



Office of the Deputy Attorney General
Washington, D.C. 20530

May 31, 1996

The Honorable Alan K. Simpson
Chairman, Subcommittee on Immigration
Committee on the Judiciary
U.S. Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter presents the views of the Administration on H.R. 2202, the "Immigration Control and Financial Responsibility Act of 1996". The Administration is reversing decades of neglect in controlling illegal immigration. Many of the provisions in both the House and Senate bills would ratify the Administration's efforts in the field to combat illegal immigration. The Administration's four-part strategy calls for regaining control of our borders; protecting U.S. workers through worksite enforcement; aggressively removing criminal and other deportable aliens; and obtaining the resources that are necessary to make the strategy work. Both the House and Senate bills contain many provisions that support the Administration's enforcement initiatives and are based on or similar to the Administration's legislative and budget proposals.

We look forward to working with the conference committee to craft a strong, fair, and effective immigration bill. However, H.R. 2202 raises serious concerns in specific areas that we hope the conference committee will examine thoroughly. In addition, a number of amendments to the Immigration and Nationality Act (INA) made by the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. 104 -132, present substantial obstacles to the effective enforcement of the immigration laws. The conference committee has an opportunity to remedy some of those problems with a careful and more comprehensive approach to amending the INA. The Administration's views include, but are not limited to the following:

- ◆ The House-passed bill could result in the removal of many children from schools. Children denied education are more likely to engage in crime and other anti-social behavior and could fall prey to drug dealers and gangs. If H.R. 2202 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. We urge the conference committee to adopt the Senate position.

♦ The Administration opposes providing welfare benefits to illegal immigrants and has effectively targeted its enforcement efforts at the cash and food assistance programs which are at risk for the most abuse. H.R. 2202, however, goes too far in limiting benefits to legal immigrants and therefore could jeopardize public health. The Administration strongly opposes broadening the application of deeming rules and the "public charge" provision from a well-defined set of cash assistance programs to nearly all means-tested programs including Medicaid and emergency medical services, child protective services, student financial assistance programs for postsecondary education, veterans benefits, and scores of additional programs. In addition, the Administration opposes applying the new deeming and eligibility restrictions to current program recipients as well as the disabled who are exempt under current law.

♦ We urge the conference committee to adopt the Senate provision which authorizes the hiring of 350 additional Wage and Hour investigators to enforce current Federal wage and hour laws in areas where there are high concentrations of illegal immigrants employed. We urge the conference committee to adopt the House position on increasing penalties for and enforcement of employer sanctions. Similar increases should be included for the enforcement of laws against immigration-related employment discrimination.

♦ Both the House and the Senate have made clear their intention to separate the issues of illegal and legal immigration. Consistent with that clear intent, we urge the conferees to drop Section 806 of the House bill, which deals with criteria for admission of one class of employment-based nonimmigrants (H-1B workers). Not only does the inclusion of this section in a bill on illegal immigration entangle two issues the Congress has decided to keep separate, but the provisions of Section 806 simply go in the wrong direction, eliminating essential U.S. worker protections in current law, which are already inadequate. These amendments would have the overall effect of substantially weakening protections for U.S. workers from unfair competition with foreign temporary workers rather than fixing serious flaws in the existing H-1B program.

♦ We urge the conference committee to adopt special exclusion authority that may be invoked at the discretion of the Attorney General in extraordinary migration situations and for interdictions at sea that permits the prompt removal of inadmissible aliens and includes a fair process for assessing

fear of persecution.

♦ We urge the conference committee to adopt a comprehensive change in removal procedures that consolidates exclusion and deportation processes and that retains discretionary authority--with current exceptions--to cancel removal in compelling cases of aliens who have resided in the United States for a lengthy period and whose removal would present an extreme hardship.

♦ The intentional discrimination standard in the document abuse provision of the Senate bill will severely undermine anti-discrimination enforcement. The House provision is also problematic and should be modified to require that employers may seek verification only if the employer has information that would lead a reasonable person to believe that the individual is not work authorized, and that the employer can terminate the individual only after the Immigration and Naturalization Service (INS) confirms that the individual is not work authorized.

