

[Congressional Record: March 4, 2009 (House)]  
[Page H2942-H2945]  
From the Congressional Record Online via GPO Access [wais.access.gpo.gov]  
[DOCID:cr04mr09-81]

#### EXTENDING CERTAIN IMMIGRATION PROGRAMS

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1127) to extend certain immigration programs.

The Clerk read the title of the bill.

The text of the bill is as follows:

#### H.R. 1127

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

#### SECTION 1. SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.

Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) are amended by striking ``March 6, 2009,`` each place such term appears and inserting ``September 30, 2009,``.

#### SEC. 2. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ``March 6, 2009`` and inserting ``September 30, 2009``.

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

The Chair recognizes the gentlewoman from California.

#### General Leave

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

{time} 1400

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

as I may consume.

Mr. Speaker, H.R. 1127 extends two immigration programs, one for religious workers and one for doctors who serve in medically underserved areas, through the end of this fiscal year. If we do not extend these programs, they will sunset on March 6, 2009, just 3 days from today. These programs are too important to let expire.

The Special Immigrant Non-Minister Religious Worker Program allows religious workers to enter the United States to do important work. The 5,000 religious workers eligible for these visas each year are called to a vocation or are in traditional religious occupations with bona fide nonprofit religious organizations. They are missionaries, counselors, instructors, and pastoral care providers. Considering the current economic crisis we are experiencing and the degree to which Americans are turning to religious organizations for help, these religious workers are needed now more than ever.

The other program is the so-called Conrad ``J Waiver,'' a critically important immigration program that helps medically underserved communities attract highly skilled physicians. This program is crucial to the States as it helps them attract doctors who have received their medical training in the United States to work in areas that desperately need doctors.

Its importance was demonstrated again a year and a half ago when a tornado utterly destroyed the town of Greensburg, Kansas. Without this program, that town would not have had any doctors. They were of tremendous help in keeping casualties to a minimum. We need to keep this program going so that States can attract medical talent and can keep the doors of small town clinics open.

Both of these programs have strong bipartisan support, and this bill would extend the programs through the end of the fiscal year when the issue can be revisited, hopefully, in a much broader context.

I commend committee Ranking Member Lamar Smith for his work in making this a bipartisan measure. I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate the gentlelady from California for introducing this very important legislation, this commonsense legislation, to help the medical community but, more importantly, to help those who are medically ill throughout the United States and the rest of the world. So I support H.R. 1127, which reauthorizes two deserving programs through the end of this fiscal year.

Foreign citizens who participate in medical residencies in the United States on what is called the ``J'' visa exchange program must generally leave the United States at the conclusion of their residencies and reside abroad for 2 years before they can be allowed to return to this country. The intent is to encourage American-trained foreign doctors to go home to improve health conditions and advance the medical profession in their native countries.

In 1994, Congress created a waiver of this 2-year foreign residence requirement, and this waiver was available, if requested, by the State departments of public health for foreign doctors who

[[Page H2943]]

are committed to practicing medicine for 3 years in areas having a shortage of health care professionals. This program has been very successful, and Congress has extended the waiver on multiple occasions.

This waiver's current authorization expires this Friday. The gentlelady from California, with this legislation, reauthorizes the waiver until September 30, 2009, the end of the fiscal year.

This bill also extends the authorization for certain religious worker immigrant visas. The Immigration and Nationality Act makes available green cards each year to special immigrant religious workers. This program allows religious denominations in the United States to bring in needed religious workers--both ministers and those working in religious occupations or vocations--so long as the workers have been performing those functions for at least 2 previous years.

The non-minister categories were added by the 1990 immigration bill, and Congress has extended their authorization several times since then. However, the authorization also expires this Friday. This bill extends the program through September 30, 2009, the end of the fiscal year. These visas assist many American religious denominations to meet the needs of their followers.

Because this bill reauthorizes two worthy immigration programs, I urge my colleagues to support this.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would now yield 2 minutes to the gentleman from Michigan (Mr. Stupak).

Mr. STUPAK. Mr. Speaker, I regret that I must stand in opposition to allowing immigration extensions or reforms without addressing a temporary extension of the H-2B returning worker program.

The H-2B visa program was created to provide access to nonimmigrant, temporary workers for seasonal and peak load needs when no American workers can be found. Foreign workers offer small and seasonal businesses short-term help, and they return to their home countries at the end of the season. H-2B visas are capped at 66,000 visas per year. Even with 66,000 visas per year, it does not meet the labor needs of seasonal businesses.

