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Statements on Administration Policy

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

Amst  
April 22, 1996  
(House)

Lee  
& OPL  
**STATEMENT OF ADMINISTRATION POLICY**

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 2160 - Cooperative Fisheries Management Act  
(Saxton (R) New Jersey)

The Administration strongly supports House passage of H.R. 2160. The bill would reauthorize the Interjurisdictional Fisheries Act and the Anadromous Fish Conservation Act and enhance the ability of the Commerce Department to provide disaster assistance to fishermen.

Pay-As-You-Go Scoring

H.R. 2160 would affect direct spending; therefore, it is subject to the pay-as-you-go (PAYGO) requirements of the Omnibus Budget Reconciliation Act of 1990. OMB is developing its preliminary PAYGO estimate for the bill.

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

April 22, 1996  
(House)

**STATEMENT OF ADMINISTRATION POLICY**

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 2024 - Mercury-Containing and Rechargeable Battery  
Management Act  
(Klug (R) and 32 others)

The Administration supports H.R. 2024.

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

April 22, 1996  
(Senate)

**STATEMENT OF ADMINISTRATION POLICY**

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

S. 1224 - Administrative Dispute Resolution Act  
(Grassley (R) Iowa and 2 cosponsors)

The Administration strongly supports Senate passage of S. 1224, which would permanently reauthorize the Administrative Dispute Resolution Act and improve several of the Act's provisions. One of S. 1224's most important provisions is a carefully crafted exemption to the Freedom of Information Act. This exemption would give alternative dispute resolution (ADR) a greater chance of success by allowing ADR communications to be confidential.

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

*Ernesta Myerson*

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

March 12, 1996  
(House Rules)

H.R. 2703 -- Effective Death Penalty and Antiterrorism Act  
(Hyde (R) IL and three cosponsors)

The Administration welcomes long-awaited action by the House of Representatives to pass a major counterterrorism bill. Both the Executive and Legislative branches must ensure that adequate legal tools and resources are available to protect our Nation and its people against threats to their safety and well-being. The tragic bombing of the Murrah Federal Building in Oklahoma City on April 19, 1995, the most egregious in a disturbing trend of recent terrorist attacks in the United States, highlights the need to enhance the Federal Government's ability to investigate, prosecute, and punish terrorist activity.

Several key principles and goals should govern consideration of any such antiterrorism legislation. First, American lives must be protected without sacrificing cherished American rights and freedoms. Second, law enforcement must be given the tools it needs to do the job. Third, terrorists must be barred from this country. Fourth, steps must be taken to prevent terrorists from obtaining funds and other forms of material support in the United States.

President's Antiterrorism Proposals

The President has transmitted to the Congress two comprehensive legislative proposals: the "Omnibus Counterterrorism Act of 1995" and the "Antiterrorism Amendments Act of 1995." These combined proposals respond forcefully to the challenges of domestic and international terrorism. They include, among others, the following provisions:

- Federal criminal jurisdiction for any international terrorist attack in the United States as well as for terrorists who use the United States as a base from which to plan activities overseas.
- A mechanism to deport alien terrorists expeditiously and fairly, but without risking disclosure of national security information and sources.
- A workable means of preventing fundraising in the United States that supports international terrorism overseas.

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- A means of gaining access to credit reports in antiterrorism cases in the same manner as banking records are available under current legal procedures.
- Authority to use the existing "national security letter" process to obtain records in terrorism investigations from hotels, motels, common carriers, and storage and rental facilities.
- Implementation of the Plastic Explosives Convention that requires chemicals to be added in plastic explosives to permit their detection and to help avoid future incidents like the tragic destruction of Pan Am 103 over Lockerbie, Scotland.
- Requirement of inclusion of microscopic taggants in explosives for tracing purposes.
- Expansion of the authority of law enforcement to use electronic surveillance by: expanding the list of felonies that could be used as the basis for court-ordered surveillance; applying the same standard in national security cases as is currently used in routine criminal cases for "pen registers" and "trap and trace" devices; and authorizing multiple point wiretaps to enable law enforcement to move with a terrorist suspect as he moves from phone to phone.
- A new Federal offense for the unauthorized use of chemical weapons in solid and liquid form.
- A new Federal offense for the knowing possession of stolen explosives; enhanced penalties for transfer of firearms or explosives knowing they will be used in a crime of violence and for terrorist attacks against Federal employees and their families; and extension of the statute of limitations for certain firearms offenses.

