

Joint Committee on Taxation  
September 21, 1990  
JCX-27-90

REVENUE-RELATED PROVISION OF H.R. 4300

For Consideration  
by the

COMMITTEE ON WAYS AND MEANS

on

September 25, 1990

Legislative Background

On August 1, 1990, the House Committee on the Judiciary approved a bill (H.R. 4300), the Family Unity and Employment Opportunity Immigration Act of 1990, as amended, that would ease certain current U.S. immigration law restrictions. The bill has been sequentially referred to the Committee on Ways and Means for consideration of a revenue measure, denominated as a "fee," that is within the Committee's jurisdiction.

This document describes the fee and related provisions of H.R. 4300 as approved by the Committee on the Judiciary. In addition, this document contains a possible option to amend H.R. 4300 for consideration by the Committee on Ways and Means.

Description of Provisions of H.R. 4300 Identified as Within the Jurisdiction of the Committee on Ways and Means

Subtitle B of Title I of H.R. 4300 (secs. 111 and 112) would create a system under which certain employers who are granted permission to import foreign workers would be required to pay a fee that would be deposited into a separate account (referred to as the Education and Training Fund) within the general fund of the U.S. Treasury. The bill would establish a fee to be paid by certain employers petitioning for the admission of employment-based immigrants and certain nonimmigrant workers. The amount of the fee generally would be \$1,000 per alien. In the case of (a) an employer that has more than 49, but less than 200 employees, or (b) a nonprofit organization, charitable agency, or governmental agency, the amount of the fee would be \$500 per alien. Employers with

less than 50 employees would not be required to pay the fee. The fee would apply only to the principal immigrant (or nonimmigrant), and not to his or her spouse or minor children. The petitioning employer would be required to pay the fee at the time and in the manner specified by the Attorney General.

All fees collected from petitioning employers would be deposited into the Education and Training Fund, to be administered by the Secretary of Labor. Disbursements from the Fund generally would be utilized for the education and training of U.S. persons. Not more than 5 percent of the money would be used for State administrative costs, and not more than 2 percent for overhead costs of the Federal Government. 10 percent of the funds would be used specifically to provide funding for post-secondary education at accredited institutions in the fields of mathematics and the sciences. The remaining 83 percent of the Fund would be used to train U.S. workers in fields which have shortages of employees.

#### Possible Option

The Committee amendment would delete the provision that authorizes the imposition of a fee to be paid by employers petitioning for the admission of employment-based immigrants and certain non-immigrant workers. In addition, the amendment would delete the provision of the bill that would establish an Education and Training Fund to be used as the vehicle for disbursing the fee.