To help fill these needs, Congress established the H-2B returning worker program in 2005. This program exempts returning workers who have received an H-2B visa in one of three previous fiscal years from counting against the 66,000 cap. However, this exemption expired on September 30, 2007. In the 110th Congress, this exemption had the support of 158 bipartisan Members of Congress--88 Democrats and 70 Republicans. In the 111th Congress, the bill has just been introduced, and we already have the support of 32 Democrats and 23 Republicans. As of January 7, the U.S. Citizenship and Immigration Services had already received enough visa petitions to exceed the cap for H-2B visas for the second half of this fiscal year.

This demand highlights the immediate need for Congress to extend the H-2B visa returning worker program to help small and seasonal businesses fill their seasonal labor needs and to keep full-time Americans and businesses working. These returning workers have provided relief to small businesses throughout the Nation, covering a broad spectrum of industries like landscapers, tourism, restaurants, hotels, and seafood processors.

H-2B workers offer short-term help. They cannot and do not stay in the United States. More importantly, the H-2B program contains strong provisions to ensure American workers have the first chance to work.

Without an extension of the returning worker program, small and seasonal businesses will face significant labor shortages this year as they did last year. We have constantly been told we cannot bring this bill to the floor until we address comprehensive immigration. Then why are we bringing up the J-1 program when we're letting H-2B expire?

Therefore, regrettably, I must oppose H.R. 1127.

Mr. POE of Texas. Mr. Speaker, I yield 5 minutes to the ranking member of the Judiciary Committee (Mr. Smith of Texas).

Mr. SMITH of Texas. Mr. Speaker, I support H.R. 1127, but I also agree with Steve King, the ranking member of the immigration subcommittee, about the need for religious worker reciprocity. Some countries that send religious workers to the United States refuse entry to religious workers from the United States and do not allow for the free exercise of religion.

Each year, the U.S. Commission of International Religious Freedom compiles a list of countries that seek to control religious thought and expression, that show open hostility to religious minorities and that fail to protect certain religious groups. The 2008 list includes Burma, North Korea, Iran, Pakistan, China, Saudi Arabia, Sudan, Turkmenistan, and Uzbekistan.

One way to help advance religious freedom is to do as Representative King suggests and prevent citizens of countries that are hostile to religious freedom from participating in our religious worker visa program. Both the Special Immigrant Non-Minister Religious Worker Program and the rural J-1 visa waiver program are set to expire this Friday, March 6. H.R. 1127 extends both programs until September 30, 2009.

The J-1 visa program provision waives the 2-year foreign residency requirement for foreign doctors who are willing to serve in medically underserved areas. The waiver program enables people in rural and in intercity communities to have access to quality medical care. The Special Immigrant Non-Minister Religious Worker Program allows 5,000 religious workers per year to enter the United States to assist churches and other religious establishments.

While I support the program, I have long been concerned about the level of fraud. In 2006, the U.S. Citizenship and Immigration Services Office conducted an assessment on the religious worker visa program. They selected 220 religious workers at random and found fraud in one-third of the cases. In addition, they found ``many of the cases reviewed had multiple fraud indicators.'' In 32 of the fraudulent cases, the religious institution was not bona fide. It either did not exist or it existed only on paper. Thirty-nine of the fraudulent cases were marked by fraudulent supporting documentation or material misrepresentations within a document by a legitimate religious institution.

The Department of Homeland Security issued a final rule last November, making several changes designed to reduce fraud in the program. Immigration Chairwoman Lofgren and I are awaiting a report by the DHS inspector general regarding the effectiveness of those fraud prevention measures. I hope we will address concerns about fraud and will also ensure that reciprocity is contained in any future extension of the religious worker visa program.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 1\1/2\ minutes to the gentleman from North Dakota (Mr. Pomeroy).

Mr. POMEROY. Mr. Speaker, I am rising in support of this legislation, and I do so with some sadness because I agree with the point made on the H-2B visa by the gentleman from Michigan.

However, within this J-1 bill before us, H.R. 1127, is legislation to extend the Conrad 30 program, which expires on March 6, 2009. Now, that is a program, the basis of which many foreign medical professionals presently serving in many medically underserved areas, including in North Dakota, are here. So if we don't get this done in time--and let's

face it. March 6, 2009 is right on our head right now--we raise havoc with the delivery of medical care through many rural underserved areas. We are literally talking about the medical professionals having to pack up and go home. We've worked mighty hard to get them there in the first place. If we lose them, they may never come back.

