

THE WHITE HOUSE

Office of Legislative Affairs, Senate Liaison

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Fax Cover Sheet

To: Julie Fernandes DPC

From: ☐ Tracey Thornton
☐ Caroline Fredrickson
☐ Roger Ballentine
☐ Joel Wiginton

☐ Virginia Rustique
☐ Janelle Erickson
☒ Marty Hoffmann
☐ Matt Bianco

Fax: 65581

Phone: 66558

Date: 1/8

Pages including cover sheet: _____

Message: Hill Offices for Central America Issues

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Chrm. Henry Hyde, IL	225-3951
Jim Sensenbrenner, WI	225-5101
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Rich Boucher, CA	225-3861
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Robert Scott, VA	225-8351
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Maxine Waters, CA	225-2201
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William Delahunt, MA	225-3111
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Steve Rothman, NJ	225-5061

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Robert Torricelli, NJ	224-3224
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List of Hill Offices for Central American Issues

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Ben Nighthorse Campbell, CO 224-5852

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Daniel Inouye, HI 224-3934
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Barbara Mikulski, MD 224-4654

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Richard Shelby, AL 224-7281
Robert Bennet, UT 224-8921
Ben Nighthorse Campbell, CO 224-5852
Ted Stevens, AK 224-3004

Democrats

Rkg. Patrick Leahy, VT 224-5095
Daniel Inouye, HI 224-3934
Frank Lautenberg, NJ 224-4744
Tom Harkin, IA 224-7288
Barbara Mikulski, MD 224-4654
Patty Murray, WA 224-3088

List of Hill Offices for Central American Issues

HOUSE INTERNATIONAL RELATIONS COMMITTEE

Chrm. Benjamin Gilman, R-NY 225-5021

Rkg. ~~Lee Hamilton, D-IN 225-6735~~
San Jensen, CT

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Cass Ballanger, NC 225-2576
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List of Hill Offices for Central American Issues

OTHER INTERESTED MEMBERS

Sen. Mary Landrieu, D-LA 224-5824
Sen. Jeff Bingaman, R-NM 224-5521

LD

CONGRESSIONAL HISPANIC CAUCUS

Chrm. Lucille Roybal-Allard, D-CA 225-2410
Xavier Beccera, D-CA 225-6235
Matthew Martinez, D-CA 225-5464
Loretta Sanchez, D-CA 225-2965
Grace Napolitano, D-CA 225-5256
Ed Pastor, D-AZ 225-4065
Luis Gutierrez, D-IL 225-8203
Robert Menedez, D-NJ 225-7919
Jose Serrano, D-NY 225-4361
Nydia Velazquez, D-NY 225-2361
Carlos Romero-Barcelo, D-PR 225-2615
Charles Gonzalez, D-TX 225-3236
Ruben Hinojosa, D-TX 225-2531
Solomon Ortiz, D-TX 225-7742
Silvestre Reyes, D-TX 225-4831
Ciro Rodriguez, D-TX 225-1640

MIAMI DELEGATION (71,200 Central Americans in FL, primarily Miami area)

Bob Graham, D-Senate 224-3041
Conrje Mack, R-Senate 224-8022
Carrie Meek, D-17 225-4506
Ileana Ros-Lehtinen, R-18 225-3931
Robert Wexler, D-19 225-3001
Peter Deutch, D-20 225-7931
Linclon Diaz-Balart, R-21 225-4211
Clay Shaw, R-22 225-3026
Alcee Hastings, D-23 225-1313

CONTACTS FOR CENTRAL AMERICAN ISSUES

CALIFORNIA

244,100 Central Americans

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- BARBARA BOXER (D)

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Howard Berman [D] 26
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David Dreier [R] 28
Henry Waxman [D] 29
Xavier Becerra [D] 30
Matthew Martinez [D] 31
Julian Dixon [D] 32
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George Brown, Jr. [D] 42
Dana Rohrabacher [R] 45
Loretta Sanchez [D] 46
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SAN FRANCISCO

George Miller [D] 7
Nancy Pelosi [D] 8
Barbara Lee [D] 9
Tom Lantos [D] 12
Pete Stark [D] 13
Anna Eshoo [D] 14
Tom Campbell [R] 15

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NEW YORK

67,200 Central Americans

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- Daniel Moynihan [D]
- Charles Schumer [D]

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NEW YORK

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Rick Lazio [R] 2
Peter King [R] 3
Carolyn McCarthy [D] 4
Gary Ackerman [D] 5
Gregory Meeks [D] 6
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Nydia Velazquez [D] 12
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Benjamin Gilman [20]
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TRANSMISSION RECORD

