

# Union Calendar No. 442

110TH CONGRESS  
2D SESSION

# H. R. 4080

[Report No. 110-699]

To amend the Immigration and Nationality Act to establish a separate nonimmigrant classification for fashion models.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2007

Mr. WEINER introduced the following bill; which was referred to the Committee on the Judiciary

JUNE 5, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 5, 2007]

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## A BILL

To amend the Immigration and Nationality Act to establish a separate nonimmigrant classification for fashion models.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ESTABLISHMENT OF NEW FASHION MODEL**

4 **NONIMMIGRANT CLASSIFICATION.**

5 *(a) IN GENERAL.—*

1           (1)           NEW           CLASSIFICATION.—Section  
2           101(a)(15)(P) of the Immigration and Nationality  
3           Act (8 U.S.C. 1101(a)(15)(P)) is amended—

4                   (A) in clause (iii), by striking “or” at the  
5                   end;

6                   (B) in clause (iv), by striking “clause (i),  
7                   (ii), or (iii)” and inserting “clause (i), (ii), (iii),  
8                   or (iv)”;

9                   (C) by redesignating clause (iv) as clause  
10                  (v); and

11                  (D) by inserting after clause (iii) the fol-  
12                  lowing:

13                   “(iv) is a fashion model who is of distin-  
14                   guished merit and ability and who is seeking to  
15                   enter the United States temporarily to perform  
16                   fashion modeling services that involve events or  
17                   productions which have a distinguished reputa-  
18                   tion or that are performed for an organization or  
19                   establishment that has a distinguished reputa-  
20                   tion for, or a record of, utilizing prominent mod-  
21                   eling talent; or”.

22           (2)           AUTHORIZED PERIOD OF STAY.—Section  
23           214(a)(2)(B) of the Immigration and Nationality Act  
24           (8 U.S.C. 1184(a)(2)(B)) is amended in the second  
25           sentence—

1           (A) by inserting “or fashion models” after  
2           “athletes”; and

3           (B) by inserting “or fashion model” after  
4           “athlete”.

5           (3) *NUMERICAL LIMITATION.*—Section 214(c)(4)  
6           of the *Immigration and Nationality Act* (8 U.S.C.  
7           1184(c)(4)) is amended by adding at the end the fol-  
8           lowing:

9           “(I)(i) The total number of aliens who may be issued  
10          visas or otherwise provided nonimmigrant status during  
11          any fiscal year under section 101(a)(15)(P)(iv) may not ex-  
12          ceed 1,000.

13          “(ii) The numerical limitation established by clause  
14          (i) shall only apply to principal aliens and not to the  
15          spouses or children of such aliens.

16          “(iii) An alien who has already been counted toward  
17          the limitation established by clause (i) shall not be counted  
18          again during the same period of stay or authorized exten-  
19          sion under subsection (a)(2)(B), irrespective of whether  
20          there is a change in petitioner under subparagraph (C).”.

21           (4) *CONSULTATION.*—

22           (A) *IN GENERAL.*—Section 214(c)(4)(D) of  
23           the *Immigration and Nationality Act* (8 U.S.C.  
24           1184(c)(4)(D)) is amended by striking “clause

1           *(i) or (iii)*” and inserting “*clause (i), (iii), or*  
2           *(iv)*”.

3                   (B)       *ADVISORY       OPINION.*—*Section*  
4           *214(c)(6)(A)(iii) of the Immigration and Nation-*  
5           *ality Act (8 U.S.C. 1184(c)(6)(A)(iii)) is amend-*  
6           *ed—*

7                   (i)       by       striking       “*section*  
8                   *101(a)(15)(P)(i) or 101(a)(15)(P)(iii),*” and  
9                   inserting “*clause (i), (iii), or (iv) of section*  
10                  *101(a)(15)(P),*”; and

11                  (ii) by striking “*of athletics or enter-*  
12                  *tainment*”.

13                   (C)       *EXPEDITED       PROCEDURES.*—*Section*  
14           *214(c)(6)(E)(i) of the Immigration and Nation-*  
15           *ality Act (8 U.S.C. 1184(c)(6)(E)(i)) is amended*  
16           *by striking “artists or entertainers” and insert-*  
17           *ing “artists, entertainers, or fashion models”.*

18           (b) *ELIMINATION OF H-1B CLASSIFICATION FOR*  
19           *FASHION MODELS.*—*Section 101(a)(15)(H)(i)(b) of the Im-*  
20           *migration and Nationality Act (8 U.S.C.*  
21           *1101(a)(15)(H)(i)(b)) is amended—*

22                   (1) by striking “*or as a fashion model*”; and

23                   (2) by striking “*or, in the case of a fashion*  
24           *model, is of distinguished merit and ability*”.

25           (c) *EFFECTIVE DATE AND IMPLEMENTATION.*—

1           (1) *IN GENERAL.*—*The amendments made by*  
2 *this section shall take effect on the date of the enact-*  
3 *ment of this Act.*

4           (2) *REGULATIONS, GUIDELINES, AND PRECE-*  
5 *DENTS.*—*The regulations, guidelines and precedents*  
6 *in effect on the date of the enactment of this Act for*  
7 *the adjudication of petitions for fashion models under*  
8 *section 101(a)(15)(H)(i)(b) of the Immigration and*  
9 *Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)), shall*  
10 *be applied to petitions for fashion models under sec-*  
11 *tion 101(a)(15)(P)(iv) of the Immigration and Na-*  
12 *tionality Act (8 U.S.C. 1101(a)(15)(P)(iv)), as added*  
13 *by this Act, except to the extent modified by the Sec-*  
14 *retary of Homeland Security through final regula-*  
15 *tions (not through interim regulations) promulgated*  
16 *in accordance with subchapter II of chapter 5, and*  
17 *chapter 7, of title 5, United States Code (commonly*  
18 *known as the “Administrative Procedure Act”).*

19           (3) *CONSTRUCTION.*—*Nothing in this section*  
20 *shall be construed as preventing an alien who is a*  
21 *fashion model from obtaining nonimmigrant status*  
22 *under section 101(a)(15)(O)(i) of the Immigration*  
23 *and Nationality Act (8 U.S.C. 1101(a)(15)(O)(i)) if*  
24 *such alien is otherwise qualified for such status.*

1           (4) *TREATMENT OF PENDING PETITIONS.*—*Peti-*  
2           *tions filed on behalf of fashion models under section*  
3           *101(a)(15)(H)(i)(b) of the Immigration and Nation-*  
4           *ality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) that are*  
5           *pending on the date of the enactment of this Act shall*  
6           *be treated as if they had been filed under section*  
7           *101(a)(15)(P)(iv) of the Immigration and Nationality*  
8           *Act (8 U.S.C. 1101(a)(15)(P)(iv)), as added by this*  
9           *Act.*



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