

TO PROVIDE FOR WORK AUTHORIZATION FOR NON-
IMMIGRANT SPOUSES OF TREATY TRADERS AND TREATY
INVESTORS

AUGUST 2, 2001.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 2277]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2277) to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors, 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. 2277 would allow the spouses of E visa recipients to work in the United States while accompanying the primary visa recipients.

BACKGROUND AND NEED FOR THE LEGISLATION

E visas are available for treaty traders and investors. An E visa is available to an alien who:

is entitled to enter the United States under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and the foreign state of which he is a national, and the spouse and children of any such alien if accompanying or following to join him: 1) solely to carry on substantial trade, including trade in services or trade in technology, principally between the United States and the foreign state of which he is a national; or 2) solely to develop and direct the operations of an enterprise in which he has invested . . . a substantial amount of capital.¹

Alien employees of a treaty trader or treaty investor may receive E visas if they are coming to the U.S. to engage in duties of an executive or supervisory character, or, if employed in a lesser capacity, if they have special qualifications that make the services to be rendered essential to the efficient operation of the enterprise.² The alien employee would need to be of the same nationality as the treaty trader or investor.³ E visas are issued directly by the State Department (requiring no preliminary petition to the INS). Visa recipients can stay in the U.S. for as long as they maintain their status.⁴ In fiscal year 1998, 9,457 aliens (including dependents) were granted E visas as treaty traders, and 20,775 aliens (including dependents) were granted E visas as treaty investors.

While current law allows spouses (and minor children) to come to the U.S. with the E visa recipients, spouses are not allowed to work in the U.S. Since working spouses are now becoming the rule rather than the exception in the U.S. and many foreign countries, multi-national corporations are finding it increasingly difficult to persuade their employees abroad to relocate to the United States. Spouses hesitate to forgo their own career ambitions or a second income to accommodate an overseas assignment. This factor places an impediment in the way of the use by employers from treaty countries of the E visa program and their contributing to trade with and investment in the United States. Thus, H.R. 2277 would allow the spouses of E visa recipients to work in the United States while accompanying the primary visa recipients.

HEARINGS

No hearings were held on H.R. 2277.

COMMITTEE CONSIDERATION

On June 27, 2001, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill H.R. 2277, by a voice vote, a quorum being present. On July 24, 2001, the Committee met in open session and ordered favorably reported the bill H.R. 2277 without amendment by a voice vote, a quorum being present.

¹ Immigration and Nationality Act § 101(a)(15)(E).

² 22 C.F.R. § 41.51(c).

³ 22 C.F.R. § 41.51(a)(1).

⁴ 9 Foreign Affairs Manual § 41.51 n.14.

VOTE OF THE COMMITTEE

No recorded votes were held on H.R. 2277.

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.

PERFORMANCE GOALS AND OBJECTIVES

H.R. 2277 does not authorize funding. Therefore, clause 3(c) of rule XIII of the Rules of the House of Representatives is inapplicable.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

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

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 2277, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 27, 2001.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2277, a bill to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable John Conyers Jr.
Ranking Member

H.R. 2277—A bill to provide for work authorization for non-immigrant spouses of treaty traders and treaty investors

CBO estimates that enacting H.R. 2277 would result in no significant net cost to the Federal Government. The bill could affect direct spending, so pay-as-you-go procedures would apply, but we

estimate that any net effects would be insignificant. H.R. 2277 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

H.R. 2277 would permit the spouses of certain nonimmigrant investors and businessmen to seek employment in the United States. Based on information from the Immigration and Naturalization Service (INS), CBO estimates that the bill's provisions would apply to roughly 10,000 spouses annually. The INS would charge a fee of \$100 to provide a work permit, so the agency could collect an additional \$1 million annually in offsetting receipts (a credit against direct spending). The agency is authorized to spend such fees without further appropriation, so the net impact on INS spending would be negligible.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226-2860. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

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 1, section 8, clause 4 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

SEC. 1. WORK AUTHORIZATION FOR SPOUSES OF TREATY TRADERS AND TREATY INVESTORS

Section 1 of the bill creates a new section 214(e)(6) of the Immigration and Nationality Act which provides that in the case of an alien spouse admitted under the E visa program, who is accompanying or following to join a principal alien admitted under the program, the Attorney General shall authorize the alien spouse to engage in employment in the United States and provide the spouse with an employment authorized endorsement or other appropriate work permit.

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 (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

SECTION 214 OF THE IMMIGRATION AND NATIONALITY ACT

* * * * *

ADMISSION OF NONIMMIGRANTS

SEC. 214. (a) * * *

* * * * *

(e)(1) * * *

* * * * *

(6) In the case of an alien spouse admitted under section 101(a)(15)(E), who is accompanying or following to join a principal alien admitted under such section, the Attorney General shall authorize the alien spouse to engage in employment in the United States and provide the spouse with an "employment authorized" endorsement or other appropriate work permit.

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MARKUP TRANSCRIPT

BUSINESS MEETING

TUESDAY, JULY 24, 2001

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

The Committee met, pursuant to notice, at 10:03 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. (Chairman of the Committee) presiding.

Chairman SENSENBRENNER. The Committee will be in order. A working quorum is present.

The next item on the agenda is markup of H.R. 2277 to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

[The bill, H.R. 2277, follows:]

107TH CONGRESS
1ST SESSION

H. R. 2277

To provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2001

Mr. GEKAS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. WORK AUTHORIZATION FOR SPOUSES OF**
4 **TREATY TRADERS AND TREATY INVESTORS.**

5 Section 214(e) of the Immigration and Nationality
6 Act (8 U.S.C. 1184(e)) is amended by adding at the end
7 the following:

8 “(6) In the case of an alien spouse admitted under
9 section 101(a)(15)(E), who is accompanying or following
10 to join a principal alien admitted under such section, the

- 1 Attorney General shall authorize the alien spouse to en-
 2 gage in employment in the United States and provide the
 3 spouse with an 'employment authorized' endorsement or
 4 other appropriate work permit.'".

○

Chairman SENSENBRENNER. The Chair recognizes the gentleman from Pennsylvania, Mr. Gekas, for purposes of a motion.

Mr. GEKAS. Mr. Chairman, the Subcommittee on Immigration and Claims reports favorably the bill H.R. 2277 and moves its favorable recommendation to the full House.

Chairman SENSENBRENNER. Without objection, the opening statements of the gentleman from Pennsylvania and the gentlewoman from Texas and all Members will be inserted in the record.

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

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
 IN CONGRESS FROM THE STATE OF TEXAS

Thank you Mr. Chairman.

I support H.R. 2277. While current law allows spouses to come to the United States with E visa holders, spouses are not allowed to work in the United States. H.R. 2277 would allow these spouses work authorization in the United States while accompanying the E visa holder.

As previously stated in reference to H.R. 2278, it does not make sense to allow spouses to accompany their partners to the United States and then deny them the opportunity to be employed. Furthermore, this bill makes the time these families live in the United States easier since it allows for a second income.

I hope that this bill is the beginning of an understanding that we should allow spouses, in other nonimmigrant classifications, who accompany their husband or wife to the United States to be able to attain work authorization.

Thank you Mr. Chairman. I yield back the balance of my time.

Chairman SENSENBRENNER. Are there any amendments to the bill?

Hearing none, the Chair notes the presence of a reporting quorum. The question occurs on the motion to report the bill H.R. 2277 favorably.

All in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it, and the motion to report favorably is adopted.

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.

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