thank you, Mr. Chairman. This amendment is  
1608 an attempt to make E-Verify compliance burdensome. Its wage  
1609 compensation provisions incentivize delay tactics in filing  
1610 appeals, and the amendment overturns Supreme Court precedent  
1611 that prevent employers from having to pay back wages to  
1612 illegal immigrants.

1613 The Legal Workforce Act balances legitimate concerns of  
1614 all interested parties regarding E-Verify -- the business  
1615 community, the American people who desire to see immigrant  
1616 laws enforced, and legal employees. But this amendment tips  
1617 that balance in favor of one party to the detriment of  
1618 another. Specifically, the amendment creates an  
1619 administrative process following an E-Verify non-  
1620 confirmation, so if an individual's employment is terminated  
1621 or they are not hired based on E-Verify's issuance of a non-  
1622 confirmation of work eligibility, the individual has access

1623 to the administrative and judicial review process.

1624       The Legal Workforce Act retains the current deadlines  
1625 for a final E-Verify verification determination. The bill  
1626 requires DHS to issue the final determination within 10  
1627 working days of the date that an employee or potential  
1628 employee receives notice of a tentative non-confirmation.  
1629 However, H.R. 1147 does provide for the process that USCIS  
1630 has in place to help ensure the resolution of a non-  
1631 confirmation that is contested by an employee. In those  
1632 situations, DHS issues a letter requesting that the employer  
1633 not take action on the final non-confirmation until a  
1634 resolution has been completed. The average resolution time  
1635 under this process is only 2.5 days.

1636       A final determination deadline is necessary in order to  
1637 give employers a chance to find another employee if need be  
1638 and to prevent illegal immigrants from occupying scarce jobs.  
1639 The administrative process created by this amendment allows  
1640 at least several months before a determination of work  
1641 eligibility could become final. But in reality the amendment  
1642 leaves the process open-ended.

1643       There is no actual deadline for the time within which an  
1644 individual must file the initial administrative appeal. The



1645 illegal immigrants could work potential for years under this  
1646 amendment as their appeals drag on, and, of course, this  
1647 would be an abuse of the process. The lack of a time limit  
1648 on final determination of work eligibility is an unnecessary  
1649 burden on U.S. businesses. Companies should have a cut-off  
1650 date at which point they can move on to find a different  
1651 employee if need be.

1652       Next, the amendment requires that the government  
1653 compensate the individual for lost wages, reasonable costs,  
1654 and attorneys' fees. That compensation could be upwards of  
1655 \$125,000. U.S. taxpayers should not be required to foot this  
1656 bill. Furthermore, the bill already allows remedies if an  
1657 individual alleges that he would not have been dismissed from  
1658 a job but for an error of the E-Verify system. The  
1659 individual can file a claim using the Federal Tort Claims Act  
1660 and seek injunctive relief.

1661       The very last provision of the amendment attempt to  
1662 overturn the 2002 Supreme Court ruling in *Hoffman Plastic*  
1663 *Compounds v. National Labor Relations Board*. The Court ruled  
1664 that the NLRB could not order a company to pay back pay to an  
1665 illegal immigrant who had been working for Hoffman Plastics.  
1666 But the amendment specifically states that a former

1667 employee's status as an illegal immigrant shall not be a  
1668 basis for denying back pay remedies to the employee. So  
1669 under this amendment, businesses will be forced to pay back  
1670 wages to illegal immigrants.

1671 For all of the reasons previously mentioned, I oppose  
1672 this amendment and hope my colleagues will do the same.

1673 Mr. Conyers. Mr. Chairman?

1674 Mr. Smith. I will yield back the balance of my time.

1675 Chairman Goodlatte. The chair thanks the gentleman, and  
1676 for what purpose does the gentleman from Michigan seek  
1677 recognition?

1678 Mr. Conyers. Strike the requisite number of words.

1679 Chairman Goodlatte. The gentleman is recognized for 5  
1680 minutes.

1681 Mr. Conyers. Thank you, Mr. Chairman. I think this is  
1682 an important consideration, and I hope that we will realize  
1683 that as presently written, and without this amendment, the  
1684 measure before us does not do anything to prevent U.S.  
1685 workers from wrongfully being terminated and increasing our  
1686 rate of unemployment. And, in addition, there is a very  
1687 important examination of what happens if a worker wins or  
1688 settles a suit. It will take at least 6 or 8 weeks to get

1689 the Justice Department to submit the settlement or judgment  
1690 to the GAO and for responsible U.S. attorney's office or the  
1691 Department of Justice attorney to process the payment.

1692 This is a completely inadequate remedy, in my view,  
1693 because workers who lose their jobs due to E-Verify errors,  
1694 and that can happen, will get nothing if they cannot prove  
1695 that the error resulted from a negligent or wrongful act or  
1696 omission of any employee of the government. Well, how in the  
1697 world do you prove that for a person who is now unemployed?

1698 The government also can argue that claims may be barred  
1699 by various exceptions to government liability, and in a  
1700 wrongful discharge or negligence case arising out of improper  
1701 maintenance of a database, for instance, we can expect that  
1702 the government would raise the discretionary function  
1703 exception, which is commonly used for the government to  
1704 defend.

1705 So the bottom line is that most workers who will wrongly  
1706 lose their jobs under H.R. 1147 will never receive any  
1707 compensation. And those who do could be out of work without  
1708 pay for up to 8 months. This, my colleagues, I hope you will  
1709 agree with me, is unacceptable. And so, 1147 must include a  
1710 meaningful administrative and judicial review process. This

1711 amendment creates these meaningful due process protections  
1712 and ensures that U.S. workers do not lose their jobs or pay  
1713 while they challenge government errors.

1714 And so, I salute our colleague for coming forward with  
1715 this amendment, and I hope that it will be made a part of the  
1716 bill itself. And I thank the chair and yield back the  
1717 balance of my time.

1718 Chairman Goodlatte. The chair thanks the gentleman.

1719 The question occurs on the amendment offered by the  
1720 gentleman from Georgia.

1721 All those in favor, respond by saying aye.

1722 Those opposed, no.

1723 In the opinion of the chair, the noes have it. The  
1724 amendment is not agreed to.

1725 Mr. Johnson. Ask for a recorded vote.

1726 Chairman Goodlatte. A recorded vote is requested, and  
1727 the clerk will call the roll.

1728 Ms. Deterding. Mr. Goodlatte?

1729 Chairman Goodlatte. No.

1730 Ms. Deterding. Mr. Goodlatte votes no.

1731 Mr. Sensenbrenner?

1732 [No response.]

1733 Ms. Deterding. Mr. Smith?  
1734 Mr. Smith. No.  
1735 Ms. Deterding. Mr. Smith votes no.  
1736 Mr. Chabot?  
1737 Mr. Chabot. No.  
1738 Ms. Deterding. Mr. Chabot votes no.  
1739 Mr. Issa?  
1740 [No response.]  
1741 Ms. Deterding. Mr. Forbes?  
1742 [No response.]  
1743 Ms. Deterding. Mr. King?  
1744 Mr. King. No.  
1745 Mr. Deterding. Mr. King votes no.  
1746 Mr. Franks?  
1747 Mr. Franks. No.  
1748 Ms. Deterding. Mr. Franks votes no.  
1749 Mr. Gohmert?  
1750 [No response.]  
1751 Ms. Deterding. Mr. Jordan?  
1752 [No response.]  
1753 Ms. Deterding. Mr. Poe?  
1754 Mr. Poe. No.

1755 Ms. Deterding. Mr. Poe votes no.  
1756 Mr. Chaffetz?  
1757 Mr. Chaffetz. No.  
1758 Ms. Deterding. Mr. Chaffetz votes no.  
1759 Mr. Marino?  
1760 Mr. Marino. No.  
1761 Ms. Deterding. Mr. Marino votes no.  
1762 Mr. Gowdy?  
1763 [No response.]  
1764 Ms. Deterding. Mr. Labrador?  
1765 Mr. Labrador. No.  
1766 Ms. Deterding. Mr. Labrador votes no.  
1767 Mr. Farenthold?  
1768 [No response.]  
1769 Ms. Deterding. Mr. Collins?  
1770 [No response.]  
1771 Ms. Deterding. Mr. DeSantis?  
1772 [No response.]  
1773 Ms. Deterding. Ms. Walters?  
1774 Ms. Walters. No.  
1775 Ms. Deterding. Ms. Walters votes no.  
1776 Mr. Buck?

1777 Mr. Buck. No.

1778 Ms. Deterding. Mr. Buck votes no.

1779 Mr. Ratcliffe?

1780 Mr. Ratcliffe. No.

1781 Ms. Deterding. Mr. Ratcliffe votes no.

1782 Mr. Trott?

1783 Mr. Trott. No.

1784 Ms. Deterding. Mr. Trott votes no.

1785 Mr. Bishop?

1786 Mr. Bishop. No.

1787 Ms. Deterding. Mr. Bishop votes no.

1788 Mr. Conyers?

1789 Mr. Conyers. Aye.

1790 Ms. Deterding. Mr. Conyers votes aye.

1791 Mr. Nadler?

1792 [No response.]

1793 Ms. Deterding. Ms. Lofgren?

1794 Ms. Lofgren. Aye.

1795 Ms. Deterding. Ms. Lofgren votes aye.

1796 Ms. Jackson Lee?

1797 Ms. Jackson Lee. Aye.

1798 Ms. Deterding. Ms. Jackson Lee votes aye.

1799 Mr. Cohen?  
1800 [No response.]  
1801 Ms. Deterding. Mr. Johnson?  
1802 Mr. Johnson. Aye.  
1803 Ms. Deterding. Mr. Johnson votes aye.  
1804 Mr. Pierluisi?  
1805 Mr. Pierluisi. Aye.  
1806 Ms. Deterding. Mr. Pierluisi votes aye.  
1807 Ms. Chu?  
1808 Ms. Chu. Aye.  
1809 Ms. Deterding. Ms. Chu votes aye.  
1810 Mr. Deutch?  
1811 [No response.]  
1812 Ms. Deterding. Mr. Gutierrez?  
1813 Mr. Gutierrez. Aye.  
1814 Ms. Deterding. Mr. Gutierrez votes aye.  
1815 Ms. Bass?  
1816 [No response.]  
1817 Ms. Deterding. Mr. Richmond?  
1818 [No response.]  
1819 Ms. Deterding. Ms. DelBene?  
1820 Ms. DelBene. Aye.



