

SECURITY AND FAIRNESS ENHANCEMENT FOR  
AMERICA ACT OF 2003

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OCTOBER 6, 2004.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. SENSENBRENNER, from the Committee on the Judiciary,  
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 775]

[Including Committee Cost Estimate]

The Committee on the Judiciary, to whom was referred the bill (H.R. 775) to amend the Immigration and Nationality Act to eliminate the diversity immigrant program, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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## PURPOSE AND SUMMARY

H.R. 775 would eliminate the diversity immigrant visa program.

## BACKGROUND AND NEED FOR THE LEGISLATION

The Immigration Act of 1990 (“IMMACT 90”) created an immigrant visa program for nationals of countries that have traditionally had low immigration to the United States to apply for immigrant visas.<sup>1</sup> This program began in fiscal year 1995, following a “transition” program, and it makes up to 55,000 immigrant visas available for this purpose each year. It is called the diversity visa, or “DV” program.

IMMACT 90 set forth extremely complicated formulas for determining which countries could qualify for the program.<sup>2</sup> Briefly stated, immigrant visas are apportioned among six geographic regions, according to a formula based on total immigrant admissions over the preceding 5-year period. Both high- and low-admission regions are identified, and a greater share of the available numbers is allocated to low-admission regions. Natives of specified high-admission countries are excluded from the benefits of the program.<sup>3</sup> No single country may receive more than 7 percent of the worldwide total of diversity visa numbers.

Qualifying aliens must be natives of eligible countries (along with their spouses and children).<sup>4</sup> They must have at least a high school education or its equivalent or have, within 5 years of the date of application, at least 2 years of work experience in an occupation which requires at least 2 years of training or experience.<sup>5</sup>

The diversity visa program is also called the “visa lottery” because the winners are determined through a computer-generated random drawing. Approximately 13 million applications were submitted for the fiscal year 2002 program, 9 million for the 2003 program, and 10 million for the 2004 lottery. In each of these years, between 2.5 and 3 million applications were rejected for failing to follow directions or because they were received outside of the submission period. From the millions of qualifying applicants, the State Department randomly selects between 90,000 and 110,000 lottery “winners,” who may then apply for visas at the consular offices nearest them. At these offices, about 45 percent of the winners fail to meet the minimum educational or work experience or training requirements, fail to supply the required medical information, or fail to complete the additional required paperwork either completely or on time. For the rest of the fiscal year after the lottery takes place, the qualifying winners are issued diversity visas on a first-come, first-served basis (until such time as the requisite number are issued).

The diversity visa program has been susceptible to fraud and manipulation. A diversity visa applicant will be disqualified for the year of entry if more than one application is filed for the applicant.

<sup>1</sup> See § 131 of Pub. L. No. 101-649 (1990).

<sup>2</sup> See § 203(c) of the Immigration and Nationality Act.

<sup>3</sup> For the fiscal year 2005 application period, natives of the following countries were ineligible to apply: Canada, China (mainland-born), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, Philippines, Russia, South Korea, the United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam. Persons born in Hong Kong SAR, Macau SAR and Taiwan were, however, eligible.

<sup>4</sup> See INA § 203(c).

<sup>5</sup> *Id.*

Nonetheless, it is commonplace for aliens to file multiple applications for the lottery using different aliases. As the State Department's Office of the Inspector General ("OIG") reported in September 2003, a partial check performed on applications filed in the fiscal year 2003 lottery identified 364,000 duplicates.<sup>6</sup> Concrete examples of this problem abound. For example, it was reported in 2001 that a mailman in New Jersey had falsified hundreds of visa applications to bring his cousin from Bangladesh to the United States. The man, dressed in his postal uniform, aroused suspicions when he was seen dropping documents into several mailboxes, instead of taking them out. When he was detained, police found 185 applications for the visa lottery in his bag, and he had allegedly already tried to mail 147 applications, which were retrieved. He had purportedly tried to help his cousin by using false addresses on the multiple applications.

If an alien who files under numerous aliases wins under one of those aliases, the alien must then support his visa application with fraudulent documents. This does not appear to pose an impediment to the filing of a fraudulent application, however. As the OIG found, "[i]dentity fraud is endemic, and fraudulent documents are commonplace. Many countries exercise poor control over their vital records and identity documents, exacerbating the potential for program abuse. In some countries, this control is so poor that consular officers must assume that all travel, identity, and civil documents are unreliable."<sup>7</sup>

The OIG found that fraud is an "on-going major program issue."<sup>8</sup> Specifically, the OIG found that anti-fraud efforts are generally dominated by nonimmigrant visa fraud cases, and that many embassies and consulates with significant diversity visa fraud issues, therefore, do not routinely refer problem diversity visa cases to their anti-fraud units. Further, OIG found, some posts, such as the U.S. Embassy in Accra (which is a major diversity visa issuer) have no anti-fraud officer.<sup>9</sup>

This is not to say, however, that the State Department has made no efforts to address fraud in the diversity visa program. In 2004, the State Department implemented an electronic registration system which was designed to enhance the security of the program. The primary reason for moving the program from a paper-based to an electronic registration system was to eliminate vulnerabilities related to the identity of the visa applicant. The system allows the State Department to run facial recognition checks on all entries, and share data with intelligence and law enforcement agencies. Further, Consular Affairs contends that a recent review showed that "posts fairly routinely conducted investigations on bona fides of DV applicants," including verifying school certificates, employment, and claimed relationships. That being said, given the prevalence of fraud in the program, it is questionable, at best, that the State Department will be able to eliminate fraud in this program, despite its best efforts.

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<sup>6</sup>See U.S. Department of State and the Broadcasting Board of Governors Office of Inspector General, *Diversity Visa Program* (ISP-CA-03-52) at 4 (2003).

<sup>7</sup>*Id.* at 2.

<sup>8</sup>*Id.* at 8.

<sup>9</sup>*Id.*

In addition to entry fraud, the visa lottery program has spawned a cottage industry in the United States for sponsors who falsely promise success in exchange for large sums of money. This problem is so pervasive that the State Department's media notice announcing electronic filing carried the following "Important Notice":

*NO fee is charged to enter the annual DV program.* The U.S. Government employs no outside consultants or private services to operate the DV program. Any intermediaries or others who offer assistance to prepare DV casework for applicants do so without the authority or consent of the U.S. Government. Use of any outside intermediary or assistance to prepare a DV entry is entirely at the applicant's discretion.

A qualified entry submitted electronically directly by an applicant has an equal chance of being selected by the computer at the Kentucky Consular Center as does an entry submitted electronically through a paid intermediary who completes the entry for the applicant. Every entry received during the lottery registration period will have an equal random chance of being selected within its region. However, receipt of more than one entry per person will disqualify the person from registration, regardless of the source of the entry.

For a number of reasons, the diversity visa program poses a threat to U.S. national security. The OIG report stated that "this program contains significant threats to national security from entry of hostile intelligence officers, criminals, and terrorists into the United States as permanent residents."<sup>10</sup> One of the main national security weaknesses that experts have identified in the diversity visa program is the lack of restrictions on admissions. This plays out in two ways. First, there are few restrictions on the countries from which applicants may come. By way of contrast, aliens from countries designated as state sponsors of terrorism cannot be issued nonimmigrant visas except in limited circumstances.<sup>11</sup> The OIG determined that between two and 4 percent of all diversity visa issuances go to nationals of countries designated as state sponsors of terrorism.<sup>12</sup> For the fiscal year 2004 lottery, 24 Libyans, 1,183 Sudanese, 1,431 Iranians, four North Koreans, 64 Syrians, and 674 Cubans were selected. Each country is a state-sponsor of terrorism.

Second, under the program, successful applicants are chosen at random. Consequently, those aliens who win the diversity visa lottery do not necessarily have any ties to the United States, unlike other visa categories, which rely on family or business relationships. Because diversity visa winners do not necessarily have such ties, the program could offer an opportunity for individuals or groups who want to harm the United States, its institutions, and its people to place terrorists in the United States.

In addition to the openness of the program, critics have asserted that the susceptibility of the program to fraud exposes the United States to terrorism. Any potential terrorist who did win the diver-

<sup>10</sup>*Id.* at 2.

<sup>11</sup>Section 306 of the Enhanced Border Security and Visa Entry Reform Act of 2002, Pub. L. No. 107-173, prohibits nonimmigrant visa issuance to aliens from countries that are state sponsors of international terrorism unless it is determined that such aliens do not pose a threat to the safety and national security of the United States.

<sup>12</sup>See Diversity Visa Program, *supra*, at 3.

sity visa lottery could live here freely, and come and go with little scrutiny. In fact, at least two aliens who have been accused or convicted of terrorist activities have entered in this manner. Hesham Hedayet, an Egyptian terrorist who killed two and wounded several others at Los Angeles International Airport on July 4, 2002, was a lawful permanent resident who received his green card through the program. He had originally entered as a visitor, and thereafter applied for asylum. In his asylum application, he claimed that he had been accused of being a terrorist by the Egyptian government. When he failed to respond to the notice of intent to deny that application, the former INS issued a charging document placing him in deportation proceedings, but could not serve him. In 1996, Hedayet's wife won the lottery, allowing Hedayet to adjust his status. He was a lawful permanent resident at the time of the 2002 attack.