IMMIGRATION AND NATURALIZATION SERVICE
OFFICE OF CONGRESSIONAL RELATIONS
425 I STREET, N.W.
WASHINGTON, D.C. 20536

TO: JANET MURGUIA CAROLINE FREDRICKSON BRODERICK JOHNSON SCOTT BUSBY ✓ JULIE FERNANDES GEORGINA VERDUGO PATTY FIRST JOANNE MARTIN	FROM: ALLEN ERENBAUM
ORGANIZATION:	TELEPHONE: (202) 514-5231
TELEPHONE: 456-6558	FAX NUMBER: (202) 514-1117
FAX TELEPHONE: 456-5581	DATE: JANUARY 12, 1999

NUMBER OF PAGES (including cover sheet): 3

COMMENT/MESSAGE:

All -- here are draft talking points on parity legislation. They are intentionally vague as to the scope of the legislation. If we ultimately take the more limited route, I would add a bullet as follows:

"By focusing only on Salvadorans and Guatemalans already identified by NACARA, and by Hondurans with longstanding asylum claims, legislation would benefit only the most deserving Central Americans. Because these immigrants are already known to the government, it would be easy to limit the benefits of the legislation to the intended group."

Please let me know if you have comments or questions.

TALKING POINTS ON PARITY LEGISLATION

PROTECTS A SPECIAL GROUP OF IMMIGRANTS

- Over the last two decades, tens of thousands of Central Americans, most from El Salvador, Guatemala, Honduras and Nicaragua, fled their war-torn region and found refuge in the United States. The U.S. government was heavily involved in the conflicts in the region, which pitted pro-Communists against anti-communist forces, ~~and authorized the presence of the Central Americans in the U.S. at the end of these conflicts.~~ (?)

- Many of these*
These Central Americans have been living in the U.S. pursuant to a variety of temporary administrative programs. Most of them have been members of the "ABC class", litigation that grew out of the government's questionable administration of their immigration claims in the ~~mid~~ 1980s. Most of their immigration claims still have not been heard.

Since their arrival here, despite their unsettled immigration status, *Central Americans* they have developed deep roots in our communities, made valuable contributions to our economy, and abided by our laws.

CONGRESS CREATED DISPARITIES IN TREATMENT

- As a consequence of the overly harsh 1996 immigration law, Congress again took up the issue of immigration relief for Central Americans in 1997. The final bill, the Nicaraguan and Central American Relief Act (NACARA), gave permanent residency to virtually all Nicaraguans and Cubans in the U.S. *as of* by the end of 1995. While NACARA accorded limited relief to Salvadorans and Guatemalans, they still faced the uncertainty of needing to prove their case for immigration relief before a judge. Hondurans received no relief in NACARA.
- The President has repeatedly voiced his commitment to eliminating this disparity in treatment among Central American nations, stating the importance of treating similarly situated people in the same manner. In addition, the disparity has caused significant diplomatic problems for our Government in dealing with our neighbors in the region.
- The Justice Department is in the process of finalizing regulations for implementing NACARA for Salvadorans and Guatemalans. While these regulations will take into account the unique history of these immigrants, they may fall short of providing the certainty of relief now enjoyed by Nicaraguans and Cubans under NACARA.

Then why does NACARA cover only Dec. 1990

LEGISLATION WILL BENEFIT THE U.S. AND THE REGION

- After years of uncertainty, it is time to finalize the status of this special group of immigrants — by providing permanent residency to Salvadoran, Guatemalan, and Honduran nationals who have already contributed so much to our country. This relief is nothing more than similar treatment to that granted by Congress to Nicaraguans and Cubans under NACARA.
- The effort to reconstruct these Central American countries following Hurricane Mitch adds to the unique history of this group. Providing immigration relief to certain nationals of countries struggling to rebuild complements the U.S. government's comprehensive efforts to aid the region.



CENTRAL AMERICAN RESOURCE CENTER

CENTRO DE RECURSOS PARA CENTROAMERICANOS

October 5, 1998

CARECEN

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In Memoriam

Dr. Segundo Montes, SJ
Central American University
San Salvador, El Salvador
(1989)

Organizations listed only for
identification purposes

Saúl Solórzano
Executive Director

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Ave., NW
Washington, D.C. 20016

VIA FAX

Dear Mr. President:

We are writing on behalf of a coalition of community-based Central American which includes the Salvadoran-American National Network to ask for your support to the Central American and Caribbean Refugee Adjustment Act introduced in congress by Congressman Luis Gutierrez (D-IL) and Sen. Durbin (Sen. IL). If enacted, this legislation (H.R. 3553/S.2441) will solve the present disparate treatment faced by Central Americans. As you are aware, the Nicaraguan Adjustment and Central American Relief Act (NACARA) granted to Nicaraguans and Cubans, the opportunity to apply for permanent residency but neglected to afford equal benefits to Salvadorans and Guatemalans.