1821 Ms. Deterding. Ms. DelBene votes aye.  
1822 Mr. Jeffries?  
1823 [No response.]  
1824 Ms. Deterding. Mr. Cicilline?  
1825 Mr. Cicilline. Aye.  
1826 Ms. Deterding. Mr. Cicilline votes aye.  
1827 Mr. Peters?  
1828 [No response.]  
1829 Chairman Goodlatte. The gentleman from Virginia, Mr.  
1830 Forbes?  
1831 Mr. Forbes. No.  
1832 Ms. Deterding. Mr. Forbes votes no.  
1833 Chairman Goodlatte. The gentleman from California, Mr.  
1834 Issa?  
1835 Mr. Issa. No.  
1836 Ms. Deterding. Mr. Issa votes no.  
1837 Chairman Goodlatte. Has every member voted who wishes  
1838 to vote?  
1839 [No response.]  
1840 Chairman Goodlatte. The clerk will report.  
1841 Ms. Deterding. Mr. Chairman, 9 members voted aye, 16  
1842 members voted no.

1843 Chairman Goodlatte. And the amendment is not agreed to.

1844 Are there further amendments to H.R. 1147?

1845 Mr. Johnson. Mr. Chairman, I do have another amendment  
1846 at the desk.

1847 Chairman Goodlatte. The clerk will report the  
1848 amendment.

1849 Ms. Deterding. Amendment to H.R. 1147, offered by Mr.  
1850 Johnson, strike paragraph 8 of Section 274(a)(D) of the  
1851 Immigration and Nationality Act as proposed to be amended by  
1852 Section 3 of the bill, and insert the following.

1853 Mr. Johnson. Mr. Chairman, I ask that it be considered  
1854 as read.

1855 Chairman Goodlatte. The amendment will be considered as  
1856 read.

1857 [The amendment of Mr. Johnson follows:]

1858

1859 Chairman Goodlatte. And the gentleman is recognized for  
1860 5 minutes on his amendment.

1861 Mr. Johnson. Thank you, Mr. Chairman. This amendment  
1862 would prevent the government from using a person's  
1863 information for surveillance purposes. It only allows use of  
1864 personal information to verify employment or to ensure  
1865 secure, appropriate, and non-discriminatory use of the  
1866 verification system. No other purposes would be allowed  
1867 under my amendment, thus closing a giant loophole in this  
1868 legislation which is rife with possible unintended  
1869 consequences.

1870 Although deeply flawed, I recognize that E-Verify has  
1871 its place in comprehensive immigrant reform, and I suspect  
1872 that the Legal Workforce Act will form part of whatever  
1873 compromise comes out of the House. And that is why we must  
1874 make sure that it works for Americans. We must get it right.  
1875 This starts, Mr. Chairman, with privacy, and that is why I  
1876 want to offer for the record by unanimous consent an email  
1877 petition from the National Association for Gun Rights, which  
1878 opposes E-Verify because it establishes a national database  
1879 which could be used to deny rights to gun owners.

1880 Mr. Chairman, we cannot fix the immigrant system through

1881 mass surveillance or through a national identity system.  
1882 That is what my amendment is about, making sure that we  
1883 protect Americans' privacy rights, including the rights of  
1884 gun owners. We are not a Nation of suspects. Courts have  
1885 long held that the 4th Amendment prohibition against unlawful  
1886 searches is a right that is indispensable and essential to  
1887 our concept of a free and unfettered society. And yet, in  
1888 the age we live in, law enforcement has powerful tools to  
1889 lawfully track a person without a warrant. New technologies  
1890 allow police to easily glean a person's location,  
1891 communication, or other personal data.

1892 But as we have with recent disclosures of the secret  
1893 National Security Agency telephone surveillance, Americans  
1894 bristle at the notion of surveillance even when our Nation's  
1895 security is at stake. Why would immigrant reform be  
1896 different? We must be careful to prevent effective immigrant  
1897 enforcement from eroding our domestic liberties and civil  
1898 rights.

1899 E-Verify is a system that contains information on almost  
1900 every American. It includes a long list of information --  
1901 names, photos, social security numbers, phone numbers, email  
1902 addresses, and immigration information. This system is

1903     swiftly becoming a tool for identifying all workers. The  
1904     vast collection of person information for employment  
1905     verification creates a clear risk for a national identity  
1906     system, and once created, a database with all Americans'  
1907     personal information would only continue to grow. Such a  
1908     database would also be in high demand. Everyone from law  
1909     enforcement to landlords would seek access to it. This could  
1910     substantially diminish the freedoms of law abiding citizens.

1911             Now, while I am not usually aligned with the National  
1912     Association for Gun Rights, I am aligned with them on this  
1913     issue. Today, they spoke out and said the devil is in the  
1914     data behind any government database, including the E-Verify  
1915     dangerous ID system, which is a centralization of dozens of  
1916     existing Federal databases.

1917             So, again, I would like to offer this online petition by  
1918     the National Association of Gun Rights for the record via  
1919     unanimous consent.

1920             Chairman Goodlatte. Without objection, it will be made  
1921     a part of the record.

1922             [The information follows:]

1923

1924           Mr. Johnson. And I offered a similar bipartisan  
1925 amendment last Congress with Representative Chabot that would  
1926 limit the use of the database this bill creates. I hope that  
1927 this is an issue we can all rally around regardless of what  
1928 side of the room you are on. Privacy is important for us  
1929 all.

1930           I ask that my colleagues support my amendment to protect  
1931 privacy rights, and I yield back.

1932           Chairman Goodlatte. For what purpose does the gentleman  
1933 from Texas seek recognition?

1934           Mr. Smith. Mr. Speaker, I oppose the amendment.

1935           Chairman Goodlatte. The gentleman is recognized for 5  
1936 minutes.

1937           Mr. Smith. Mr. Speaker, as the gentleman from Georgia  
1938 explained, this amendment consists of two parts. The first  
1939 part is to say that no national identification card shall be  
1940 created as a result of the E-Verify program. And I just want  
1941 to reassure the gentleman that there is actual language in  
1942 the bill itself that we will not create a national  
1943 identification card, so he can rest easy on that.

1944           Mr. Johnson. Well, would the gentleman yield?

1945           Mr. Smith. I would be happy to yield.

1946           Mr. Johnson. Well, not just the card, but the data  
1947 itself being used --

1948           Mr. Smith. Right.

1949           Mr. Johnson. -- for a purpose not intended by this  
1950 legislation --

1951           Mr. Smith. Correct.

1952           Mr. Johnson. -- is what the amendment gets at.

1953           Mr. Smith. And reclaiming my time, I will now address  
1954 that because I think the gentleman's concerns are not  
1955 justified. The gentleman I think is implying through this  
1956 amendment that somehow the E-Verify program creates a new  
1957 database. It does no such thing. It relies only on existing  
1958 databases at the Social Security Administration and the  
1959 Department of Homeland Security. So there are no new  
1960 databases, and, therefore, no concern about a national ID  
1961 card. And I would say also no concern about the second  
1962 provision in the bill, B, that somehow this information is  
1963 going to be shared with other government agencies that would  
1964 not be appropriate.

1965           So I have to say to the gentleman I oppose the  
1966 amendment. I understand and even appreciate his intentions.  
1967 I do not necessarily disagree with his intentions because I

1968 oppose a national ID card as well, for example. But the  
1969 amendment is not necessary, and, in fact, it is predicated  
1970 upon a false premise. So I oppose the amendment.

1971 Mr. Johnson. Well, would the gentleman yield?

1972 Mr. Smith. I will be happy to yield to the gentleman  
1973 again.

1974 Mr. Johnson. Thank you. Should this bill pass without  
1975 this amendment, then the possibilities are that this  
1976 information can be used down the line for the purposes for  
1977 which we do not intend it to be used now. And so, the  
1978 purpose of the amendment is to put Congress on record and put  
1979 this committee on record as being opposed, and actually  
1980 voting affirmatively to ensure that this information in this  
1981 database, in this E-Verify system, could not be used for  
1982 anything other than the stated purposes of the legislation.

1983 Mr. Smith. Reclaiming my time, Mr. Chairman, let me  
1984 just say again I think that the amendment is unnecessary,  
1985 and, therefore, I oppose the amendment. I would also have to  
1986 say to the gentleman and to other individuals who might be  
1987 offering amendments that we have not have notice of that it  
1988 is hard to even consider an amendment unless we have been  
1989 able to vet it, say, with USCIS. And when we get an



1990 amendment without much notice, we really cannot make any  
1991 affirmative decisions without additional knowledge that we  
1992 simply do not have access to right now.

1993       So, again, I think the amendment is unnecessary. I  
1994 would be happy to continue to talk to the gentleman between  
1995 now and the House floor. But at this point and with the  
1996 language of the amendment, I will oppose it. I yield back.

1997       Chairman Goodlatte. The chair recognizes himself in  
1998 opposition to the amendment. This amendment would prevent  
1999 information gleaned pursuant to E-Verify use from being used  
2000 for immigration enforcement or for investigation and  
2001 prosecution of criminal laws related to identify theft, or  
2002 knowingly employing an illegal immigrant.

2003       So the gentleman talks about surveillance, but this  
2004 amendment is much more broad than that. And there seems to  
2005 be a misconception that E-Verify is a database of  
2006 information. It is not. According to USCIS, E-Verify is an  
2007 internet-based system that compares information from an  
2008 employee's Form I-9 employment eligibility verification to  
2009 data contained in the databases of the U.S. Department of  
2010 Homeland Security and the Social Security Administration to  
2011 confirm employment eligibility.

2012           Some of the already existing databases E-Verify compares  
2013 information with are the Social Security Administration's  
2014 Numident database, which contains biographic data on people  
2015 with social security numbers, U.S. citizenship and  
2016 information services, claims databases which contain  
2017 information on aliens seeking immigration benefits, Customs  
2018 and Border protections, CB pass database, which contains  
2019 information allowing officers to verify unexpired passports,  
2020 ICE' Student and Exchange Visitor System, which maintains  
2021 information on non-immigrant foreign students and exchange  
2022 visitors.

2023           USCIS RIDE Program is an E-Verify tool used to help flag  
2024 identity theft situations. Under RIDE, USCIS sends the DL  
2025 number, name, and expiration date submitted by an employer to  
2026 the State DMV to determine whether or not such a document was  
2027 issued by the State. The State confirms or denies that such  
2028 a document was issued. Obviously if such a document was not  
2029 issued, then an employee receives a tentative non-  
2030 confirmation of work eligibility. The State does not share  
2031 personal information with USCIS.

2032           For all of these reasons, I oppose the gentleman's  
2033 amendment.

2034 Mr. Johnson. Would the gentleman yield?

2035 Chairman Goodlatte. I would be happy to yield.

2036 Mr. Johnson. Thank you. Mr. Chairman, the amendment  
2037 just simply provides that no department, bureau, or other  
2038 agency of the United States government may utilize or share  
2039 any information, database, or other records assembled under  
2040 this subsection for any purpose other than employment  
2041 verification.