Similarly, in August 2002, Pakistani national Imran Mandhai pleaded guilty to conspiring to destroy buildings affecting interstate commerce by means of fire or explosives. He entered the United States with his parents, who had won the visa lottery, in 1998.

While the OIG recommended that natives of state sponsors of terrorism not be eligible for the diversity visa program,<sup>13</sup> this would not significantly reduce the risk of infiltration of the program by terrorists. Since 1995, over 78,000 aliens from countries with a large terrorist infrastructure—those part of the NSEERS special registration program—immigrated under the diversity program, receiving 18% of all diversity visas granted. Of these, over 71,000 were from countries that were not designated as state sponsors of terrorism (representing 17% of all diversity visas granted). None of the 9/11 hijackers were natives of state sponsors of terrorism. At an April 2004 hearing on the diversity visa program, Anne Patterson, Deputy Inspector General, U.S. Department of State, testified that the program “contains significant vulnerabilities to national security as hostile intelligence officers, criminals, and terrorists attempt to use it to enter the United States as permanent residents.”<sup>14</sup> She specifically termed “well founded” the concern that “[terrorists] can come in and get green cards from other countries who are not on the terrorist list.”<sup>15</sup>

The program is also unfair, in that it moves about 50,000 new immigrants a year ahead of aliens on years-long waiting lists for family and employer-sponsored immigrant preference visas. This is significant considering, for example, that family fourth-preference visa applicants from the Philippines are currently oversubscribed to May 22, 1982, meaning that only those aliens in this class for whom visa petitions were filed before such date can currently come to the United States. The diversity program is also unfair in that it discriminates against natives of countries not eligible for the pro-

<sup>13</sup>See *id.* at 5.

<sup>14</sup>Diversity Visa Program and Its Susceptibility to Fraud and Abuse: Hearing Before the Subcomm. on Immigration, Border Security, and Claims of the House Comm. on the Judiciary, 108th Cong. 10 (2004).

<sup>15</sup>*Id.* at 57.

gram—representing a throwback to the discredited national origin quota system that governed immigration law until 1965.<sup>16</sup>

Finally, with legal immigration levels now regularly exceeding one million per year, the diversity visa program is the least justifiable of our current immigrant visa programs. When tens of millions of persons are competing to come to the United States, it makes no sense to award visas by lottery and not by focusing on those aliens whose entry is in the national interest. The program’s qualification requirements are so low that they do nothing to ensure that the applicants have the skills needed to compete in the U.S. economy and do not hurt American workers.

#### HEARINGS

The Subcommittee on Immigration, Border Security, and Claims held an oversight hearing on “The Diversity Visa Program, and Its Susceptibility to Fraud and Abuse” on April 29, 2004. Testimony was received from Anne W. Patterson, Deputy Inspector General, U.S. Department of State; Steven A. Camarota, Center for Immigration Studies; Professor Jan Ting, Temple University Law School; and Charles Nyaga.

#### COMMITTEE CONSIDERATION

On September 14, 2004, the Subcommittee on Immigration, Border Security, and Claims met in open session and ordered favorably reported the bill H.R. 775, without amendment by a recorded vote of 5 to 3, a quorum being present. On September 30, 2004, the Committee met in open session and ordered favorably reported the bill H.R. 775 without amendment by a recorded vote of 18 to 8, a quorum being present.

#### VOTE OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that the following rollcall vote on final passage occurred during the Committee’s consideration of H.R. 775:

#### ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Hyde .....			
Mr. Coble .....	X		
Mr. Smith .....	X		
Mr. Gallegly .....	X		
Mr. Goodlatte .....	X		
Mr. Chabot .....	X		
Mr. Jenkins .....	X		
Mr. Cannon .....			
Mr. Bachus .....	X		
Mr. Hostettler .....	X		
Mr. Green .....	X		
Mr. Keller .....	X		
Ms. Hart .....	X		
Mr. Flake .....	X		
Mr. Pence .....			

<sup>16</sup>See Diversity Visa Program and Its Susceptibility to Fraud and Abuse at 12 (testimony of Professor Jan Ting).

## ROLLCALL NO. 1—Continued

	Ayes	Nays	Present
Mr. Forbes .....	X		
Mr. King .....	X		
Mr. Carter .....	X		
Mr. Feeney .....	X		
Mrs. Blackburn .....	X		
Mr. Conyers .....		X	
Mr. Berman .....			
Mr. Boucher .....			
Mr. Nadler .....			
Mr. Scott .....		X	
Mr. Watt .....		X	
Ms. Lofgren .....		X	
Ms. Jackson Lee .....		X	
Ms. Waters .....			
Mr. Meehan .....			
Mr. Delahunt .....		X	
Mr. Wexler .....			
Ms. Baldwin .....			
Mr. Weiner .....			
Mr. Schiff .....		X	
Ms. Sanchez .....		X	
Mr. Sensenbrenner, Chairman .....	X		
Total .....	18	8	

## COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

## COMMITTEE COST ESTIMATE

In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee believes that the bill will have no cost for the current fiscal year 2004 and that no cost would be incurred in carrying out H.R. 775 for the next five fiscal years. In fact, unlike the nonimmigrant visa process in which applicants pay a processing fee in advance, the State Department currently collects fees only from diversity visa applicants who are selected in the random lottery. Accordingly, millions of applicants in the diversity visa lottery apply for free. As a result, according to the OIG, “[p]rogram costs significantly exceed revenues”—by \$840,000 in fiscal year 2002.<sup>17</sup> The Committee did not receive any estimates of the costs of this legislation from any other Government agency as outlined in clause 3(d)(2)(B) of rule XIII. The bill eliminates a program so the Committee cannot provide a comparison with relevant

<sup>17</sup> Diversity Visa Program at 9.

programs under current law as outlined in clause 3(d)(2)(C) of rule XIII.

#### PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 775 would eliminate the diversity immigrant visa program.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, § 8 of the Constitution.

#### SECTION-BY-SECTION ANALYSIS AND DISCUSSION

##### *Section. 1. Short title.*

This Act may be cited as the “Security and Fairness Enhancement for America Act of 2004” or the “SAFE for America Act.”

##### *Sec. 2. Elimination of Diversity Immigrant Program.*

Section 2(a) strikes § 201(a)(3) of the Immigration and Nationality Act and strikes § 201(e) of the INA. These provisions allow for and set the limits on immigration under the diversity visa program.

Section 2(b) strikes § 203(c) of the INA, eliminating the allocation of immigrant visas under the diversity visa program.

Section 2(c) strikes § 204(a)(1)(I) of the INA, and amends § 204(e), accordingly. This eliminates the procedure by which an alien may petition for an immigrant visa under the diversity visa program, and the requirements on the Secretary of State in administering that program.

Section 2(d) provides that the effective date for these amendments is October 1, 2003.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

### IMMIGRATION AND NATIONALITY ACT

\* \* \* \* \*

#### TITLE II—IMMIGRATION

#### CHAPTER 1—SELECTION SYSTEM

#### WORLDWIDE LEVEL OF IMMIGRATION

SEC. 201. (a) IN GENERAL.—Exclusive of aliens described in subsection (b), aliens born in a foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the



status of an alien lawfully admitted to the United States for permanent residence are limited to—

(1) family-sponsored immigrants described in section 203(a) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(a)) in a number not to exceed in any fiscal year the number specified in subsection (c) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year; *and*

(2) employment-based immigrants described in section 203(b) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(b)), in a number not to exceed in any fiscal year the number specified in subsection (d) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year; **and**].

**[(3) for fiscal years beginning with fiscal year 1995, diversity immigrants described in section 203(c) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(c)) in a number not to exceed in any fiscal year the number specified in subsection (e) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year.]**

\* \* \* \* \*

**[(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants is equal to 55,000 for each fiscal year.]**

\* \* \* \* \*

ALLOCATION OF IMMIGRANT VISAS

SEC. 203. (a) \* \* \*

\* \* \* \* \*

**[(c) DIVERSITY IMMIGRANTS.—**

**[(1) IN GENERAL.—Except as provided in paragraph (2), aliens subject to the worldwide level specified in section 201(e) for diversity immigrants shall be allotted visas each fiscal year as follows:**

**[(A) DETERMINATION OF PREFERENCE IMMIGRATION.—**

The Attorney General shall determine for the most recent previous 5-fiscal-year period for which data are available, the total number of aliens who are natives of each foreign state and who (i) were admitted or otherwise provided lawful permanent resident status (other than under this subsection) and (ii) were subject to the numerical limitations of section 201(a) (other than paragraph (3) thereof) or who were admitted or otherwise provided lawful permanent resident status as an immediate relative or other alien described in section 201(b)(2).