#### The Provisions of H.R. 2703

Many of the provisions proposed by the Administration are included in the last available version of H.R. 2703 in the same or similar form. Several provisions, however, require modification -- in some cases substantially -- in order to ensure their effectiveness in combating terrorism.

These provisions include, but are not limited to, those involving: jurisdiction over international terrorism; terrorist fundraising; judicial review of Consular decisions to reject visa applications on the basis of membership in a terrorist organization; alien terrorist exclusion and removal and other immigration-related provisions; use of pen registers, trap and trace devices, and business records in counterintelligence investigations; and disclosure of credit reports. The Administration hopes to work with the conference committee to improve these provisions.

Moreover, the Administration opposes provisions exempting certain businesses from anti-discrimination requirements of the Immigration and Nationality Act and, in their current form,

advising the President to negotiate bilateral prisoner transfer treaties and requiring repatriation of certain illegal entrants. The Administration also has serious problems with the bill's provision that would amend the Foreign Sovereign Immunity Act to permit additional civil actions against foreign governments.

In addition, the bill regrettably fails to incorporate other important provisions proposed by the Administration, including: enhanced authority for electronic surveillance; requirements that taggants be included in standard explosives; and others. The Administration hopes to work with the conference committee to include many of these provisions in the final bill.

#### Amendments to H.R. 2703

The Administration urges consideration by the House of two counter terrorism provisions recently transmitted to the Congress regarding biological weapons and authority to provide additional assistance to the victims of the Oklahoma City bombing and their families.

The Administration also notes that a number of amendments filed with the Rules Committee would, if made in order and passed, seriously undermine the ability of law enforcement to investigate and prosecute terrorism and other violent Federal crimes.

Finally, H.R. 2703 contains provisions to reform Federal habeas corpus procedures. The Administration has consistently and strongly supported habeas corpus reform in order to assure that criminal offenders receive swift and certain punishment. Indeed, the Administration believes that the bill could be improved to provide additional guarantees that offenders have only "one bite at the apple" and complete the process even more expeditiously. These further limitations should be accompanied by necessary changes in the scope of review afforded to such petitions. H.R. 2703 would establish a standard of review for Federal courts on constitutional issues that is excessively narrow and subject to potentially meritorious constitutional challenge. To achieve the twin goals of finality and fairness, H.R. 2703 should shorten the duration and reduce the number of reviews for each criminal conviction while preserving the full scope of habeas review so that it can continue to serve its historic function as the last protection against wrongful conviction. The Administration hopes to work with the House and the conferees to achieve these ends.

This Administration is committed to fashioning a strong and effective response to terrorist activity that also preserves civil liberties. In combating terrorism, the guarantees of the Bill of Rights must not be sacrificed, and we will not do so. The Executive and Legislative branches must work together to ensure the utilization of every available means to prevent, investigate, and prosecute terrorist acts that threaten American lives.

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**(Do Not Distribute Outside Executive Office of the President)**

This position was developed by the Legislative Reference Division (Jones) in consultation with the Departments of Justice (Brink), Defense (Brick), Transportation (Crouter), State (Norton), Energy (Connolly), and the Treasury (Levy), the Central Intelligence Agency (Greer), the National Security Council (Kreczko, Simon), the Office of National Drug Control Policy (Carnevale), the White House Office of Counsel (Quinn, Cerf), White House Legislative Affairs (Jacoby), Domestic Policy (Burke), GC (Aitken), TCJSD (Chase, Schwartz), NSIAD (Evans, Daniel), and BASD (Balis).

**Discussion**

H.R. 2703 is a successor bill to H.R. 1710, which was ordered reported by the House Committee on the Judiciary on June 20, 1995 by a vote 23-12. The report was filed on December 5, 1995. On that same day H.R. 2703 was introduced by Reps. Hyde, McCollum, Smith, and Barr. The same Members have introduced a third version of this bill (H.R. 2768) on December 13th. We understand that the Rules Committee is expected to make the text of H.R. 2768 in order as a substitute for H.R. 2703. The description of H.R. 2703 below assumes the incorporation of provisions of H.R. 2768.

