

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE APRIL 25, 2013

Senate Joint Resolution

No. 9

Introduced by Senators Huff, Anderson, Berryhill, Cannella, Emmerson, Fuller, Gaines, Knight, Nielsen, Walters, and Wyland
(Coauthors: Assembly Members Achadjian, Allen, Bigelow, Chávez, Conway, Dahle, Beth Gaines, Hagman, Harkey, Linder, Maienschein, Mansoor, Melendez, Nestande, Olsen, Patterson, Wagner, and Wilk)

March 21, 2013

Senate Joint Resolution No. 9—Relative to the Startup Act 3.0.

LEGISLATIVE COUNSEL'S DIGEST

SJR 9, as amended, Huff. Startup Act 3.0.

This measure would call on the United States Congress to pass and the President to sign the Startup Act 3.0, introduced as S. 310 in the 113th Congress of the United States, that would, among other things, create an Entrepreneur's Visa for legal immigrants, provide authorization to adjust the status of not more than 50,000 aliens who have earned a master's degree or a doctorate degree, as specified, to that of aliens conditionally admitted for permanent residence, and eliminate per-country caps for employment-based immigrant visas.

Fiscal committee: no.

- 1 WHEREAS, The United States is a nation of immigrants, with
- 2 a long history of welcoming indigents from other nations and
- 3 giving them a chance at achieving the American Dream; and
- 4 WHEREAS, Immigrants have formed the backbone of the
- 5 nation's economy; and

1 WHEREAS, Open economies grow faster than closed ones, and
2 as a beacon of hope, America has historically had an unbeatable
3 advantage over societies that shut immigrants out, or stifled their
4 creative and innovative spirit; and

5 WHEREAS, The United States economy has been enriched by
6 the innovative and entrepreneurial spirit of immigrants from around
7 the world; and

8 WHEREAS, According to the Kauffman Foundation on
9 Entrepreneurship, of the current Fortune 500 companies, including
10 Apple, Google, and eBay, more than 40 percent were founded by
11 first- or second-generation Americans, and these companies employ
12 more than 10 million people; and

13 WHEREAS, Foreign nationals residing in the United States
14 were named as inventors or coinventors in one-quarter of all patent
15 applications filed in 2006; and

16 WHEREAS, Fifty-two percent of Silicon Valley startups
17 between 1995 and 2005 were founded or cofounded by immigrants,
18 generating \$52 billion in revenues and employing 450,000 workers;
19 and

20 WHEREAS, In the past seven years, the national rate of startups
21 by immigrants has dropped to 42 percent according to scholars at
22 Harvard and Duke Universities; and

23 WHEREAS, The number of foreign nationals with advanced
24 degrees awaiting permanent-resident status in the United States
25 has grown to over one million in the past several years; and

26 WHEREAS, Under current law, only around 120,000 visas are
27 available annually for skilled workers in key employment
28 categories and only 7 percent of these visas can be allocated to
29 immigrants from any one country. So immigrants from countries
30 with large populations, like India and China, which are the source
31 of the vast majority of startups in the United States, have access
32 to only 8,400 visas per year; and

33 WHEREAS, The result of this policy is that many of these highly
34 skilled immigrants must wait more than a decade for visas; and

35 WHEREAS, Many of these highly skilled innovators are
36 deciding instead to return home, or immigrate to other countries
37 that welcome them with open arms, such as Singapore, Canada,
38 Dubai, Australia, the United Kingdom, and Chile. As a result, these
39 innovators are founding companies in these other countries and
40 competing with American companies for market share; and

1 WHEREAS, The issue of illegal immigration has taken on
2 national prominence in recent years and the resolution of the
3 broader issue should be the result of bipartisan efforts; and

4 WHEREAS, The resolution of the broader issue should not get
5 in the way of resolving legal immigration issues as they relate to
6 highly skilled workers who are critical to the continued success
7 of the nation; and

8 WHEREAS, United States Senators Jerry Moran (R-Kansas),
9 Mark Warner (D-Virginia), Chris Coons (D-Delaware), and Roy
10 Blunt (R-Missouri) have introduced S. 310 in the 113th Congress
11 of the United States, known as the Startup Act 3.0, to ensure that
12 the United States has the chance to look forward and build the kind
13 of innovation-based economy that will help future generations
14 compete in the global marketplace; and

15 WHEREAS, The Startup Act 3.0 includes, among ~~others~~, *other*
16 *things*, the following important provisions to stem the reverse brain
17 drain:

18 (1) Creates an Entrepreneur’s Visa for legal immigrants, so
19 they can remain in the United States and launch businesses to
20 create jobs.

21 (2) Provides authorization to adjust the status of not more than
22 50,000 aliens who have earned a master’s degree or a doctorate
23 degree at an institution of higher education in a STEM field
24 (science, technology, engineering, or mathematics) to that of aliens
25 conditionally admitted for permanent residence to remain in this
26 country where their talents and ideas can fuel growth and create
27 jobs.

28 (3) Eliminates the per-country caps for employment-based
29 immigrant visas, which hinder United States employers from
30 recruiting top-tier talent; now, therefore, be it

31 *Resolved by the Senate and the Assembly of the State of*
32 *California, jointly*, That the Legislature memorialize the United
33 States Congress to pass and the President to sign the Startup Act
34 3.0 into law; and be it further

35 *Resolved*, That the Secretary of the Senate transmit copies of
36 this resolution to the President and Vice President of the United
37 States, to the Speaker of the House of Representatives, to the
38 Majority Leader of the Senate, and to each Senator and

- 1 Representative from California in the Congress of the United
- 2 States.

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