【(B) IDENTIFICATION OF HIGH-ADMISSION AND LOW-ADMISSION REGIONS AND HIGH-ADMISSION AND LOW-ADMISSION STATES.—The Attorney General—

【(i) shall identify—

【(I) each region (each in this paragraph referred to as a “high-admission region”) for which the total of the numbers determined under subparagraph (A) for states in the region is greater than  $\frac{1}{6}$  of the total of all such numbers, and

【(II) each other region (each in this paragraph referred to as a “low-admission region”); and

【(ii) shall identify—

【(I) each foreign state for which the number determined under subparagraph (A) is greater than 50,000 (each such state in this paragraph referred to as a “high-admission state”), and

【(II) each other foreign state (each such state in this paragraph referred to as a “low-admission state”).

【(C) DETERMINATION OF PERCENTAGE OF WORLDWIDE IMMIGRATION ATTRIBUTABLE TO HIGH-ADMISSION REGIONS.—The Attorney General shall determine the percentage of the total of the numbers determined under subparagraph (A) that are numbers for foreign states in high-admission regions.

【(D) DETERMINATION OF REGIONAL POPULATIONS EXCLUDING HIGH-ADMISSION STATES AND RATIOS OF POPULATIONS OF REGIONS WITHIN LOW-ADMISSION REGIONS AND HIGH-ADMISSION REGIONS.—The Attorney General shall determine—

【(i) based on available estimates for each region, the total population of each region not including the population of any high-admission state;

【(ii) for each low-admission region, the ratio of the population of the region determined under clause (i) to the total of the populations determined under such clause for all the low-admission regions; and

【(iii) for each high-admission region, the ratio of the population of the region determined under clause (i) to the total of the populations determined under such clause for all the high-admission regions.

【(E) DISTRIBUTION OF VISAS.—

【(i) NO VISAS FOR NATIVES OF HIGH-ADMISSION STATES.—The percentage of visas made available under this paragraph to natives of a high-admission state is 0.

【(ii) FOR LOW-ADMISSION STATES IN LOW-ADMISSION REGIONS.—Subject to clauses (iv) and (v), the percentage of visas made available under this paragraph to natives (other than natives of a high-admission state) in a low-admission region is the product of—

【(I) the percentage determined under subparagraph (C), and

【(II) the population ratio for that region determined under subparagraph (D)(ii).

【(iii) FOR LOW-ADMISSION STATES IN HIGH-ADMISSION REGIONS.—Subject to clauses (iv) and (v), the percentage of visas made available under this paragraph to natives (other than natives of a high-admission state) in a high-admission region is the product of—

【(I) 100 percent minus the percentage determined under subparagraph (C), and

【(II) the population ratio for that region determined under subparagraph (D)(iii).

【(iv) REDISTRIBUTION OF UNUSED VISA NUMBERS.—If the Secretary of State estimates that the number of immigrant visas to be issued to natives in any region for a fiscal year under this paragraph is less than the number of immigrant visas made available to such natives under this paragraph for the fiscal year, subject to clause (v), the excess visa numbers shall be made available to natives (other than natives of a high-admission state) of the other regions in proportion to the percentages otherwise specified in clauses (ii) and (iii).

【(v) LIMITATION ON VISAS FOR NATIVES OF A SINGLE FOREIGN STATE.—The percentage of visas made available under this paragraph to natives of any single foreign state for any fiscal year shall not exceed 7 percent.

【(F) REGION DEFINED.—Only for purposes of administering the diversity program under this subsection, Northern Ireland shall be treated as a separate foreign state, each colony or other component or dependent area of a foreign state overseas from the foreign state shall be treated as part of the foreign state, and the areas described in each of the following clauses shall be considered to be a separate region:

【(i) Africa.

【(ii) Asia.

【(iii) Europe.

【(iv) North America (other than Mexico).

【(v) Oceania.

【(vi) South America, Mexico, Central America, and the Caribbean.

【(2) REQUIREMENT OF EDUCATION OR WORK EXPERIENCE.—An alien is not eligible for a visa under this subsection unless the alien—

【(A) has at least a high school education or its equivalent, or

【(B) has, within 5 years of the date of application for a visa under this subsection, at least 2 years of work experience in an occupation which requires at least 2 years of training or experience.

【(3) MAINTENANCE OF INFORMATION.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under this subsection.】

(d) TREATMENT OF FAMILY MEMBERS.—A spouse or child as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1) shall, if not otherwise entitled to an immigrant status and the im-

mediate issuance of a visa under subsection [(a), (b), or (c)] (a) or (b), be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join, the spouse or parent.

(e) ORDER OF CONSIDERATION.—(1) \* \* \*

[(2) Immigrant visa numbers made available under subsection (c) (relating to diversity immigrants) shall be issued to eligible qualified immigrants strictly in a random order established by the Secretary of State for the fiscal year involved.]

[(3)] (2) Waiting lists of applicants for visas under this section shall be maintained in accordance with regulations prescribed by the Secretary of State.

(f) AUTHORIZATION FOR ISSUANCE.— In the case of any alien claiming in his application for an immigrant visa to be described in section 201(b)(2) or in subsection [(a), (b), or (c)] (a) or (b) of this section, the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

(g) LISTS.—For purposes of carrying out the Secretary’s responsibilities in the orderly administration of this section, the Secretary of State may make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories under subsections [(a), (b), and (c)] (a) and (b) and to rely upon such estimates in authorizing the issuance of visas. The Secretary of State shall terminate the registration of any alien who fails to apply for an immigrant visa within one year following notification to the alien of the availability of such visa, but the Secretary shall reinstate the registration of any such alien who establishes within 2 years following the date of notification of the availability of such visa that such failure to apply was due to circumstances beyond the alien’s control.

\* \* \* \* \*

PROCEDURE FOR GRANTING IMMIGRANT STATUS

SEC. 204. (a)(1)(A) \* \* \*

\* \* \* \* \*

[(I)(i) Any alien desiring to be provided an immigrant visa under section 203(c) may file a petition at the place and time determined by the Secretary of State by regulation. Only one such petition may be filed by an alien with respect to any petitioning period established. If more than one petition is submitted all such petitions submitted for such period by the alien shall be voided.

[(ii)(I) The Secretary of State shall designate a period for the filing of petitions with respect to visas which may be issued under section 203(c) for the fiscal year beginning after the end of the period.

[(II) Aliens who qualify, through random selection, for a visa under section 203(c) shall remain eligible to receive such visa only through the end of the specific fiscal year for which they were selected.

[(III) The Secretary of State shall prescribe such regulations as may be necessary to carry out this clause.

[(iii) A petition under this subparagraph shall be in such form as the Secretary of State may by regulation prescribe and shall

contain such information and be supported by such documentary evidence as the Secretary of State may require.】

\* \* \* \* \*

(e) Nothing in this section shall be construed to entitle an immigrant, in behalf of whom a petition under this section is approved, to be admitted the United States as an immigrant under subsection 【(a), (b), or (c)】 *(a) or (b)* of section 203 or as an immediate relative under section 201(b) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification.

\* \* \* \* \*

MARKUP TRANSCRIPT

**BUSINESS MEETING**

**THURSDAY, SEPTEMBER 30, 2004**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:05 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

[Intervening business.]

Chairman SENSENBRENNER. The next item on the agenda is the adoption of H.R. 775, the Security and Fairness Enhancement for America Act of 2004. The Chair recognizes the gentleman from Indiana, Mr. Hostettler, the Chairman of the Subcommittee on Immigration, Border Security, and Claims for a motion.

Mr. HOSTETTLER. Mr. Chairman, the Subcommittee on Immigration, Border Security, and Claims reports favorably the bill, H.R. 775, and moves its favorable recommendation to the full House.

Chairman SENSENBRENNER. Without objection, the bill will be considered as read and open for amendment at any point. The Chair recognizes the gentleman from Indiana to strike the last word.

[The amendment in the nature of a substitute follows:]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 775  
AS REPORTED BY THE SUBCOMMITTEE ON  
IMMIGRATION, BORDER SECURITY, AND CLAIMS**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as—

3 (1) the “Security and Fairness Enhancement  
4 for America Act of 2004”; or

5 (2) the “SAFE for America Act”.

**6 SEC. 2. ELIMINATION OF DIVERSITY IMMIGRANT PRO-  
7 GRAM.**

8 (a) WORLDWIDE LEVEL OF DIVERSITY IMMI-  
9 GRANTS.—Section 201 of the Immigration and Nation-  
10 ality Act (8 U.S.C. 1151) is amended—

11 (1) in subsection (a)—

12 (A) by inserting “and” at the end of para-  
13 graph (1);

14 (B) by striking “; and” at the end of para-  
15 graph (2) and inserting a period; and

16 (C) by striking paragraph (3); and

17 (2) by striking subsection (e).