2042 Chairman Goodlatte. Reclaiming my time, that is exactly  
2043 what I just said. And your amendment would stop the use of  
2044 this information for immigration enforcement itself. It  
2045 would stop the use of the information for prosecution of  
2046 criminal laws. It would stop the use of the information to  
2047 prevent and prosecute identity theft or employment of people  
2048 who are not authorized to be employed.

2049 So that, coupled with the fact that there is no database  
2050 to begin with me, to me would argue strongly against your  
2051 amendment.

2052 Mr. Johnson. Mr. Chairman, would the chairman yield  
2053 again?

2054 Chairman Goodlatte. The chairman would be happy to  
2055 yield.

2056 Mr. Johnson. Thank you. The devil is in the details of  
2057 this legislation. There are a lot of opportunities for  
2058 misuse of this information. This amendment simply limits the  
2059 use of the information to the intended purposes of the  
2060 legislation itself, which is to --

2061 Chairman Goodlatte. Reclaiming my time, the gentleman  
2062 just said it only applied to surveillance. Now, he says it  
2063 prevents it from being used from any other purpose.

2064 Mr. Johnson. I did not say that.

2065 Chairman Goodlatte. The second interpretation is  
2066 correct, and I do not agree that if you discover that  
2067 somebody is not eligible for employment, that that  
2068 information should not be used to prosecute someone for  
2069 identity theft if that is action that they are engaged in at  
2070 the time that they participate in this.

2071 Mr. Johnson. Well, is the chairman suggesting that the  
2072 intended purpose of this legislation is to use the  
2073 information for something other than employment verification?

2074 Chairman Goodlatte. Right now under the voluntary  
2075 employment verification system that 580,000 employers use,  
2076 the law allows that information to be used for other  
2077 purposes. If it discovers that an illegal act is taking

2078 place, it can report that illegal act.

2079 Mr. Smith. And, Mr. Chairman, would you yield to me  
2080 briefly?

2081 Chairman Goodlatte. I would be happy to yield.

2082 Mr. Smith. Let me direct the gentleman from Georgia to  
2083 page 36 of the bill, Section 4, design and operation of the  
2084 system, and let me read briefly from it. "The verification  
2085 system shall be designed and operated with appropriate  
2086 administrative, technical, and physical safeguards to prevent  
2087 unauthorized disclosure of personal information." And then  
2088 on page 40, Section 8, "limitation on use of the verification  
2089 system and any related systems. No national identification  
2090 card. Nothing in this section shall be construed to  
2091 authorize, directly or indirectly, the issuance or use of  
2092 national identification cards or the establishment of a  
2093 national identification card." Those two sections in the  
2094 bill directly respond to the two sections in the gentleman's  
2095 amendment.

2096 Chairman Goodlatte. The question occurs on the  
2097 amendment offered by the gentleman from Georgia.

2098 All those in favor, respond by saying aye.

2099 Those opposed, no.

2100 In the opinion of the chair, the noes have it, and the  
2101 amendment is agreed to.

2102 Mr. Johnson. Call for a record vote.

2103 Chairman Goodlatte. A recorded vote is requested. The  
2104 clerk will call the roll.

2105 Ms. Deterding. Mr. Goodlatte?

2106 Chairman Goodlatte. No.

2107 Ms. Deterding. Mr. Goodlatte votes no.

2108 Mr. Sensenbrenner?

2109 [No response.]

2110 Ms. Deterding. Mr. Smith?

2111 Mr. Smith. No.

2112 Ms. Deterding. Mr. Smith votes no.

2113 Mr. Chabot?

2114 Mr. Chabot. No.

2115 Ms. Deterding. Mr. Chabot votes no.

2116 Mr. Issa?

2117 [No response.]

2118 Ms. Deterding. Mr. Forbes?

2119 [No response.]

2120 Ms. Deterding. Mr. King?

2121 Mr. King. No.

2122 Mr. Deterding. Mr. King votes no.  
2123 Mr. Franks?  
2124 Mr. Franks. No.  
2125 Ms. Deterding. Mr. Franks votes no.  
2126 Mr. Gohmert?  
2127 [No response.]  
2128 Ms. Deterding. Mr. Jordan?  
2129 [No response.]  
2130 Ms. Deterding. Mr. Poe?  
2131 Mr. Poe. No.  
2132 Ms. Deterding. Mr. Poe votes no.  
2133 Mr. Chaffetz?  
2134 [No response.]  
2135 Ms. Deterding. Mr. Marino?  
2136 Mr. Marino. No.  
2137 Ms. Deterding. Mr. Marino votes no.  
2138 Mr. Gowdy?  
2139 [No response.]  
2140 Ms. Deterding. Mr. Labrador?  
2141 Mr. Labrador. Yes.  
2142 Ms. Deterding. Mr. Labrador votes yes.  
2143 Mr. Farenthold?

2144 [No response.]

2145 Ms. Deterding. Mr. Collins?

2146 [No response.]

2147 Ms. Deterding. Mr. DeSantis?

2148 Mr. DeSantis. No.

2149 Ms. Deterding. Mr. DeSantis votes no.

2150 Ms. Walters?

2151 Ms. Walters. No.

2152 Ms. Deterding. Ms. Walters votes no.

2153 Mr. Buck?

2154 [No response.]

2155 Ms. Deterding. Mr. Ratcliffe?

2156 Mr. Ratcliffe. No.

2157 Ms. Deterding. Mr. Ratcliffe votes no.

2158 Mr. Trott?

2159 Mr. Trott. No.

2160 Ms. Deterding. Mr. Trott votes no.

2161 Mr. Bishop?

2162 Mr. Bishop. No.

2163 Ms. Deterding. Mr. Bishop votes no.

2164 Mr. Conyers?

2165 Mr. Conyers. Aye.



2166 Ms. Deterding. Mr. Conyers votes aye.  
2167 Mr. Nadler?  
2168 [No response.]  
2169 Ms. Deterding. Ms. Lofgren?  
2170 Ms. Lofgren. Aye.  
2171 Ms. Deterding. Ms. Lofgren votes aye.  
2172 Ms. Jackson Lee?  
2173 Ms. Jackson Lee. Aye.  
2174 Ms. Deterding. Ms. Jackson Lee votes aye.  
2175 Mr. Cohen?  
2176 [No response.]  
2177 Ms. Deterding. Mr. Johnson?  
2178 Mr. Johnson. Aye.  
2179 Ms. Deterding. Mr. Johnson votes aye.  
2180 Mr. Pierluisi?  
2181 Mr. Pierluisi. Aye.  
2182 Ms. Deterding. Mr. Pierluisi votes aye.  
2183 Ms. Chu?  
2184 Ms. Chu. Aye.  
2185 Ms. Deterding. Ms. Chu votes aye.  
2186 Mr. Deutch?  
2187 [No response.]

2188 Ms. Deterding. Mr. Gutierrez?  
2189 [No response.]  
2190 Ms. Deterding. Ms. Bass?  
2191 [No response.]  
2192 Ms. Deterding. Mr. Richmond?  
2193 [No response.]  
2194 Ms. Deterding. Ms. DelBene?  
2195 Ms. DelBene. Aye.  
2196 Ms. Deterding. Ms. DelBene votes aye.  
2197 Mr. Jeffries?  
2198 [No response.]  
2199 Ms. Deterding. Mr. Cicilline?  
2200 Mr. Cicilline. Aye.  
2201 Ms. Deterding. Mr. Cicilline votes aye.  
2202 Mr. Peters?  
2203 Mr. Peters. Aye.  
2204 Ms. Deterding. Mr. Peters votes aye.  
2205 Chairman Goodlatte. The gentleman from Virginia, Mr.  
2206 Forbes?  
2207 Mr. Forbes. No.  
2208 Ms. Deterding. Mr. Forbes votes no.  
2209 Chairman Goodlatte. The gentleman from Utah?

2210 Mr. Chaffetz. No.

2211 Ms. Deterding. Mr. Chaffetz votes no.

2212 Chairman Goodlatte. Has every member voted who wishes

2213 to vote?

2214 [No response.]

2215 Chairman Goodlatte. The clerk will report.

2216 Ms. Deterding. Mr. Chairman, 10 members voted aye, 14

2217 members voted no.

2218 Chairman Goodlatte. And the amendment is not agreed to.

2219 Are there further amendments to H.R. 1147?

2220 Ms. Chu. Mr. Chairman, I have an amendment.

2221 Chairman Goodlatte. For what purpose does the

2222 gentlewoman from California seek recognition?

2223 Ms. Chu. I have an amendment at the desk.

2224 Chairman Goodlatte. The clerk will report the

2225 amendment. There apparently are two amendments.

2226 Ms. Chu. Right. This is one on increasing penalties

2227 for unfair immigration-related employment practices.

2228 Chairman Goodlatte. I believe that is 003.

2229 Ms. Deterding. Amendment to H.R. 1147 offered by Ms.

2230 Chu of California, in Section 8, insert (a) unlawful

2231 employment --

2232 Chairman Goodlatte. Without objection, the amendment is  
2233 considered as read.

2234 [The amendment of Ms. Chu follows:]

2235

2236 Chairman Goodlatte. And the gentlewoman is recognized  
2237 for 5 minutes on her amendment.

2238 Ms. Chu. Mr. Chair, the underlying bill significantly  
2239 increases the penalties on employers who do not use the  
2240 verification program or misrepresents information. But it  
2241 does not protect workers from unfair immigration-related  
2242 employment practices by similarly raising those penalties.  
2243 My amendment makes sure that both sets of penalties are  
2244 increased equally.

2245 We already know that E-Verify will tempt people to  
2246 discriminate even if there is no malice behind it. In  
2247 Georgia, where E-Verify is mandatory for all employers with  
2248 more than 10 employees, there have been reports of workers  
2249 being turned away just because of their national origin.  
2250 Just before the law was enacted, the *CL Atlanta* quoted a  
2251 chef, who refused to be named to the paper, as saying, "I  
2252 recently put out an ad for a cook, and I got about 50  
2253 applications. I threw out all the ones that looked to be  
2254 Mexican because we knew this law was coming down, and we did  
2255 not want to deal with it. I do not know if those folks are  
2256 legal or not, but I just did not want to even have to think  
2257 about it."

2258       Now, under current law, this type of discrimination  
2259       based on national origin or citizenship is prohibited, but  
2260       without an increase in penalties for employers who might turn  
2261       away applicants, we must make sure the law will be enforced  
2262       so that there is a strong disincentive against  
2263       discrimination. As we implement E-Verify, I cannot but help  
2264       but worry discrimination will happen more and more often.