Recently congress agreed to grant permanent residency to Haitians on the same basis as Nicaraguans and Cubans. Once again, just as we did when Nicaraguans and Cubans were granted permanent residency, we celebrate and rejoice for their good fortune. But at the same time we are deeply disappointed and extremely dismayed at the lack of support for relief to other Central Americans. In a recent letter to his colleagues in congress, Rep. Lamar Smith (R-TX) calls them to oppose any amnesty for Haitians, stating that "... Treating Haitians better than Central Americans will guarantee that these groups, totaling close to 1 million, will demand the same amnesty immediately."

Mr. Smith is right in assuming that if congress, for a second consecutive year, denies equal treatment to Central Americans who were left out by NACARA that there will be an effort to amend the law. That is precisely the issue currently addressed by the H.R. 3553/S.2441.

If enacted, the Central American and Caribbean Relief Act will cover mostly people from El Salvador and Guatemala who are already in the pipeline waiting for their cases to be heard in court (ABC class members). Additionally, it will cover another estimated 200,000 individuals from the four nationalities (Haiti, Guatemala, El Salvador and Honduras). A number much lower than the estimated by Rep. Smith (R-TX).

In his January visit to Honduras, Senator Trent Lott (R-MS), promised to support fair immigration policies for Hondurans and other Central Americans. Thus, there is an opportunity for your administration and congress to work together in enacting legislation that will bring an end to the uncertain status of Central Americans who fled here as refugees and have spent over 10 years in legal limbo.

President Clinton, please use the opportunity created by NACARA and the recent inclusion of Haitians in the Treasury/Postal Service appropriations bills to call for fairness and equal protection so other qualifying Central Americans can enjoy the outstanding tradition of equal justice for all in America.

In particular, we call for your support of the Central American and Caribbean Refugee Adjustment Act. Some Republican members in Congress tell us that it is not too late to have the H.R. 3553/S.2441 included as part of current budget negotiations. The time to act is now. We trust you will respond to our petition which is supported by the National Hispanic Leadership Agenda (NHCLA) and will act during this present congressional session.

Sincerely,



Saul A. Solorzano
Executive Director



Ramon Cardona
Executive Director
CARECEN, San Francisco

◆◆◆

The Salvadoran-American National Network is made up of 18 community-based organizations from across the U.S. These organizations are located in California, Florida, Illinois, New York, New Jersey, Massachusetts, Maryland, Texas and Virginia.

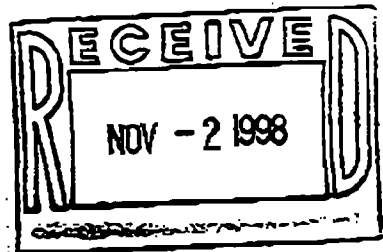
The Central American coalition include Guatemalans, Nicaraguans, Salvadoran and Hondurans organizations in the United States. Hispanics of Central American origin who are U.S. citizens are estimated in the hundreds of thousands. In addition, there are more than 700,000 Salvadorans who qualify for naturalization and will soon join the Hispanic voting block.

LUIS V. GUTIERREZ
 IN CONGRESS
 4TH DISTRICT, ILLINOIS
 "BURN BURN"
 OTOM, DC 20519
 AND 225-0282

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 HEALTH
 RANKING DEMOCRAT

Congress of the United States
House of Representatives
Washington, DC 20515-1304
October 15, 1998

The Hon. William J. Clinton
 The White House
 1600 Pennsylvania Ave., N.W.
 Washington, DC 20500



Dear Mr. President:

As you and your staff work to shape the format and details of the fiscal year 1999 appropriations legislation, I am hopeful that you will look upon the process as an opportunity to reinstate important protections that were-- as a result of a 1996 immigration law passed by the Republican Congress-- revoked from many individuals from Central America and the Caribbean who have resided in the United States for many years.

During conversations that you and I have had on this matter-- including a discussion held at the White House in August-- you had expressed a commitment to resolving this situation.

I appreciated those words and remain hopeful that they will lead to results.

At this time, I would urge you to compel House-Senate budget conferees to include language in the Omnibus Appropriations Bill which embodies key elements of the Central American and Caribbean Refugee Adjustment Act of 1998 (H.R. 3553). This legislation has been co-sponsored by more than one hundred House members of both parties and a companion bill, S. 2441, has recently been introduced in the Senate.

During the closing stages of the appropriations process last year, House-Senate conferees inserted the Nicaraguan and Central American Relief Act of 1997 (so-called "NACARA") in the text of the District of Columbia appropriations bill.