The discussion below summarizes the major provisions of H.R. 2703 and notes whether these provisions were included in the two counterterrorism bills proposed by the President, the Omnibus Counterterrorism Act and the Antiterrorism Amendments Act. These bills were transmitted to the Congress in February 1995 and May 1995, respectively.

**Administration Position to Date**

The Administration has taken no position on H.R. 2703. However, on May 25, 1995 the President wrote the Senate Leadership urging action of counterterrorism proposals. The Senate bill, S. 735, passed the Senate on June 7, 1995 by a vote of 91-8. In addition, on February 28th, Chief of Staff Panetta wrote to Speaker Gingrich urging that he "schedule for a vote in the House a tough, effective, and comprehensive anti-terrorism bill."

**Major Provisions of H.R. 2703 That Are Similar to Administration Proposals**

- **Terrorism Jurisdiction.** Creates a new Federal crime of terrorism for offenses occurring in the United States that transcend national boundaries and which the Attorney General certifies: were intended to coerce, intimidate, or retaliate against a government or civilian population; and are violations of specified existing statutes. (This provision covers fewer offenses than the Administration's proposal.) Also provides Federal criminal jurisdiction over terrorists who use the United States as a place to plan terrorist attacks against people overseas. (Current law covers only plans to attack property overseas.)

- Material Support. Increases reach of provisions setting penalties for providing material support (e.g., financial assistance, lodging, training, documentation, and equipment, etc.) to terrorists.
- Immigration-related Provisions
  - Establishes special procedures for the removal of alien terrorists; allows courts to provide only summary of evidence, or in certain cases withhold evidence entirely, against alien.
  - Makes membership in a terrorist organization, as designated by the President, grounds for exclusion.
  - Allows access, with court order, to information in immigration files for investigations of an aggravated felony, or of an immediate danger to life or national security.
  - Authorizes expedited exclusion of arriving aliens found to have fraudulent documents or no documents for admission; authorizes the Attorney General to order an alien excluded and deported without any further administrative review; and limits judicial review of these actions. An exception would be created for aliens who demonstrate a credible fear of persecution upon return to their countries.
  - Authorizes the Secretary of State to waive the notice of denial of visa applications in the case of criminal or national security and related grounds.
  - Provides for criminal forfeiture for passport and visa related offenses, and subpoenas for bank records for specified offenses, such as for fraud and related activity in connection with identification documents.
  - Criminal Aliens Deportation Act. Passed the House as H.R. 668. Expands the definition of an aggravated felony for which aliens can be deported; extends expedited procedures for deporting aliens to include conditional permanent resident alien; authorizes deportation hearings by electronic means and by telephone; limits appeals and judicial review; and authorizes wiretaps for alien smuggling investigations.
- Access to Records. Requires businesses, including common carriers and public accommodation, physical storage, and vehicle rental facilities to comply with court orders requesting their records as part of a counterintelligence or counterterrorism investigation. (Administration proposal would have required only written request from Director of the FBI or designee.)

- Plastics Explosives Marking. Implements the International Convention on the Marking of Plastic Explosives by making it illegal to manufacture, import, export, or transfer any plastic explosive that does not contain a detection agent.
- Pen Registers. Authorizes the Court-approved use of pen registers and "trap and trace" devices in foreign counterintelligence investigations. (Current law only authorizes their use for criminal investigations.) Administration proposal would have authorized the Foreign Intelligence Surveillance Court, which can keep more information from defendants, rather than a U.S. District Court to have jurisdiction over requests for using these devices.
- Weapons of Mass Destruction. Expands provisions regarding the use of weapons of mass destruction to include threats to use such weapons and expands definition of "weapon of mass destruction" to include any weapon that uses toxic or poisonous chemicals, or their precursors.
- Protection of Federal Employees. Makes it a Federal crime punishable by death to murder, or attempt to murder, a Federal employee who is performing his or her duties. (Current Federal homicide law applies generally to murdering persons employed in investigative, law enforcement, intelligence, and related fields only.) Also makes it a crime to threaten to assault, kidnap, or murder former Federal officers and employees because of their former position.
- Explosives/Firearms. Establishes new and increases existing sentences and penalties for several explosives and firearms offenses.
- Taggants in Explosives. Requires the Attorney General to conduct a study concerning: (1) the tagging of explosive materials to enable detection and identification; (2) whether it is feasible to render inert common chemicals used to manufacture explosive materials; and (3) whether controls can be imposed on certain precursor chemicals used to manufacture explosive materials and whether it is feasible to require it. (Administration proposal requires Treasury to perform study and to issue regulations requiring taggants within 90 days of completion of study.)
- Nuclear Byproducts. Prohibits the possession, importation, and sale of nuclear byproduct material. Current law does not cover byproduct material.