2265       In the Georgia case, all of those applicants could have  
2266       been legal workers or even American citizens. Without my  
2267       amendment, we cannot be sure that the bill will not increase  
2268       discrimination and make it harder for legal workers,  
2269       including authorized workers, and U.S. citizens who are  
2270       trying to find work in this tough economy.

2271       This bill as written will hurt U.S. citizen workers who  
2272       are just trying to find a job and make a living for their  
2273       families. My amendment will go a long way to ensure employer  
2274       accountability and protect U.S. citizens from discrimination.  
2275       Thank you, and I yield back.

2276       Chairman Goodlatte. For what purpose does the gentleman  
2277       from Texas seek recognition?

2278       Mr. Smith. Mr. Speaker -- Mr. Chairman, I oppose the  
2279       amendment.

2280 Chairman Goodlatte. The gentleman is recognized for 5  
2281 minutes, and the gentleman is thanked for the compliment.

2282 Mr. Smith. Thank you, Mr. Chairman. Mr. Chairman, this  
2283 amendment increases penalties for unfair immigration-related  
2284 employment practices under 274(b) of the Immigration and  
2285 Nationality Act. It is a common complaint of employers at  
2286 the Office of Special Counsel for Immigration-Related and  
2287 Fair Employment Practices is over zealous in their pursuit of  
2288 claims against employers for use of discriminatory tactics,  
2289 even in cases in which the employer acted inadvertently and  
2290 without malice.

2291 For instance, employers have been held liable by OSC  
2292 when the software they purchased to help with their I-9  
2293 compliance contains a formatting error, of which the employer  
2294 had no knowledge. Under this amendment, the penalties for  
2295 such perceived violations, since they are strict liability,  
2296 would be greatly increased. So I urge my colleagues to  
2297 oppose the amendment, and yield back.

2298 Chairman Goodlatte. The question occurs on the  
2299 amendment offered by the gentlewoman from California.

2300 All those in favor, respond by saying aye.

2301 Those opposed, no.

2302 In the opinion of the chair, the noes have it. The  
2303 amendment is not agreed to.

2304 Ms. Chu. I ask for a recorded vote.

2305 Chairman Goodlatte. A recorded vote is requested, and  
2306 the clerk will call the roll.

2307 Ms. Deterding. Mr. Goodlatte?

2308 Chairman Goodlatte. No.

2309 Ms. Deterding. Mr. Goodlatte votes no.

2310 Mr. Sensenbrenner?

2311 [No response.]

2312 Ms. Deterding. Mr. Smith?

2313 Mr. Smith. No.

2314 Ms. Deterding. Mr. Smith votes no.

2315 Mr. Chabot?

2316 [No response.]

2317 Ms. Deterding. Mr. Issa?

2318 [No response.]

2319 Ms. Deterding. Mr. Forbes?

2320 [No response.]

2321 Ms. Deterding. Mr. King?

2322 Mr. King. No.

2323 Mr. Deterding. Mr. King votes no.



2324 Mr. Franks?

2325 Mr. Franks. No.

2326 Ms. Deterding. Mr. Franks votes no.

2327 Mr. Gohmert?

2328 Mr. Gohmert. No.

2329 Ms. Deterding. Mr. Gohmert votes no.

2330 Mr. Jordan?

2331 [No response.]

2332 Ms. Deterding. Mr. Poe?

2333 Mr. Poe. No.

2334 Ms. Deterding. Mr. Poe votes no.

2335 Mr. Chaffetz?

2336 [No response.]

2337 Ms. Deterding. Mr. Marino?

2338 [No response.]

2339 Ms. Deterding. Mr. Gowdy?

2340 Mr. Gowdy. No.

2341 Ms. Deterding. Mr. Gowdy votes no.

2342 Mr. Labrador?

2343 Mr. Labrador. No.

2344 Ms. Deterding. Mr. Labrador votes no.

2345 Mr. Farenthold?

2346 [No response.]

2347 Ms. Deterding. Mr. Collins?

2348 [No response.]

2349 Ms. Deterding. Mr. DeSantis?

2350 Mr. DeSantis. No.

2351 Ms. Deterding. Mr. DeSantis votes no.

2352 Ms. Walters?

2353 Ms. Walters. No.

2354 Ms. Deterding. Ms. Walters votes no.

2355 Mr. Buck?

2356 Mr. Buck. No.

2357 Ms. Deterding. Mr. Buck votes no.

2358 Mr. Ratcliffe?

2359 Mr. Ratcliffe. No.

2360 Ms. Deterding. Mr. Ratcliffe votes no.

2361 Mr. Trott?

2362 Mr. Trott. No.

2363 Ms. Deterding. Mr. Trott votes no.

2364 Mr. Bishop?

2365 Mr. Bishop. No.

2366 Ms. Deterding. Mr. Bishop votes no.

2367 Mr. Conyers?

2368 Mr. Conyers. Aye.

2369 Ms. Deterding. Mr. Conyers votes aye.

2370 Mr. Nadler?

2371 Mr. Nadler. Aye.

2372 Ms. Deterding. Mr. Nadler votes aye.

2373 Ms. Lofgren?

2374 Ms. Lofgren. Aye.

2375 Ms. Deterding. Ms. Lofgren votes aye.

2376 Ms. Jackson Lee?

2377 Ms. Jackson Lee. Aye.

2378 Ms. Deterding. Ms. Jackson Lee votes aye.

2379 Mr. Cohen?

2380 [No response.]

2381 Ms. Deterding. Mr. Johnson?

2382 Mr. Johnson. Aye.

2383 Ms. Deterding. Mr. Johnson votes aye.

2384 Mr. Pierluisi?

2385 Mr. Pierluisi. Aye.

2386 Ms. Deterding. Mr. Pierluisi votes aye.

2387 Ms. Chu?

2388 Ms. Chu. Aye.

2389 Ms. Deterding. Ms. Chu votes aye.

2390 Mr. Deutch?

2391 [No response.]

2392 Ms. Deterding. Mr. Gutierrez?

2393 [No response.]

2394 Ms. Deterding. Ms. Bass?

2395 [No response.]

2396 Ms. Deterding. Mr. Richmond?

2397 [No response.]

2398 Ms. Deterding. Ms. DelBene?

2399 Ms. DelBene. Aye.

2400 Ms. Deterding. Ms. DelBene votes aye.

2401 Mr. Jeffries?

2402 Mr. Jeffries. Aye.

2403 Ms. Deterding. Mr. Jeffries votes aye.

2404 Mr. Cicilline?

2405 Mr. Cicilline. Aye.

2406 Ms. Deterding. Mr. Cicilline votes aye.

2407 Mr. Peters?

2408 Mr. Peters. Aye.

2409 Ms. Deterding. Mr. Peters votes aye.

2410 Chairman Goodlatte. The gentleman from Ohio?

2411 Mr. Chabot. No.

2412 Ms. Deterding. Mr. Chabot votes no.

2413 Chairman Goodlatte. The gentleman from Virginia?

2414 Mr. Forbes. No.

2415 Ms. Deterding. Mr. Forbes votes no.

2416 Chairman Goodlatte. The gentleman from Utah?

2417 Mr. Chaffetz. No.

2418 Ms. Deterding. Mr. Chaffetz votes no.

2419 Chairman Goodlatte. The gentleman from Florida?

2420 Mr. Deutch. Aye.

2421 Ms. Deterding. Mr. Deutch votes aye.

2422 Chairman Goodlatte. Has every member voted who wishes

2423 to vote?

2424 [No response.]

2425 Chairman Goodlatte. The clerk will report.

2426 Ms. Deterding. Mr. Chairman, 12 members voted aye, 17

2427 members voted no.

2428 Chairman Goodlatte. And the amendment is not agreed to.

2429 Are there further amendments to H.R. 1147?

2430 Ms. Chu. Mr. Chair, I have an amendment at the desk.

2431 Chairman Goodlatte. The clerk will report the

2432 amendment.

2433 Ms. Deterding. Amendment to H.R. 1147, offered by Ms.

2434 Chu of California, in Section 3 in the proposed --

2435 Chairman Goodlatte. Without objection, the amendment is

2436 considered as read.

2437 [The amendment of Ms. Chu follows:]

2438

2439 Chairman Goodlatte. And the gentlewoman is recognized  
2440 for 5 minutes on her amendment.

2441 Ms. Chu. Mr. Chair, this bill contains some  
2442 improvements for small business that will be negatively  
2443 impacted by mandatory E-Verify, but they do not go far  
2444 enough. My amendment would eliminate the costs for small  
2445 businesses to implement the new burdensome government  
2446 regulations created under this bill, and instead have the  
2447 government foot the bill for immigrant enforcement just as it  
2448 does today.

2449 This bill forces small businesses to act as de facto law  
2450 enforcement officers for the Federal government at a time  
2451 when they are just trying to get by in today's tough economy.  
2452 The loss of jobs will be staggering as employers substitute  
2453 machinery for employees or outsource employment to avoid the  
2454 vexations and costs of compliance.

2455 The first year this bill goes into effect, it could cost  
2456 a single small business as much \$24,500 to get this onerous  
2457 program up and running. Mom and pop business owners will  
2458 need to take time off from work to sign the appropriate  
2459 memorandum of understanding with the government. Management  
2460 time will be diverted to training. They will have to

2461 memorize the 88-page -- yes, 88 long pages -- user manual for  
2462 employers that will tell them how to comply. And then there  
2463 is 3-hour tutorial and the knowledge test they will have to  
2464 pass just to administer the program.

2465       Small businesses will be forced to do mounds of  
2466 additional paperwork to comply with the regulations. They  
2467 will need armies of expensive attorneys to safeguard against  
2468 unintended mistakes, and they will lose productive hours  
2469 while employees take time off to get their records fixed.  
2470 And in the case of wrongful terminations, lose highly  
2471 qualified, trained employees all together.

2472       All told, according to a study by *Bloomberg Government*,  
2473 mandating E-Verify for new hires, that will cost small  
2474 businesses with fewer than 500 employees about \$2.6 billion  
2475 every year to verify new hires through the system. These  
2476 costs would increase under this bill because it requires  
2477 checks on many existing employees as well as new hires.  
2478 These costs are especially burdensome because small  
2479 businesses do not already have a big HR department dedicated  
2480 to personnel matters. Today, many larger businesses hire  
2481 private firms to handle E-Verify requirements. Small  
2482 businesses will not be able to absorb the costs of



2483 outsourcing these responsibilities.

2484       Additionally, my amendment will ensure that Congress and  
2485 the public understands the true cost of implementing E-Verify  
2486 on our small businesses by requiring an annual report on the  
2487 financial burden on E-Verify compliance on small businesses.