That legislation granted certain individuals who had sought refuge in the United States-- after having fled political persecution and/or violence and civil war in their home countries-- the opportunity to apply for permanent resident status.

However, as you may recall, this benefit was offered merely to those who had entered the United States from Nicaragua and Cuba.

55392

The President,
October 15, 1998

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By applying this benefit in such a limited manner, this legislation was insufficient and inconsistent, as it did not offer identical relief to individuals who suffered identical forms of hardship and persecution, and who entered the United States under virtually identical circumstances. It failed to recognize that political instability was characteristic of an entire region during the 1980s, not limited to one nation exclusively.

Such facts should compel members to grant relief in an equitable fashion to all individuals who fled Central America during that period, including those who entered the U.S. to escape political violence, persecution, and/or civil war in El Salvador, Guatemala, and Haiti.

I am hopeful that-- at a bare minimum-- steps can be taken to ensure that attempts by Salvadorans and Guatemalans to suspend their deportations can be greatly eased and that requirements to prove hardship can be made more uniform.

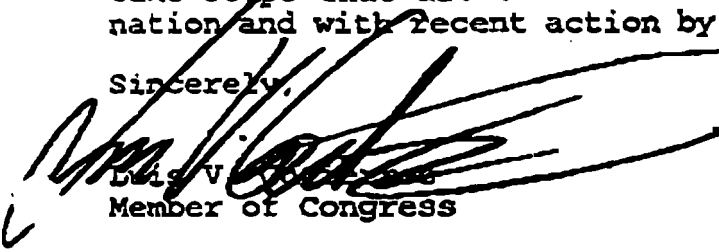
Since such decisions are currently issued at the discretion of individual immigration judges, and because little guidance has been provided on this matter, many applicants have been unable to receive full and fair consideration of their petitions for hardship, even when it can be reasonably proven that serious consequences would befall them and their family members, including U.S. citizens.

Further clarification of hardship standards would eliminate the current threat that decisions are being made largely on an arbitrary basis and would remove one of the major barriers to parity among the affected groups.

In addition, I ask that you initiate steps to prevent the unwarranted mass deportation-- now underway-- of thousands of people who remain in a deeply precarious situation due to the 1996 immigration law. Most notably, I urge you to seek redress for individuals and families from Honduras who are at considerable risk at this time. During the first nine months of 1998, thousands of people from Honduras who justifiably sought refuge in the United States during the 1980s have been removed from the U.S.

I am grateful for your attention to this matter and urge you to take steps that are consistent with the best traditions of our nation and with recent action by your Administration and Congress.

Sincerely,



Luis V. Guebara
Member of Congress

THE WHITE HOUSE

August 13, 1998

Maria Echaveste
Elena Kagan
Julie Fernandez

Attached is a letter from Rep. Gutierrez concerning
immigration issues for your information.

- Janet Murguia



Congressman Luis V. Gutiérrez
2438 Rayburn HOB
Washington, D.C. 20515
Tel. (202) 225-8203
Fax. (202) 225-7810

Fax Transmission Cover Sheet

DATE: August 12, 1998

TO: Janet Murguia, The White House
FROM: Jennice Fuentes, Legislative Director
FAX#: 456-6220

NUMBER OF PAGES (INCLUDING COVER SHEET): 4

If you have any problems with this transmission, please call (202) 225-8203. Thank you.

NOTE:

Congressman Gutierrez wanted you to be the first to have a copy of this letter. The original has been mailed.

Thank you for your help with this important issue. Please do not hesitate to call me if you have any questions. We look forward to your reply.

LUIS V. GUTIERREZ
MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS
2438 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 225-8202

August 12, 1998

Congress of the United States
House of Representatives
Washington, DC 20515-1504

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The Honorable Bill Clinton
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Dear President Clinton:

Thank you for the opportunity to visit you at the White House last week to discuss issues of importance to the Congressional Hispanic Caucus.

I was pleased to hear of your continued commitment to fairness and justice for Central American immigrants. In particular, I am gratified by your support for extending section 202 of the Nicaraguan Adjustment and Central America Refugee Relief Act (NACARA) to protect refugees from throughout Central America and Haiti. Such a step, as you may recall, would be achieved under my legislation, H.R. 3553.

As you requested, I am writing to explain in greater detail the circumstances that led hundreds of thousands of refugees to flee Honduras. Mr. President, I strongly believe that no justifiable reason exists to exclude Hondurans from the list of Central American nationals who we seek to help and protect under NACARA. Honduran nationals currently living in this country should be included in NACARA because they left their countries under very similar circumstances as their neighbors in Nicaragua and El Salvador. Exclusion of Hondurans from NACARA would result in different treatment for similarly situated people.

