

FOR THE RELIEF OF DANIEL WACHIRA

JULY 24, 2012.—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 H.R. 824]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 824) for the relief of Daniel Wachira, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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Purpose and Summary

The bill grants permanent resident status to Daniel Wachira.

Background and Need for the Legislation

In 2001, Daniel Wachira was born in a Nairobi, Kenya slum, abandoned in a heap of trash and then mauled by dogs. Daniel lost his left ear, left cheek, part of his mouth, and one of his toes. A Nairobi hospital kept Daniel in a bassinet for 10 months. Although he successfully managed to fight off multiple infections, his legs

curved like bows and his arms became nearly useless. The hospital then took him to the Frances Jones Abandoned Babies and Children Center, a Feed the Children project, where he remained for 4 years and received improved nutrition, care and attention. Although he underwent surgeries to help repair his torn face, the skin grafts were too small and did not take.

In March 2006, Frances Jones, co-founder of Feed the Children, brought Daniel to the United States on a B-2 visa for medical treatment. Two reconstructive and plastic surgeons in Houston, Texas, volunteered to perform the complicated surgeries and arrange the additional treatments Daniel required. To date, they have performed four reconstructive surgeries to repair the damage caused by the dogs, but have certified that he requires additional surgeries over the next several years, as well as continued therapy, treatment, and monitoring. Based on his work with top specialists in Kenya, one of the Houston surgeons confirms that Daniel could receive neither proper reconstructive surgery in Kenya, nor an adequate level of therapy.

Authorities in Kenya have exhausted their search for Daniel's family, and the Kenyan government has granted Larry and Frances Jones legal guardianship over him. Although the Jones' are willing to adopt Daniel, Kenya's failure to implement the Hague Adoption Convention of 2008 makes that impossible.

H.R. 824 grants permanent residence to Mr. Wachira.

In the modern era, Congress has approved private bills when an alien suffered a serious illness and could not receive proper treatment in his or her home country. For instance:

In the 106th Congress, Congress passed a private bill for Marina Khalina and her son Albert Mifakhov.¹ Marina was in the U.S. with her son on visitors' visas which could no longer be extended. The son was undergoing medical treatment for cerebral palsy which was unobtainable in Russia and which he would need until he became an adult.

In the 106th Congress, Congress passed a private bill for Jacqueline Salinas and her three children.² One of the children who had a rare bone cancer had come to the U.S. with her father from Bolivia (where it could not be treated). St. Jude's Children's Hospital offered treatment at no cost to the family. The rest of the family joined them in the U.S. A car accident resulted in the death of the father, one child, and the permanent paralysis of Ms. Salinas from the waist down. The mother, who was pregnant at the time of the accident, gave birth to a U.S. citizen child. The hospital offered complete financial support to enable the family to remain in the U.S. The disability of the surviving parent and the need for ongoing cancer treatment for the sick child would have caused the family extreme hardship if they had to return to Bolivia.

In the 111th Congress, the Immigration Subcommittee requested an ICE report on Mr. Wachira and ICE provided the Subcommittee with a report which contained no derogatory information. On March 10, 2011, the Subcommittee again voted to request a report. On January 13, 2012, ICE provided the report. It revealed no derogatory information.

¹See Priv. L. No. 106-15 (H.R. Rep. No. 106-956).

²See Priv. L. No. 106-20 (H.R. Rep. No. 106-962).

Hearings

The Committee on the Judiciary held no hearings on H.R. 824.

Committee Consideration

On June 28, 2012, the Committee met in open session and ordered the bill H.R. 824 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. 824.

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. 824, 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 5, 2012.

Hon. LAMAR SMITH, CHAIRMAN,
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the following legislation ordered reported by the House Committee on the Judiciary on June 28, 2012:

- H.R. 823, a bill for the relief of Maria Carmen Castro Ramirez and J. Refugio Carreno Rojas;
- H.R. 824, a bill for the relief of Daniel Wachira;
- H.R. 316, a bill for the relief of Esther Karinge;
- H.R. 794, a bill for the relief of Allan Bolor Kelley;
- H.R. 357, a bill for the relief of Corina de Chalup Turcinovic;
and

- H.R. 1857, a bill for the relief of Bartosz Kumor.

Those bills would make certain individuals eligible for permanent U.S. residence and could have a very small effect on fees collected by the Department of Homeland Security and thus would affect direct spending. Therefore, pay-as-you-go procedures apply. CBO estimates, however, that enacting those pieces of legislation would not have a significant impact on the federal budget.

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,

DOUGLAS W. ELMENDORF,
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

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. 824 grants permanent resident status to Daniel Wachira.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 824 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Section-by-Section Analysis

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

Sec. 1. Permanent Resident Status for Daniel Wachira.

Subsection (a) provides that Daniel Wachira shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of the Immigration and Nationality Act (INA) or for adjustment of status to lawful permanent resident.

Subsection (b) provides that if Mr. Wachira enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the INA as of the date of the enactment of this Act.

Subsection (c) provides that subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

Subsection (d) provides that upon the granting of an immigrant visa or permanent residence to Mr. Wachira, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of his birth under

section 203(a) of the INA or, if applicable, the total number of immigrant visas that are made available to natives of the country of his birth under section 202(e) of the INA.

Subsection (e) provides that the natural parents, brothers, and sisters of Mr. Wachira shall not, by virtue of such relationship, be accorded any right, privilege, or status under the INA.

