

George W. Bush Presidential Library

Collection: Executive Clerk, Office of The

Series: Saunders, G. Timothy (Tim) – Bill Files

Folder Title: 10/01/2001 [S. 1424]



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 2001

THE PRESIDENT HAS SEEN
10-1-01

01 SEP 20 PM 5:47

APPROVED

OCT 1 2001

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

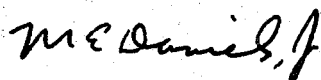
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 18, 2001

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This responds to your request for the views and recommendation of the Department of Justice on enrolled bill S. 1424, "[t]o amend the Immigration and Nationality Act to provide permanent authority for the admission of 'S' visa nonimmigrants." The "S Visa" program, which has been an important element of our fight against terrorism, expired on September 12, 2001. We strongly support a permanent extension of this program and therefore urge that the President approve this enrolled bill at his earliest convenience.

The "S Visa" program allows the Attorney General to admit, in a temporary nonimmigrant status, a limited number of foreign nationals -- and their immediate family members -- who have crucial information that is necessary for the successful investigation or prosecution of terrorist or other criminal organizations. The status of certain "S Visa" nonimmigrants who have made substantial contributions may be adjusted in limited circumstances to lawful permanent residence in the discretion of the Attorney General. The Violent Crime Control and Law Enforcement Act of 1994 established the program. Applications may originate with federal, state, or local prosecutors' offices or investigative agencies. Grounds of inadmissibility that would otherwise prevent an alien from entering or remaining in the United States may be waived for an "S Visa," thus removing a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions.

In FY 2000, the Departments' Criminal Division received 97 "S Visa" applications. As of the end of fiscal year 2000, the cooperation of the aliens granted "S" nonimmigrant classification during fiscal year 2000 had resulted in 89 prosecutions and the conviction of 132 defendants. In addition, the cooperation of those aliens contributed

to 46 successful investigations involving 186 targets of investigations.

Thank you for your attention to this important matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us.

Sincerely,

for Patrick M. Quinn / D.A.A.G.
Daniel J. Bryant
Assistant Attorney General

Signed 10/1/2001

Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01

ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

Subject: ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-
IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 2001

01 SEP 20 PM 8:43

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

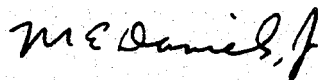
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To amend the Immigration and Nationality Act to provide permanent authority
for the admission of "S" visa nonimmigrants.

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

**SECTION 1. PERMANENT AUTHORITY FOR ADMISSION OF "S" VISA
NONIMMIGRANTS.**

Section 214(k) of the Immigration and Nationality Act (8 U.S.C.
1184(k)) is amended—

- (1) by striking (2);
- (2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and
- (3) in paragraph (4)(E) (as redesignated), by striking "paragraph (4)" and inserting "paragraph (3)".

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

One Hundred Seventh Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

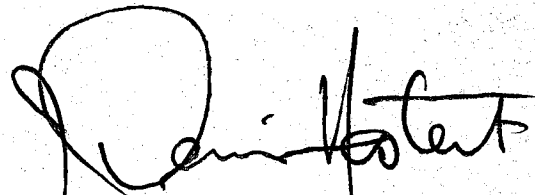
To amend the Immigration and Nationality Act to provide permanent authority
for the admission of "S" visa nonimmigrants.

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

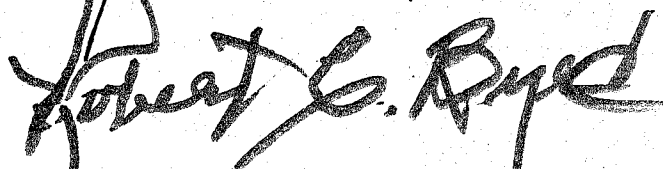
SECTION 1. PERMANENT AUTHORITY FOR ADMISSION OF "S" VISA
NONIMMIGRANTS.

Section 214(k) of the Immigration and Nationality Act (8 U.S.C.
1184(k)) is amended—

- (1) by striking (2);
- (2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and
- (3) in paragraph (4)(E) (as redesignated), by striking "paragraph (4)" and inserting "paragraph (3)".



Speaker of the House of Representatives.