2488       As a member of the Small Business Committee, I just do  
2489 not think it makes sense to add an expensive and burdensome  
2490 requirement on our small businesses during these tough  
2491 economic times. My amendment will relieve some of the  
2492 crushing costs of mandatory E-Verify while making sure we  
2493 have full and accurate information about how this legislation  
2494 will impact them. My amendment will make it easier for small  
2495 businesses to grow and hire new workers, not make it more  
2496 onerous as this bill does.

2497       Thank you, and I yield back.

2498       Chairman Goodlatte. For what purpose does the gentleman  
2499 from Texas seek recognition?

2500       Mr. Smith. Mr. Chairman, I oppose the amendment.

2501       Chairman Goodlatte. The gentleman is recognized for 5  
2502 minutes.

2503       Mr. Smith. Mr. Chairman, this amendment creates a grant  
2504 program to meet an unproved need. I understand why E-Verify

2505 opponents would like for small businesses to be scared of an  
2506 E-Verify requirement. Fortunately, the facts are  
2507 indisputable and show that an E-Verify requirement will not  
2508 burden small businesses.

2509       According to U.S. economic census data, 61 percent of  
2510 all businesses in America employ fewer than 5 people, and 95  
2511 percent of all employers in America employer fewer than 100  
2512 workers, and many are not hiring in today's economy. So the  
2513 smallest businesses will not be impacted immediately by H.R.  
2514 1147's E-Verify requirement since for the most part the bill  
2515 applies E-Verify to new hires only. Furthermore, small  
2516 businesses have 2 years for the phase-in of the E-Verify  
2517 program.

2518       Companies with 10,000 or more employees are only 1  
2519 percent of American businesses, but they employ about 27  
2520 percent of the workforce. These large companies, not small  
2521 businesses, are the ones doing most of the hiring in this  
2522 economy. To the extent that making changes to the current E-  
2523 Verify system can make it easier for small businesses to use,  
2524 H.R. 1147 does so. For instance, the bill requires the  
2525 creation of a telephone E-Verify option.

2526       Opponents of a national E-Verify requirement often cite

2527 a January 2011 *Bloomberg Government* study that claims an E-  
2528 Verify requirement would cost small businesses over \$2  
2529 billion, but that study is flawed. First, it does not allow  
2530 for technological improvements that have occurred since that  
2531 time, and that make E-Verify easier to use and much less  
2532 costly. In fact, it often costs nothing. Second of all, the  
2533 false Bloomberg poll relies on job turnover data that  
2534 includes all changes of employment within a company, not just  
2535 new hires, so it is a greatly inflated cost. In fact,  
2536 economists believe that the data on which the Bloomberg study  
2537 relies actually overstates new hires. This is significant  
2538 since an E-Verify requirement will, for the most part, again  
2539 only apply to new hires, not to every employee.

2540 Those who cite the *Bloomberg Government* study fail also  
2541 to note that the 2009 Westat study on which on Bloomberg  
2542 relied actually said even back then that 76 percent of all  
2543 employers found that there were no costs associated with  
2544 starting to use E-Verify. So E-Verify use is not a  
2545 significant cost to small businesses, and there is no need  
2546 for the grant program created by this amendment.

2547 So I urge my colleagues to oppose the amendment and  
2548 yield back.

2549 Chairman Goodlatte. The question occurs on the  
2550 amendment offered by the gentlewoman by California.  
2551 All those in favor, respond by saying aye.  
2552 Those opposed, no.  
2553 In the opinion of the chair, the noes have it, and the  
2554 amendment is not agreed to.  
2555 Ms. Chu. I ask for a recorded vote.  
2556 Chairman Goodlatte. A recorded vote is requested. The  
2557 clerk will call the roll.  
2558 Ms. Deterding. Mr. Goodlatte?  
2559 Chairman Goodlatte. No.  
2560 Ms. Deterding. Mr. Goodlatte votes no.  
2561 Mr. Sensenbrenner?  
2562 [No response.]  
2563 Ms. Deterding. Mr. Smith?  
2564 Mr. Smith. No.  
2565 Ms. Deterding. Mr. Smith votes no.  
2566 Mr. Chabot?  
2567 Mr. Chabot. No.  
2568 Ms. Deterding. Mr. Chabot votes no.  
2569 Mr. Issa?  
2570 Mr. Issa. No.

2571 Ms. Deterding. Mr. Issa votes no.  
2572 Mr. Forbes?  
2573 [No response.]  
2574 Ms. Deterding. Mr. King?  
2575 Mr. King. No.  
2576 Mr. Deterding. Mr. King votes no.  
2577 Mr. Franks?  
2578 Mr. Franks. No.  
2579 Ms. Deterding. Mr. Franks votes no.  
2580 Mr. Gohmert?  
2581 Mr. Gohmert. No.  
2582 Ms. Deterding. Mr. Gohmert votes no.  
2583 Mr. Jordan?  
2584 [No response.]  
2585 Ms. Deterding. Mr. Poe?  
2586 Mr. Poe. No.  
2587 Ms. Deterding. Mr. Poe votes no.  
2588 Mr. Chaffetz?  
2589 [No response.]  
2590 Ms. Deterding. Mr. Marino?  
2591 Mr. Marino. No.  
2592 Ms. Deterding. Mr. Marino votes no.

2593 Mr. Gowdy?

2594 Mr. Gowdy. No.

2595 Ms. Deterding. Mr. Gowdy votes no.

2596 Mr. Labrador?

2597 Mr. Labrador. No.

2598 Ms. Deterding. Mr. Labrador votes no.

2599 Mr. Farenthold?

2600 [No response.]

2601 Ms. Deterding. Mr. Collins?

2602 [No response.]

2603 Ms. Deterding. Mr. DeSantis?

2604 [No response.]

2605 Ms. Deterding. Ms. Walters?

2606 Ms. Walters. No.

2607 Ms. Deterding. Ms. Walters votes no.

2608 Mr. Buck?

2609 Mr. Buck. No.

2610 Ms. Deterding. Mr. Buck votes no.

2611 Mr. Ratcliffe?

2612 Mr. Ratcliffe. No.

2613 Ms. Deterding. Mr. Ratcliffe votes no.

2614 Mr. Trott?

2615 Mr. Trott. No.

2616 Ms. Deterding. Mr. Trott votes no.

2617 Mr. Bishop?

2618 Mr. Bishop. No.

2619 Ms. Deterding. Mr. Bishop votes no.

2620 Mr. Conyers?

2621 Mr. Conyers. Aye.

2622 Ms. Deterding. Mr. Conyers votes aye.

2623 Mr. Nadler?

2624 Mr. Nadler. Aye.

2625 Ms. Deterding. Mr. Nadler votes aye.

2626 Ms. Lofgren?

2627 Ms. Lofgren. Aye.

2628 Ms. Deterding. Ms. Lofgren votes aye.

2629 Ms. Jackson Lee?

2630 Ms. Jackson Lee. Aye.

2631 Ms. Deterding. Ms. Jackson Lee votes aye.

2632 Mr. Cohen?

2633 [No response.]

2634 Ms. Deterding. Mr. Johnson?

2635 Mr. Johnson. Aye.

2636 Ms. Deterding. Mr. Johnson votes aye.

2637 Mr. Pierluisi?

2638 Mr. Pierluisi. Aye.

2639 Ms. Deterding. Mr. Pierluisi votes aye.

2640 Ms. Chu?

2641 Ms. Chu. Aye.

2642 Ms. Deterding. Ms. Chu votes aye.

2643 Mr. Deutch?

2644 Mr. Deutch. Aye.

2645 Ms. Deterding. Mr. Deutch votes aye.

2646 Mr. Gutierrez?

2647 [No response.]

2648 Ms. Deterding. Ms. Bass?

2649 [No response.]

2650 Ms. Deterding. Mr. Richmond?

2651 [No response.]

2652 Ms. Deterding. Ms. DelBene?

2653 Ms. DelBene. Aye.

2654 Ms. Deterding. Ms. DelBene votes aye.

2655 Mr. Jeffries?

2656 Mr. Jeffries. Aye.

2657 Ms. Deterding. Mr. Jeffries votes aye.

2658 Mr. Cicilline?



2659 Mr. Cicilline. Aye.

2660 Ms. Deterding. Mr. Cicilline votes aye.

2661 Mr. Peters?

2662 Mr. Peters. Aye.

2663 Ms. Deterding. Mr. Peters votes aye.

2664 Chairman Goodlatte. The gentleman from Virginia?

2665 Mr. Forbes. No.

2666 Ms. Deterding. Mr. Forbes votes no.

2667 Chairman Goodlatte. The gentleman from Ohio?

2668 Mr. Jordan. No.

2669 Ms. Deterding. Mr. Jordan votes no.

2670 Chairman Goodlatte. The gentleman from Utah?

2671 Mr. Chaffetz. No.

2672 Ms. Deterding. Mr. Chaffetz votes no.

2673 Chairman Goodlatte. Has every member voted who wishes

2674 to vote?

2675 [No response.]

2676 Chairman Goodlatte. The clerk will report.

2677 Ms. Deterding. Mr. Chairman, 12 members voted aye, 19

2678 members voted no.

2679 Chairman Goodlatte. And the amendment is not agreed to.

2680 Are there further amendments to H.R. 1147?

2681 Mr. Deutch. Mr. Chairman?

2682 Chairman Goodlatte. For what purpose does the gentleman  
2683 from Florida seek recognition?

2684 Mr. Deutch. I have an amendment at the desk.

2685 Chairman Goodlatte. The clerk will report the  
2686 amendment.

2687 Ms. Deterding. Amendment to H.R. 1147, offered by Mr.  
2688 Deutch, in Section 274 --

2689 Chairman Goodlatte. Without objection, the amendment is  
2690 considered as read.

2691 [The amendment of Mr. Deutch follows:]

2692

2693 Chairman Goodlatte. And the gentleman is recognized for  
2694 5 minutes on his amendment.

2695 Mr. Deutch. Thank you, Mr. Chairman. My amendment  
2696 would strike the provision in Section 3 of the Legal  
2697 Workforce Act that prohibits class actions from being brought  
2698 by workers who unjustly lose their jobs through an error in  
2699 the E-Verify system. This provision would eliminate any  
2700 legal resource for thousands of workers who might lose their  
2701 jobs due to database error, and will remove the ability of  
2702 the courts to effectively and efficiently resolve cases  
2703 involving large numbers of workers who are harmed by similar  
2704 systemic E-Verify errors.

2705 Class actions, Mr. Chairman, are an essential means by  
2706 which the courts can effectively address claims that are  
2707 systemic in nature or impact a large number of people in a  
2708 similar manner. Cases that would be too expensive to  
2709 litigate on an individual case-by-case basis are often raised  
2710 as class actions. Accordingly, class actions enable  
2711 individuals who are not in a position financially to bring  
2712 their own lawsuits to have a court hear and adjudicate their  
2713 claims as part of a group of people similarly impacted.  
2714 Class actions also enable a court to efficiently administer

2715 their dockets, to resolve cases involving a large number of  
2716 people who are being harmed by a similar practice, rather  
2717 than having to solve numerous individual cases.

