

RENDERING DENMARK NATIONALS ELIGIBLE TO ENTER THE UNITED STATES AS NON-IMMIGRANT TRADERS AND INVESTORS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3647) to render nationals of Denmark eligible to enter the United States as nonimmigrant traders and investors, as amended.

The Clerk read as follows:

H.R. 3647

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. NONIMMIGRANT TRADERS AND INVESTORS FROM DENMARK.**

[Denmark shall be considered, for purposes of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), to be a foreign state described in such section if Denmark extends reciprocal nonimmigrant treatment to nationals of the United States.]

**SECTION 1. NONIMMIGRANT TRADERS AND INVESTORS FROM DENMARK.**

*Denmark shall be considered, for purposes of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), to be a foreign state described in such section (other than clause (iii) of such section) if Denmark extends reciprocal nonimmigrant treatment to nationals of the United States.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3647, to render nationals of Denmark eligible to enter the United States as nonimmigrant traders and investors. E-2 visas are nonimmigrant visas available to nationals of countries with which the United States maintains a treaty of commerce. Under the Immigration and Nationality Act, aliens from such countries who wish to come to the United States to develop and direct the operations of an enterprise in which they have invested, or are actively in the process of investing a substantial amount of capital, may apply for entry on an E-2 visa.

Alien employees of a treaty investor may also receive E-2 visas if they are coming to the United States 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 that enterprise. There is no numerical cap on E-2 visas. An alien may be admitted initially for a period of 2 years and can apply for extensions in 2-year increments.

The United States has entered into treaties of commerce containing language similar to the E-2 visas since as far back as 1815, when we entered into a Convention to Regulate Commerce with the United Kingdom. Currently,

the nationals of 74 countries are eligible for E-2 status. In fiscal year 2003, 24,506 aliens, including dependents, were granted E-2 visas.

Nationals of Denmark are already eligible for an E-1, treaty trader, visa pursuant to the Treaty of Friendship, Commerce and Navigation between the United States and Denmark of October 1, 1951. The U.S. and Denmark signed a protocol to that treaty on May 2, 2001, that would also grant Danes eligibility for E-2 visas. However, that protocol has not been ratified due to the broad objections raised on both sides of the Capitol regarding the inclusion of immigration provisions in trade agreements. Accordingly, the Danish embassy has requested that Denmark be granted E-2 privileges through the normal legislative process. This legislation would accomplish that.

Mr. Speaker, I wish to emphasize the importance of formal congressional consideration of any changes to United States immigration law through congressional legislative process. Over the last several years, Congress has witnessed efforts to circumvent its exclusive authority under the Constitution to amend our Nation's immigration law. The inclusion of temporary entry or other immigration provisions in bilateral or multilateral trade agreements undermines the constitutional authority of Congress and has been strongly opposed by Members on both sides of the aisle.

This legislation is the product of the open legislative process that revisions to our immigration law deserve, and I urge other nations seeking changes to U.S. immigration law to follow a similar legislative course. I appreciate that the embassy of Denmark has sought E-2 visas the right way, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I yield myself such time as I may consume.

Let me, first of all, acknowledge that this is an important issue. Danish nationals are eligible for E-1 treaty trader visas pursuant to the Treaty of Friendship, Commerce and Navigation between the United States and Denmark of October 1, 1951.

The U.S. and Denmark signed a protocol to the treaty on May 2, 2001, which would grant Danes eligibility for E-2 visas. That protocol is currently before the Senate Foreign Affairs Committee. However, since the Judiciary Committee began insisting in 2003 that trade agreements and treaties no longer contain immigration provisions, the Danish embassy has requested a grant of E-2 privileges through the normal legislative process.

H.R. 3647 would grant those privileges to Denmark. I support that grant of such privileges and therefore support H.R. 3647.

Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3647, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

**COPYRIGHT ROYALTY JUDGES PROGRAM TECHNICAL CORRECTIONS ACT**

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1036) to amend title 17, United States Code, to make technical corrections relating to copyright royalty judges, as amended.

The Clerk read as follows:

H.R. 1036

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Copyright Royalty Judges Program Technical Corrections Act".

**SEC. 2. REFERENCE.**

Any reference in this Act to a provision of title 17, United States Code, refers to such provision as amended by the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108-419) and the Satellite Home Viewer Extension and Reauthorization Act of 2004 (title IX of division J of Public Law 108-447).

**SEC. 3. AMENDMENTS TO CHAPTER 8 OF TITLE 17, UNITED STATES CODE.**

Chapter 8 of title 17, United States Code, is amended as follows:

(1) Section 801(b)(1) is amended, in the matter preceding subparagraph (A), by striking "119 and 1004" and inserting "119, and 1004".

(2) Section 801 is amended by adding at the end the following:

"(f) EFFECTIVE DATE OF ACTIONS.—On and after the date of the enactment of the Copyright Royalty and Distribution Reform Act of 2004, in any case in which time limits are prescribed under this title for performance of an action with or by the Copyright Royalty Judges, and in which the last day of the prescribed period falls on a Saturday, Sunday, holiday, or other nonbusiness day within the District of Columbia or the Federal Government, the action may be taken on the next succeeding business day, and is effective as of the date when the period expired."

(3) Section 802(f)(1)(A) is amended—

(A) in clause (i), by striking "clause (ii) of this subparagraph and subparagraph (B)" and inserting "subparagraph (B) and clause (ii) of this subparagraph"; and

(B) by striking clause (ii) and inserting the following:

"(ii) One or more Copyright Royalty Judges may, or by motion to the Copyright Royalty Judges, any participant in a proceeding may, request from the Register of Copyrights an interpretation of any material questions of substantive law that relate to the construction of provisions of this title and arise in the course of the proceeding. Any request for a written interpretation