During the meeting, I appreciated the opportunity to express to you a principle formally endorsed by the membership of the Congressional Hispanic Caucus: that America's immigration and refugee policies should be implemented in an equitable fashion.

In practice, this premise dictates that individuals from the same region of the world who simultaneously experienced hardships of a similar nature— in the form of political persecution, government destabilization, threats of violence and severe disruption of daily life— be granted identical relief by our government.

The inclusion of Honduran refugees in a resolution of the crisis now facing Central American refugees would be entirely consistent with such a principle and would be in keeping with the concerns that you so eloquently expressed to us regarding refugees from other countries in the region.

Specific details of Honduran history offer compelling evidence of the threat posed to the nation's sovereignty and to its citizens during the period in question.

2181 NORTH ELEANOR AVENUE
CHICAGO, IL 60618
(773) 508-0222
(773) 609-1638 TDD LINE
MONDAY-FRIDAY
9 A.M. - 5 P.M.

DISTRICT OFFICES

2132 WEST 21ST STREET
CHICAGO, IL 60608
(773) 578-0902
MONDAY-FRIDAY
9 A.M. - 6 P.M.

PRINTED ON RECYCLED PAPER

In the 1980's, Honduras became the staging ground for U.S. efforts to end insurgencies in El Salvador and Guatemala and to overthrow Nicaragua's Sandinista government. U.S. military and intelligence-agency personnel used Honduran territory as the operational base for the contras and for training and resupply of the Salvadoran and Honduran armed forces.

In 1983, the United States introduced a force of approximately 12,000 troops known as Joint Task Force Bravo located at Soto Cano (Palmerola) Air Base in Honduras. These troops were involved in military training exercises supporting U.S. counterinsurgency and intelligence operations in the region. At present, about 500 U.S. troops are still in Honduras.

Many experts believe that the enormous U.S. military presence in Honduras, with 14 military bases at one point, was one factor that led the Honduran military to adhere to a "national security doctrine" strategy. Under this strategy the Honduran army worked to eliminate dissent without regard for the human rights of the dissenters. Today, the National Commissioner of Human Rights in Honduras documents at least 184 cases of forced disappearances. Many of the disappeared were reportedly kidnapped, tortured and murdered by a Honduran military intelligence known as Battalion 3-16.

In addition, Historians and scholars agree that the presence of U.S. and contra forces at Honduras Soto Cano air base created disruptions throughout the country and resulted in mass exodus of Hondurans to other countries, including the United States. Such facts, I believe, place an additional responsibility upon Congress and the administration to resolve this matter in a manner most suitable to those whose lives were disrupted— at times violently— by those activities.

While civil war was not formally waged within Honduras, the geography of the region made it impossible for Honduras to be unaffected by the violence and turmoil that surrounded it. As a result of the hundreds of miles of easily penetrated border territory that it shares with Guatemala, El Salvador and Nicaragua, Honduras was directly affected by the violent internal conflicts taking place in its neighboring countries.

Moreover, Honduras experienced severe dislocation of its society and its resources. Experts estimate that by the time the war ended in Nicaragua, approximately 55,000 contras and their families relocated to Honduras and more than 200,000 Nicaraguans and Salvadorans are said to have fled across the border to Honduras.

that implies that Honduras was a stable place to be.

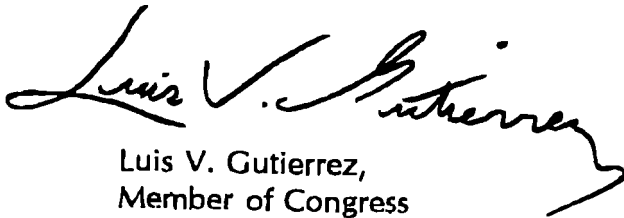
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Letter to President Clinton

what are the numbers (?)
In addition, as you know, representatives of Central American governments have made very clear their fear that the reintroduction of tens or hundreds of thousands of former residents to their countries— in addition to their U.S.-born dependents— would represent a drain on their economies that could dramatically worsen their current political situations.

Mr. President, I was gratified to hear you express your belief that the United States has a particular obligation to help Central Americans. On that basis, coupled with your support for the principles that guide NACARA, I believe that compelling reasons exist to warrant the extension of relief to all refugees of the regional conflict, including Hondurans.

Thank you for your serious consideration of this important matter. I welcome any opportunity to discuss this issue further with you or your designated staff.

Sincerely,



Luis V. Gutierrez,
Member of Congress

NATIONAL SECURITY COUNCIL

OFFICE OF MULTILATERAL AND HUMANITARIAN AFFAIRS

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No. of pages to follow: 3

RE:

Hondurans language.
Very simple.

