

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 398.

The question was taken.

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

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## NON-IMMIGRANT NURSES VISA REAUTHORIZATION

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1933) to amend the Immigration and Nationality Act to modify the requirements for admission of non-immigrant nurses in health professional shortage areas, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1933

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

### SECTION 1. REQUIREMENTS FOR ADMISSION OF NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.

(a) EXTENSION OF PERIOD OF AUTHORIZED ADMISSION.—Section 212(m)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(m)(3)) is amended to read as follows:

“(3) The initial period of authorized admission as a nonimmigrant under section 101(a)(15)(H)(i)(c) shall be 3 years, and may be extended once for an additional 3-year period.”.

(b) NUMBER OF VISAS.—Section 212(m)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(m)(4)) is amended by striking “500.” and inserting “300.”.

(c) PORTABILITY.—Section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)) is amended by adding at the end the following:

“(3)(A) A nonimmigrant alien described in subparagraph (B) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c) is authorized to accept new employment performing services as a registered nurse for a facility described in section 212(m)(6) upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (c). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

“(B) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

“(i) who has been lawfully admitted into the United States;

“(ii) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Secretary of Homeland Security, except that, if a nonimmigrant described in section 101(a)(15)(H)(i)(c) is terminated or laid off by the nonimmigrant's employer, or otherwise ceases employment with the employer, such petition for new employment shall be filed during the 45-day period beginning on the date of such termination, lay off, or cessation; and

“(iii) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.”.

(d) APPLICABILITY.—

(1) IN GENERAL.—During the 3-year period beginning on the commencement date described in paragraph (2), the amendments made by section 2 of the Nursing Relief for Disadvantaged Areas Act of 1999 (Public Law 106-95), and the amendments made by this section, shall apply to classification petitions filed for nonimmigrant status. This period shall be in addition to the period described in section 2(e) of the Nursing Relief for Disadvantaged Areas Act of 1999.

(2) COMMENCEMENT DATE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall determine whether regulations are necessary to implement the amendments made by this section. If the Secretary determines that no such regulations are necessary, the commencement date described in this paragraph shall be the date of such determination. If the Secretary determines that regulations are necessary to implement any amendment made by this section, the commencement date described in this paragraph shall be the date on which such regulations (in final form) take effect.

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

The Chair recognizes the gentleman from Texas.

### GENERAL LEAVE

Mr. SMITH of Texas. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1933, as amended.

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

There was no objection.

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

Mr. Speaker, I offer this legislation on behalf of myself and Representatives CUELLAR, HINOJOSA, ROSKAM, and RUSH.

A number of American hospitals have great difficulty attracting nurses. These include hospitals that serve mostly poor patients in inner-city neighborhoods and some hospitals in rural areas. For example, St. Bernard Hospital in Chicago is the only remaining hospital in an area of over 100,000 people and almost all of its patients live in poverty. St. Bernard almost closed its doors in 1992 primarily because of its inability to attract registered nurses.

Congress passed the Nursing Relief for Disadvantaged Areas Act in 1999 to help hospitals like St. Bernard. It created a new H-1C temporary registered nurse visa program with 500 visas available each year that allowed nurses to stay for 3 years.

To be able to petition for a foreign nurse, an employer had to meet four conditions. First, the employer had to be located in a health professional shortage area; second, the employer had to have at least 190 acute care beds; third, a certain percentage of the employer's patients had to be Medicare patients; and fourth, a certain percentage of patients had to be Medicaid patients.

The H-1C program adopted the protections for American nurses contained in the expired H-1A nursing visa program. For instance, a hospital had to agree to take timely and significant steps to recruit American nurses. Also, hospitals had to pay the prevailing wage.

The H-1C program contained new protections such as requirements that foreign nurses could not comprise more than one-third of a hospital's registered nurses. The H-1C program was extended in 2006 but expired in December of 2009, though many nurses still remain on 3-year visas issued before that date.

Sister Elizabeth Van Straten, president of St. Bernard Hospital, wrote to me last December that “because of the sunset, in combination with the extended approval period for green cards, nurses are now forced to leave our institution, and the rate of loss continues to increase. This loss cannot be sustained. As the only hospital serving one of the most difficult sections of Chicago, and perhaps the entire country, we need the extension of the visa program to survive.”

I introduced H.R. 1933 to help St. Bernard and other, similar hospitals. The bill reauthorizes the H-1C program for another 3 years. The number of visas that may be issued in each fiscal year cannot exceed 300. An alien may be admitted for 3 years, and this stay may be extended once for an additional 3 years.

The H-1C program ensures continued care for patients in inner-city and rural communities. I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

I will not repeat the information provided by Chairman SMITH. I will simply state that the H-1C program was first created in 1999 to address shortages in both rural and inner-city hospitals. The 500 visas per year actually only go to 14 hospitals in the United States spread out across America. And of course the program has now expired.

As Chairman SMITH has indicated, this bill would reauthorize but reduce the number from 500 to 300, create certain other protections as mentioned by the chairman, and allow the maximum stay to go to 6 years. Because the bill would double the duration of H-1C status, I offered an amendment in committee, which was accepted by all, to make the H-1C visas portable among the 14 hospitals authorized to employ H-1C nurses. Right now, the nurses are entirely dependent on their employers to provide them their immigration status, and visa portability would level the playing field and allow a nurse to switch employers if something was wrong.