1 (b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—  
2 Section 203 of such Act (8 U.S.C. 1153) is amended—  
3 (1) by striking subsection (c);  
4 (2) in subsection (d), by striking “(a), (b), or  
5 (c),” and inserting “(a) or (b),”;  
6 (3) in subsection (e), by striking paragraph (2)  
7 and redesignating paragraph (3) as paragraph (2);  
8 (4) in subsection (f), by striking “(a), (b), or  
9 (c)” and inserting “(a) or (b);” and  
10 (5) in subsection (g), by striking “(a), (b), and  
11 (c)” and inserting “(a) and (b).”  
12 (c) PROCEDURE FOR GRANTING IMMIGRANT STA-  
13 TUS.—Section 204 of such Act (8 U.S.C. 1154) is  
14 amended—  
15 (1) by striking subsection (a)(1)(I); and  
16 (2) in subsection (e), by striking “(a), (b), or  
17 (c)” and inserting “(a) or (b).”  
18 (d) EFFECTIVE DATE.—The amendments made by  
19 this section shall take effect on October 1, 2004.



Mr. HOSTETTLER. Thank you, Mr. Chairman. I urge my colleagues to support this legislation introduced by our colleague, Mr. Goodlatte, ending the diversity visa program. This program, also known as the visa lottery, was ostensibly designed to increase diversity in the U.S. immigration population. Critics of the lottery have questioned its effectiveness in meeting this goal, however, and have raised concerns about threats posed by the program and its vulnerability to fraud, manipulation and abuse.

Those concerns were heightened when this Committee's own investigation revealed that Hashem Hadayet, an Egyptian national who killed two at Los Angeles International Airport on July 4, 2002, was granted permanent residence through the program. The Immigration Subcommittee held a hearing to examine the lottery program in April. The evidence we received underscored the need for this legislation. Witnesses discussed the threats that the lottery program posed to the American people.

In particular, as Ambassador Anne Patterson with the State Department's Inspector General's office testified, the lottery, quote, contains significant vulnerabilities to national security as hostile intelligence officers, criminals and terrorists attempt to use it to enter the United States as permanent residents, end quote.

Why is the lottery so vulnerable to abuse by terrorists? There are several reasons. First, it grants permanent residence to aliens who have absolutely no ties to the United States. Second, unlike non-immigrant visas, there are no bars to lottery visas for aliens from state sponsors of terrorism.

Since 1995, over 6,000 aliens from those countries emigrated to the U.S. under the lottery. It should be noted that eliminating those countries from the lottery would not resolve this problem. Overwhelmingly, alien terrorists have come to this country from countries not on the state sponsor list, including Hadayet mentioned earlier. All of the 9/11 hijackers, the shoe bomber, and the man who killed two in front of the CIA. As Ambassador Patterson testified, this is a, quote, program that can be taken advantage of by hostile intelligence officers or terrorists, end quote. She specifically termed well-founded the concern that, quote, people can come in and get green cards from other countries who are not on the terrorist list. End quote.

Since 1995, over 78,000 aliens from countries with a large terrorist presence, those part of the NSEERS special registration program, immigrated under the diversity program, receiving 18 percent of all diversity visas granted over this period.

Third, the susceptibility of the program to frauds and the ease with which lottery applications can be filed exposed the program to terrorist exploitation. While the national security risk posed by the lottery is its major flaw, it is not however the only one. As noted, the lottery is also susceptible to fraud, and critics have argued the laxity of its structure invites fraudulent applications.

Further, it fails to advance any of the primary goals of our immigration system. It does not serve any humanitarian benefit, unite families or provide workers for the American economy. In fact, the lottery skills requirements are so low that they fail to ensure that the aliens selected can contribute to our country without displacing a citizen or lawfully admitted alien.



The visa lottery has also been called unfair because winners get to go ahead of the spouses and children of lawful permanent residents and the married children of citizens who have waited for visas in some instances for years. With legal immigration now regularly exceeding one million per year, this is the least justifiable of our current immigration visa programs. When tens of millions of people are competing to come to the United States, it makes no sense to award visas by lottery and not by focusing on those aliens whose entry is in our national interest.

Rather, the lottery is a throwback to the discredited national origin quota system that drove immigration law until 1965, and from which we have been moving ever since the civil rights revolution of the 1960's. For these reasons, Mr. Chairman, I urge my colleagues to support H.R. 775 and yield back the balance of my time.

Chairman SENSENBRENNER. Gentlewoman from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman, and I have listened to the distinguished Chairman of the Subcommittee, and on this one we have a completely opposite viewpoint. The diversity visa is a valid program and is worthy of consideration on the basis of fairness. Diversity visa seeks to respond to those countries, many of whom are allies who are third world developing nations who don't get the equal treatment opportunity of visas for education, for family reunification and other business opportunities as those who are, for example, on the visa waiver program. I believe there is no country that can be considered an African nation, countries from South America and other parts of the world where we have many allies that is on the visa waiver program other than South Africa.

[11:00 a.m.]

Ms. JACKSON LEE. So I oppose the Security and Fairness Enhancement for America Act, H.R. 775. The objective of this bill is to eliminate the diversity of the visa program, and I am in favor of that program. In addition to being good for the country, it is the only hope that some people have for ever being able to immigrate into the United States lawfully and legally. Why close another door and then complain about illegal individuals who come here illegally.

The INA waives the allocation of immigrant visas heavily towards aliens who have close family ties in the United States and to a lesser extent aliens who meet particular employment needs. The diversity program was established in 1990 to encourage new, more varied migration from other parts of the world. The diversity visa program makes available 55,000 diversity visas annually to natives of countries from which immigrant admissions were lower than a total of 50,000 over the preceding 5 years.

Diversity visas are limited to six geographic regions, with a greater number of visas going to regions with low rates of immigration. Within each region, no country may receive more than 7 percent of the available diversity visas in any 1 year.

Applicants for diversity visas are chosen by computer generated and random lottery drawing. The winners who can qualify for immigrant visas and are eligible for admission to the United States are granted legal permanent resident status.

In September 2003, the Office of the Inspector General for the State Department issued a report on the diversity visa program. According to the report, the diversity program was subject to widespread abuse. The report asserts that thousands of duplicate applications have been detected each year. It claims also that identity fraud is endemic and fraudulent documents are commonplace.

The State Department has made changes in the application process to deal with the problem of duplication applications. We heard about those changes in our hearings. The State Department was committed to being more detailed and more diligent in its oversight.

Technology has improved since 1990. That was 13 years ago. It has converted from paper to electronic applications and has required each applicant to include an electronic photograph, the same kinds of improvements that we have seen as we have related to the immigration system we are facing today.

This new application process went into effect for the fiscal year 2005 visas. State selected approximately 80,000 winners from the 6 million applications it received for this drawing, and it compared all 80,000 winning applications to the entire field of 6 million applications. It has revised and it has converted this system into a more accurate, carefully monitored system using new technology.

This new processing system is very effective in detecting duplicate applications. In fact, at a hearing before the Subcommittee on April 29, 2004, Ann W. Patterson, the Deputy Inspector General of the State Department, testified that the Department has made progress in reducing fraud and vulnerabilities by implementing the facial recognition system for diversity visa applicants.

Mr. Chairman, the Inspector General has gone on record in saying that progress has been made in reducing fraud. Therefore, I am in favor of continuing the diversity visa program with absolute oversight by this larger Committee, full Committee and the Subcommittee. It permits the admission of immigrants from traditionally low-sending countries, which increases the diversity of immigrants, and it provides an avenue for nationals of those low-sending countries to legally come to the United States.

Mr. Chairman, don't close the door to legal immigration. We are already hearing complaints about illegal immigration. Do not close the door. Diversity immigrants must be investigated like all other.

Chairman SENSENBRENNER. The time of the gentlewoman has expired.

Without objection, all Members may put opening statements in the record.

[The prepared statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND RANKING MEMBER, SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

I oppose the Security and Fairness Enhancement for America Act, H.R. 775. The objective of this bill is to eliminate the Diversity Visa Program, and I am in favor of that program. In addition to being good for the country, it is the only hope some people have for ever being able to immigrate to the United States lawfully.

The Immigration and Nationality Act (INA) weighs the allocation of immigrant visas heavily towards aliens who have close family ties in the United States and, to a lesser extent, aliens who meet particular employment needs. The diversity program was established in 1990, to encourage new, more varied migration from other parts of the world.

The Diversity Visa Program makes 55,000 diversity visas available annually to natives of countries from which immigrant admissions were lower than a total of 50,000 over the preceding 5 years. Diversity visas are limited to 6 geographic regions with a greater number of visas going to regions with low rates of immigration. Within each region, no country may receive more than 7% of the available diversity visas in any one year.

Applicants for diversity visas are chosen by a computer-generated, random lottery drawing. The winners who can qualify for immigrant visas, and are eligible for admission to the United States, are granted legal permanent residence status.

In September of 2003, the Office of the Inspector General for the State Department issued a report on the Diversity Visa Program. According to the report, the Diversity Visa Program was subject to widespread abuse. The report asserts that thousands of duplicate applications have been detected each year. It claims also that identity fraud is endemic, and fraudulent documents are commonplace.