♦ We urge the conference committee to adopt a streamlined process for judicial review that consolidates review in the courts of appeals and requires constitutional and statutory challenges to be raised in connection with the judicial review of an individual removal order.

♦ We strongly support the Senate's authorization of appropriations for the construction of appropriate physical barriers and the use of technology in high traffic areas along the southwest border. The House version does not take into account the safety of our Border Patrol agents and unnecessarily waives the Endangered Species Act.

♦ We urge the conference committee to allow the existing adjustment of status program established by section 245(i) of the INA to run its course through Fiscal Year 1997, and then to evaluate what, if any, changes are required.

♦ We strongly support the Senate's authorization to conduct pilot studies of employment and benefits eligibility verification that includes privacy and anti-discrimination safeguards although we would recommend enhancing the Attorney General's flexibility to identify which projects will be most effective within technological capabilities.

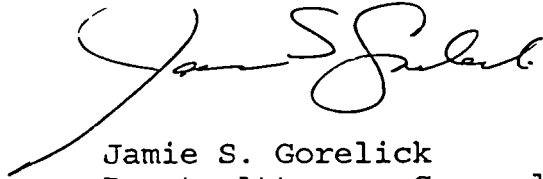
Attached is a discussion of some of the key issues. We will shortly provide you a comprehensive side-by-side comparison.

I appreciate this opportunity to provide the views of the Administration to the conference committee for the immigration

The Honorable Alan K. Simpson
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bill. The Administration is committed to working with the Congress to provide strong, fair, and effective measures for addressing illegal immigration to the United States.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jamie S. Gorelick", is written over a horizontal line.

Jamie S. Gorelick
Deputy Attorney General

cc: The Honorable Orrin G. Hatch
The Honorable Strom Thurmond
The Honorable Charles E. Grassley
The Honorable Arlen Specter
The Honorable Jon L. Kyl
The Honorable Edward M. Kennedy
The Honorable Patrick J. Leahy
The Honorable Paul Simon
The Honorable Herbert H. Kohl
The Honorable Dianne Feinstein

DISCUSSION OF SOME OF THE KEY ISSUES

Denying Public Education to Undocumented Children

Denying an education to any child is costly, to the child and to our country. Undocumented alien children could grow up to become illiterate, unskilled adults if they are denied schooling. Such individuals would be unable to participate effectively in our economy, which relies increasingly on a highly skilled workforce, and would swell the ranks of the unemployed and those dependent on public assistance. In addition, as President Clinton has stated, children denied education are more likely to engage in crime and other antisocial behavior. This view is widely shared throughout the law enforcement community. Opponents of this provision include the Executive Director of the National Association of Police Organizations, Inc., the National President of the Fraternal Order of Police, the Los Angeles County Sheriff, the Superintendent of Police for the City of Chicago, and the International Secretary-Treasurer and Legislative Liaison for the International Union of Police Associations AFL-CIO. Moreover, it is fundamentally unfair to punish children--possibly for the rest of their lives--for the conduct of their parents, which they are powerless to control. Finally, requiring school districts and the INS to verify the immigration status of public school students would be extremely burdensome and would divert carefully targeted resources from other enforcement priorities including border enforcement and criminal alien removal.

Benefits

H.R. 2202's approach to immigrants' eligibility for benefits is preferable to the approach taken in H.R. 4, the welfare reform bill, which would have imposed an outright ban on benefits for most legal immigrants. However, the approach taken in H.R. 2202 is at variance with the Administration's position as stated in our welfare reform proposal, and therefore, the Administration opposes these provisions. By requiring states to apply new deeming rules to scores of programs including Medicaid, emergency medical services within Medicaid, child protection services, and student financial assistance for postsecondary education, H.R. 2202, as passed by the Senate, could jeopardize public health and safety and could create a significant unfunded mandate on local and state governments. Furthermore, the Senate bill's deeming provisions would establish an inequitable situation where legal immigrants could no longer receive benefits for which undocumented immigrants would still be eligible such as Medicaid's emergency medical services.

