

FOR THE RELIEF OF ARPITA KURDEKAR, GIRISH
KURDEKAR, AND VANDANA KURDEKAR

NOVEMBER 18, 2020.—Referred to the Private Calendar and ordered to be printed

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

R E P O R T

[To accompany H.R. 631]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 631) for the relief of Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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Purpose and Summary

H.R. 631, “For the relief of Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar,” would provide the beneficiaries of this private bill with an opportunity to obtain lawful permanent resident status in the United States.

Background and Need for the Legislation

A. IMMIGRATION BACKGROUND

Arpita Kurdekar arrived in the United States from India in August 2014 on a temporary F-1 student visa in pursuit of a master's degree in civil engineering at the University of Buffalo in New York. Ms. Kurdekar has continued to maintain lawful status under the terms and conditions of her student visa and is currently pursuing a Ph.D. in structural engineering at the University of Connecticut. Her father and mother, Girish Kurdekar and Vandana Kurdekar, last entered the United States in 2016 on B-2 visitor visas. They have both been granted multiple B-2 extensions and have maintained such status since entry. All three family members lack viable options to remain in the United States permanently.

B. MEDICAL CONDITION

In September 2016, Arpita Kurdekar was struck by a tree limb and suffered a severe spinal cord injury, rendering her instantly paralyzed from the neck down. Shortly after the accident, her parents came to the United States to provide their only daughter with the full-time care, assistance, and support that she requires.

Here in the United States, Ms. Kurdekar has access to the advanced physical therapy services necessary to manage her condition through her private health insurance. Ms. Kurdekar is currently employed as a Graduate Research Fellow and Research Assistant at the University of Connecticut and receives supplemental financial assistance in the form of long-term disability and other insurance payments as well as investment income. Lacking employment authorization due to their temporary visitor status, neither Girish Kurdekar nor Vandana Kurdekar are currently employed.

C. HOUSE PRECEDENT FOR CONSIDERATION OF PRIVATE IMMIGRATION BILLS

In the modern era, Congress has passed numerous private bills for similarly situated individuals, including in cases where the beneficiary, or the U.S. citizen spouse or child of a beneficiary, suffered from a serious illness or medical condition.

For example, in the 106th Congress, the House passed a private bill for Marina Khalina and her son Albert Kifakov, the latter of whom had cerebral palsy and would require lifelong medical treatment that was unavailable in their home country of Russia.¹ Also in the 106th Congress, the House passed a private bill for the relief of Jacqueline Salinas—who was paralyzed from the waist down—and her children, one of whom was afflicted with bone cancer.²

In the 104th Congress, the House passed a private bill for Oscar Salas-Velazquez, whose U.S. citizen child and wife were carriers of an antigen that predisposes them to developing Reiter's syndrome—a severe, disabling, incurable arthritic disease which can be triggered by an intestinal infection from organisms widespread in Mexico.³ Requiring Mr. Salas-Velazquez's wife and child to join him in Mexico would very likely result in the development of

¹ See H.R. Rep. No. 106-956 (2000); See also S. 150, 106th Cong. (1999).

² See H.R. Rep. No. 106-962 (2000); See also S. 1513, 106th Cong. (1999).

³ See H.R. Rep. No. 104-810 (1996); See also H.R. 1031, 104th Cong. (1995).

Reiter's syndrome.⁴ In the 106th Congress, the House also passed a private bill for Saeed Rezai, whose U.S. citizen wife was stricken with multiple sclerosis.⁵ Medical professionals indicated that her condition would likely deteriorate rapidly from the severe stress resulting from her husband's removal.

Similarly, if the Kurdekar family is forced to return to their home country of India, where access to the specialized treatment and accommodations that are necessary to sustain Arpita Kurdekar's quality of life is both limited and costly, they will undoubtedly experience excessive hardship. As such, the Committee has determined that H.R. 631 meets the medical condition precedent.

Hearings

The Committee on the Judiciary held no hearings on H.R. 631.

Committee Consideration

On September 9, 2020, the Committee met in open session and ordered the bill, H.R. 631, favorably reported without amendment, by a 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. 631.

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. 631, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

⁴*Id.*

⁵See H.R. Rep. No. 106-905 (2000); See also H.R. 5266, 106th Cong. (2000).

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 22, 2020.

Hon. JERROLD NADLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for these four bills:

- H.R. 631, For the relief of Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar;
- H.R. 4225, For the relief of Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso;
- H.R. 7146, For the relief of Victoria Galindo Lopez; and
- H.R. 7572, For the relief of Median El-Moustrah.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is David Rafferty.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

cc: Honorable Doug Collins
Ranking Member

Immigration-Relief Legislation			
As ordered reported by the House Committee on the Judiciary on September 9, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	*	*
Revenues	0	*	*
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	0	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

On September 9, 2020, the House Committee on the Judiciary ordered reported four bills that would allow the people named in each bill to become lawful permanent residents:

- H.R. 631, For the relief of Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar;
- H.R. 4225, For the relief of Maria Isabel Bueso Barrera, Alberto Bueso Mendoza, and Karla Maria Barrera De Bueso;
- H.R. 7146, For the relief of Victoria Galindo Lopez; and
- H.R. 7572, For the relief of Median El-Moustrah.

Enacting each of those four bills could increase direct spending and reduce revenues because lawful permanent residents are eligible for certain federal benefits, such as Medicaid and premium tax credits for health insurance purchased through the marketplaces

established by the Affordable Care Act, if they otherwise meet the eligibility requirements for those benefits. CBO estimates that those effects would not be significant because of the small number of people who would be affected by each bill.

The CBO staff contact for this estimate is David Rafferty. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Duplication of Federal Programs

No provision of H.R. 631 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

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. 631 would provide Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar with an opportunity to obtain lawful permanent resident status in the United States.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 631 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 Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar. Subsection (a) provides that Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar shall each be eligible for issuance of an immigrant visa or for adjustment of status to lawful permanent residence upon filing the appropriate application.

Subsection (b) provides that if Arpita Kurdekar, Girish Kurdekar, or Vandana Kurdekar enter the United States before the filing deadline specified in subsection (c), they shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status as of the date of the enactment of this Act.

Subsection (c) requires Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar to apply for an immigrant visa or adjustment of status within 2 years after the date of the enactment of this Act.

Subsection (d) provides that upon granting an immigrant visa or permanent residence to Arpita Kurdekar, Girish Kurdekar, and Vandana Kurdekar, the Secretary of State shall reduce by three, the total number of immigrant visas that are made available to natives of the country of their birth.

Subsection (e) provides that the natural parents, brothers, and sisters of Arpita Kurdekar, Girish Kurdekar, and Vandana

Kurdekar shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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