2718 In describing the important legal procedure that later  
2719 became the class action, the U.S. Supreme Court Justice  
2720 Joseph Story recognized that, "It is general rule in equity  
2721 that all persons materially interested either as plaintiffs  
2722 or defendants in the subject matter of the bill ought to be  
2723 made parties to the suit, however numerous they may be. And  
2724 the Court could make a complete decree between the parties  
2725 and prevent future litigation by taking away the necessity of  
2726 a multiplicity of suits."

2727 Section 3 of the Legal Workforce Act creates a process  
2728 for individuals to seek protection in the courts if that  
2729 individual "would not have been dismissed from a job but for  
2730 an error of the verification mechanism." This section of the  
2731 law permits the individual to seek compensation through the  
2732 Federal Tort Claims Act and injunctive relief to correct  
2733 verification error. Inexplicably, this section also  
2734 prohibits class actions from being filed to seek relief for a  
2735 verification error that may have occurred under the E-Verify  
2736 system.

2737        This prohibition against class actions would tie the  
2738 hands of the overburdened Federal courts to effectively  
2739 manage their dockets and address potential E-Verify error  
2740 problems having similar characteristics involving a large  
2741 number of individuals, and to provide adequate relief to  
2742 those individuals, and to provide relief as well. Moreover,  
2743 this provision would prevent employees of limited finances to  
2744 seek relief in the courts should they lose their jobs due to  
2745 an E-Verify error.

2746        The Legal Workforce Act provides an exclusive recourse  
2747 for a worker who unjustly loses his job due to an E-Verify  
2748 error. These individual workers can only seek lost wages  
2749 against the Federal government under the Federal Tort Claims  
2750 Act or injunctive relief. This creates yet another barrier  
2751 for aggrieved individuals to receive back pay for losing  
2752 their jobs from an E-Verify error.

2753        The fee cap on attorneys makes it financially  
2754 impractical for an attorney to represent an aggrieved lower  
2755 income individual against the Federal government on a  
2756 contingency basis to recover lost wages. Indeed, under this  
2757 bill, cases seeking lost wages filed by aggrieved individuals  
2758 will be very costly. These cases will have to be filed in

2759 Federal court, which will take months and, in some cases,  
2760 years to resolve. In these instances, a class action may be  
2761 the only way for a group of individuals to receive legal  
2762 representation to have their case against the Federal  
2763 government heard in Federal court for wages they unjustly  
2764 lost as a result of an E-Verify error.

2765 Because a class action lawsuit could be the best method  
2766 for individual workers who lose their jobs for similar E-  
2767 Verify errors, to have their cases in court, and permits a  
2768 court to efficiently manage its docket and consolidate claims  
2769 into one case, I urge support of my amendment. I thank you,  
2770 Mr. Chairman, and I yield back the balance of my time.

2771 Chairman Goodlatte. For what purpose does the gentleman  
2772 from Texas seek recognition?

2773 Mr. Smith. Mr. Chairman, I oppose the amendment.

2774 Chairman Goodlatte. The gentleman is recognized for 5  
2775 minutes.

2776 Mr. Smith. Mr. Chairman, pursuant to Federal Rules of  
2777 Civil Procedures, class actions may be brought where the  
2778 class is so large as to make individual suits impractical,  
2779 and there is a legal and factual claim in common among the  
2780 class members. Termination on grounds of employment

2781 eligibility are fact specific. There is absolutely no  
2782 justification for class actions as each individual who  
2783 alleges they were wrongfully terminated, based upon the  
2784 system being used for verification process, has unique  
2785 circumstances surrounding the determination.

2786 Further, the bill provides remedies for individuals who  
2787 may be harmed by employers who utilize the system, but  
2788 employers already are subject to penalties if they misuse the  
2789 system. Additionally, if an individual was harmed on account  
2790 of using the system, the Legal Workforce Act allows  
2791 individuals to file suit using the Federal Tort Claims Act.

2792 In addition, advocates for illegal immigration in  
2793 activist courts, such as the 9th Circuit, would be tempted to  
2794 use this class action to shut down E-Verify through  
2795 injunction. They will use this very argument. They will use  
2796 every argument they can think of to prevent the roll-out of  
2797 E-Verify. They know that E-Verify will prevent illegal  
2798 immigrants from getting jobs and saving jobs for American  
2799 workers.

2800 Class actions are simply not appropriate under the  
2801 circumstances, and I urge my colleagues to oppose the  
2802 amendment, and yield back.

2803 Chairman Goodlatte. The question occurs on the  
2804 amendment offered by the gentleman from Florida.  
2805 All those in favor, respond by saying aye.  
2806 Those opposed, no.  
2807 In the opinion of the chair, the noes have it, and the  
2808 amendment is not agreed to.  
2809 Mr. Deutch. Mr. Chairman, I ask for a recorded vote.  
2810 Chairman Goodlatte. A recorded vote is requested, and  
2811 the clerk will call the roll.  
2812 Ms. Deterding. Mr. Goodlatte?  
2813 Chairman Goodlatte. No.  
2814 Ms. Deterding. Mr. Goodlatte votes no.  
2815 Mr. Sensenbrenner?  
2816 [No response.]  
2817 Ms. Deterding. Mr. Smith?  
2818 Mr. Smith. No.  
2819 Ms. Deterding. Mr. Smith votes no.  
2820 Mr. Chabot?  
2821 Mr. Chabot. No.  
2822 Ms. Deterding. Mr. Chabot votes no.  
2823 Mr. Issa?  
2824 Mr. Issa. No.



2825 Ms. Deterding. Mr. Issa votes no.  
2826 Mr. Forbes?  
2827 [No response.]  
2828 Ms. Deterding. Mr. King?  
2829 Mr. King. No.  
2830 Mr. Deterding. Mr. King votes no.  
2831 Mr. Franks?  
2832 Mr. Franks. No.  
2833 Ms. Deterding. Mr. Franks votes no.  
2834 Mr. Gohmert?  
2835 [No response.]  
2836 Ms. Deterding. Mr. Jordan?  
2837 [No response.]  
2838 Ms. Deterding. Mr. Poe?  
2839 Mr. Poe. No.  
2840 Ms. Deterding. Mr. Poe votes no.  
2841 Mr. Chaffetz?  
2842 [No response.]  
2843 Ms. Deterding. Mr. Marino?  
2844 [No response.]  
2845 Ms. Deterding. Mr. Gowdy?  
2846 Mr. Gowdy. No.

2847 Ms. Deterding. Mr. Gowdy votes no.  
2848 Mr. Labrador?  
2849 Mr. Labrador. No.  
2850 Ms. Deterding. Mr. Labrador votes no.  
2851 Mr. Farenthold?  
2852 [No response.]  
2853 Ms. Deterding. Mr. Collins?  
2854 Mr. Collins. No.  
2855 Ms. Deterding. Mr. Collins votes no.  
2856 Mr. DeSantis?  
2857 [No response.]  
2858 Ms. Deterding. Ms. Walters?  
2859 Ms. Walters. No.  
2860 Ms. Deterding. Ms. Walters votes no.  
2861 Mr. Buck?  
2862 Mr. Buck. No.  
2863 Ms. Deterding. Mr. Buck votes no.  
2864 Mr. Ratcliffe?  
2865 Mr. Ratcliffe. No.  
2866 Ms. Deterding. Mr. Ratcliffe votes no.  
2867 Mr. Trott?  
2868 Mr. Trott. No.

2869 Ms. Deterding. Mr. Trott votes no.  
2870 Mr. Bishop?  
2871 Mr. Bishop. No.  
2872 Ms. Deterding. Mr. Bishop votes no.  
2873 Mr. Conyers?  
2874 Mr. Conyers. Aye.  
2875 Ms. Deterding. Mr. Conyers votes aye.  
2876 Mr. Nadler?  
2877 Mr. Nadler. Aye.  
2878 Ms. Deterding. Mr. Nadler votes aye.  
2879 Ms. Lofgren?  
2880 Ms. Lofgren. Aye.  
2881 Ms. Deterding. Ms. Lofgren votes aye.  
2882 Ms. Jackson Lee?  
2883 Ms. Jackson Lee. Aye.  
2884 Ms. Deterding. Ms. Jackson Lee votes aye.  
2885 Mr. Cohen?  
2886 [No response.]  
2887 Ms. Deterding. Mr. Johnson?  
2888 Mr. Johnson. Aye.  
2889 Ms. Deterding. Mr. Johnson votes aye.  
2890 Mr. Pierluisi?

2891 Mr. Pierluisi. Aye.

2892 Ms. Deterding. Mr. Pierluisi votes aye.

2893 Ms. Chu?

2894 Ms. Chu. Aye.

2895 Ms. Deterding. Ms. Chu votes aye.

2896 Mr. Deutch?

2897 Mr. Deutch. Aye.

2898 Ms. Deterding. Mr. Deutch votes aye.

2899 Mr. Gutierrez?

2900 [No response.]

2901 Ms. Deterding. Ms. Bass?

2902 [No response.]

2903 Ms. Deterding. Mr. Richmond?

2904 [No response.]

2905 Ms. Deterding. Ms. DelBene?

2906 Ms. DelBene. Aye.

2907 Ms. Deterding. Ms. DelBene votes aye.

2908 Mr. Jeffries?

2909 Mr. Jeffries. Aye.

2910 Ms. Deterding. Mr. Jeffries votes aye.

2911 Mr. Cicilline?

2912 Mr. Cicilline. Aye.

2913 Ms. Deterding. Mr. Cicilline votes aye.  
2914 Mr. Peters?  
2915 [No response.]  
2916 Chairman Goodlatte. The gentleman from Virginia?  
2917 Mr. Forbes. No.  
2918 Ms. Deterding. Mr. Forbes votes no.  
2919 Chairman Goodlatte. The gentleman from Ohio?  
2920 Mr. Jordan. No.  
2921 Ms. Deterding. Mr. Jordan votes no.  
2922 Chairman Goodlatte. The gentleman from Pennsylvania?  
2923 Mr. Marino. No.  
2924 Ms. Deterding. Mr. Marino votes no.  
2925 Chairman Goodlatte. Has every member voted who wishes  
2926 to vote?  
2927 [No response.]  
2928 Chairman Goodlatte. The clerk will report.  
2929 Ms. Deterding. Mr. Chairman, 11 members voted aye, 18  
2930 members voted no.  
2931 Chairman Goodlatte. The amendment is not agreed to.  
2932 Are there further amendments to H.R. 1147?  
2933 For what purpose does the gentleman from Rhode Island  
2934 seek recognition?