We urge the conference committee to clarify that non-U.S. citizens residing abroad should not be considered "ineligible aliens" for purposes of entitlement to various federal benefits,

including pensions. We also urge the conference committee to clarify that Cuban and Haitian entrants will continue to be eligible for assistance to avoid placing an undue burden on State and local governments. We oppose the House provisions to require that payments of public assistance benefits be made only "through" an individual who is not ineligible to receive such benefits on the basis of immigration status because it would likely harm children who are U.S. citizens and legal immigrants. This provision also requires the government to insert an outside third party into the family. In addition, we oppose provisions in both versions of the bill that would make a legal immigrant who received federal benefits and services for which they are eligible deportable on public charge grounds. This is particularly objectionable when the immigrant received the benefit without his or her knowledge such as subsidized child care and transportation services for the disabled and elderly. Finally, the House provision requiring that sponsors have an income equal to 200 percent of the federal poverty level would keep many U.S. families from being able to reunite with their immediate relatives.

Special Exclusion

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), Pub. L. 104-132, amended the INA to require the Attorney General to order the removal of an alien who is inadmissible for having presented fraudulent documents or because of a lack of proper documents without a hearing before an immigration judge. There is an exception for asylum applicants who can demonstrate a credible fear of persecution based on an interview with an asylum officer. Aside from a review of the officer's "credible fear" determination, there is no administrative review of such an order and judicial review is limited. These provisions would become effective on November 1, 1996. The special exclusion provisions of the House bill are virtually identical to those added by the AEDPA.

Expedited exclusion authority is critically important to our ability to deal with organized alien smuggling and fraud at our ports of entry. The Coast Guard frequently interdicts illegal aliens on the high seas and is required to keep the aliens at sea while arrangements are made for their repatriation or for a third country to accept the aliens so they may be resettled. This is neither resource efficient nor cost effective. Two interdiction cases in 1995 consumed a total of 105 cutter days and 548 aircraft hours in order to deliver the interdicted migrants to El Salvador and Mexico. Using standard rates, these cases cost in excess of \$7 million. Rapid delivery of the aliens to the United States for special exclusion would allow the Coast Guard vessels to promptly return to their primary law enforcement mission, including drug interdiction and search and rescue. Accordingly, the Administration has strongly supported expedited exclusion

provisions that have appropriate safeguards and reflect a proper concern for practical and sensible administration.

In this light, the AEDPA changes raise a major concern. The expedited exclusion procedures would operate at all times in parallel with the normal exclusion process. This is unnecessary and an inappropriate use of resources. The Administration's proposal and the Senate immigration bill, on the other hand, would authorize expedited exclusion, but would provide the Attorney General the flexibility to determine the circumstances in which it should be implemented.

We recommend that the conference committee adopt the Senate provisions at section 141 with several important modifications: First, in addition to extraordinary migration situations, the Attorney General should have the explicit authority to apply special exclusion to aliens who are interdicted at sea without the need to find that an extraordinary migration situation exists. Second, the definition of "asylum officer" should be amended to afford more flexibility in assigning appropriately trained officers to assess asylum applications. Third, the conference report should make clear that by using the term "manifestly unfounded" the committee intends to adopt the international standard, as reflected, e.g., in the resolution on "manifestly unfounded" asylum applications adopted by the immigration ministers of the European Union, and not to revive the now repealed INS regulations defining "frivolous" asylum applications. Finally, the committee should adopt provisions for judicial review of special exclusion procedures and administrative review of special exclusion orders that afford prompt consideration appropriate for and consistent with an expedited process. We would be happy to work with the committee to develop language for such review.

Normal Exclusion and Deportation Proceedings

The House bill undertakes a comprehensive re-write of the procedures for removal of aliens. It would consolidate exclusion and deportation proceedings into one removal proceeding. Aliens who enter without inspection (EWI) would be subject to exclusion, but would continue to be eligible for relief from deportation upon a showing of seven years continuous presence, good moral character, and extreme hardship. This relief was eliminated for EWIs under the AEDPA amendments that become effective November 1, 1996, a change that will likely result in thousands of private bill requests being filed with the Congress on behalf of aliens in compelling circumstances. Both the Senate and the House provisions would restore, with specific exceptions, relief from deportation for long-term permanent residents who are deportable on the basis of criminal convictions, with an exception for aggravated felons who have been sentenced to imprisonment for five years or more.