TEL: 2025148044

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Sec. ____ Amendments to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996

(a). Section 309(c)(5)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3546-625), as amended by the Nicaraguan Adjustment and Central American Relief Act, HR 1565, Pub. Law 105-100, 111 Stat. 2193 (November 19, 1997) (as amended by Pub. Law 105-139, 111 Stat. 2644) is amended by adding the following new subclause. ---

“(VI) is a Honduran national who filed an application for asylum on or before December 31, 1991.”

(b). Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3546-625), as amended by the Nicaraguan Adjustment and Central American Relief Act, HR 1565, Pub. Law 105-100, 111 Stat. 2193 (November 19, 1997) (as amended by Pub. Law 105-139, 111 Stat. 2644) is further amended by striking paragraph (g) and inserting in lieu thereof:

“(g) **MOTIONS TO REOPEN DEPORTATION OR REMOVAL PROCEEDINGS.**—

“(g) **MOTIONS TO REOPEN DEPORTATION OR REMOVAL PROCEEDINGS.**— Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings (except limitations premised on an alien’s conviction of an aggravated felony (as defined in section 101(a) of the Immigration and Nationality Act)), any alien who is described in subsection 309(c)(5)(C)(i) of this section may file one motion to reopen removal or deportation proceedings to apply for cancellation of removal or suspension of deportation. The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of the Nicaraguan Adjustment and Central American Relief Act and shall extend for a period not to exceed 240 days, except in the case of persons described in subclause 309(c)(5)(C)(i)(VI) of this section, for whom the filing period shall begin not later than January 1, 1999 and shall extend for a period not to exceed 240 days.”

(c). **EFFECTIVE DATE**---except as otherwise provided in this section, the amendments made by this section shall take effect on the date of enactment of this section.

Commentary on Proposed Amendments to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996

Section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA) amended Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) to permit certain Salvadorans, Guatemalans, and nationals of former Soviet bloc countries to apply for suspension of deportation or cancellation of removal without regard to provisions regarding the calculation of continuous physical presence contained in Section 309(c)(5) of IIRIRA or 240A(d)(1) of the Act, as amended by IIRIRA. Congress also created a "special rule for cancellation of removal" in Section 203(b) of NACARA that permits qualified aliens from these countries to apply for cancellation of removal under standards that basically mirror suspension of deportation.

Subsection (a) of this section amends section 309(c)(5)(c)(i) of IIRIRA to extend the availability of relief under NACARA to include Hondurans who applied for asylum in the United States on or before December 31, 1991. Subsection (b) amends paragraph (g) of Section 309, relating to motions to reopen for NACARA relief, by permitting Hondurans made eligible by these amendments to move to reopen their cases during a designated filing period beginning not later than January 1, 1999 and extending for 240 days thereafter. Subsection (c) provides that, except as otherwise provided in this section, these amendments shall become effective upon enactment.

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Honduran Refugee Immigration Fairness Act of 1998 (Introduced in the House)

HR 3231 IH

105th CONGRESS

2d Session

H. R. 3231

To adjust the immigration status of certain Honduran nationals who are in the United States.

IN THE HOUSE OF REPRESENTATIVES**February 12, 1998**

Mrs. MEEK of Florida (for herself, Mr. DIAZ-BALART, and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To adjust the immigration status of certain Honduran nationals who are in the United States.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Honduran Refugee Immigration Fairness Act of 1998'.

SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN HONDURAN NATIONALS.**(a) ADJUSTMENT OF STATUS-**

(1) IN GENERAL- Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien--

(A) applies for such adjustment before April 1, 2000; and

(B) is otherwise eligible to receive an immigrant visa and is otherwise admissible to

the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS- An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition on submitting or granting such application, to file a motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS- The benefits provided by subsection (a) shall apply to any alien who is a national of **Honduras** --

(1) who was physically present in the United States on December 31, 1995; and

(2) has been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for adjustment of status under this Act is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

(c) STAY OF REMOVAL-

(1) IN GENERAL- The Attorney General shall provide by regulation for an alien subject to a final order of deportation, removal, or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS- Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and raises as a defense to such an order the eligibility of the alien to apply for adjustment of status under subsection (a), except where the Attorney General has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION- The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage

in employment in the United States during the pendency of such application and may provide the alien with an 'employment authorized' endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN-

(1) IN GENERAL- Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if--

(A) the alien is a national of **Honduras** ;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or

daughter shall be required to establish that they have been physically present in the United States for at least 1 year;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed; and

(D) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) **PROOF OF CONTINUOUS PRESENCE-** For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

(e) **AVAILABILITY OF ADMINISTRATIVE REVIEW-** The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to--

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) **LIMITATION ON JUDICIAL REVIEW-** A determination by the Attorney General as to whether the status of any alien should be adjusted under this Act is final and shall not be subject to review by any court.