What's more: What about the patients in these rural clinics this afternoon who are seeing their physicians? What if the physician is gone and care is disrupted?

There are many ways to make a point, but we have got something that could be, for many, a matter of life and death, and that's keeping these medical professionals in the rural area by extending for 6 months this Conrad State 30 Program. It's just too important. We need it too badly.

So I urge the enactment of this legislation, giving us 6 more months on that

[[Page H2944]]

program. Then I urge us to take the gentleman's point and pass the H-2B visa reform.

Mr. POE of Texas. Mr. Speaker, I yield 5 minutes to the ranking member of the Subcommittee on Immigration (Mr. King of Iowa).

Mr. KING of Iowa. Mr. Speaker, we're here to address the extension of these two programs, including the religious worker visa program extension, which is set up to authorize now until September 30 of this year, until the end of this fiscal year.

I had recommended that we bring this bill back before committee for the purposes of a markup so that we could reevaluate the policy. We have had hearings on this subject matter in the previous Congress, and we all know that the actions of the previous Congress don't color the existing Congress.

The history of the religious worker visa program has had some problems with fraud. It was created in 1990, but from the beginning, it has been a magnet for people who want to perpetrate a scam on America's immigration system.

According to the State Department's Bureau of Consular Affairs--and this is dated September of 2005, their Fraud Digest--`The religious worker visas are known as some of the most difficult to adjudicate.'

The Fraud Digest then goes on to discuss various cases in which people were prosecuted for fraudulent use of the program, the religious worker program. For instance, in 2004, a Venezuelan national was convicted in Virginia visa fraud. He had filed 179 fraudulent petitions for religious ministers. In addition to creating fraudulent certificates of ordination, diplomas and other supporting documentation, he also obtained valid 501(c)(3) tax exemptions from recognized religious organizations without their knowledge.

The immigration subcommittee has long been aware of the fraud in this program. Mr. Speaker, I take you back to a 1997 GAO investigation which was requested by the subcommittee. The State Department conducted a field inquiry to get the views of consular offices as to the level and type of fraud. In 41 percent of the 83 responding posts, some type of fraud or abuse was acknowledged. The State Department also noted that, under the program's regulations, `almost anyone involved with a church, aside from the explicitly excluded occupations of cleaning, maintenance and support staff . . . arguably could qualify as a religious worker.'

This clearly wasn't the intent of the program. It doesn't remain the intent of the program that will, I think, likely be reauthorized today.

When the GAO released its final report in 1999, the agency noted that the types of fraud often encountered in the processing of religious worker visas ``involved petitioners making false statements about the length of time that the applicant was a member of the religious organization and the nature of the qualifying experience.''

The report went on to state that ``evidence uncovered by INS suggests that some of these organizations exist solely as a means to carry out immigration fraud.''

That was then. This is more current. Recently, I will say in July of 2006, Mr. Speaker, the U.S. Citizenship and Immigration Service's Office of Fraud Detection and National Security conducted a fraud benefit assessment on the Religious Worker Visa Program. They selected 220 cases at random--of which we're very familiar with on the committee--they found an astonishing 33 percent fraud rate. That's one of every three were fraudulently based. In 32 of the fraudulent cases, the religious institution either didn't exist or only existed on paper. And 39 of the fraudulent petitions included fraudulent supporting documentation or material representations within a document.

Other instances of fraud included cases where the petitioner could not be located or connected to any religious entity and where the petitioning religious entity was unaware that the petition had been filed and was unaware of the beneficiary.

Also in the modern era, in 2003, Mohammed Khalil and three of his sons were arrested in connection with submitting false applications to bring over 200 individuals to the United States using the religious worker visa program. During court proceedings, prosecutors revealed that Khalil made statements to an undercover witness professing allegiance to Osama bin Laden. He also allegedly stated, ``Hopefully, another attack in the United States will come shortly.''

That gives you, I think, Mr. Speaker, the feel for how this program has been abused.

However, I want to make clear, Mr. Speaker, to you and to the Record, and eventually to the American people, that I recognize--as will every Member of this Congress--that there are very sincere religious workers who come to the United States that fit within the category and within the intent of this Congress. And I think what we need to do today is honor them, thank them, recognize that this is a country that was built upon religious freedom. And where we can promote religious freedom, we need to do so within our own borders and around the globe.