We strongly recommend adoption of the House provisions contained in sections 301¹ (except 301(c) and (f)), 303, 304, 305, 307, 308, and 309. However, an amendment must be made to strike section 241(d) (added by the AEDPA) which provides that aliens "found in" the United States without having been inspected and admitted are inadmissible. This language is problematic; will lead to litigation; and is inconsistent with the House immigration bill. In addition, there is no waiver provision for inadmissibility under the newly-created section 212(a)(9), even for immediate relatives of U.S. citizens. We strongly recommend the inclusion of a discretionary waiver of inadmissibility.

We note that an error was apparently made in compiling the bill passed by the House. The text should be amended at page 86, lines 14 and 15, by inserting "or excludable" after "is deportable." We also note an inadvertent omission in compiling the House bill. The text should be amended at page 90, line 3, by inserting 'or deportable under subparagraph (a)(4)(D) of section 241' after 'section 237(a)(4)'. The Senate amendment (sec. 142(b)) to section 242B of the INA which limits stays of final orders of deportation should be incorporated into the House bill.

Intent to Discriminate

Under current law, an employer's request for additional or specific work authorization documents constitutes an unfair immigration-related employment practice. The Senate immigration bill makes such a request an unfair immigration-related employment practice only if the request is made "for the purpose or with the intent of discriminating". This intent requirement will severely undermine anti-discrimination enforcement. Intent is hard to prove, and virtually all employers could allege that they requested additional or specific documents for the purpose of avoiding employer sanctions and not with the intent of discriminating. An intent standard will deprive a U.S. citizen, denied employment because she did not have an employer-specified document, of a legal remedy.

¹With regard to section 301(b), we support adding the ground of exclusion for aliens who are unlawfully present in the United States, but we object to the effect that section 301(b) in the absence of a waiver provision will have on aliens who are otherwise eligible to obtain a visa or to adjust status. Accordingly, we strongly urge the committee to provide a discretionary waiver for the ground of inadmissibility added by section 301(b). We also strongly support the exception for battered spouses and children; however, we believe that a waiver for such persons would be preferable to an exception for consistency and practicality.

While the House provision is less problematic, the vagueness of the phrases "reason to believe" and "confirmation" will lead to discrimination against "foreign" looking or sounding work authorized individuals. The conference report should require the employer to possess "information that would lead a reasonable person to believe" that the individual is not an authorized worker, and the employer should be able to terminate the individual only after the INS confirms the individual is not work authorized. Only with these modifications, we urge the conference committee to adopt the House provision.

Judicial Review in Deportation and Exclusion Proceedings

Both bills would streamline judicial review by eliminating a layer of review in exclusion cases, shortening the time period to file for review, and permitting the removal of inadmissible aliens pending review in the case of exclusion proceedings. The Senate bill, however, goes too far in restricting judicial review. Under the Senate provisions there would be no judicial review of deportation orders against criminal aliens and no review of denials of discretionary relief from deportation. We support limiting judicial review in cases involving criminals, but not eliminating review altogether. We also support retaining judicial review of denials of discretionary relief, particularly in asylum cases. Accordingly, we recommend that the conference committee adopt the House provisions contained in section 306 with modifications.

We recommend adding the Administration's proposal regarding the standard of review of factual determinations. The Administration's proposal, S. 754, would provide that all findings of fact supporting an order of deportation or exclusion are conclusive unless a reasonable adjudicator would be compelled to conclude to the contrary. In addition, we recommend that the House bill be modified to include the Senate provisions eliminating the automatic stay of deportation upon the filing of a petition for review and requiring that constitutional and statutory challenges relating to removal actions be raised only in connection with review of an administratively final order of removal. We would be happy to work with the committee to craft the appropriate language to accomplish these recommendations.

Mandatory Custody

Section 414(c) of the AEDPA amended the INA to require the Attorney General to assume custody of all aggravated felons and most other criminal aliens and to maintain custody without exception until removal. This provision severely restricts the Attorney General's discretion and cannot be fully implemented without a massive increase in detention resources. Under an amendment added in 1990, the INA permitted release of a lawfully admitted alien who had been convicted of an aggravated felony, if

he or she were found not to be a threat to the community and likely to appear for hearings. Before that amendment, numerous court decisions had questioned the constitutionality of the previous "no-release" rule or held it invalid. The AEDPA essentially reinstates the earlier questionable provision and invites renewal of litigation. A number of habeas corpus petitions challenging mandatory custody already have been filed. In addition, the AEDPA amendments require the detention of aliens who have been convicted of lesser crimes and who may not have been sentenced to confinement for those crimes. We believe the Attorney General should be allowed to retain her discretion to determine who must be held in custody during the pendency of the hearing process.