The State Department has made changes in the application process to deal with the problem of duplicate applications. It has converted from paper to electronic applications and has required each applicant to include an electronic photograph. This new application process went into effect for the FY 2005 visas. State selected approximately 80,000 winners from the 6 million applications it received for this drawing, and it compared all 80,000 winning applications to the entire field of 6 million applications. This new processing system is very effective in detecting duplicate applications. In fact, at a hearing before this subcommittee on April 29, 2004, Anne W. Patterson, the Deputy Inspector General of the State Department, testified that the Department has made progress in reducing fraud and vulnerabilities by implementing the facial recognition system for diversity visa applicants.

I am in favor of continuing the Diversity Visa Program. It permits the admission of immigrants from traditionally low-sending countries, which increases the diversity of immigrants, and it provides an avenue for nationals of these low-sending countries to legally come to the United States.

Diversity immigrants must be investigated like all other visa applicants and petitioners to ensure that they are not a security risk. When aliens with diversity-based visas seek admission to the United States, they are inspected by Homeland Security officers in the same way that other immigrants are inspected. This is done to ensure that they are not ineligible for visas or for admission under the exclusion grounds in section 212 of the INA.

Moreover, diversity immigrants must satisfy even more rigorous grounds of admissibility than most other visa applicants and petitioners. For instance, they must have a high school diploma or the equivalent, or 2 years of work experience within the last 5 years in an occupation that requires at least 2 years of training or experience to perform.

I urge you to vote against the Security and Fairness Enhancement for America Act.

Thank you.

[The prepared statement of Mr. Goodlatte follows:]

PREPARED STATEMENT OF THE HONORABLE BOB GOODLATTE, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF VIRGINIA

Thank you, Mr. Chairman, for holding a markup of this important legislation.

Last February, I introduced H.R. 775, the "Security and Fairness Enhancement (SAFE) for America Act." This important legislation would eliminate the controversial visa lottery program.

This program presents a serious national security threat. Under the program, each successful applicant is chosen at random and given the status of permanent resident based on pure luck. A perfect example of the system gone awry is the case of Hesham Mohamed Ali Hedayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of 2002. He was allowed to apply for lawful permanent resident status in 1997 because of his wife's status as a visa lottery winner.

The State Department's Inspector General has even weighed in on the national security threat posed by the visa lottery program. In a report issued in September of 2003, the Office of Inspector General stated that the visa lottery program contains "significant threats to national security from entry of hostile intelligence officers, criminals, and terrorists into the United States as permanent residents." Even if improvements were made to the visa lottery program, nothing would prevent terrorist organizations or foreign intelligence agencies from having members apply for the program who do not have criminal backgrounds. These types of organized efforts would never be detected, even if significant background checks and counter-fraud measures were enacted within the program.

Usually, immigrant visas are issued to foreign nationals that have existing connections with family members lawfully residing in the United States or with U.S. employers. These types of relationships help ensure that immigrants entering our country have a stake in continuing America's success and have needed skills to contribute to our nation's economy. However, under the visa lottery program, visas are awarded to immigrants at random without meeting such criteria.

In addition, the visa lottery program is unfair to immigrants who comply with the United States' immigration laws. The visa lottery program does not expressly prohibit illegal aliens from applying to receive visas through the program. Thus, the program treats foreign nationals that comply with our laws the same as those that blatantly violate our laws. In addition, most family-sponsored immigrants currently face a wait of years to obtain visas, yet the lottery program pushes 50,000 random immigrants with no particular family ties, job skills or education ahead of these family and employer-sponsored immigrants each year with relatively no wait. This sends the wrong message to those who wish to enter our great country and to the international community as a whole.

Furthermore, the visa lottery program is wrought with fraud. A recent report released by the Center for Immigration Studies states that it is commonplace for foreign nationals to apply for the lottery program multiple times using many different aliases. In addition, the visa lottery program has spawned a cottage industry featuring sponsors in the U.S. who falsely promise success to applicants in exchange for large sums of money. Ill-informed foreign nationals are willing to pay top dollar for the "guarantee" of lawful permanent resident status in the U.S.

The State Department's Office of Inspector General confirms these allegations of widespread fraud in its September report. Specifically, the report states that the visa lottery program is "subject to widespread abuse" and that "identity fraud is endemic, and fraudulent documents are commonplace." Furthermore, the report also reveals that the State Department found that 364,000 duplicate applications were detected in the 2003 visa lottery alone. The only current penalty for such abuse is disqualification in that year's lottery.

The visa lottery program is also by its very nature discriminatory. The complex formula for assigning visas under the program arbitrarily disqualifies natives from countries that send more than 50,000 immigrants to the U.S. within a five-year period, which excludes nationals from countries such as Mexico, Canada, China and others.

In 1965, Congress repealed the discriminatory national origins immigration quota system, and this action resulted in an increase in the number of non-European immigrants to the United States. In his testimony before the House Judiciary Committee's Immigration, Border Security, and Claims Subcommittee on April 29, 2004, Professor Jan Ting claimed that the visa lottery program was enacted to reverse this trend in immigration. Specifically, Professor Ting stated that "the lottery is unfair and expressly discriminatory on the basis of ethnicity and, implicitly, race."

The visa lottery program represents what is wrong with our country's immigration system. My legislation would eliminate the visa lottery program. The removal of this controversial program will help ensure our nation's security, make the administration of our immigration laws more consistent and fair, and help reduce immigration fraud and opportunism.

The serious national security threats, fraud and waste that the visa lottery program present beg the question—why is this program still in existence? I applaud you, Mr. Chairman, for holding this markup, and I urge each of my colleagues to support this important legislation.

Ms. JACKSON LEE. I ask my colleagues to oppose this legislation.

Chairman SENSENBRENNER. Are there amendments?

Mr. CONYERS. Mr. Chairman, I strike the requisite number of words.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. CONYERS. I would like to ask my colleagues on Judiciary to consider against the elimination of a very small program that, regardless of what problems may have occurred, the Inspector General of the Department of State has indicated that they are being corrected and that this program should be improved rather than eliminated.

Let us face it. It is for those countries who have very few people coming in. We now have a system where paper applications are no

longer accepted and electronic submissions make it easier to identify duplicate applications. There is a great deal of activity going on to enhance this program, and it seems to me that we may be throwing baby and bath water out at the same time.

We have taken strongly to the Inspector General's recommendation of excluding applicants from states that sponsor terrorism, barring countries with high rates of fraudulent applicants as other suggestions that could be helpful, so that there is a problem that I don't think requires the elimination of the program but merely a continuing improvement of the program. I think that it is overstated to think that terrorists are now going to use the diversity visa program to get in.

I would like to just close with this one example of a young fellow that did make it and was a promise. Freddy Adu, the 14-year-old who is now the newest star in our national soccer league and a professional, got into this country through the diversity visa program. There are not going to be a lot of people like him, but it attests to the openness of the program. It provides the diversity our country needs and supports—and though it is a small program, it adds to the important multi-ethnic character of our country; and, for those reasons, I would urge the rejection of this measure now.

Ms. JACKSON LEE. Would the Ranking Member yield?

Mr. CONYERS. With pleasure.

Ms. JACKSON LEE. I thank the distinguished Ranking Member for making that point about the young man Freddy, and I would just offer further into the record that there is a great deal more criteria. In fact, they must satisfy rigorous grounds for admissibility more so than other visa applicants. They must have a high school diploma or 2 years of work experience with at least—with the last 5 years in an occupation that requires at least 2 years of training.

The main point I would like to offer, which I think the distinguished gentleman from Michigan has already offered, they offer great talent to the United States; and, in many instances, these individuals are from newfound allies of the United States.

I remember that the President has said that we don't condemn Islam, we condemn terrorists. Many of these countries are Muslim countries, and for us to slam the door in the face of allies who have collaborated with the United States in the war against terror is shameful. We ask in one instance to help us fight a war and the other instance we close the door of opportunity to come and seek an opportunity in this country.

The State Department has gone on record. They have made the changes that they think are necessary to clarify whether or not we are allowing in individuals that would do us harm.

But I would say this to my colleagues. We are attempting to secure our borders and attempting to make the right decisions. Nothing, no system is perfect to forever protect America from the desires of those who wish to do us ill. We cannot turn our back to the world and at the same time have our hand out for alliances in the wars that we are engaged in. This is a slap in the face of many, many friends around the world. This is a wrong-headed policy, and it is a mistake, and I would ask whether or not we have any support from the Administration for this kind of policy.

I yield back, and I ask my colleagues to oppose this legislation. Chairman SENSENBRENNER. Time of the gentleman has expired.

Are there amendments?

Mr. DELAHUNT. Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. DELAHUNT. I want some clarification; and I would direct this question towards the Ranking Member, the gentlelady from Texas. What impact would this bill have on the legal entry into the United States from Cuba? My understanding, currently, there is a 20,000 annual quota of Cubans who achieve the right to come to this country under a visa lottery system, and I honestly don't know the answer, but will this have an impact if this legislation is passed on Cubans who wish to come to this country being denied that opportunity?