I appreciate the Chairman's willingness to accept that, and I thank the chairman for introducing this bill and working with me to ensure that H-1C

nurses are better protected against exploitive situations.

I urge my colleagues to support the bill.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1933, as amended.

The question was taken.

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

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### ADMINISTRATIVE CONFERENCE OF THE UNITED STATES REAUTHORIZATION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2480) to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2012, 2013, and 2014, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2480

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

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Administrative Conference of the United States Reauthorization Act of 2011".*

##### SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

*Section 596 of title 5, United States Code, is amended to read as follows:*

##### **"§ 596. Authorization of appropriations**

*"There are authorized to be appropriated to carry out this subchapter not more than \$2,900,000 for fiscal year 2012, \$2,900,000 for fiscal year 2013, and \$2,900,000 for fiscal year 2014. Of any amounts appropriated under this section, not more than \$2,500 may be made available in each fiscal year for official representation and entertainment expenses for foreign dignitaries."*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

##### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2480, as amended.

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

There was no objection.

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

Mr. Speaker, I offer this bill on behalf of myself, the gentleman from North Carolina (Mr. COBLE), and the gentleman from Tennessee (Mr. COHEN).

Lately, the need to reform Federal administrative law has become urgent. Every day the long promised economic recovery seems more like a mirage. Our top priority should be to create jobs. Protecting job creators from over-regulation will help create jobs. According to the Small Business Administration, regulations impose a \$1.75 trillion burden annually on the American economy. Reducing this burden will hasten our economic recovery.

The Administrative Conference of the United States is a small but important institution. It is a narrowly focused, nonpartisan body that offers an outstanding forum to reform Federal administrative law. Regulatory agencies must be efficient, effective, and accountable. This is the heart of the Conference's historical mission. Over the years, its recommendations have saved taxpayers tens of millions of dollars. For example, the Social Security Administration saved \$85 million by adopting a recommendation to eliminate an unnecessary step in its appeals process. The Conference's budget was \$1.8 million at the time. And the Federal Deposit Insurance Corporation saved more than \$9 million in the first 18 months of a pilot program implementing an ACUS recommendation to make greater use of alternative dispute resolution. ACUS currently is urging agencies to expand their use of video hearings. The Social Security Administration already has saved \$59 million by doing more hearings by video conference. This ACUS recommendation has the potential to save millions more across the Federal Government.

Due to a lack of funding, the Conference went dormant in 1996. It was revived in the 111th Congress, and I am glad that once again it is able to contribute to administrative law reform. The Conference is uniquely positioned to generate much savings for very little cost. Recommendations from the Conference save taxpayer dollars by helping agencies work more effectively. The Conference also helps agencies adopt better and less burdensome regulations to reduce that \$1.75 trillion regulatory burden on the economy. Additionally, the Subcommittee on Commercial and Administrative Law's December 2006 interim report on regulatory reform contains numerous suggested reforms that ACUS could examine and help agencies implement.

During these difficult economic times, everyone has to tighten their belts, including Federal agencies. If American families have to make tough economic choices, so should Congress. The amount authorized by this bill, \$2.9 million annually for the next three fiscal years, was a bipartisan com-

promise. It reduces the Conference's authorization level by almost 10 percent while enabling the Conference to perform its most critical work. The Conference's past successes raise the prospect for a high return on the taxpayers' investment. It is a reasonable authorization level in light of the current need to reduce Federal spending, and I recommend it to my colleagues.

I reserve the balance of my time.

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

It's been a pleasure working with Chairman SMITH, who yields the time, never as much as I may consume, but yields the time, which I'm always appreciative of, and we've worked in a bipartisan manner on this, and I appreciate his working with me on that.

The Federal administrative law and rulemaking processes are among the most important ways by which our Nation implements public policy. Each year, agencies issue regulations to ensure that the food we eat, the air we breathe, and the cars we drive are safe. Although regulations play a critical role in virtually every aspect of our daily lives, there is only one independent, nonpartisan Federal entity that Congress can rely on to ensure that these regulations work as intended. The Administrative Conference of the United States, known as ACUS, is that critical entity.

First established by President John Fitzgerald Kennedy, the Conference is a nonpartisan, public-private resource that provides invaluable guidance to Congress about how to improve the administrative and regulatory processes. ACUS is charged with making recommendations for the improvement of administrative agencies and their procedures, particularly with respect to efficiency and fairness. Over the years, the Conference has helped agencies implement many cost-saving procedures and made numerous recommendations to eliminate excessive litigation costs and long delays.

Just one agency alone, the Social Security Administration, estimates that the Conference's recommendations to change that agency's appeals process yielded approximately \$85 million in savings. Another recommendation by the Conference, namely, that agencies use alternative dispute resolution methods to avoid costly and time-consuming litigation, resulted in more than \$100 million in savings government-wide. Several other ACUS recommendations have greatly increased the efficiency of other administrative procedures by eliminating duplicative hearings and streamlining appeals from agency action, thereby also resulting in cost savings in the millions of dollars.

In what is truly a rare and historic example of agreement, Supreme Court Justices Stephen Breyer and Antonin Scalia have jointly testified before our committee in strong support of the Conference, not once but on two occasions, and I must say I enjoyed both of