#### Major Provisions of H.R. 2703 Not Contained in Administration Proposals

- Lawsuits Against Terrorist States. Removes sovereign immunity of foreign States from civil suits by U.S. plaintiffs for acts of terrorism, torture, hostage-taking, extrajudicial killing, or the provision of material support for such acts. Can be applied retroactively to the extent the statute of limitations for the underlying offense has not expired.

- Effective Death Penalty Act. Contains provisions of H.R. 729, which passed the House on February 8, 1995. Makes numerous changes to the habeas corpus process, including: limiting the time that State and Federal prisoners can bring habeas corpus actions; requiring Federal courts to defer to certain State court rulings, providing those rulings are reasonable; and requiring Federal district courts to decide habeas corpus petitions within 180 days and appeals courts to decide an appeal within 120 days after the last brief in the case is filed.
- Victims Restitution Act. This title is identical to H.R. 665, which passed the House February 7, 1995. It requires defendants convicted in Federal criminal cases to make full restitution to victims who were harmed physically, emotionally, or financially by the unlawful conduct. (Judges currently have discretion to order restitution.) The Administration supports H.R. 665.

#### Significant Administration Proposals Not Contained in H.R. 2703

- Terrorist fundraising. Proposals to regulate or prohibit raising or providing funds for use by any foreign organization designated by the Secretary of State as engaged in terrorist activities.
- Enhanced Wiretap Authority. Authorization for court-approved interceptions of communications in: certain terrorism-related offenses not covered by current law; temporary (48-hour) emergency situations; and for roving wiretaps (aimed at a person rather than a single phone number).
- Armor Piercing Ammunition. The Administration's proposed prohibition on armor-piercing ammunition (Saving Law Enforcement Officer's Lives Act). H.R. 2703 includes a requirement that the National Institute of Justice recommend to the Congress a methodology for determining what ammunition is capable of penetrating body armor.

#### Pay-As-You-Go Scoring

Per BASD (Balis), H.R. 2703 is subject to PAYGO. OMB's preliminary scoring of this bill is that it would increase receipts by less than \$500,000. CBO concurs (assumed).

Legislative Reference Division  
March 12, 1996 -- 10:07 AM



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

FAX COVER SHEET

*Doris Suzanne*  
Urgent

Number of pages 4  
(excluding cover sheet)

Date 4/15/96

Time 10:00 (am) pm

From: OMB Legislative Affairs  
Phone: 395-4790

To: SAP DISTRIBUTION LIST

SUBJECT OF SAP:

S. 1664, Immigration Bill



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

April 15, 1996  
(Senate)

# STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

## S. 1664 - Immigration Control and Financial Responsibility Act (Hatch (R) Utah)

The Administration supports Senate passage of S. 1664. Some provisions, however, continue to raise serious concerns (described below and in the Attachment). The Administration will work with the Senate to seek adoption of amendments to satisfactorily address these concerns, and to ensure that the Administration's illegal immigration reform initiatives are not undermined.

Many of the provisions in S. 1664 are similar or identical to the President's 1995 legislative proposal, comprehensive enforcement initiatives, and overall strategy to deter illegal immigration. To reverse decades of neglect, the Administration's strategy calls for regaining control of the Nation's borders; protecting legally employed workers by improving worksite enforcement; aggressively pursuing the removal of criminal aliens and other illegal aliens; and securing from Congress the resources to support the Administration's comprehensive enforcement activities and assist States with the costs of illegal immigration. The President's strategy is already being implemented and is making significant progress toward achievement of its goals.

