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IMMIGRATION OVERHAUL WINS PANEL'S BACKING IN THE SENATE

By Ashley Parker and Julia Preston
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WASHINGTON — The Senate Judiciary Committee on Tuesday approved a broad overhaul of the nation's immigration laws on a bipartisan vote, sending the most significant immigration policy changes in decades to the full Senate, where the debate is expected to begin next month.

The 13-to-5 vote came as the committee reached a deal on one of the final snags threatening the legislation — and agreed to hold off on a particularly politically charged amendment, which would have added protections for same-sex couples.

After intense behind-the-scenes negotiations, Senator Orrin G. Hatch, Republican of Utah, struck an agreement with the group of eight senators who drafted the original bill to address his concerns about visas for skilled foreign workers who could fill jobs in the high-tech industry.

By late afternoon on Tuesday, Mr. Hatch had said that he would support the bill out of committee, if not necessarily on the Senate floor, after the committee agreed, via a voice vote, to pass his amendment.

"I'm going to vote this bill out of committee because I've committed to do that," Mr. Hatch said.

Authors of the legislation hoped for a strong vote out of committee to help the bill as it heads to the Senate floor. Mr. Hatch's support could help persuade other conservative Republicans to back the bill. He was joined in his "yes" vote by Senators Jeff Flake of Arizona and Lindsey Graham of South Carolina, both Republican members of the bipartisan group.

The most emotional part of the committee process, which stretched over five days and 301 amendments, came late Tuesday, when Senator Patrick J. Leahy, the Vermont Democrat who leads the committee, said that he would not offer an amendment allowing United States citizens to apply for permanent resident status, known as a green card, on behalf of their same-sex partners.

Mr. Leahy, according to immigration and gay rights advocates, was under pressure from the White House not to offer this amendment. Though both President Obama and Democrats in the bipartisan group support protections for same-sex couples in the bill, Republicans in the group have warned that such provisions would lead them to abandon the legislation.

Before Mr. Leahy announced his decision, Democratic senators, all of whom personally supported the provision, engaged in a lengthy and agonizing debate.

Senator Charles E. Schumer, Democrat of New York and an author of the measure, said that not including the provision amounted to “rank discrimination.” But he ultimately concluded, “As much as it pains me, I cannot support this amendment if it will bring down the bill.”

Similarly, Senator Al Franken, Democrat of Minnesota, said: “This is the definition of a Hobson’s choice. In my bones, I believe in equality.”

But Mr. Graham reflected the view of his Republican colleagues when he said: “You’ve got me on immigration. You don’t have me on marriage. If you want to keep me on immigration, let’s stay on immigration.”

Ultimately, Mr. Leahy withheld his amendment “with a heavy heart,” though he can still bring it up on the Senate floor.

Mr. Hatch’s amendment, which reflects the compromise he reached after lengthy negotiations led by Mr. Schumer, raises the minimum number of visas annually for high-skilled foreign workers — known as H-1B visas — to 115,000, from 110,000 in the bill, while keeping the maximum at 180,000 a year. More important, aides to Mr. Hatch said, his provision includes a mechanism based on conditions in the labor market, intended to ensure that companies based in the United States can bring in qualified foreign workers when jobs are not filled by Americans, but decreases visas when they are.

His provision would also make it easier for employers to hire foreign workers, because it lightens the burden on them to demonstrate that they first tried to hire a qualified American worker.

Mr. Hatch’s amendment clarifies distinctions between companies in which the majority of engineers and computer technicians are Americans, and companies with mostly foreign workers. Under the measure, more stringent restrictions would apply to the companies with a foreign labor force, like many Indian outsourcing companies, raising incentives to hire more Americans.

Senator Richard J. Durbin of Illinois, a Democratic member of the bipartisan group, had been one of the last holdouts against Mr. Hatch’s amendment. Along with Senator Charles E. Grassley, Republican of Iowa, Mr. Durbin worried that Mr. Hatch’s provisions would harm American workers.

But on Tuesday, Mr. Durbin signaled that he would support Mr. Hatch’s plan.

“I would like to have seen a different amendment, a different bill — you would have as well,” Mr. Durbin said. “But this is a dramatic improvement.” (Mr. Grassley, meanwhile, remained unconvinced, arguing, “Let’s see how much this stinks.”)

Mr. Durbin made it clear that he expected Mr. Hatch’s support in return for his own vote in favor of the deal, saying: “A number of us have really leaned a long way in your direction to get your support for immigration reform.”

Mr. Hatch had previously said that he believed his amendment “makes this bill a much more acceptable bill,” especially in the Republican-controlled House, where it is likely to face stiff opposition.

The agreement represents a win for the high-tech industry, and comes on the heels of intense lobbying by the industry. The Association for Competitive Technology, a trade

group, sent 50 executives and application developers to Washington on Monday and Tuesday to meet with lawmakers, including members of the Judiciary Committee.

Richard L. Trumka, president of the A.F.L.-C.I.O., the nation's largest federation of unions, issued a statement against what he said were Mr. Hatch's "antiworker amendments."

After passage, President Obama congratulated the committee and called the legislation "largely consistent with the principles of common-sense reform I have proposed and meets the challenge of fixing our broken immigration system." He urged the Senate to improve it further on the Senate floor.

As the committee was finishing its work, a drumbeat against an immigration overhaul began to pick up. Dozens of high-profile conservative leaders and activists signed an open letter published Tuesday that denounced the bipartisan bill, saying the Senate "would do better to start over from scratch."

The conservatives said the bill was "bloated and unwieldy," comparing it to President Obama's health care bill.

Still, when the committee voted to approve the legislation Tuesday evening, a cheer and applause rang out through the room, as immigration advocates leapt to their feet, shouting "Yes we can!" and "Sí, se puede!"