(g) **NO OFFSET IN NUMBER OF VISAS AVAILABLE-** When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this Act, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) **APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS-** Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this Act. Nothing contained in this Act shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

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PAGINA EDITORIAL

THE MIAMI HERALD

17/ABR/98

Revising history and policy

Here is the love-hate relationship that the United States has with Hondurans: "While Hondurans were certainly affected by the civil wars in Central America," President Clinton recently wrote to U.S. Rep. Ilana Ros-Lehtinen, R-Miami, "there was no civil war or widespread violence in Honduras compelling Hondurans to seek the protection of the United States."

Thanks for the memories, in other words. But don't expect the United States to give any breaks to Hondurans who migrated here during the 1980s, fleeing a homeland that was a base for U.S.-backed Nicaraguan contras.

Yes, Honduras benefited from U.S. military aid, and indirectly from U.S. aid funneled to the contras camped on its border with Nicaragua. And its strife wasn't comparable to that of Nicaragua, Guatemala, or El Salvador during the 1980s. (Still, even without civil war, Honduras was more than "affected" by U.S. Central American policy.)

By the time Nicaragua's war ended in 1990, Honduras sheltered some 55,000 contras and their families and perhaps 100,000 more Nicaraguans who had fled across the border. The influx caused major dislocations. Border fighting alone displaced thousands of Honduran families and discouraged investment.

FOR HONDURANS:
Allies in U.S.-backed wars
of 1980s, they deserve
protection from unjust
new immigration laws.

"The United States was heavily involved with a lot of these countries during the time of all this upheaval," Mr. Clinton well assured Central American heads of state last May. "We

ought to be sensitive to the disruptions that were caused during those tough years."

Unfortunately, Washington hasn't been sensitive. First, Congress passed, and the President signed, a Draconian immigration law in 1996. In practice, it retroactively eliminated humanitarian relief from deportation. Then last year's law granted relief to Nicaraguans, Guatemalans, and Salvadorans while excluding Hondurans and Haitians.

According to 1996 U.S. estimates, some 90,000 Hondurans illegally live in the United States, many as a consequence of 1980s "disruptions." Many have U.S.-born children who would be traumatized by their parents' deportation. A South Florida advocacy group has even sued on behalf of 193 such children, seeking to stop the deportations.

President Clinton pledged to seek to restore the old rules of humanitarian relief for longtime immigrants. Commendably, he pledged to seek relief for deserving Haitians, and he protected them from deportation in the meantime. Hondurans who peaceably have lived years here deserve no less compassion.

LINCOLN DIAZ-BALART
 1ST DISTRICT, FLORIDA
 COMMITTEE ON
 RULES
 VICE CHAIRMAN,
 SUBCOMMITTEE ON
 RULES AND ORGANIZATION
 OF THE HOUSE
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Congress of the United States

House of Representatives

Washington, DC 20515-0821

July 21, 1998

Cosponsor Legislation to Extend Adjustment of Status to Haitians and Honduran Refugees.

TIME IS RUNNING OUT

"Time is no friend, either. Less than 40 working days remain before Oct. 9, the date that Congress has scheduled for adjournment. Without immigration relief by then, these Haitians, many with U.S.-born children, could be deported after President Clinton's "shield" expires on Dec. 23. Haitian refugees need champions in Congress, and they need them now."

The Miami Herald, Thursday, July 9, 1988

Dear Colleague:

In the 1980's and early 1990's, thousands of Haitians fled to the United States to escape the violence that erupted following Haiti's military coup and the capture of power by Gen. Raoul Cedras. Today, according to Amnesty International, "Anyone returning to Haiti cannot be assured that they will be protected by the existing Haitian justice system from former officials who occasioned their flight."

On December 23, 1997 the President used his Executive authority to direct the Attorney General and the Immigration and Naturalization Service to defer deportation of Haitian refugees for one year. On December 23, 1998 approximately 50,000 Haitians will face the serious risk of immediate deportation if Congress does not pass H.R. 3033 or H.R. 3049 (the companion bill to S. 1504). Deportation would severely impact the communities in states where Haitians live and work, such as New York, Massachusetts and Florida.

Similarly, approximately 90,000 Honduran refugees who fled their homeland to escape the spillover violence caused by the Central American wars settled in Florida, Louisiana, and California. In coming to American soil, they assumed skilled and semi-skilled occupations and now comprise a valuable segment of our workforce. Both H.R. 3231 and 3553, which would extend relief to Hondurans, have yet to be considered by the Immigration Subcommittee.