The Administration supports many provisions in S. 1664, including provisions that: (1) authorize increased resources to improve border infrastructure and more enforcement personnel to restore integrity to the border; (2) establish four-year employment verification pilot programs with appropriate privacy and anti-discrimination protections; (3) increase penalties for alien smuggling, document fraud, and related crimes; (4) limit the number of documents which may be used to establish employment authorization; and (5) "deem" a sponsor's income to an immigrant only until citizenship is obtained.

The Administration has serious concerns with several anticipated floor amendments to S. 1664. If certain floor amendments, described on the next page, are added to S. 1664, various Cabinet members have indicated that they would recommend that the President veto the bill.

### Concerns with S. 1664

The Administration has several serious concerns with S. 1664. These concerns, and proposed amendments to address them, are described in detail in the Attachment. In summary, the Administration recommends that S. 1664 be amended, as follows:

- Worksite Enforcement. (1) Increase penalties for employer sanctions violations and provide a parallel increase in penalties for immigration-related employment discrimination; and (2) clarify the circumstances under which an employer may request certain employment eligibility or identity documentation to protect against discriminatory application.
- Migration Control. (1) Replace the requirement for multiple layers of fencing along portions of the southwest border with authorized funds for the construction and

improvement of physical barriers, lighting, sensors, and other technologies to detect and deter unlawful entry along the southwest border; (2) preserve the Attorney General's parole authority; (3) restore the original definition of "aggravated felony"; (4) delete the repeal of the Cuban Adjustment Act; and (5) delete the deadline for applying for asylum.

- Eligibility for Benefits. Replace the provisions restricting immigrants' eligibility for public benefits with the Administration's proposal, as described in the Attachment. This would result in (1) limiting the application of "deeming" requirements (under which an immigrant's income is deemed to include the income of his or her sponsor) to the programs which currently deem (e.g., would not include Medicaid or public health programs); and (2) exempting those immigrants with special circumstances from the deeming provisions (e.g., the disabled).

### Serious Concerns With Anticipated Floor Amendments

If S. 1664 were presented to the President with provisions that would jeopardize any child's right to full participation in public elementary and secondary education, including pre-school and school lunch programs, the Secretary of Education and the Attorney General would recommend that the bill be vetoed.

If S. 1664 were presented to the President with a provision creating a new agricultural guestworker program, the Attorney General and the Secretary of Labor would recommend that the bill be vetoed. The Administration strongly opposes a new agricultural guestworker program because it would: (1) reduce work opportunities for U.S. citizens and other legal residents; (2) depress wages and work standards for U.S. farmworkers; (3) not be a sustainable solution to any labor shortage that might develop; and (4) increase illegal immigration. The Administration is prepared, however, to work with Congress and other interested parties, as appropriate, to address ways to improve the existing H-2A guestworker program in a way that will not jeopardize worker protections.

The Administration strongly opposes any amendment which would require all persons registering to vote to present certain documents to prove that they are citizens. If S. 1664 were presented to the President with an amendment that would effectively repeal the National Voter Registration Act and create a difficult obstacle for U.S. citizens to register to vote, the Attorney General would recommend that the bill be vetoed.

The Administration strongly opposes an amendment to place restrictions on Federal Government use of languages other than English. Such an amendment would have a direct, adverse effect on Federal efforts to ensure equal access to education and government services, impair the right of citizens to vote, and hamper law enforcement and other important government functions. Moreover, it fails to do anything to increase needed opportunities for adult English literacy. English classes, not language laws, are needed to assist people who want to learn English.

### Pay-As-You-Go Scoring

S. 1664 would affect direct spending and receipts; therefore, it is subject to the "pay-as-you-go" requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's scoring of this legislation is under development.

