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Cuban American National Council

Farmworker Justice

Hispanic Association of Colleges and Universities

Hispanic Federation

Hispanic National Bar Association

Labor Council for Latin American Advancement

LatinoJustice PRLDEF

League of United Latin American Citizens

Mexican American Legal Defense and Educational Fund

MANA, A National Latina Organization

National Association of Hispanic Federal Executives

National Association of Hispanic Publications

National Association of Latino Elected Officials

National Association of Latino Independent Producers

National Conference of Puerto Rican Women, Inc.

National Council of La Raza

National Hispanic Caucus of State Legislators

National Hispana Leadership Institute

National Hispanic Council on Aging

National Hispanic Environmental Council

National Hispanic Foundation for the Arts

National Hispanic Medical Association

National Hispanic Media Coalition

National Institute for Latino Policy

National Latina Institute for Reproductive Health

National Puerto Rican Coalition

SER Jobs for Progress-National

Southwest Voter Registration Education Project

United States Hispanic Chamber of Commerce

United States Hispanic Leadership Institute

United States-Mexico Chamber of Commerce



NHLA National Hispanic Leadership Agenda

May 13, 2013

The Honorable Patrick J. Leahy
United States Senate
Washington, DC 20510

The Honorable Chuck Grassley
United States Senate
Washington, DC 20510

Re: NHLA Scoring of Votes on Amendments to S.744 Likely Raised on Tuesday, May 14, 2013

Dear Chairman Leahy and Ranking Member Grassley:

We write on behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of 34 leading Latino nonpartisan civil rights and advocacy organizations in the country, to inform the Senate Judiciary Committee's continued consideration of the Border Security, Economic Opportunity, and Immigration Modernization Act (S.744). NHLA's mission calls for unity among Hispanics nationwide to provide the Latino community with greater visibility and a stronger voice in our nation's affairs, including the pressing need to overhaul our broken immigration system.

NHLA believes S.744 is off to a solid start. We hope the collaborative style from the Thursday, May 9, 2013 markup is a sign of things to come.

Again, NHLA will issue a scorecard assigning members a letter grade on their immigration record to give Hispanic voters and other interested voters a clear picture of their elected officials' positions on immigration reform. Our forthcoming scorecard will draw upon: (1) the NHLA 2012 Hispanic Policy Agenda, distributed to Congress in August 2012; (2) Senate Judiciary committee votes; (3) Senate floor votes; and (4) other sources. Today's letter follows our May 9, 2013 communication, in which we outlined vote recommendations and possible amendment roll calls to be scored. This letter similarly serves to clearly convey NHLA's recommendations on amendments likely to be considered during the markup scheduled for Tuesday, May 14, 2013, which we understand will mainly focus on amendments to Title IV of the bill. NHLA, moreover, will send additional letters outlining our recommendations on other committee votes in the days and weeks to come.

For too long, at the margins of our regulated economy lies another economy in which undocumented workers are vulnerable to exploitation by unscrupulous employers. Comprehensive immigration reform must take steps to address this vulnerability and to eliminate this exploitation. Unfortunately, Hatch 19 (ARM13561), Lee 19 (EAS13425), and certain similar amendments run counter to a careful balance between employer and worker by weakening employment and labor protections for noncitizen workers. Accordingly, NHLA will assign great weight to the rejection of Hatch 19, Lee 19, and other anti-worker amendments in our scorecard.

Below are our recommendations for amendments germane to the Tuesday, May 14, 2013 markup.

NHLA Recommendations on Amendments Concerning Sections 4101-4803 of S.744:

