

RENEWAL OF NONIMMIGRANT ATHLETE VISAS

JUNE 5, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 5060]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5060) to amend the Immigration and Nationality Act to allow athletes admitted as nonimmigrants described in section 101(a)(15)(P) of such Act to renew their period of authorized admission in 5-year increments, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 5060 amends the Immigration and Nationality Act to allow athletes admitted as nonimmigrants described in section 101(a)(15)(P) of such Act to permit the Department of Homeland

Security to continuously renew their period of authorized admission in 5-year increments.

BACKGROUND AND NEED FOR THE LEGISLATION

Currently, the Department of Homeland Security (DHS) may grant foreign professional athletes P-1 nonimmigrant status for an initial 5-year period, with one possible extension of up to five additional years. Thereafter, in order to continue to work in the United States legally, the athlete must apply to become a lawful permanent resident of the United States, a process that may take several years depending on the athlete's country of birth.

H.R. 5060 would amend section 214(a)(2)(B) of the Immigration and Nationality Act to allow DHS to continuously grant extensions of P-1 status in 5-year increments for the duration of an athlete's career. Allowing DHS to use its discretion with respect to whether or not to grant these extensions, rather than imposing an arbitrary 10-year cap, will help ensure that foreign athletes in their prime performance years are allowed to continue working for United States teams. H.R. 5060 has been endorsed by Major and Minor League Baseball, the National Basketball Association, the National Hockey League, and all of the relevant players associations.

HEARINGS

The Committee on the Judiciary held no hearings on H.R. 5060.

COMMITTEE CONSIDERATION

On March 12, 2008, the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law met in open session and ordered the bill, H.R. 5060, favorably reported, without amendment, by voice vote, a quorum being present. On April 2, 2008, the Committee met in open session and ordered the bill, H.R. 5060, favorably reported without amendment, by voice vote, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 5060.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises 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.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives 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. 5060, 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, May 14, 2008.

Hon. JOHN CONYERS, 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. 5060, a bill to amend the Immigration and Nationality Act to allow athletes admitted as nonimmigrants described in section 101(a)(15)(P) of such Act to renew their period of authorized admission in 5-year increments.

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,

PETER R. ORSZAG,
DIRECTOR.

Enclosure

cc: Honorable Lamar S. Smith.
Ranking Member

H.R. 5060—A bill to amend the Immigration and Nationality Act to allow athletes admitted as nonimmigrants described in section 101(a)(15)(P) of such Act to renew their period of authorized admission in 5-year increments.

CBO estimates that implementing H.R. 5060 would result in no significant cost to the Federal Government. The bill would affect direct spending, but we estimate that any effects would be insignificant. Enacting the bill would not affect revenues. H.R. 5060 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Under current law, certain foreign professional athletes may be admitted as nonimmigrants for an initial period of up to 5 years, plus one additional period of 5 years. H.R. 5060 would permit those athletes to apply for admission as nonimmigrants in 5-year increments beyond the maximum length of stay authorized by current law.

Based on the number of athletes admitted in recent years and the relatively short careers of these individuals, CBO expects that the bill's provisions would affect fewer than 1,000 persons annually. The Department of Homeland Security (DHS) would collect a fee of \$320 to process applications filed by these individuals. These fees are classified as offsetting receipts (a credit against direct spending). The department is authorized to spend such fees without further appropriation, so the net impact on DHS spending would be insignificant for each year.

The CBO staff contact for this estimate is Mark Grabowicz, who may be reached at 226–2860. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 5060 amends the Immigration and Nationality Act to allow athletes admitted as nonimmigrants described in section 101(a)(15)(P) of such Act to continuously renew their period of authorized admission in 5-year increments.

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 I, section 8, clause 4 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 5060 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

SECTION-BY-SECTION ANALYSIS

The following discussion describes the bill as reported by the Committee.

Sec. 1. Period of Authorized Admission for Certain Nonimmigrant Athletes. Section 1 would amend section 214(a)(2)(B) of the Immigration and Nationality Act to allow foreign athletes in P-1 nonimmigrant status to continuously extend their status in 5-year increments.

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 (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, 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)(1) * * *

(2)(A) * * *

(B) The period of authorized status as a nonimmigrant described in section 101(a)(15)(P) shall be for such period as the Attorney General may specify in order to provide for the competition, event, or performance for which the nonimmigrant is admitted. In the case of nonimmigrants admitted as individual athletes under section 101(a)(15)(P), the period of authorized status may be for an initial period (not to exceed 5 years) during which the nonimmigrant will perform as an athlete and such period may be ex-

tended by the Attorney General [for an additional period of up to 5 years.] *in 5-year increments.*

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