With that, I yield to the gentlelady.

Ms. JACKSON LEE. That is a part of the diversity visa. It is a lottery, and the lottery will be eliminated, and thereby the Cuban process will be impacted as well. That is why I am suggesting we are opening a can of worms.

I thank the gentleman for that question, and I yield back.

Mr. DELAHUNT. I would then pose this question to the proponents of the legislation. Is it the position that you are prepared to deny 20,000 individuals from Cuba the right to come into this country?

Mr. GOODLATTE. The only thing that would impact Cubans would be their ability to participate in this overall lottery. The 20,000 will not be eliminated for Cuba. Cubans are accorded preferential status. If they appear at the border and say they are refugees from Cuba, they are admitted under our refugee—

Mr. DELAHUNT. Reclaiming my time, I am talking—there seems to be a discrepancy between what you are saying and what the Ranking Member is saying regarding legal entry into the United States from Cuba, not under the Cuban Adjustment Act.

Mr. GOODLATTE. There is no limit on the number of Cubans who come into the United States today. They have the most preferred immigration status.

Mr. DELAHUNT. There is a limit. There is a 20,000 limit.

Mr. GOODLATTE. In addition to the visas that can be given to them under the refugee and political asylee programs.

Mr. DELAHUNT. Those visas require a high-risk trip on a raft to the United States. I am talking about the 20,000 visas that are granted on an annual basis.

Mr. GOODLATTE. The Cubans coming under that program are not coming in under the visa lottery program. That is a separate program. And there has been no shortage of visas available to people from Cuba.

Mr. DELAHUNT. I would ask the gentlelady to respond to the response of the gentleman from Virginia, because that is not my understanding. I think we should be very clear as to what we are doing here because, clearly, there could be something missing here that might very well impact the right of Cubans who have secured a visa through a lottery to come to this country.

I yield to the gentlewoman.

Ms. JACKSON LEE. I think what you are hearing on the side of the proponents of this legislation, Mr. Delahunt, is pure speculation because this eliminates the lottery program, and there is no

specification in the legislation to my knowledge that eliminates or protects Cuba and, therefore, it lends itself to interpretation.

I would be hesitant in this legislation to say that Cuba's lottery program was safe. We have already had a great deal of debate about the Cuban adjustment program. We don't know if that is safe because there is a question as to whether or not that is even fair. So the lottery—

Mr. DELAHUNT. Reclaiming my time. The Cuban adjustment program is different. That is for those who leave Cuba, who risk their lives to come here. This is the legal lottery that every year provides 20,000 visas to Cubans.

Mr. GOODLATTE. That is absolutely incorrect.

Mr. DELAHUNT. It is not incorrect.

Mr. GOODLATTE. The gentleman is absolutely incorrect.

Chairman SENSENBRENNER. The time of the gentleman has expired.

Are there amendments? The gentlewoman from California have an amendment?

Ms. LOFGREN. I move to strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. LOFGREN. I have listened with great interest to this debate, and one of the points I would like to make is that the amendment adopted yesterday during our discussion of the 9/11 Commission bill really will solve the fraud problems that had been raised not only with this visa issue or with any visas. To the extent that there is a concern—and I think we would be concerned if someone got into the United States who shouldn't—having a biometric identifier is going to solve that problem. The technology will solve that problem, and it should, and we are all for that.

So I think we need to step back from that problem which can be solved quite easily technologically and think about why this program was established to begin with. My recollection is that it was proposed by then Chairman Peter Rodino; and the reason is the way we have set up our family-based visa system means that since most of the visas that are allocated are based on family relationships, you end up with some countries who can't participate in immigration to the United States. That was a product of the 1965 act, which has not basically been changed. We have changed the name and we have made some differences, but basically you end up telescoping immigration on a family-based visa.

I know Mr. Rodino was concerned that, ultimately, you wouldn't have Italians immigrating to the United States. That was one of the issues he raised. You wouldn't have Irish people immigrating to the United States. And one way to prevent that from occurring was to institute this diversity visa program.

Now people ridicule it because it is a lottery, and there is no bigger prize than being able to live in the United States. So I guess it is a prize. But the rationale for it was not frivolous, and I haven't heard any reason why we wouldn't want to have that kind of diversity today the same way we wanted it when this program was put into effect.

I just—I don't see why we wouldn't want to have people from Italy and Ireland adding to the rich mix of our country, which is

a Nation of immigrants. I haven't heard why we would want to do that; and, until I do, I am not prepared to vote for this.

I would yield to the gentlelady and the Ranking Member.

Ms. JACKSON LEE. I thank you.

Mr. Delahunt, if I can add some clarity to the point that I was finishing on. By no means do I suggest that the Cuban Adjustment Act—and I appreciate the gentlelady from California's remarks—is in jeopardy. What I am suggesting is that that is a distinctive program and aspect.

My point that I was making is that, yes, this can impact the 20,000 separate program—and the reason why I say it can impact it, we are getting rid of lotteries. There is no accepting in this legislation of the distinctive Cuban lottery system. It is a distinct program, but there is no accepting of it, to my understanding. Therefore, if we are getting rid of the diversity visa program and the lottery system and the lottery concept, we may never know or it may be subjected to scrutiny and then be ultimately interpreted as not being viable and we have isolated the Cuban program for many good reasons. If you want to translate that to fairness even, then why are we eliminating the diversity program that would account for 45 percent countries in Africa, many of them our allies, other parts of the world?

So your question was very correct. I think it may have an extension, a detrimental impact on the Cuban format, and certainly it impacts Cubans over the 20,000. If we are indicating that they are living under a dictatorship and many who advocate for their freedom in this country, then we are capping them at 20,000 to be able to legally and safely come into the United States.

Mr. CONYERS. Would the gentlelady from California yield?

I merely want to thank her for her observation about what we did yesterday may have a very profound impact on the question that is bugging us right now. But, furthermore, we may be able to close out our session for the week if we can get to a final disposition of this matter before—to go to the floor. So I urge the Members to join with us to bring this—you prefer a filibuster. But there isn't anything else coming up, Bobby, so we are home free. Please don't filibuster where it is not required.

And I thank the gentlelady.

Chairman SENSENBRENNER. The time of the gentlewoman has expired.

Are there amendments?

The Chair will announce that we will have a vote on this measure whether it is before or after the votes on the floor.

For what purpose does the gentleman from North Carolina seek recognition.

Mr. WATT. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. WATT. I don't care whether it is before or after, and I won't take 5 minutes. My purpose is not to filibuster but to make sure that we deliberate about things that are important, and this is an important piece of legislation. We need to pay whatever attention we need to pay to it. Whether we do it before adjournment or after adjournment, it really doesn't matter to me.



I spent 3 difficult, arduous years as the Ranking Member of immigration and claims. It was a terrible experience for me because, for the first time, I had to really learn some things about our immigration laws.

In the final year, one of these think tank groups invited me over to give a speech to them; and basically what I said to them was that our immigration laws reflect the same biases, attitudes and, in many cases, racist beliefs that are reflected in our society in general. I thought I was saying something noncontroversial, and everybody said that nobody had ever thought of that.

But that is exactly what our immigration laws have done over the years. They have reflected biases that exist in our society, in our domestic society. Our international immigration laws have reflected those biases. And those biases have historically excluded people who look like me and some other groups and have favored people who don't look like me and some other groups. That is just the bottom line on it. I mean—I can't say it any more bluntly than that.

So you get these programs like the visa waiver program that makes absolutely no sense, the criteria, and we have been trying to do something about—that is the program you ought to be eliminating if you were trying to worry about the security of our country. Because people are coming into the country without any kind of real checks in the visa waiver program just because they happen to be from some particular country that looks like somebody who historically was where the Founding Fathers of this country came from. This is what this is all about.

Then you set up a program like this, which is a lottery program to give everybody an equal opportunity to get the gold ring of being admitted to the United States of America, and all of a sudden some bad apple does something and you try to do away with the whole program, rather than trying to solve the problem that created it in the first place.

Well, if you are going to add the visa waiver program to this and do away with it because it exposes us to additional terrorism, then let us put it in here also, because I think it puts our country in a lot more jeopardy than this lottery program does, even though you could probably point to examples in this program, in any of our immigration programs where somebody has come into the country and done something that is outrageous and counter to our values. So I think this is a bad idea, it is a reactionary idea—

Chairman SENSENBRENNER. The gentleman's time has expired.

Mr. WATT.—and I urge my colleagues to reject this bill.

Chairman SENSENBRENNER. If there are no amendments, the question is on reporting the bill H.R. 775 favorably. All those in favor will say aye. Opposed, no.

The ayes appear to have it.

Ms. JACKSON LEE. rollcall.

Chairman SENSENBRENNER. rollcall will be ordered. Those in favor of reporting H.R. 775 favorably will, as your name is called, answer aye; those opposed, no. And the clerk will call the roll. A reporting quorum is present.