The capacity to detain non-criminal aliens is a vital component of a balanced immigration enforcement strategy. We must have the authority to release less serious criminal offenders who may be eligible for relief and who pose no danger to the community in order to continue to detain aliens apprehended at worksites, those encountered in anti-smuggling operations, and recidivist illegal entrants along the Southwest border. We recommend rejecting section 164 of the Senate bill and adopting the House provisions at sections 303 and 305 which will accomplish the goal of prompt removal of criminal aliens while providing the Attorney General with the appropriate discretion regarding the use of detention facilities. In addition, the conference committee should reject the Senate bill's expansion of the definition of aggravated felony in section 161. A similar definition is in the AEDPA. By expanding the group of aliens for whom detention is strictly required, the Senate approach would effectively negate the more favorable House provision related to mandatory custody.

Verification of eligibility for employment and benefits

The Senate bill, which provides for the completion and evaluation of demonstration programs prior to the enactment by Congress of a new verification system for employment and benefit eligibility, is consistent with the Administration's proposal. We strongly support the approach to verification adopted in sections 111 through 113 with two reservations. First, section 112(a)(1)(A)(iv) limits the executive branch's discretion to choose appropriate demonstration projects by requiring the testing of three specified systems. The Administration recommends that the Attorney General retain flexibility to identify which projects will be the most instructive, taking into account technical feasibility and lessons learned from earlier pilots. Second, section 111(e) relieves an employer from liability under section 274A of the INA under certain conditions while section 111(g) limits liability under section 274A of the INA for any person who takes an action adverse to an individual in good faith reliance on information relating to that individual

gained from the new verification system or a demonstration project. The presence of two provisions which seemingly address the same issue, i.e. employer liability under the INA, is confusing, and we recommend that section 111(g) be stricken because it excuses an employer from liability even if she fails to comply with her voluntarily assumed responsibilities under the pilot. If both provisions are to be retained, their relationship should be clarified. Overall, we prefer the verification system provisions contained in the Senate bill except for section 117, intent to discriminate which is discussed above.

We also support the limits in section 116 of the Senate bill upon the number of documents which establish both employment authorization and identity and the number of documents which establish employment authorization. The House bill deletes from section 274A(b)(1)(C), "other documentation evidencing authorization of employment in the United States which the Attorney General finds, by regulation, to be acceptable." These documents are critical to the transition phase of document reduction, and we recommend that they be retained. We strongly prefer the Senate bill provisions on document reduction, but recommend that the effective date be 18 months as provided by the House bill to permit appropriate time for the promulgation of regulations.

We support adoption of section 403(d) of the House bill which specifically defines the term "entity" to include an entity in any Branch of the Federal Government. But we strongly oppose adoption of section 403(f) which mandates that not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations which shall provide for the electronic storage of Forms I-9. The INS currently is conducting a demonstration project involving the electronic generation, completion, and storage of the Form I-9. At present, forensic examination of Form I-9 is essential to the successful prosecution of fraud cases. It is premature at this time for Congress to mandate regulations providing for electronic storage within 180 days.

However, we support the House provision to study and conduct pilot studies to eliminate the fraudulent use of birth certificates.

Asylum

The House bill would require that all applications for asylum, both affirmative and defensive, must be filed within 180 days of arriving in the United States. There is an exception for "fundamentally changed" circumstances in the alien's country that affect eligibility for asylum. The Senate bill would require that defensive asylum claims (those filed for the first time in deportation or exclusion proceedings) must be filed within one

year of arrival. There is a "good cause" exception for having failed to file timely. The Administration is opposed to filing deadlines for asylum. We believe enforcement of the deadlines would unnecessarily divert resources from the adjudication of claims, create a new class of fraud, and have a negative effect on productivity. In our view, recent improvements in the asylum process make legislative asylum reform unnecessary. In addition, we believe that returning a refugee to a country where he or she would face a threat to life or freedom simply because the refugee failed to make a timely request for protection substantially undermines U.S. leadership in refugee protection. However, if the conference committee is intent on imposing a deadline on asylum applications, we recommend that the committee adopt the Senate version, as we believe it is essential to include an exception for good cause in order to maintain the flexibility to continue to protect bona fide refugees.