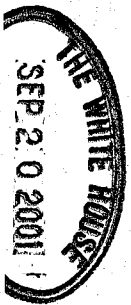
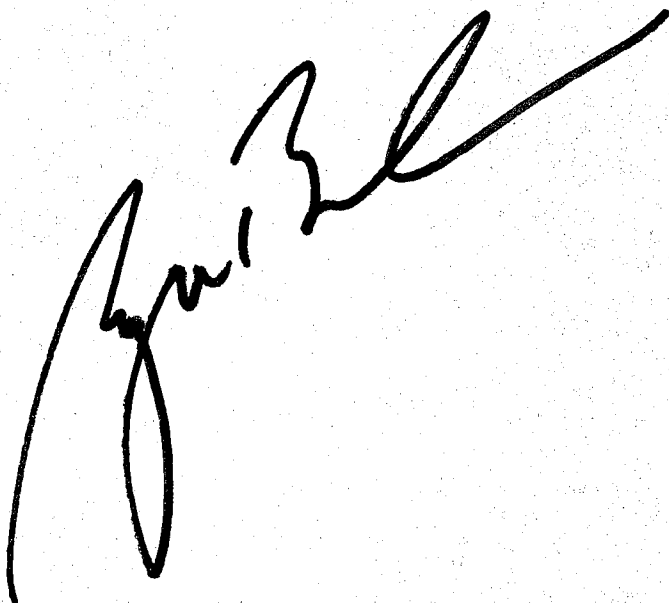


Vice President of the United States and

President of the Senate. pro Tempore

APPROVED

OCT 1 2001



10/1/2001

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01

ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-
 Subject: IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>N/C</i>	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES <i>OK</i>	☒ <i>6/1/02</i>	☐	JOHNSON <i>N/C</i>	☒	☐
ROVE	☒	☐	LINDSEY <i>OK</i>	☒	☐
BOLTEN <i>OK</i>	☒	☐	SPELLINGS <i>OK</i>	☒	☐
HAGIN	☒	☐	MIERS <i>SB-OK</i>	☐	☐
DANIELS	☒	☐	RICE <i>Concur</i>	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO <i>OK</i>	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES <i>OK</i>	☒	☐	CLERK	☐	☒
HAWKINS <i>OK</i>	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0116
 CONNECTION TEL 66212
 CONNECTION ID
 ST. TIME 09/20 22:35
 USAGE T 01'24
 PGS. SENT 3
 RESULT OK

Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01 ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-
 Subject: IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 2001

01 SEP 20 PM 4:48

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

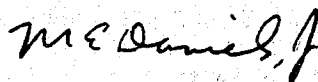
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01

ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-
Subject: IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 2001

01 SEP 20 PM 8:48

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

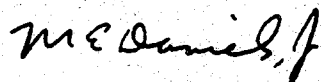
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0118
 CONNECTION TEL 51005
 CONNECTION ID
 ST. TIME 09/20 22:38
 USAGE T 01'24
 PGS. SENT 3
 RESULT OK

Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01 ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-
 Subject: IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIJULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

 *** ERROR TX REPORT ***

TX FUNCTION WAS NOT COMPLETED

TX/RX NO 0117
 CONNECTION TEL 56958
 CONNECTION ID
 ST. TIME 09/20 22:43
 USAGE T 00'00
 PGS. SENT 0
 RESULT NG #018

Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01 ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

Subject: ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01

ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-

Subject: IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

NC

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01

ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-
 Subject: IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

RESPONSE:

OK [Signature] 9.21 9:06

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 2001

01 SEP 20 PM 8:48

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

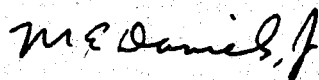
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01

ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

01 SEP 21 AM 9:51

ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-
 Subject: IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 2001

01 SEP 20 PM 8:48

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

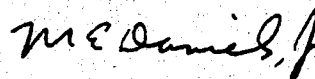
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01

ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

01 SEP 21 AM 11:54

ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-
 Subject: IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

RESPONSE:

Legislative Affairs (forward)
ck

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 2001

01 SEP 20 PM8:48

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

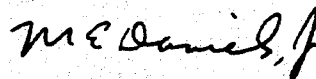
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



OFFICE OF THE VICE PRESIDENT
WASHINGTON

September 21, 2001

MEMORANDUM FOR DANIELLE SIMONETTA

FROM: JONATHAN BURKS *JB*
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

**SUBJECT: Enrolled Bill S. 1424 -- Permanent Authority for
Admission of Non-Immigrants to Aid in Criminal
Investigations**

The Office of the Vice President has reviewed the above-referenced LRM and has no comments.

Attachment

**CC: Harriet Miers
Staff Secretary**



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

September 20, 2001

01 SEP 20 PM 8:48

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

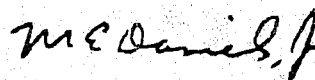
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

01 SEP '21 PM 12:00

Date: 9/20/01

ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-
 Subject: IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

ole

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 2001

01 SEP 20 PM 3:48

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

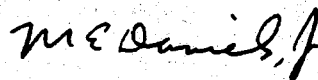
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-

Subject: IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

OK - REI

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

September 20, 2001

01 SEP 20 PM 8:48

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

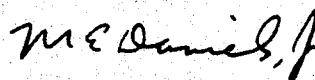
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

01 SEP 21 11:08

Date: 9/20/01 ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

Subject: ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

Brad

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

x53729

Council's office has no comments. mtf

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 2001

01 SEP 20 PMB:CB

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

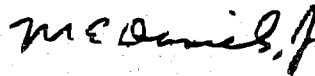
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01

ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-
 Subject: IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIJULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

The NSC concurs without objection or change.