Families affected in the Haitian and Honduran refugee communities pay taxes, own businesses, have siblings and children who are U.S. citizens. Given the change in political conditions in their native countries and with no real prospect of re-establishing their lives in their countries of origin, asylum is no longer a reasonable remedy. Adjustment of status is the only form of relief that will afford them a just resolution to their long-pending asylum claims. If you or your staff are interested in helping to support consideration of legislation to assist the Haitian and Honduran refugees, please contact Tom Intercede of my staff at 5-4211. Thank you for your consideration.

Time and fairness are of the essence in this matter.

Cordially,

Lincoln Diaz-Balart

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Central American and Caribbean Refugee Adjustment Act of 1998 (Introduced in the House)

HR 3553 IH

105th CONGRESS

2d Session

H. R. 3553

To amend the Nicaraguan Adjustment and Central American Relief Act to provide to nationals of El Salvador, Guatemala, **Honduras** , and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 25, 1998

Mr. GUTIERREZ (for himself, Mr. BECERRA, Mrs. MEEK of Florida, Ms. WATERS, Ms. SANCHEZ, and Ms. ROYBAL-ALLARD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Nicaraguan Adjustment and Central American Relief Act to provide to nationals of El Salvador, Guatemala, **Honduras** , and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Central American and Caribbean Refugee Adjustment Act of 1998'.

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM CENTRAL AMERICA, CUBA, AND THE CARIBBEAN.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note) is amended--

(1) in the section heading, by striking 'NICARAGUANS AND CUBANS.' and inserting 'NATIONALS FROM CENTRAL AMERICA, CUBA, AND THE CARIBBEAN.';

(2) in subsection (b)(1), by striking 'Nicaragua or Cuba' and inserting 'Nicaragua, Cuba, El Salvador, Guatemala, **Honduras**, or Haiti'; and

(3) in subsection (d)(1)(A), by striking 'Nicaragua or Cuba;' and inserting 'Nicaragua, Cuba, El Salvador, Guatemala, **Honduras**, or Haiti;'.

SEC. 3. CONFORMING AMENDMENTS TO TRANSITION RULES.

(a) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION- Section 309(c)(5)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note), as amended by section 203 of the Nicaraguan Adjustment and Central American Relief Act, is amended by striking subclauses (I) through (V) and inserting the following:

'(I) is an alien who entered the United States on or before December 31, 1990, who filed an application for asylum on or before December 31, 1991, and who, at the time of filing such application, was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Rumania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia;

'(II) is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act) of an individual, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such individual, if the individual has been determined to be described in subclause (I); or

'(III) is the unmarried son or daughter of an alien parent, at the time a decision is rendered to suspend the deportation, or cancel the removal, of such alien parent, if--

'(aa) the alien parent has been determined to be described in this subclause (I); and

'(bb) in the case of a son or daughter who is 21 years of age or older at the time such decision is rendered, the son or daughter entered the United States on or before October 1, 1990.'.

(b) TEMPORARY REDUCTION IN DIVERSITY VISAS- Section 203(d) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1151 note) is amended by striking 'subclauses (I), (II), (III), and (IV)' and inserting 'subclauses (II) and (III)'.

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Message: Honduras guidance.

CONTINGENCY PULL-ASIDE
PRESIDENT CARLOS FLORES OF HONDURAS

Political Situation: U.S.-educated Carlos Flores was elected President late last year and took office January 27. The Flores government continues to work to bring Honduran military forces completely under civilian control. The United States has a 500-man military unit in Honduras. The Honduran Government is concerned that U.S. immigration legislation passed last fall failed to address the concerns of Hondurans in the United States, in contrast to Salvadorans and Nicaraguans.

Economic Situation: Honduras is one of the poorest countries in the hemisphere. The economy is still primarily agricultural (coffee and bananas) but the textile/apparel industry has grown significantly as a result of U.S. trade incentive programs. Due to inadequate Honduran legislation and weak enforcement, U.S. intellectual property rights in the field of television and movie broadcasts are being violated; because of this, U.S. trade benefits under the GSP and CBI programs were reduced by \$5 million. President Flores reacted publicly for the first time on April 10, calling U.S. action unjust. He will raise the issue with you if given the chance.

Role in the Summit: Within the Free Trade Area of the Americas process, Honduras leads the Working Group on Intellectual Property issues.

Talking Points:

- Congratulations on your election. Understand you were inaugurated on same day as my State of the Union address.
- Regret that we were compelled to take action over intellectual property rights violations. Know you are working hard to end the broadcast piracy. Hope this can be corrected soon.
- Understand your concerns about Hondurans in the United States. As you know, following my trip to Central America last year, I sought to bring about greater fairness for all persons, including Hondurans, with strong equities in the United States but the Congress decided to ease the rules for only some nationalities.
- We are working with the Congress to address this issue.