Pursuant to a presidential directive to address asylum abuse, the Department of Justice dramatically restructured the asylum process in January 1994. In addition, the Administration requested and Congress provided the resources necessary to do the job in the Violent Crime Control and Law Enforcement Act of 1994 which more than doubled the authorized number of INS asylum officers from 150 to 377 and increased the number of Immigration Judges from 116 to 179. By the end of Fiscal Year 1996, we expect to have approximately 210 immigration judges. The new asylum process allows the INS to quickly identify and promptly grant valid claims, and to refer all other cases to immigration court for deportation proceedings; to grant work authorization only to applicants who are granted asylum or when an applicant's case is not adjudicated within 180 days; and to streamline procedures to help asylum officers keep current with incoming applications.

To date, these reforms have had tremendous positive results. New asylum claims that are not part of the American Baptist Churches v. Thornburgh class action lawsuit (non-ABC) filed with the INS dropped 57 percent. Asylum officers completed 126,000 cases in calendar year (CY) 1995 compared to 61,000 in CY 1994. Immigration Judges completed 40,000 asylum cases in CY 1995 compared to 17,000 in CY 1994--an increase of 135 percent. More than 98 percent of the new non-ABC cases were completed by Immigration Judges within 180 days from the initial INS receipt of the asylum application. We have streamlined procedures without reducing the quality of our asylum decisions. INS has instituted quality assurance procedures to monitor the new system. Approval rates have not changed significantly.

In addition to restructuring the asylum process, the INS has stepped up its fraud investigation of preparers of spurious asylum claims. Investigations have resulted in indictments of preparers in Los Angeles, San Francisco, New York, and Arlington,

VA. In addition, INS requested and received additional funding in Fiscal Year 1996 for detention of absconders, including failed asylum seekers.

Triple Fence

This Administration has built and reinforced physical barriers along the Southwest border. Over the past several years, the INS with the support of military personnel and the National Guard has built miles of strategically placed fencing along the border to control drug trafficking, alien smuggling, crime, and illegal immigration. For example, there are now 28 miles of fencing in the San Diego Sector to support the Administration's increased deployment of Border Patrol agents, resources, and sophisticated technology. Recently, we began construction of a 1.3 mile fence along the border at Sunland Park, New Mexico. We support the Senate provision because it defers to the experience of the INS to determine whether multiple fencing would be safe and effective and allows for incorporation of necessary safety features to ensure the well-being of Border Patrol agents. We also support the Senate version because it does not waive the Endangered Species Act (ESA). We oppose providing ESA waivers to government agencies because it undercuts the general applicability of the ESA and undermines the government's credibility in enforcing it. Requirements and regulations under the ESA have been and continue to be streamlined to balance the interests underlying the ESA with those of the regulated community.

Adjustment of Status

Section 245(i) of the INA permits otherwise qualified aliens who entered the United States illegally or who were employed in the United States without authorization to adjust status in the United States upon the payment of a substantial penalty fee to the Examinations Fee Account. Relatives of legalized aliens who are permitted to remain in the United States under the "family unity" provisions may adjust under this provision without payment of the fee. Section 245(i), which expires in 1997, was intended to eliminate pro forma immigrant processing overseas for qualified applicants who were residing in the United States. This provision has enabled the INS dramatically to improve its services and the State Department to reduce its overseas visa processing staff.