RESPONSE:


 Condoleezza Rice

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 2001

01 SEP 20 PM 8:48

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

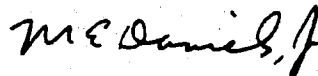
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

Subject: ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

RESPONSE:

ADONE

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

September 20, 2001

01 SEP 20 PM8:48

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

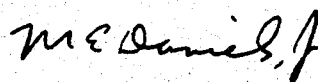
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0248
 CONNECTION TEL 62983
 CONNECTION ID
 ST. TIME 10/01 13:56
 USAGE T 01'22
 PGS. SENT 3
 RESULT OK

Document No. 62983

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01 ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

Subject: ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01

ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-
Subject: IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 2001

01 SEP 20 PM 8:48

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

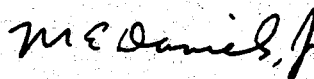
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

Document No. 62983

WHITE HOUSE STAFFING MEMORANDUM

Date: 9/20/01

ACTION / CONCURRENCE / COMMENT DUE BY: 9/21/01 BY 12:00PM

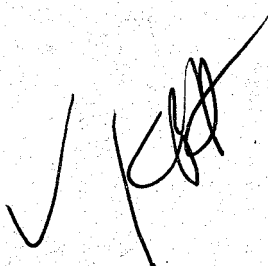
Subject: ENROLLED BILL S. 1424 - PERMANENT AUTHORITY FOR ADMISSION OF NON-
IMMIGRANTS TO AID IN CRIMINAL INVESTIGATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☐	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DI IULIO	☐	☐
FLEISCHER	☒	☐	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send your comments directly to Danielle Simonetta, x54790, no later than 12:00 p.m., Friday, September 21, 2001 and cc the Staff Secretary. Thank you.

RESPONSE:



Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

September 20, 2001

01 SEP 20 PMB:qH

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1424 - Permanent Authority for Admission of Non-Immigrants to
Aid in Criminal Investigations
Sponsors - Sen. Kennedy (D) Massachusetts and 4 cosponsors

Last Day for Action

Tuesday, October 2, 2001

Purpose

Restores and makes permanent the S visa program, which allows for temporary admission of individuals into the United States to aid in the investigation and prosecution of terrorist or other criminal organizations.

Agency Recommendations

Office of Management and Budget

Approval

Department of Justice

Approval

Department of Defense

No objection (Informally)

Department of State

No objection (Informally)

Central Intelligence Agency

No objection (Informally)

Discussion

The Violent Crime Control and Law Enforcement Act of 1994 established the S visa program (described in detail below) to allow non-immigrant visas to be granted to individuals for up to three years to aid in investigations dealing with terrorist or criminal organizations. That Act provided for the program to sunset after five years. In 1999, the program was extended for two additional years, through September 12, 2001. S. 1424 would strike the sunset language, making the visa program permanent.

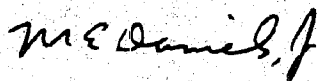
Specifically, under the program, 50 visas annually may be granted to aliens who the State and Justice Departments jointly determine are in possession of critical reliable information concerning a terrorist organization or operation and who are willing to supply or have supplied such information to Federal law enforcement authorities or a Federal court. For these individuals to be eligible, the Departments must also determine that they will be or have been placed in danger as a result of providing such information and are eligible to receive a reward under the State Department's Terrorism Information Rewards Program. In addition, 200 visas may be granted annually to aliens who the Justice Department determines are in the possession of critical reliable information concerning a criminal organization and are willing to supply or have supplied such information to Federal or State courts and whose presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization. The Act also provides, in both instances, for visas for such individuals' spouses, married and unmarried sons and daughters, and parents, if considered appropriate. These visas are not subject to the numerical limitations.

Under the program, the Justice Department may waive statutory grounds for exclusion for an individual otherwise eligible for an S visa to allow further cooperation of alien witnesses. Justice notes in its views letter that this authority removes "a common barrier to securing the cooperation of alien witnesses in significant criminal investigations and prosecutions." Also, an alien admitted into the United States with an S visa may have his or her status (and that of his or her spouse, married and unmarried sons and daughters, and parents) adjusted to that of a permanent resident if the Justice Department decides that the individual has provided information that has substantially contributed to the success of a criminal prosecution or investigation of organized criminal or terrorist acts.

According to the Justice Department, in FY 2000, its Criminal Division received 97 applications for S visas. Aliens who were granted the visas served as informants to assist investigations and as prosecution witnesses. Justice advises that the cooperation of these aliens during FY 2000 resulted in 89 prosecutions and the conviction of 132 defendants and contributed to 46 successful investigations involving 186 targets of investigations.

Conclusion and Recommendations

We join Justice in recommending approval of S. 1424, which passed both the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures