



Legislative Bulletin.....July 15, 2014

- Contents:**
H.R. 3086 – Permanent Internet Tax Freedom Act
H.R. 306 – For the relief of Corina de Chalup Turcinovic

H.R. 3086 – Permanent Internet Tax Freedom Act (Goodlatte, R-VA)

Order of Business: The legislation is scheduled for consideration on Tuesday, July 15, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: [H.R. 3086](#) makes permanent a moratorium on internet access taxes and multiple and discriminatory taxes on electronic commerce.

Additional Information: The Internet Tax Freedom Act (ITFA) was enacted on October 21, 1998 as part of [P.L. 105-277](#). ITFA placed a moratorium on the ability of State and local governments to impose new taxes on internet access or impose multiple or discriminatory taxes on electronic commerce. That moratorium was extended in 2001, 2003, and again in 2004. It is currently set to expire on November 1, 2014.

- Committee Report 113-510 is available [here](#).
- Chairman Goodlatte wrote an op-ed that was published [Politico](#).
- The bill has 228 cosponsors
- The Heritage Foundation published an Issue Brief that states the need for permanence of a moratorium on state and local internet access taxes. The Issue Brief can be viewed [here](#).

Committee Action: The legislation was introduced on September 12, 2013, and referred to the House Committee on the Judiciary. On June 18, 2014, the Committee favorably reported the bill by a [vote](#) of 30-4.

- Outside Groups in Support:**
- The American Conservative Union
 - [Americans for Tax Reform](#)
 - [Digital Liberty](#)

Administration Position: No Statement of Administration Position is available.

Cost to Taxpayers: According to the Congressional Budget Office [cost estimate](#) “enacting H.R. 3086 would have no impact on the federal budget.”

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes, according to CBO [cost estimate](#) “H.R. 3086 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the mandate would cause some state and local governments to lose revenue beginning in November 2014; those losses would exceed the threshold established in UMRA for intergovernmental mandates (\$76 million in 2014, adjusted annually for inflation) beginning in 2015. CBO estimates that the direct costs to states and local governments would probably total more than several hundred million dollars annually. The bill contains no private-sector mandates as defined in UMRA.”

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 1 of the United States Constitution, Article I, Section 8 of the United States Constitution, including, but not limited to, Clauses 1, 3 and 18.” Chairman Goodlatte’s statement in the Congressional Record is available [here](#).

RSC Staff Contact: Scott Herndon, Scott.Herndon@mail.house.gov, (202) 226-2076.

***NOTE:** RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

H.R. 306 – For the relief of Corina de Chalup Turcinovic (Lipinski, D-IL)

Order of Business: The legislation is scheduled for consideration on Tuesday, July 15, 2014, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: [H.R. 306](#) makes Corina de Chalup Turcinovic eligible for permanent U.S. residence notwithstanding subsections [\(a\) and \(b\) of section 201 of the Immigration and Nationality Act](#). Relatives (parents, brothers, and sisters) of Corina de Chalup Turcinovic are denied preferential immigration treatment.

Additional Information: Committee Report 113-445 is available [here](#). The report contains a detailed description of the background of Corina de Chalup Turcinovic and the justification for the legislation. Excerpts of the Committee report below:

“Corina Turcinovic was born in France in 1964. She entered the United States through the visa waiver program in 1990 after receiving news that her then-fiance’, Marin Turcinovic, had been struck in New Jersey by a car driven by a drunk driver. Marin’s spinal cord was severely damaged in the accident. He was left with total quadriplegia when his doctors failed to correctly diagnose the extent of his injuries, including broken

vertebrae in his neck. Marin would later win a large settlement in a medical malpractice suit. His injuries left him completely dependent on Corina for care. He was dependent on a ventilator to breathe and he required 24-hour medical care.

Two months after her entry into the country, Corina filed an application for an extension of her temporary stay. INS denied the application because extensions of stay were not allowed under the visa waiver program. However, INS granted her a stay of deportation on humanitarian grounds to allow Corina to stay in the U.S. to care for Marin in their home. Such stays of deportation were renewed on an annual basis for the next 10 years.

In 1996, Marin and Corina were married. In 1998, Marin became a lawful permanent resident. He then filed a petition for permanent residence for Corina. It was approved and she was placed on the waiting list for green cards for spouses of permanent residents.

In 2003, Marin filed for naturalization (which, once granted, would allow Corina as the spouse of a citizen to immediately apply for adjustment of status to conditional permanent residence). While a medical certification of disability made clear that Marin could not physically appear at the U.S. Citizenship and Immigration Services (“USCIS”) office, Marin nonetheless received a fingerprint appointment notice about 2 weeks later. Marin’s attorney contacted USCIS and the agency responded that an officer would visit Marin at his home to further process his application. However, Marin then received notice that his naturalization application had been denied due to abandonment because of his failure to appear for fingerprinting. Marin’s attorney again contacted USCIS and filed a motion to reopen Marin’s application. The motion was granted on March 8, 2004. However, Marin received another fingerprint appointment notice and died shortly later.

H.R. 306 grants Ms. Turcinovic permanent residence.

The case certainly seems unique in that an alien who had come to the U.S. legally was allowed by the Federal Government to stay here for many years to care for her legal immigrant spouse. While that care is no longer needed following the death of Marin, Corina would suffer hardship in having to return to France after all these years in the U.S.”

Committee Action: The legislation was introduced on January 15, 2013, and referred to the House Committee on the Judiciary. On April 30, 2014, the Committee favorably reported the bill by voice vote.

Administration Position: No Statement of Administrative Position is available.

Cost to Taxpayers: According to the Congressional Budget Office [cost estimate](#) “The bill would affect only one person and could have a very small effect on fees collected by the Department of Homeland Security; thus, enacting the bill would affect direct spending and pay-as-you-go procedures apply. However, CBO estimates that those effects would not be significant.”

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: According to the sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 4 of the Constitution provides that Congress shall have power to ``establish an uniform Rule of Naturalization". The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. As the Court found in *Galvan v. Press*, 347 U.S. 522, 531 (1954), ``that the formulation of policies [pertaining to the entry of aliens and their right to remain here] is entrusted exclusively to Congress has become about as firmly imbedded in the legislative and judicial tissues of our body politic as any aspect of our government." And, as the Court found in *Kleindienst v. Mandel*, 408 U.S. 753, 766 (1972) (quoting *Boutilier v. INS*, 387 U.S. 118, 123 (1967)), ``[t]he Court without exception has sustained Congress' `plenary power to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden.'" Congressman Lipinski's statement in the Congressional Record can be viewed [here](#).

RSC Staff Contact: Scott Herndon, Scott.Herndon@mail.house.gov, (202) 226-2076.

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

###