

The Gang of Eight's Backroom Deals

As initially drafted, S. 744 was loaded with pet projects that benefited the bill's authors. These few handouts, however, would not be enough for the Gang of Eight to get its bill through the Senate. Instead of adding substantive improvements to the bill the Gang knew would get it passed—such as requiring enforcement mechanisms actually be in place before amnestying the nation's 12 million illegal aliens—the Gang resorted to backroom deals to buy more amnesty votes.

In the end, to garner sufficient support to drag the bill across the finish-line, the Gang of Eight amended its bill using the 1,200 page Corker-Hoeven amnesty-first, enforcement-later amendment to add special carve-outs to several key Senators. Below is a listing of many of the handouts, buyouts, and carve-outs that made it into the final bill:

- **Chuck's Luck of the Irish.** As introduced, S. 744 carves-out 10,500 visas annually for unskilled Irish workers under a new E-3 nonimmigrant visa program. (Sec. 4403, p. 974)
- **Graham's Meat-Packing Plan.** As introduced, S. 744 guarantees the meat packing industry an additional 10% percent of W-nonagricultural visas *on top* of the yearly cap and provides this allocation can never be reduced. The meat packing industry is one of the largest industries in South Carolina. (Sec. 4703(h), p. 1085)
- **Leahy and Bennet's Ski Bunnies.** As introduced, S. 744 makes foreign ski and snowboard instructors eligible for the 5-year professional athlete visa rather than the 10-month nonimmigrant visa program for seasonal workers under current law. (Sec. 4601, p. 1027)
- **Marco Phones and Cruise Ships.** As introduced, S. 744 creates a new nonimmigrant Z visa to admit individuals who possess "specialized knowledge" to perform maintenance on airlines and cruise ships. (Sec. 4606, p. 1034) S. 744 also creates a two year grant program for individuals living along the Southern border "at greater risk of border violence" to purchase satellite telephones that can access 9-1-1 and are GPS equipped. (Sec. 1107, p. 83) TracPhone, a Florida-based company, makes these phones and S. 744 appropriates "such sums as may be necessary" to fund the grant program.
- **Murkowski and Begich's Crabhusker Kickback.** This carve-out to secure the votes of Alaska Senators Lisa Murkowski (R) and Mark Begich (D) classifies seafood processing positions in Alaska as "shortage occupations," thus allowing the industry to bring in more cheap foreign labor to do those jobs. (Sec. 4701(d)(4), p. 1043) It also allows employers to bring in non-immigrants under a summer program to work in seafood processing positions, overturning a ban the Obama Administration put in place last year to protect foreign exchange students from jobs the U.S. government deems dangerous. (Sec. 4408, p. 982)

- **The Northern Exposure.** This carve-out for Sens. Susan Collins (R-ME) and Jon Tester (D-MT) eliminates a requirement that at least 90% of funding for a law-enforcement program along U.S. borders be devoted to the southwest border, freeing up more money for Northern border states. (Sec. 1104, p. 73)
- **Sanders' Surrender.** This carve-out for Sen. Bernie Sanders (I-VT) creates a slush "Youth Jobs Fund" for FY 2014-2015 funded using \$1.5 billion from the U.S. Treasury. Until the Gang of Eight added the kickback, Sen. Sanders was an outspoken critic of the bill for taking jobs away from Americans. He has since been silent. (Title V, p. 1169)
- **Kirk's Kickback.** This carve-out to gain Sen. Mark Kirk's (R-IL) support allows a person who has served in the military and received an honorable discharge and certain combat medals to become a citizen without meeting key naturalization criteria under current law. This includes waiving the requirement an alien understand the English language, waiving the requirement the alien has knowledge and understanding of the fundamentals of the history and of the principles and form of the U.S. government, and waiving the requirement an alien is of good moral character. (Sec. 2555, p. 502)
- **Heller's Hotels.** Tucked away in the Corker-Hoeven amendment is a kickback for Las Vegas hotel and casino chains. The provision permanently gives \$100,000,000 annually to the tourism industry under the Travel Promotion Fund, posing a win for Nevada Senators Dean Heller and Harry Reid. The funding was set to expire in 2015, but the provision extended it indefinitely. (Sec. 1102(f), p. 66)
- **Hatch's High-Tech Hijack.** To gain Sen. Orrin Hatch's (R-UT) support for the Gang of Eight bill, the Judiciary Committee adopted an amendment to give tech companies greater access to cheap foreign labor, hijacking jobs from hardworking Americans. The deal Hatch struck with Sen. Schumer increased the number of H-1B visas admitted to the country annually (above the already high increase under S. 744), and changed the formula that determines how many H-1B workers are admitted in order to admit H-1B workers at a faster pace. (Sec. 4101, p. 862) In addition, the Hatch Amendment also eliminated the requirement placed on all H-1B employers in the original version of S. 744 that they attest that they have not and will not displace U.S. workers within a certain time frame. (Sec. 4211, p. 914) It also eliminated the requirement on all H-1B employers in the original version of S. 744 that they attest they have offered the job to any U.S. worker who applies and is equally or better qualified. (Sec. 4211, p. 917)
- **The Hatch Handout.** In addition to the H-1B deal Sen. Hatch brokered during committee negotiations, Sen. Hatch got another carve-out on the Senate floor. The Gang of Eight included in the massive Corker-Hoeven amendment was language by Sen. Hatch that would preclude Social Security credits for unauthorized work. However, like so many other provisions in the bill, Hatch's includes an exception that undermines the rule by allowing an alien to merely attest

that he or she was authorized to work, opening the door for fraud and handouts. (Sec. 2107(d), p. 218)

- **Schumer's Skilled Worker Sell-Out.** Sen. Chuck Schumer (D-NY) obtained a carve-out to allow public universities to displace U.S. workers with H-1B nonimmigrants. (Sec. 4211(d), p. 918) The deal also exempts nonprofit education and research institutions from the higher fees and stricter requirements imposed on employers that heavily rely on H-1B workers. (Sec. 4211(f), p. 919)

- **Leahy's Celebrity Sweetener.** Senate Judiciary Chairman Pat Leahy (D-VT) obtained a carve-out to grant special treatment to Hollywood by waiving fees for artist O and P visas if applications are not processed within 14 days. (Sec. 4416, p. 995)