That's why I have raised the issue that we are receiving religious workers from countries that will not allow American religious workers to go into them unless they fit within their narrowly defined religious category.

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

Mr. POE of Texas. I yield the gentleman 1 additional minute.

Mr. KING of Iowa. So this being an American value of religious freedom and religious liberty, we need to also export that freedom around the world. We have many soldiers that are buried in foreign lands to promote that freedom. They've paid their price. There's been a price paid in this country continually for religious freedom. We need to promote it around the world.

For us to open up the doors of the United States of America to

religious workers from countries who come here to advance their version of their side of society and not have those countries allow American missionaries to come into them, I think sets up a standard that we should not tolerate. So I will be introducing legislation that sets up a reciprocity program in this religious workers visa program. And I look forward to the opportunity in September or prior to September to raise this issue in a better format.

Until that time, and believing that we will have an open forum in this Congress and a real legitimate debate on the subject of religious worker reciprocity, I intend to support this resolution today and work in good faith to improve it before it comes up for reauthorization on September 30, 2009.

Ms. ZOE LOFGREN of California. Mr. Speaker, we have no additional speakers.

If the gentleman has additional speakers, I would reserve and allow him to proceed.

Mr. POE of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. Moran).

Mr. MORAN of Kansas. To the gentleman from Texas, I thank you for yielding time.

Mr. Speaker, I'm here to speak in favor of at least a portion of this bill related to the J-1 Visa program. I am a co-chair of the Rural Health Care Coalition along with the gentleman from North Dakota (Mr. Pomeroy). In our efforts in rural States to attract and retain physicians in communities that are highly underserved with medical care, the J-1 Visa program, the Conrad 30 program, has become a critical component of our ability to maintain a health care delivery system.

Kansas alone since 2002 has attracted and retained 103 physicians. There are many communities that I represent in Kansas that have no doctor except for a J-1 Visa doc. Now, a J-1 Visa doctor is someone born in a foreign county but trains in the United States, takes their residency and certification here and earns the ability to practice medicine.

In return for serving in an underserved area--and while I represent generally a rural State--these underserved areas are often urban areas of our country as well. And in return for serving the needs of patients in those communities across America, they are allowed to remain in the United States for an additional 3 years.

Just last August--an example of where this comes home--the American Methodist Ministries of Garden City, Kansas, finally was able to recruit a

[[Page H2945]]

physician for their community health clinic. That physician is a J-1 visa doctor from Peru; bilingual--a very added attractive feature to this physician's practice, but for a community that was so desperate for a physician, really a dream come true.

Much about how to save lives, improve the health of Kansans and Americans relate to this program. We have tried for a number of years to extend the J-1 visa program longer than for a year at a time. And there are those who want to make changes, reallocate the physicians among States. The Conrad 30 program, the J-1 visa program, allocates 30 physicians per State in the country. The program is managed by State agencies who make the determination and have some flexibility in determining the definition of what is underserved. Most often, it's a

general practice, a family, internal medicine doctor; but occasionally it's a specialist in an area that has no ability to attract and maintain a specialist, maybe even at a university hospital setting.

So I come to the floor today to express my desire to see that the J-1 visa program is extended and would tell you that it's very much about saving the lives of persons and very much about increasing the chances that we improve the health of Americans across our country.

So I'm appreciative of the Judiciary Committee bringing this bill to the floor. I congratulate its author for that success, and I'm looking forward to seeing it work its way through a long and always arduous process as we try to balance various States, various regions of the country and a need for physicians across America with the available physicians in this country.

So I appreciate being yielded to. I thank the Speaker for the time I have had to speak in favor. I would like to encourage my colleagues, whether you're from a rural area like me or an urban area like many others, this program matters in the lives of many Americans.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would inquire if the gentleman has additional speakers.

Mr. POE of Texas. Mr. Speaker, I have no additional speakers. I support this resolution.

I yield back the remainder of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would just urge, again, support for this measure. I would also like to include in the Record a letter dated today signed by a number of religious groups, including the Lutheran Immigration and Refugee Service, the Mennonites, the National Association of Evangelicals, the U.S. Catholic Conference of Catholic Bishops and others outlaying the need for religious workers in this country and urging support of the bill.

March 4, 2009.

Dear Representative: We write to strongly urge the House of Representatives to pass H.R. 1127, legislation that would extend the Special Immigrant Non-Minister Religious Worker Visa Program through September 30, 2009. As you know, without congressional action, this important program is set to expire on March 6, 2009.