2935       Mr. Cicilline. Mr. Chairman, I have an amendment at the  
2936 desk.

2937       Chairman Goodlatte. The clerk will report the  
2938 amendment.

2939       Ms. Deterding. Amendment to H.R. 1147, offered by Mr.  
2940 Cicilline of Rhode Island, in Section 274(a) --

2941       Chairman Goodlatte. Without objection, the amendment is  
2942 considered as read.

2943       [The amendment of Mr. Cicilline follows:]

2944

2945 Chairman Goodlatte. And the gentleman is recognized for  
2946 5 minutes on his amendment.

2947 Mr. Cicilline. Thank, Mr. Chairman. If enacted, this  
2948 bill will require the universal use of E-Verify for entities  
2949 that receive payment for referring individuals for  
2950 employment. The one and only exception this receipt of  
2951 payment rule is that all unions and day labor centers would  
2952 also be required to use E-Verify, even though the bill  
2953 recognizes they receive no payment whatsoever for providing  
2954 recruitment or referral services.

2955 These entities are not employers. They will not benefit  
2956 from the employee services. Yet this language forces them to  
2957 bear the cost of verification, and removes the burden from  
2958 employers to make sure their employees qualify for work.  
2959 This provision is designed to hurt unions who are simply  
2960 working to protect workers and find them employment. My  
2961 amendment would merely place unions and hiring halls on the  
2962 same level footing as other non-profit entities that refer  
2963 employees and serve to grow the economy.

2964 Currently, this bill says nothing about whether  
2965 employers who hire a worker referred by a union as an  
2966 independent contractor will have to use E-Verify. If

2967 employers do not have to verify employment eligibility,  
2968 requiring unions to use E-Verify, inappropriately puts the  
2969 cost and responsibility on the union rather than the  
2970 employer. The language is unclear, but if, in fact,  
2971 employers will still have to verify the employment  
2972 eligibility of referred workers, the provision is redundant  
2973 and does not advance the goals of the legislation. The only  
2974 thing it would do is advance the purely political goal of  
2975 harming the ability of labor unions to organize and represent  
2976 the rights of workers.

2977       The bill we are discussing today allows for the  
2978 selective re-verification of existing workers and prohibits  
2979 the Federal review of any decision that follows. I am  
2980 concerned that this provision provides a tool to target  
2981 workers organizing for better wages and improved working  
2982 conditions. This legislation would further enable this kind  
2983 of abuse while employers who actively suppress organizing  
2984 activities discriminate against certain classes of workers.  
2985 My amendment would eliminate this provision, allowing for  
2986 selective re-verification, thus removing the potential for  
2987 abuse, and allow unions to operate without undue costs and  
2988 interference.



2989 I ask for your support of this important reform, and  
2990 thank you for your consideration of the amendment. I yield  
2991 back.

2992 Chairman Goodlatte. For what purpose does the gentleman  
2993 from Texas seek recognition? Oh, I am sorry. For what  
2994 purpose does the gentleman from Iowa seek recognition?

2995 Mr. King. Thank you, Mr. Chairman. I move to strike  
2996 the last word.

2997 Chairman Goodlatte. The gentleman is recognized for 5  
2998 minutes in opposition to the amendment.

2999 Mr. King. Thank you, Mr. Chairman. I rise in  
3000 opposition to the Cicilline amendment, and it happens  
3001 directly into an amendment that I had offered on this  
3002 previous markup of the same bill in the previous Congress.  
3003 My concern has been that the original bill was drafted in  
3004 such a way that if you were, say, a franchiser and you had  
3005 restaurants all over the country, if you were going to E-  
3006 Verify a single employee at a single location, under that  
3007 underlying language that this would revert to, you would end  
3008 up having to e-verify every employee in all the States of the  
3009 Union perhaps.

3010 And I think that is an onerous burden on the part of an

3011 employer. It gives actually a small company an advantage  
3012 when it comes to this, but a single location or a single job  
3013 category should be adequate. We had a long discussion on  
3014 this in the previous markup of a similar bill, and this House  
3015 Judiciary Committee came to the conclusion that it was  
3016 reasonable to provide that an employer check all job  
3017 categories or all employees at a single location rather than  
3018 compel them to check all of their employees.

3019       Myself philosophically, I want to go on record telling  
3020 you that E-Verify cannot logically be used to discriminate  
3021 against anyone on the basis of race, creed, color, religion,  
3022 national origin, marital status, or age, or any other  
3023 category that I can think of. E-Verify, if it does know  
3024 those things, it does not divulge them to the employer who is  
3025 using E-Verify. Therefore, the allegations that it can be  
3026 used against labor organizations or against individuals by  
3027 any of these categories I believe are logically false, and we  
3028 have been through this debate a number of times before.

3029       So I rise in opposition to this amendment. We have a  
3030 logical solution written into the underlying bill. And I  
3031 certainly support the underlying bill and the logic that is  
3032 written within it. I would urge opposition and a no vote on

3033 this amendment, and I would yield back the balance of my  
3034 time.

3035 Mr. Smith. Would the gentleman from Iowa yield the  
3036 balance of his time?

3037 Mr. King. I would be happy to yield to the gentleman  
3038 from Texas.

3039 Mr. Smith. I thank the gentleman from Iowa. Mr.  
3040 Chairman, I also oppose this amendment. It strikes  
3041 provisions specifically designed to ensure that U.S. jobs go  
3042 to Americans and legal workers. Millions of American want a  
3043 full-time job, but cannot find one, yet there are an  
3044 estimated 7 million unlawful immigrants in the current  
3045 workforce. And the gentlewoman from California offers an  
3046 amendment that will help protect jobs for unlawful aliens.

3047 The Legal Workforce Act requires day labor centers,  
3048 union hiring halls, and other labor service entities to use  
3049 E-Verify for those individuals they refer or recruit for  
3050 employment regardless of whether or not they receive payment  
3051 for doing so. This amendment alters the text so only  
3052 entities that receive payment for recruiting or referring  
3053 employees are required to use E-Verify on the individuals  
3054 they recruit or refer.

3055        Many localities around the country have opened day labor  
3056 sites to provide places where workers, mostly illegal  
3057 immigrants, are matched with employers seeking labor for one  
3058 day and other short-term work. Localities that open these  
3059 sites are deliberately seeking to aid illegal immigrants and  
3060 employers in evading immigration laws. Section 4 of H.R.  
3061 1147 requires localities that set up day labor sites to use  
3062 E-Verify to check the employment eligibility of those seeking  
3063 jobs at the sites. It helps ensure that illegal immigrants  
3064 do not obtain employment through the day labor sites.

3065        All entities that recruit or refer potential employees  
3066 should be required to use E-Verify to help ensure the  
3067 potential employee's work eligibility. Exemption from this  
3068 requirement simply based on the fact that they do not receive  
3069 a fee for the referral or recruitment does not make sense to  
3070 me. So I will yield back to the gentleman from Iowa.

3071        Mr. King. And reclaiming my time, I thank the gentleman  
3072 from Texas, and I would yield back, Mr. Chairman.

3073        Chairman Goodlatte. The question occurs on the  
3074 amendment offered by the gentleman from Rhode Island.

3075        All those in favor, respond by saying aye.

3076        Those opposed, no.

3077           In the opinion of the chair, the noes have it, and the  
3078 amendment is not agreed to.

3079           Mr. Cicilline. Mr. Chairman, I ask for a recorded vote.

3080           Chairman Goodlatte. A recorded vote is requested, and  
3081 the clerk will call the roll.

3082           Ms. Deterding. Mr. Goodlatte?

3083           Chairman Goodlatte. No.

3084           Ms. Deterding. Mr. Goodlatte votes no.

3085           Mr. Sensenbrenner?

3086           [No response.]

3087           Ms. Deterding. Mr. Smith?

3088           Mr. Smith. No.

3089           Ms. Deterding. Mr. Smith votes no.

3090           Mr. Chabot?

3091           Mr. Chabot. No.

3092           Ms. Deterding. Mr. Chabot votes no.

3093           Mr. Issa?

3094           [No response.]

3095           Ms. Deterding. Mr. Forbes?

3096           [No response.]

3097           Ms. Deterding. Mr. King?

3098           Mr. King. No.

3099 Mr. Deterding. Mr. King votes no.  
3100 Mr. Franks?  
3101 Mr. Franks. No.  
3102 Ms. Deterding. Mr. Franks votes no.  
3103 Mr. Gohmert?  
3104 Mr. Gohmert. No.  
3105 Ms. Deterding. Mr. Gohmert votes no.  
3106 Mr. Jordan?  
3107 Mr. Jordan. No.  
3108 Ms. Deterding. Mr. Jordan votes no.  
3109 Mr. Poe?  
3110 Mr. Poe. No.  
3111 Ms. Deterding. Mr. Poe votes no.  
3112 Mr. Chaffetz?  
3113 Mr. Chaffetz. No.  
3114 Ms. Deterding. Mr. Chaffetz votes no.  
3115 Mr. Marino?  
3116 Mr. Marino. No.  
3117 Ms. Deterding. Mr. Marino votes no.  
3118 Mr. Gowdy?  
3119 Mr. Gowdy. No.  
3120 Ms. Deterding. Mr. Gowdy votes no.

3121 Mr. Labrador?

3122 Mr. Labrador. No.

3123 Ms. Deterding. Mr. Labrador votes no.

3124 Mr. Farenthold?

3125 [No response.]

3126 Ms. Deterding. Mr. Collins?

3127 Mr. Collins. No.

3128 Ms. Deterding. Mr. Collins votes no.

3129 Mr. DeSantis?

3130 [No response.]

3131 Ms. Deterding. Ms. Walters?

3132 Ms. Walters. No.

3133 Ms. Deterding. Ms. Walters votes no.

3134 Mr. Buck?

3135 Mr. Buck. No.

3136 Ms. Deterding. Mr. Buck votes no.

3137 Mr. Ratcliffe?

3138 Mr. Ratcliffe. No.

3139 Ms. Deterding. Mr. Ratcliffe votes no.

3140 Mr. Trott?

3141 Mr. Trott. No.

3142 Ms. Deterding. Mr. Trott votes no.

3143 Mr. Bishop?

3144 Mr. Bishop. No.

3145 Ms. Deterding. Mr. Bishop votes no.

3146 Mr. Conyers?

3147 Mr. Conyers. Aye.

3148 Ms. Deterding. Mr. Conyers votes aye.

3149 Mr. Nadler?

3150 Mr. Nadler. Aye.

3151 Ms. Deterding. Mr. Nadler votes aye.

3152 Ms. Lofgren?

3153 Ms. Lofgren. Aye.

3154 Ms. Deterding. Ms. Lofgren votes aye.

3155 Ms. Jackson Lee?

3156 Ms. Jackson Lee. Aye.

3157 Ms. Deterding. Ms. Jackson Lee votes aye.

3158 Mr. Cohen?

3159 [No response.]