Amendment Sponsor & Number	Amendment Unique Identifier	Description	NHLA Recommended Vote
Blumenthal 17	MDM13545	To strengthen whistleblower protections for H-2B guest workers and American workers who work alongside them.	YES
Cornyn 9	MDM13522	To eliminate construction work as an eligible occupation and construction industry as an eligible employer under the bill's new W nonimmigrant, nonagricultural, low-skill visa.	NO
Cruz 5	MDM13527	To amend the total numerical limitations for H-1B nonimmigrants by raising H-1B visa allotment after FY2013; allowing spouses of H-1B visa holders to be authorized to work; raising H-1B filing fees; diverting 40 percent of revenues to a STEM education block grant to states; and striking the bill's establishment of a STEM education account that would allow the National Science Foundation Director to use revenues for scholarships for low-income students, loan forgiveness of student loans, direct or matching grant programs to support improvement in K-12 education of lower income populations with a focus on reaching women and minority students. The amendment strikes a tailored approach to STEM education that is more likely to reach Latino students and address their unique educational needs than the block grant to states envisioned under the amendment. Block grants in education have historically not addressed Latino student needs.	NO
Grassley 55	ARM13457	To strike the bill's grant of discretion to the Secretary of State to renew visas in the United States for aliens who have remained eligible for various visas.	NO
Grassley 73	EAS13383	To require an alien seeking admission on a W nonimmigrant, nonagricultural, low-skill visa to provide proof of health insurance paid for solely out-of-pocket by the alien. This requirement would likely trigger a cost that many nonimmigrant workers could not afford in advance.	NO
Grassley 74	EAS13384	To limit the bill's W nonimmigrant, nonagricultural, low-skill visa program from multiple 3-year renewals to a single 3-year renewal.	NO
Grassley 76	EAS13386	To add new "trigger" requiring full implementation of an entry-exit system before the bill's new W nonimmigrant, nonagricultural, low-skill visa program takes effect. Additional triggers like this one could elongate an already lengthy immigration reform process.	NO

Hatch 9 (Hatch-Klobuchar-Coons)	MDM13519	To double the filing fee for a labor certification; divert new revenues into a STEM account; and allow the Secretary of Education to use 70 percent of these funds to improve STEM education at the state level and use 20 percent of these funds for STEM education at minority institutions of higher education, including Hispanic Serving Institutions.	YES
Hatch 19	ARM13561	To remove from an employer's attestation the bill's requirement that the employer "has agreed to substantially comply with all applicable labor and employment laws related to W nonimmigrant's employment."	NO
Hatch 20	ARM13562	To limit the initiation of the Secretary's investigation for violations of the W nonimmigrant, nonagricultural, low-skill program from "any person" to only "an aggrieved applicant, employee, or W nonimmigrant (or a person acting on such person's behalf)." This would limit the ability of a good-Samaritan whistleblower from triggering action by the federal government.	NO
Klobuchar 1	EAS13431	To provide VAWA self-petitioner based remedies (immigration status and work authorization) for abused dependent spouses of nonimmigrant visa holders, to enable them not to rely on an abuser for legal status and economic support.	YES
Lee 19	EAS13425	To limit the initiation of the Secretary's investigation for violations of the W nonimmigrant, nonagricultural, low-skill program from "any person" to only "an aggrieved person." This would limit the ability of a good-Samaritan whistleblower from triggering action by the federal government.	NO
Schumer 3	EAS13447	To make, in part, certain nationals of countries that benefit the Caribbean Basin Economic Recovery Act (like Belize, Panama, Haiti, and certain other Caribbean nations) eligible for E nonimmigrant visas.	YES
Whitehouse 6	DAV13388	To modify provisions related to complaints against H1-B employers to factor in a toll-free number and posting of notices informing employees of their right to file complaints against an employer.	YES

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Please contact NHLA through James A. Ferg-Cadima, at jferg-cadima@maldef.org or 202-293-2828 ext. 11, or Bertha Guerrero, at bguerrero@hispanicfederation.org or 202-641-7186. Thank you for your time and consideration.

Sincerely,



Thomas A. Saenz
MALDEF, President and General Counsel
NHLA Immigration Committee Co-Chair



Jose Calderón
Hispanic Federation, President
NHLA Immigration Committee Co-Chair

Cc: The Honorable Chuck Schumer
The Honorable Orrin G. Hatch
The Honorable Dick Durbin
The Honorable Jeff Sessions
The Honorable Sheldon Whitehouse
The Honorable Lindsey Graham
The Honorable Amy Klobuchar
The Honorable John Cornyn
The Honorable Al Franken
The Honorable Michael S. Lee
The Honorable Christopher A. Coons
The Honorable Ted Cruz
The Honorable Richard Blumenthal
The Honorable Jeff Flake
The Honorable Mazie Hirono