The CLERK. Mr. Hyde?

[No response.]

The CLERK. Mr. Coble?

[no response.]  
 The CLERK. Mr. Smith?  
 Mr. SMITH. Aye.  
 The CLERK. Mr. Smith, aye.  
 Mr. Gallegly?  
 Mr. GALLEGLY. Aye.  
 The CLERK. Mr. Gallegly, aye.  
 Mr. Goodlatte?  
 Mr. GOODLATTE. Aye.  
 The CLERK. Mr. Goodlatte, aye.  
 Mr. Chabot?  
 Mr. CHABOT. Aye.  
 The CLERK. Mr. Chabot, aye.  
 Mr. Jenkins?  
 [no response.]  
 The CLERK. Mr. Cannon?  
 [no response.]  
 Mr. Bachus?  
 Mr. BACHUS. Aye.  
 The CLERK. Mr. Bachus, aye.  
 Mr. Hostettler?  
 Mr. HOSTETTLER. Aye.  
 The CLERK. Mr. Hostettler, aye.  
 Mr. Green?  
 Mr. GREEN. Aye.  
 The CLERK. Mr. Green, aye.  
 Mr. Keller?  
 Mr. KELLER. Aye.  
 The CLERK. Mr. Keller, aye.  
 Ms. Hart?  
 Ms. HART. Aye.  
 The CLERK. Ms. Hart, aye.  
 Mr. Flake?  
 Mr. FLAKE. Aye.  
 The CLERK. Mr. Flake, aye.  
 Mr. Pence?  
 [no response.]  
 The CLERK. Mr. Forbes?  
 Mr. FORBES. Aye.  
 The CLERK. Mr. Forbes, aye.  
 Mr. King?  
 Mr. KING. Aye.  
 The CLERK. Mr. King, aye.  
 Mr. Carter?  
 Mr. CARTER. Aye.  
 The CLERK. Mr. Carter, aye.  
 Mr. Feeney?  
 Mr. FEENEY. Aye.  
 The CLERK. Mr. Feeney, aye.  
 Mrs. Blackburn?  
 [no response.]  
 The CLERK. Mr. Conyers.  
 Mr. CONYERS. No.  
 The CLERK. Mr. Conyers, no.  
 Mr. Berman?

[no response.]  
The CLERK. Mr. Boucher?  
[no response.]  
The CLERK. Mr. Nadler?  
[no response.]  
The CLERK. Mr. Scott?  
Mr. SCOTT. No.  
The CLERK. Mr. Scott, no.  
Mr. Watt?  
Mr. WATT. No.  
The CLERK. Mr. Watt, no.  
Ms. Lofgren?  
Ms. LOFGREN. No.  
The CLERK. Ms. Lofgren, no.  
Ms. Jackson Lee?  
Ms. JACKSON LEE. No.  
The CLERK. Ms. Jackson Lee, no.  
Ms. Waters?  
[no response.]  
The CLERK. Mr. Meehan?  
[no response.]  
The CLERK. Mr. Delahunt?  
Mr. DELAHUNT. No.  
The CLERK. Mr. Delahunt, no.  
Mr. Wexler?  
[no response.]  
The CLERK. Ms. Baldwin?  
[no response.]  
The CLERK. Mr. Weiner?  
[no response.]  
The CLERK. Mr. Schiff?  
Mr. SCHIFF. No.  
The CLERK. Mr. Schiff, no.  
Ms. Sánchez?  
Ms. SÁNCHEZ. No.  
The CLERK. Ms. Sánchez, no.  
Mr. Chairman?  
Chairman SENSENBRENNER. Aye.  
Members in the chamber who wish to cast or change their vote?  
Gentleman from North Carolina, Mr. Coble.  
Mr. COBLE. Aye.  
The CLERK. Mr. Coble, aye.  
Chairman SENSENBRENNER. Gentleman from Tennessee, Mr. Jenkins.  
Mr. JENKINS. Aye.  
The CLERK. Mr. Jenkins, aye.  
Chairman SENSENBRENNER. Gentlewoman from Tennessee, Mrs. Blackburn.  
Mrs. BLACKBURN. Aye.  
The CLERK. Mrs. Blackburn, aye.  
Chairman SENSENBRENNER. Further Members who wish to cast or change their votes?  
If not, the clerk will report.  
The CLERK. Mr. Chairman, there are 18 ayes and 8 noes.

Chairman SENSENBRENNER. And the motion to report favorably is agreed to.

Without objection, the Chairman is authorized to move to go to conference pursuant to House rules. Without objection, the staff is directed to make any technical and conforming changes; and all Members will be given 2 days as provided by House rules in which to submit additional, dissenting, supplemental, or minority views.

For what purpose does the gentlewoman seek recognition?

Ms. JACKSON LEE. Mr. Chairman, I would ask unanimous consent to speak out of order for 1 minute and submit something into the record, please.

Chairman SENSENBRENNER: Without objection.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

I would like to submit into the record for the Members of the Judiciary to be aware that included in this legislation that they have just supported they will exclude Argentina, Brazil, Cuba, Chile, Venezuela, many of our good friends, along with a very long list of South American, Central American and the Caribbean nations who have been our allies. I would like to submit into the record a list of countries from Central America, South America and Caribbean.

Chairman SENSENBRENNER. Without objection, that will be included in the record.

[The material referred to follows:]

**LIST OF COUNTRIES BY REGION WHOSE NATIVES QUALIFY**

The lists below show the countries whose natives are QUALIFIED within each geographic region for this diversity program. The determination of countries within each region is based on information provided by the Geographer of the Department of State. The countries whose natives do not qualify for the DV-2006 program were identified by the U.S. Citizenship and Immigration Services (USCIS) according to the formula in Section 203(c) of the Immigration and Nationality Act. Dependent areas overseas are included within the region of the governing country. The countries whose natives do NOT qualify for this diversity program (because they are the principal source countries of Family-Sponsored and Employment-Based immigration, or "high admission" countries) are noted after the respective regional lists.

**AFRICA**

Algeria	Libya
Angola	Madagascar
Benin	Malawi
Botswana	Mali
Burkina Faso	Mauritania
Burundi	Mauritius
Cameroon	Morocco
Cape Verde	Mozambique
Central African Republic	Namibia
Chad	Niger
Comoros	Nigeria
Congo	Rwanda
Congo, Democratic Republic of the	Sao Tome and Principe
Cote D'Ivoire (Ivory Coast)	Senegal
Djibouti	Seychelles
Egypt	Sierra Leone
Equatorial Guinea	Somalia
Eritrea	South Africa
Ethiopia	Sudan
Gabon	Swaziland
Gambia, The	Tanzania
Ghana	Togo
Guinea	Tunisia
Guinea-Bissau	Uganda
Kenya	Zambia
Lesotho	Zimbabwe
Liberia	

**LIST OF COUNTRIES BY REGION WHOSE NATIVES QUALIFY****ASIA**

Afghanistan	Lebanon
Bahrain	Malaysia
Bangladesh	Maldives
Bhutan	Mongolia
Brunei	Nepal
Burma	North Korea
Cambodia	Oman
East Timor	Qatar
Hong Kong Special Administrative Region	Saudi Arabia
Indonesia	Singapore
Iran	Sri Lanka
Iraq	Syria
Israel	Taiwan
Japan	Thailand
Jordan	United Arab Emirates
Kuwait	Yemen
Laos	

Natives of the following Asian countries do not qualify for this year's diversity program: China [mainland-born], India, Pakistan, South Korea, Philippines, and Vietnam. The Hong Kong S.A.R and Taiwan do qualify and are listed above. Macau S.A.R. also qualifies and is listed below.

**LIST OF COUNTRIES BY REGION WHOSE NATIVES QUALIFY****EUROPE**

Albania	Lithuania
Andorra	Luxembourg
Armenia	Macau Special Administrative Region
Austria	Macedonia, the Former Yugoslav Republic
Azerbaijan	Malta
Belarus	Moldova
Belgium	Monaco
Bosnia and Herzegovina	Netherlands (including components and dependent areas overseas)
Bulgaria	Northern Ireland
Croatia	Norway
Cyprus	Poland
Czech Republic	Portugal (including components and dependent areas overseas)
Denmark (including components and dependent areas overseas)	Romania
Estonia	San Marino
Finland	Serbia and Montenegro
France (including components and dependent areas overseas)	Slovakia
Georgia	Slovenia
Germany	Spain
Greece	Sweden
Hungary	Switzerland
Iceland	Tajikistan
Ireland	Turkey
Italy	Turkmenistan
Kazakhstan	Ukraine
Kyrgyzstan	Uzbekistan
Latvia	Vatican City
Liechtenstein	

Natives of the following European countries do not qualify for this year's diversity program: Great Britain and Russia. Great Britain (United Kingdom) includes the following dependent areas: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena, Turks and Caicos Islands. Note that for purposes of the diversity program only, Northern Ireland is treated separately; Northern Ireland does qualify and is listed among the qualifying areas.