3160 Ms. Deterding. Mr. Johnson?

3161 Mr. Johnson. Aye.

3162 Ms. Deterding. Mr. Johnson votes aye.

3163 Mr. Pierluisi?

3164 Mr. Pierluisi. Aye.



3165 Ms. Deterding. Mr. Pierluisi votes aye.  
3166 Ms. Chu?  
3167 Ms. Chu. Aye.  
3168 Ms. Deterding. Ms. Chu votes aye.  
3169 Mr. Deutch?  
3170 Mr. Deutch. Aye.  
3171 Ms. Deterding. Mr. Deutch votes aye.  
3172 Mr. Gutierrez?  
3173 [No response.]  
3174 Ms. Deterding. Ms. Bass?  
3175 [No response.]  
3176 Ms. Deterding. Mr. Richmond?  
3177 [No response.]  
3178 Ms. Deterding. Ms. DelBene?  
3179 Ms. DelBene. Aye.  
3180 Ms. Deterding. Ms. DelBene votes aye.  
3181 Mr. Jeffries?  
3182 Mr. Jeffries. Aye.  
3183 Ms. Deterding. Mr. Jeffries votes aye.  
3184 Mr. Cicilline?  
3185 Mr. Cicilline. Aye.  
3186 Ms. Deterding. Mr. Cicilline votes aye.

3187 Mr. Peters?

3188 [No response.]

3189 Chairman Goodlatte. The gentleman from Virginia?

3190 Mr. Forbes. No.

3191 Ms. Deterding. Mr. Forbes votes no.

3192 Chairman Goodlatte. The gentleman from California?

3193 Mr. Issa. No.

3194 Ms. Deterding. Mr. Issa votes no.

3195 Chairman Goodlatte. Has every member voted who wishes  
3196 to vote?

3197 [No response.]

3198 Chairman Goodlatte. The clerk will report.

3199 Ms. Deterding. Mr. Chairman, 11 members voted aye, 20  
3200 members voted no.

3201 Chairman Goodlatte. And the amendment is not agreed to.

3202 Are there any other amendments?

3203 [No response.]

3204 Chairman Goodlatte. A reporting quorum being present,  
3205 the question is on the motion to report the bill, H.R. 1147,  
3206 favorably to the House.

3207 Those in favor will respond by saying aye.

3208 Those opposed, no.

3209           In the opinion of the chair, the ayes have it, and the  
3210 bill --

3211           Mr. Conyers. May I have a record vote?

3212           Chairman Goodlatte. A recorded vote is requested, and  
3213 the clerk will call the roll.

3214           Ms. Deterding. Mr. Goodlatte?

3215           Chairman Goodlatte. Aye.

3216           Ms. Deterding. Mr. Goodlatte votes aye.

3217           Mr. Sensenbrenner?

3218           [No response.]

3219           Ms. Deterding. Mr. Smith?

3220           Mr. Smith. Aye.

3221           Ms. Deterding. Mr. Smith votes aye.

3222           Mr. Chabot?

3223           [No response.]

3224           Ms. Deterding. Mr. Issa?

3225           Mr. Issa. Aye.

3226           Ms. Deterding. Mr. Issa votes aye.

3227           Mr. Forbes?

3228           Mr. Forbes. Aye.

3229           Ms. Deterding. Mr. Forbes votes aye.

3230           Mr. King?

3231 Mr. King. Aye.

3232 Ms. Deterding. Mr. King votes aye.

3233 Mr. Franks?

3234 [No response.]

3235 Ms. Deterding. Mr. Gohmert?

3236 Mr. Gohmert. Aye.

3237 Ms. Deterding. Mr. Gohmert votes aye.

3238 Mr. Jordan?

3239 Mr. Jordan. Yes.

3240 Ms. Deterding. Mr. Jordan votes yes.

3241 Mr. Poe?

3242 [No response.]

3243 Ms. Deterding. Mr. Chaffetz?

3244 Mr. Chaffetz. Aye.

3245 Ms. Deterding. Mr. Chaffetz votes aye.

3246 Mr. Marino?

3247 Mr. Marino. Yes.

3248 Ms. Deterding. Mr. Marino votes yes.

3249 Mr. Gowdy?

3250 Mr. Gowdy. Yes.

3251 Ms. Deterding. Mr. Gowdy votes yes.

3252 Mr. Labrador?

3253 Mr. Labrador. Yes.

3254 Ms. Deterding. Mr. Labrador votes yes.

3255 Mr. Farenthold?

3256 [No response.]

3257 Ms. Deterding. Mr. Collins?

3258 Mr. Collins. Yes.

3259 Ms. Deterding. Mr. Collins votes yes.

3260 Mr. DeSantis?

3261 [No response.]

3262 Ms. Deterding. Ms. Walters?

3263 Ms. Walters. Aye.

3264 Ms. Deterding. Ms. Walters votes aye.

3265 Mr. Buck?

3266 Mr. Buck. Aye.

3267 Ms. Deterding. Mr. Buck votes aye.

3268 Mr. Ratcliffe?

3269 Mr. Ratcliffe. Yes.

3270 Ms. Deterding. Mr. Ratcliffe votes yes.

3271 Mr. Trott?

3272 Mr. Trott. Yes.

3273 Ms. Deterding. Mr. Trott votes yes.

3274 Mr. Bishop?

3275 Mr. Bishop. Yes.

3276 Ms. Deterding. Mr. Bishop votes yes.

3277 Mr. Conyers?

3278 Mr. Conyers. No.

3279 Ms. Deterding. Mr. Conyers votes no.

3280 Mr. Nadler?

3281 Mr. Nadler. No.

3282 Ms. Deterding. Mr. Nadler votes no.

3283 Ms. Lofgren?

3284 Ms. Lofgren. No.

3285 Ms. Deterding. Ms. Lofgren votes no.

3286 Ms. Jackson Lee?

3287 Ms. Jackson Lee. No.

3288 Ms. Deterding. Ms. Jackson Lee votes no.

3289 Mr. Cohen?

3290 [No response.]

3291 Ms. Deterding. Mr. Johnson?

3292 Mr. Johnson. No.

3293 Ms. Deterding. Mr. Johnson votes no.

3294 Mr. Pierluisi?

3295 [No response.]

3296 Ms. Deterding. Ms. Chu?

3297 Ms. Chu. No.

3298 Ms. Deterding. Ms. Chu votes no.

3299 Mr. Deutch?

3300 Mr. Deutch. No.

3301 Ms. Deterding. Mr. Deutch votes no.

3302 Mr. Gutierrez?

3303 [No response.]

3304 Ms. Deterding. Ms. Bass?

3305 [No response.]

3306 Ms. Deterding. Mr. Richmond?

3307 [No response.]

3308 Ms. Deterding. Ms. DelBene?

3309 Ms. DelBene. No.

3310 Ms. Deterding. Ms. DelBene votes no.

3311 Mr. Jeffries?

3312 Mr. Jeffries. No.

3313 Ms. Deterding. Mr. Jeffries votes no.

3314 Mr. Cicilline?

3315 Mr. Cicilline. No.

3316 Ms. Deterding. Mr. Cicilline votes no.

3317 Mr. Peters?

3318 Mr. Peters. No.

3319 Ms. Deterding. Mr. Peters votes no.

3320 Chairman Goodlatte. The gentleman from Puerto Rico?

3321 Mr. Pierluisi. No.

3322 Ms. Deterding. Mr. Pierluisi votes no.

3323 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

3324 Mr. Poe. Yes.

3325 Ms. Deterding. Mr. Poe votes yes.

3326 Chairman Goodlatte. The gentleman from Ohio, Mr.

3327 Chabot?

3328 Mr. Chabot. Yes.

3329 Ms. Deterding. Mr. Chabot votes yes.

3330 Chairman Goodlatte. The gentleman from Arizona, Mr.

3331 Franks?

3332 Mr. Franks. Yes.

3333 Ms. Deterding. Mr. Franks votes yes.

3334 Chairman Goodlatte. The gentleman from Tennessee, Mr.

3335 Cohen?

3336 Mr. Cohen. No.

3337 Ms. Deterding. Mr. Cohen votes no.

3338 Chairman Goodlatte. Has every member voted who wishes

3339 to vote?

3340 [No response.]



3341 Chairman Goodlatte. The clerk will report.

3342 Ms. Deterding. Mr. Chairman, 20 members voted aye, 13

3343 members voted no.

3344 Chairman Goodlatte. The ayes have it, and the bill is

3345 ordered reported favorably to the House.

3346 Members will have 2 days to submit views.

3347 [The information follows:]

3348

3349 Ms. Jackson Lee. Mr. Chairman?

3350 Chairman Goodlatte. The gentlewoman from Texas is  
3351 recognized for a unanimous consent request.

3352 Ms. Jackson Lee. Mr. Chairman, I ask unanimous consent  
3353 to place in the record my vote for the DelBene amendment,  
3354 which I was detained due to being in a meeting on racial  
3355 profiling. I would have voted aye if I had been present. I  
3356 ask that it be placed appropriately in the record.

3357 Chairman Goodlatte. We can note it in the record. We  
3358 cannot take the vote for the purposes of the vote, but we  
3359 will note in the record your statement.

3360 Ms. Jackson Lee. I understand. I thank you.

3361 Chairman Goodlatte. And I ask unanimous consent that  
3362 letters or statements in support of the Legal Workforce Act  
3363 from the following groups be entered into the record:  
3364 Numbers USA, the U.S. Chamber of Commerce, the National  
3365 Restaurant Association, the National Association of  
3366 Homebuilders, the International Franchise Association,  
3367 National Federation of Independent Business, and Leading  
3368 Builders of America.

3369 Without objection, they will be made a part of the  
3370 record.

3371 [The information follows:]

3372

3373 Chairman Goodlatte. I thank all the members for their  
3374 participation today, and we will continue with the markup  
3375 tomorrow morning at 10:00 a.m. See you then.

3376 Ms. Lofgren. Mr. Chairman?

3377 Chairman Goodlatte. For what purpose does the  
3378 gentlewoman from California --

3379 Ms. Lofgren. Do you know the order that we will be  
3380 taking these up tomorrow?

3381 Chairman Goodlatte. We still stick with the order  
3382 listed on the notice, but I do not have that right in front  
3383 of me.

3384 Ms. Lofgren. Okay, thank you.

3385 [Whereupon, at 4:49 p.m., the committee was adjourned.]