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AttachmentConcerns with S. 1664 (Additional Details)

Work Authorization Verification and Worker Enforcement. Since jobs are the greatest magnet for illegal immigration, the Administration has made it a top priority to deter illegal immigration through worksite enforcement. Although the Administration supports certain worksite enforcement provisions in S. 1664, such as the four year employer verification pilot program with appropriate privacy and anti-discrimination protections, other provisions continue to raise serious concerns. The Administration recommends that the Senate adopt amendments which would:

- Increase penalties for employer sanctions violations and provide a parallel increase in penalties for immigration-related employment discrimination. Tougher measures are necessary to reduce the job magnet for illegal immigration; deter the hiring of unauthorized aliens; and foster compliance with the law. Failure to increase both penalties could create a financial incentive for employers to discriminate in order to avoid employer sanctions.
- Clarify the circumstances under which it may be appropriate for an employer to request additional employment eligibility or identity documentation from a job applicant or employee who presents documentation that appears to be genuine to protect against discriminatory application.

Migration Control Provisions. The Administration has demonstrated its strong commitment to controlling U.S. borders through the implementation of a multi-year border control strategy focused on prevention through deterrence. The Administration has worked with communities to carefully craft long range strategic plans tailored to the unique geographic and demographic characteristics of each border area to restore border integrity. In an ongoing effort to work with Congress to further improve border management and control, the Administration recommends that S. 1664 be amended to:

- Replace the requirement for multiple layers of border fencing along portions of the southwest border, which will endanger Border Patrol Agents, with authorized funds for the construction and improvement of physical barriers, lighting, sensors, and other technologies to detect and deter unlawful entry along the southwest border.
- Preserve the Attorney General's parole authority to maintain the ability to respond quickly and appropriately to compelling immigration emergencies.
- Restore the original definition of "aggravated felony" which includes crimes with a sentence of five years or more. Expanding the definition to include crimes with a sentence of one year or more eliminates the chance to consider individual circumstances even in the most deserving cases and risks violating U.S. obligations under the 1967 United Nations Protocol Relating to the Status of Refugees.
- Delete the provision repealing the Cuban Adjustment Act. Repeal would eliminate the flexibility that may be needed to respond to migration crises until such time as the Administration's goal of fostering democracy in Cuba can be realized.

- Delete the deadline on applying for asylum. This provision may lead to needless litigation regarding an alien's date of entry which will divert resources from consideration of the merits of the asylum claim.

Eligibility for Benefits. The Administration is committed to strengthening "deeming" requirements, under which an immigrant's income is deemed to include the income of the sponsor, and to making affidavits of support legally enforceable. S. 1664's approach to immigrants' eligibility for benefits is highly preferable to the approach taken in H.R. 4, the vetoed welfare bill, which would have imposed an outright ban on benefits for most legal immigrants. However, while S. 1664 makes many improvements in this area, the Administration continues to have concerns with some aspects of these provisions.

The bill as currently drafted may jeopardize public health and safety and create a significant unfunded mandate on local and State governments by requiring them to apply new deeming rules to programs that do not currently require deeming. For these reasons, the Administration opposes applying new deeming rules to the Medicaid program, particularly emergency Medicaid, and other non-cash assistance programs. It is simply unworkable, administratively burdensome, and costly to State and local assistance agencies as well as small businesses. In addition, the Administration opposes applying new deeming rules to current recipients; the disabled who are exempt under current law; and legal immigrants seeking to participate in student financial aid programs.

The Administration supports replacing the provisions in S. 1664 restricting immigrants' eligibility for certain public benefits with the Administration's proposal, which would:

- Adopt a definition of eligible alien and apply this definition to only the four primary needs-based programs -- Aid to Families with Dependent Children (AFDC), Supplemental Security Income (SSI), Medicaid, and Food Stamps. This approach would eliminate significant administrative burdens and costs on State and local governments and social service providers.
- Apply the deeming provision only to SSI, AFDC, and Food Stamps. The application of deeming to Medicaid, including emergency Medicaid, and other programs would adversely affect public health and safety.
- Exempt from the application of new eligibility and deeming provisions those aliens who are: (1) current recipients under programs to which the new provisions would apply; (2) disabled and blind persons who are exempt under current law; and (3) students seeking financial assistance for post-secondary education.
- Maintain the current-law deeming formula that takes into account the needs of the sponsors and their families.
- Protect every child's right to fully participate in free public elementary and secondary education, including pre-school and school-related nutrition programs.

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