**LIST OF COUNTRIES BY REGION WHOSE NATIVES QUALIFY****NORTH AMERICA**

The Bahamas

In North America, natives of Canada and Mexico do not qualify for this year's diversity program.

**OCEANIA**

Australia (including components and  
dependent areas overseas)

Fiji

Kiribati

Marshall Islands

Micronesia, Federated States of

Nauru

New Zealand (including components and  
dependent areas overseas)

Palau

Papua New Guinea

Solomon Islands

Tonga

Tuvalu

Vanuatu

Samoa

**SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN**

Antigua and Barbuda

Argentina

Barbados

Belize

Bolivia

Brazil

Chile

Costa Rica

Cuba

Dominica

Ecuador

Grenada

Guatemala

Guyana

Honduras

Nicaragua

Panama

Paraguay

Peru

Saint Kitts and Nevis

Saint Lucia

Saint Vincent and the Grenadines

Suriname

Trinidad and Tobago

Uruguay

Venezuela

Countries in this region whose natives do not qualify for this year's diversity program:  
Colombia, Dominican Republic, El Salvador, Haiti, Jamaica, and Mexico.

Chairman SENSENBRENNER. I think we put in a good day's work and good day's work yesterday, and the Committee stands adjourned.

[Whereupon, at 11:30 a.m., the Committee was adjourned.]



## DISSENTING VIEWS

We oppose the Security and Fairness Enhancement for America Act, H.R. 775. The objective of this bill is to eliminate the Diversity Visa Program, and we support the continuation of that program. The name of this bill is a misnomer; there is nothing in the bill that increases fairness for Americans or immigrants seeking a new life here. This bill does nothing but eliminate a small immigration program that ensures that a small percentage of new immigrants are from under-represented nations that add to our ethnic and racial diversity. In addition to being good for the country, it is the only hope some people have for ever being able to immigrate to the United States lawfully.

In the 20th Century, our family-reunification based system, along with other legal preferences we enacted, consistently provided open doors to many European nationals. If you were African, from the Caribbean, from most parts of Latin America or Asia it was still almost impossible to legally immigrate to the United States. The availability of immigrant visas is weighted heavily in favor of aliens who have close family ties to the United States and, to a lesser extent, aliens who meet particular employment needs. The Diversity Visa Program was set up to provide a limited new path to U.S. residency and citizenship. This is the only program that has begun to level the playing field by giving a chance to people who do not have the family members or high-level skills needed to immigrate here.

The diversity program was established by the Immigration Act of 1990, to encourage new, more varied migration from other parts of the world.<sup>1</sup> It provides 55,000 visas annually to natives of countries from which immigrant admissions were lower than a total of 50,000 over the preceding 5 years.<sup>2</sup> Diversity visas are limited to 6 geographic regions with a greater number of visas going to regions with low rates of immigration.<sup>3</sup> Within each region, no country may receive more than 7% of the available diversity visas in any one year.<sup>4</sup> Applicants for diversity visas are chosen by a computer-generated, random lottery drawing. The winners who can qualify for immigrant visas, and are eligible for admission to the United States, are granted legal permanent residence status.

The program has been very successful, within its limited numbers, at increasing the diversity of legal immigrants to the U.S. And like almost all other immigrants, the Diversity Visa winners have worked hard here and contributed to our economy. The fact

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<sup>1</sup> Immigration Act of 1990, (P.L. 101-649). *See generally* section 203 of the Immigration and Nationality Act (INA), 8 U.S.C. § 1153.

<sup>2</sup> Sections 201(e) and 203(c)(1)(B) of the INA, 8 U.S.C. §§ 1151(e) and 1153(c)(1)(B).

<sup>3</sup> Section 203(c)(1)(E) and (F) of the INA, 8 U.S.C. § 1153(c)(1)(E) and (F).

<sup>4</sup> Section 203(c)(1)(E)(v) of the INA, 8 U.S.C. § 1153(c)(1)(E)(v).

is, this program enhances our national diversity, now and into the future.

In September of 2003, the Office of the Inspector General (OIG) for the State Department issued a report on the Diversity Visa Program.<sup>5</sup> According to the report, the Diversity Visa Program was subject to widespread abuse. The report asserts that thousands of duplicate applications have been detected each year. It claims also that identity fraud is endemic, and fraudulent documents are commonplace. Some of these concerns have already been addressed, as discussed below. It is telling, however, that instead of raising a bill that would implement the OIG's recommendations to improve the program, the Majority has sought to simply eliminate the program. As Rep. John Conyers Jr. (D-MI) said during the full committee markup of this bill, this is an effort to throw the "baby and bath water out at the same time."<sup>6</sup>

The State Department has made changes in the application process to deal with the problem of duplicate applications. It has converted from paper to electronic Internet applications and has required each applicant to include an electronic photograph. This new application process went into effect for the FY 2005 visas. The State Department selected approximately 80,000 winners from the 6 million applications it received for this drawing, and it compared all 80,000 winning applications to the entire field of 6 million applications.<sup>7</sup> The Department asserts that this new system has better enabled it to detect and prevent patterns of fraud. In fact, at a hearing before the Subcommittee on Immigration, Border Security and Claims on April 29, 2004, Anne W. Patterson, the Deputy Inspector General of the State Department, testified that the Department has made progress in reducing fraud and vulnerabilities by implementing the facial recognition system for diversity visa applicants.<sup>8</sup>

Diversity immigrants must be investigated like all other visa applicants and petitioners to ensure that they are not a security risk. When aliens with diversity-based visas seek admission to the United States, they are inspected by Homeland Security officers in the same way that other immigrants are inspected. This is done to ensure that they are not ineligible for visas or for admission under the exclusion grounds in the Immigration and Nationality Act.<sup>9</sup> Like all other immigrants, diversity visa applicants are subject to all of the grounds upon which a visa can be denied, including security, moral turpitude, medical condition, and criminal behavior. Moreover, diversity immigrants must satisfy even more rigorous re-

<sup>5</sup> United States Department of State and Broadcasting Board of Governors, Office of Inspector General, *Memorandum Inspection Report, Diversity Visa Program*, Report Number ISP-CA-03-52, September 2003.

<sup>6</sup> *Markup of H.R. 10, H.R. 4306, S. 1194, H.R. 4547, H.Res. 568, H.R. 3143, H.R. 4264, H.Res. 589, and H.R. 775 Before the House Committee on the Judiciary*, 108th Cong., 2d Sess. 61 (September 30, 2004) ("There is a great deal of activity going on to enhance this program, and it seems to me that we may be throwing baby and bath water out at the same time.")

<sup>7</sup> Conversation between Derwood K. Staeben, Director, Policy and Public Affairs, Department of State and Nolan Rappaport, Minority Counsel, Subcommittee on Immigration, Border Security, and Claims, April 2004.

<sup>8</sup> Statement of Anne W. Patterson, Deputy Inspector General, United States Department of State, Oversight Hearing on, *The Diversity Visa Program, and Its Susceptibility to Fraud and Abuse*, Before House Subcommittee on Immigration, Border Security, and Claims of the House Committee on the Judiciary, April 29, 2004.

<sup>9</sup> See Section 212 of the INA, 8 U.S.C. § 1182.

quirements than most other visa applicants. For instance, they are required to have a high school diploma or the equivalent, or 2 years of work experience within the last 5 years in an occupation that requires at least 2 years of training or experience to perform.<sup>10</sup>

There is no evidence that this program is an open door for terrorists, as some critics would have you believe. Diversity visa winners should be, and are, carefully screened for criminal history or ties to terrorism, like any other immigrant. Enhancements were made to the screening process in the Enhanced Border Security and Visa Act at the end of 2001 to fill any loopholes in security screening. There is no evidence that a terrorist is more likely to enter the U.S. under this program than any other U.S. immigration category.

Just as many great Americans have come to this country as refugees, we have no doubt that many great Americans have and are coming through the Diversity Visa Program. You need only to look at the promise of young Freddy Adu, the 14-year-old boy who is now the newest star of the D.C. United professional soccer team and the youngest professional soccer player in the U.S. He has great promise, and but for his entry to the U.S. on the Diversity Visa Program, that promise may not have been realized. The Diversity Visa Program provides the diversity our country needs and, though small, the program adds to the important multi-ethnic character of our country. We strongly support the continuation of the Diversity Visa Program and oppose the effort to terminate the program through H.R. 775.

JOHN CONYERS, JR.  
JERROLD NADLER.  
ROBERT C. SCOTT.  
MELVIN L. WATT.  
ZOE LOFGREN.  
SHEILA JACKSON LEE.  
WILLIAM D. DELAHUNT.  
TAMMY BALDWIN.  
ANTHONY D. WEINER.  
ADAM B. SCHIFF.  
LINDA T. SÁNCHEZ.

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<sup>10</sup>Section 203(c)(2) of the INA, 8 U.S.C. § 1153.