

FOR THE RELIEF OF BELINDA MCGREGOR

OCTOBER 5, 1999.—Referred to the Private Calendar and ordered to be printed

Mr. SMITH of Texas, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany S. 452]

The Committee on the Judiciary, to whom was referred the bill (S. 452) for the relief of Belinda McGregor, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

This bill would deem Belinda McGregor to have been selected for a diversity immigrant visa for fiscal year 2000.

BACKGROUND AND NEED FOR THE LEGISLATION

Belinda McGregor, a citizen of the United Kingdom, filed an application for the 1995 Diversity Visa program. Her husband, a citi-

zen of Ireland, filed a separate application at the same time. As the spouse of an Irish citizen, Ms. McGregor was eligible for the diversity program. Ms. McGregor's application was among those selected to receive a diversity visa in 1995. When the National Visa Center received the application, the clerk erroneously assumed that Belinda McGregor was not eligible for a visa because of her United Kingdom citizenship, and attempted to remedy the problem by replacing Ms. McGregor's name in the computer with that of her husband, a Irish citizen.

Mr. McGregor was informed that he had been selected in the diversity program, and that additional documents were required. He sent the additional documents. When the National Visa Center received his completed information, it was discovered that his wife's name had been replaced with his and the application was placed back in her name. The National Visa Center never informed Ms. McGregor that she had been selected and as a result she never provided the requisite information before the September 1995 deadline. Her visa number was given to another applicant.

Ms. McGregor was unfairly denied the 1995 diversity visa due to a series of errors by the National Visa Center. Unfortunately, the Center does not have the legal authority to rectify its mistake, and a private bill is needed to allow Ms. McGregor the visa to which she was entitled in 1995.

#### HEARINGS

The committee's Subcommittee on Immigration and Claims held no hearings on S. 452.

#### COMMITTEE CONSIDERATION

On September 30, 1999, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill S. 452, without amendment by voice vote, a quorum being present.

On October 5, 1999, the Committee on the Judiciary met in open session and ordered reported favorably the bill S. 452 without amendment by voice vote, a quorum being present.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI 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.

#### COMMITTEE ON GOVERNMENT REFORM FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

## COMMITTEE COST ESTIMATE

In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the committee believes that the bill would have no significant impact on the Federal budget. S. 452 could have a very small effect on fees collected by the Immigration and Naturalization Service. This is based on the Congressional Budget Office cost estimate on S. 1304 in the 105th Congress, the predecessor to S. 452. That Congressional Budget Office cost estimate follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 20, 1998.*

Hon. HENRY J. HYDE, *Chairman,*  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1304, an act for the relief of Belinda McGregor.

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,

JUNE E. O'NEILL *Director.*

*S. 1304—An act for the relief of Belinda McGregor.*

S. 1304 would grant permanent residence to Belinda McGregor. CBO estimates that enacting this legislation would have no significant impact on the Federal budget. S. 1304 could have a very small effect on fees collected by the Immigration and Naturalization Service, which are classified as direct spending, so pay-as-you-go procedures would apply.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226-2860. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to rule XI, clause 2(1)(4) 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.

## AGENCY VIEWS

The comments of the Immigration and Naturalization Service on S. 452 are as follows:

U.S. DEPARTMENT OF JUSTICE,  
 IMMIGRATION AND NATURALIZATION SERVICE,  
 Washington, DC, August 4, 1999.

Hon. ORRIN HATCH, *Chairman,*  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: This is in reference to your request for a report relative to S. 452, a bill for the relief of Belinda McGregor. The bill would grant the beneficiary held and considered to have been selected for a diversity immigrant visa for fiscal year 1999 as of the date of the enactment of the Immigration and Nationality Act, upon payment of the required visa fee. The bill would also direct the proper visa number deduction.

Sincerely,

ALLEN ERENBAUM, *Director, Congressional Relations.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
 NATURALIZATION SERVICE FILES RE: S.452

The beneficiary, Belinda McGregor, was born on April 4, 1958, in Vienna, Austria. Ms. McGregor has dual citizenship status of Austria and Great Britain. Ms. McGregor resides at 900 West Bitner Road, Apt. #T-11, Park City, Utah. Ms. McGregor has been employed by Sundance Catalog Company in Salt Lake City, Utah since January 1999, with an income of about \$28,000 a year.

Service files indicate that Ms. McGregor submitted an application for a 1995 Diversity Visa Program. The application was mishandled by the National Visa Center because of confusion over Ms. McGregor's dual citizenship. Ms. McGregor has made numerous entries into the United States over the last 15 years. She last entered the United States at San Francisco, California on October 22, 1997, as a visitor for pleasure (B-2). Ms. McGregor was authorized to stay in the United States until March 2, 1998. Ms. McGregor was granted deferred action on September 22, 1998.

The beneficiary married David McGregor, a citizen of Ireland, on August 24, 1990, in Dublin, Ireland. This marital union resulted in two children. The oldest child, Ronald McGregor, was born on January 30, 1983 in Vienna, Austria. Ronald resides in Vienna, Austria, but visits his mother in Park City, Utah often. The younger child, Caeylin Dane McGregor, was born on July 18, 1991, in Vienna, Austria. Caeylin resides with the beneficiary in Park City, Utah.

Responses to national agency checks were negative. The beneficiary has not performed military service in the United States.