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RECORD ID: 9406781
RECEIVED: 22 AUG 94 13

TO: ITOH

FROM: WAXMMAN, S

DOC DATE: 04 AUG 94
SOURCE REF:

KEYWORDS: HAITI
PD

IMMIGRATION

PERSONS:

SUBJECT: DRAFT PD ON IMMIGRATION EMERGENCY FM MIGRATION FM HAITI

ACTION: OBE / STATUS OF ORIGINAL UNKNOWN DUE DATE: 25 AUG 94 STATUS: C

STAFF OFFICER: ROSSIN

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

COMMENTS: _____

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E.O. 13526
White House Guidelines, September 11, 2006
By *M* NARA, Date *9/11/06*
101-1034-F

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ACTION DATA SUMMARY REPORT

RECORD ID: 9406781

DOC ACTION OFFICER

001 ROSSIN
001

CAO ASSIGNED ACTION REQUIRED

Z 94082213 PREPARE MEMO FOR ITOH
X 95071314 OBE / STATUS OF ORIGINAL UNKNOWN

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NSC/RMO PROFILE

RECORD ID: 9406781
RECEIVED: 22 AUG 94 13

TO: ITOH

SUSPENSE

FROM: WAXMMAN, S

DOC DATE: 04 AUG 94
SOURCE REF:

KEYWORDS: HAITI
PD

IMMIGRATION

PERSONS:

SUBJECT: PROPOSED DRAFT MEM RE IMMIGRATION EMERGENCY FM MIGRATION FM HAITI

ACTION: PREPARE MEMO FOR ITOH

DUE DATE: 25 AUG 94 STATUS: S

STAFF OFFICER: ROSSIN

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
ROSSIN

FOR CONCURRENCE
CLARKE
HALPERIN
KRECKO
SCHWARTZ

FOR INFO
FEINBERG
SIMON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSDRS

CLOSED BY:

DOC 1 OF 1

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E.O. 13526

White House Guidelines, September 11, 2006

By ML NARA, Date 9/4/16

1015 1034 Y



U.S. Department of Justice

Office of the Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

August 4, 1994

~~Confidential~~

William H. Itoh
Executive Secretary
National Security Council
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dear Mr. Itoh:

Enclosed, per your Memorandum dated July 28, 1994, please find a draft Presidential Determination package to utilize \$20 million from the Immigration Emergency Fund to support immigration enforcement activities, including reimbursement of the Department of Defense, other nations, and international organizations for support in dealing with the Haitian migration.

The proposed draft makes clear, as the statute requires, that the funds are to be used for, or in support of, "enforcement activities" of the INS. As you requested, the draft states that such use can include reimbursement of the "Department of Defense, other nations, and international organizations." We note, however, that although the Office of Legal Counsel (which otherwise has approved the draft for form and legality) has previously opined that an argument exists to support reimbursement from the fund to foreign countries -- and, by analogy, international organizations -- that directly assist us in detaining and repatriating migrants attempting to reach the United States, the question is very close. Consequently, OLC suggests that foreign states and international organizations not be included unless there is a specific and important policy reason for doing so.

Please be aware that the statute further requires the President to certify to the Judiciary Committees of the House of Representatives and of the Senate his determination that an immigration emergency exists. A draft certification is enclosed.

DETERMINED TO BE AN
ADMINISTRATIVE MARKING

Initials: W Date: 7/16/96

101-104-F

At your request, a copy of the enclosed draft determination has also been delivered to the Acting Director of OMB.

If you have any questions, do not hesitate to call me at (202) 514-4560.

Sincerely,



Seth P. Waxman

cc: Hon. Alice N. Rivlin

MEMORANDUM OF THE PRESIDENT

August __, 1994

IMMIGRATION EMERGENCY RESULTING FROM MIGRATION FROM HAITI

The number of Haitian nationals that have attempted to migrate to the United States in recent months has placed an extraordinary burden upon the Nation's immigration enforcement capabilities. The Immigration and Naturalization Service, as well as other federal agencies, other nations, and international organizations have had to undertake and must continue to undertake extraordinary measures to prevent massive and unlawful entry into the United States and to avoid the additional substantial burden on the enforcement capabilities of the Immigration and Naturalization Service and the resources of states and localities that would result from such uncontrolled entry.

Accordingly, by virtue of the authority vested in me as President by the Constitution and the laws of the United States, including section 404(b)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. section 1101, note), I hereby determine that an immigration emergency exists with respect to Haitian migration.

I direct that up to \$20 million be withdrawn from the Immigration Emergency Fund for appropriate immigration enforcement activities, including reimbursement of the Department of Defense, other nations, and international organizations for support in dealing with this migration.

WILLIAM J. CLINTON

The Honorable Jack Brooks
Chairman, Committee on the Judiciary
United States House of Representatives

Dear Representative Brooks:

The number of Haitian nationals who have attempted to migrate to the United States in recent months has placed an extraordinary burden upon the Nation's immigration enforcement capabilities. The Immigration and Naturalization Service, as well as other federal agencies, other nations, and international organizations have had to undertake and must continue to undertake, extraordinary measures to prevent massive and unlawful entry into the United States and to avoid the additional substantial burden on our domestic enforcement capabilities and on the resources of our States and localities that would result from such uncontrolled entry.

Accordingly, by virtue of the authority vested in me as President by the Constitution and the laws of the United States, and in accordance with section 404(b)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. section 1101, note), I have issued Presidential Determination No. 94-__ of August __, 1994, and hereby certify this Determination to the Judiciary Committees of the House of Representatives and of the Senate. The Determination declares that an immigration emergency exists with respect to Haitian migration and directs the Attorney General to withdraw up to \$20 million from the Immigration Emergency Fund to support immigration enforcement activities. These funds will be used, in part, to reimburse the Department of Defense and international organizations for their assistance in this effort.

cc: The Honorable Hamilton Fish, Jr.
United States House of Representatives

The Honorable Joseph R. Biden
Chairman, Committee on the Judiciary
United States Senate

The Honorable Orrin G. Hatch
United States Senate