The Special Immigrant Non-Minister portion of the Religious Worker Visa Program became law in 1990. Originally enacted with a sunset provision, it has enjoyed broad, bipartisan support in Congress and has been reauthorized four times since then.

Under this important program, up to 5,000 visas each year are available for religious workers employed by a broad range of religious denominations and organizations. Religious communities that participate in the program have found these special visas vital to carrying out their work. The following are just a few examples of how large and small religious denominations and organizations use the visas to benefit their own communities and the larger society:

Catholic dioceses and Catholic institutes of religious men and women rely heavily upon religious sisters, brothers, and lay missionaries from abroad, who are sponsored and qualify for these permanent residency visas. Some fill a growing need in the Catholic Church for those called to religious vocations. Others provide critical services to local communities in areas including religious education, and care



for vulnerable populations such as the elderly, immigrants, refugees, abused and neglected children, adolescents and families at risk.

Jewish congregations, particularly in remote areas with small Jewish communities, rely on rabbis, cantors, kosher butchers, Hebrew school teachers, and other religious workers who come from abroad through the religious worker program. Without them, many Jewish communities would be unable to sustain the institutions and practices that are essential to Jewish religious and communal life.

Smaller religious communities rely on the visa, as well. For example, the lifetime vocation of members of the Church Communities International, a religious communal order, includes a commitment to Christian brotherhood and faithful service through the provision of emergency relief, housing assistance, food distribution, education, medical care, counseling and mediation. To affect its ministries, the order depends upon the ability afforded by the program to relocate non-clergy religious members from its locations overseas.

Other religious denominations, such as the Methodist and Baptist churches, The First Church of Christ, Scientist, the Church of Jesus Christ of Latter Day Saints, the Lutheran Church, the Hindu faith, the Church of Scientology, and the Seventh Day Adventist Church, also rely on the visas to bring in non-minister religious workers, who, in addition to providing some of the same services mentioned above, also work in areas as diverse as teaching in church schools, temple workers, producing religious publications, sustaining prison ministries, and training health care professionals to provide religiously appropriate health care.

Because of the increasingly diverse ethnic makeup of our religious congregations and the nation as a whole, the special immigrant religious worker visa category is particularly important in addressing the specific pastoral and service-related needs of ethnic groups, including the Hispanic, Asian, and African communities. A special category for non-minister religious workers is also necessary because religious organizations face obstacles in using traditional employment immigration categories, which historically have not fit their unique situations.

We ask that you support H.R. 1127, which would extend this important program, prior to its expiration on March 6, 2009. Your support is vital for the continuation of the Non-Minister Special Immigrant Religious Worker Visa program and for the service of its beneficiaries on behalf of religious organizations and communities across the nation.

Thank you for your continuing support of the Religious Worker Visa Program and your assistance in achieving a permanent extension of this program.

Respectfully,

American Jewish Committee; Catholic Legal Immigration Network, Inc.; Church Communities International; Conference of Major Superiors of Men; Hebrew Immigrant Aid Society; Lutheran Immigration and Refugee Service; Mennonite Central Committee, United States.  
National Association of Evangelicals; National Spiritual Assembly of the Bahai of the United States; The Church

of Scientology International; The First Church of Christ, Scientist, Boston, MA; United Methodist Church, General Board of Church and Society; World Relief; U.S. Conference of Catholic Bishops.

I would just briefly note that as to the H-2B program, we are struggling mightily to see if we can reach consensus on that. We have efforts underway. I can make no guarantee that we will be successful, but there are active efforts underway to see if consensus can be reached.

As for the other issues raised, I would just like to note that Mr. Smith and I have worked very closely to make sure that this program, the Religious Workers Program, has integrity. And we now have 100 percent site visits for every church that applies, which we are advised informally by DHS, has really brought a much greater level of integrity to this system. And I think it's a product of the work that we did in the last Congress that helped us to be able to say that today.

So I urge support of this measure.

As for the reciprocity issue, I look forward to hearing the ranking member's proposals. I would just note, however, that because Russia is not very happy when we send evangelicals to their country, it doesn't mean that we should deny Russian Orthodox believers in the United States the assistance of Russian Orthodox member laypeople. I think that we'll work through these issues. This is an important step forward. And I urge its support.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. Zoe Lofgren) that the House suspend the rules and pass the bill, H.R. 1127.

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

A motion to reconsider was laid on the table.

---