Section 808 of the House Bill would make 245(i) available only for family unity beneficiaries. Since family unity beneficiaries are exempt from the fee requirement, this amendment would eliminate a substantial source of funding which would be spent by applicants, instead, to travel abroad to obtain immigrant visas. Section 245(i) revenues totaled \$135,000,000 in fiscal year 1995. If Congress either repeals or fails to extend

section 245(i), the new positions created by section 245(i) revenues will be eliminated and there will be a large adverse fiscal impact on the quality and level of services given to adjudicating petitions and applications for immigration benefits. Furthermore, as a result of 245(i), the Department of State has been able to reprogram positions to high priority anti-fraud and nonimmigrant visa work. Returning this pro forma immigrant visa processing to the Department of State without sufficient resources would cause severe disruption of service to the public. If the conference committee decides not to extend 245(i) adjustment authority beyond September 30, 1997, it should amend section 245(i) to provide adjustment authority for applications filed on or before that date. As currently written, the authority will sunset with respect to any application not adjudicated before September 30, 1997. Such an amendment would enable the INS to properly investigate and adjudicate pending cases without adversely affecting other priorities, e.g., naturalization, and will prevent forum shopping among INS district offices.

The Senate bill does not amend section 245(i) directly, but limits the underlying eligibility of certain alien status violators for immigrant status. Section 317 of the Senate bill provides that no petition may be approved on behalf of an alien who at any time has been apprehended for entering without inspection or who has failed to depart the U.S. within one year of the expiration date of any nonimmigrant visa (subject to a "good cause" exception) unless the alien has been outside of the U.S. for 10 years. Such an alien is inadmissible and ineligible to adjust status. This provision also prohibits such an alien from seeking a new nonimmigrant classification during the 10-year bar. Certain exceptions are prescribed, and Family Unity beneficiaries are exempt. Similarly, sections 301(b) and (c) of the House bill affect the eligibility of aliens to adjust status. Any alien present in the U.S. without inspection or who arrives in the U.S. without inspection is inadmissible. There is no waiver of this ground. Any alien who has been unlawfully present in the U.S. for an aggregate period of at least one year is inadmissible unless the alien remains outside the U.S. for at least ten years. There are waivers for close relatives of U.S. citizens and lawful permanent residents and those whose admission is deemed to be in the national interest.

The Administration opposes the restrictions on admissibility and eligibility to adjust contained in section 317 of the Senate bill and section 301 of the House bill. These provisions will not deter illegal immigration, but will likely result in a class of aliens who would otherwise be eligible for legal status remaining undocumented and in hiding. In particular, we oppose the provision in the House bill which attaches restrictions on those present unlawfully for a period of one year or more. This provision will generate needless and costly litigation on the

issue of the time period during which the alien was unlawfully present in the United States.

International Obligations

We are concerned over whether certain provisions in H.R. 2202 are consistent with U.S. international trade obligations, and would appreciate the opportunity for a discussion of these issues so that they may be taken up in the conference.



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202-_____

April 15, 1996

Honorable Robert Dole
Majority Leader
United States Senate
Washington, DC 20510

Dear Senator Dole:

As the Senate prepares to debate S. 1664, the "Immigration Control and Financial Responsibility Act of 1996," we would like to express our strong opposition to any amendment that would affirmatively authorize States either to exclude from the public schools undocumented children, or to admit such students on a tuition basis--which in many cases would be the functional equivalent of exclusion. If S. 1664 were to reach the President's desk containing such a provision, we would recommend that he veto the bill.

The plain purpose of such an amendment is to attempt to circumvent the decision of the Supreme Court in Plyler v. Doe, 457 U.S. 202 (1982), which holds that States may not, consistent with the Equal Protection Clause of the Fourteenth Amendment, withhold from undocumented children the same free public education they provide to other children residing in the State. The public schools of this country are a vitally important part of the foundation of our diverse and inclusive democracy and strong national economy. We have the following objections to requiring or authorizing States to exclude children from our public schools:

(1) Denying an education to any child is costly, to the child and to our country. Uneducated children are vastly more likely to wind up on the streets, engaging in unlawful behavior and otherwise placing burdens on their communities. President Clinton has stated that children denied education will "be on the street and then the increased risks of crime and other antisocial behavior will go up." This view is widely shared throughout the law enforcement community:

Robert T. Scully, Executive Director of the National Association of Police Organizations, Inc., recently wrote "[l]aw enforcement's position on the Gallegly amendment is based on our profession, protecting the peace of America--a job that would become much more difficult and dangerous if thousands of children are put

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on the nation's streets to grow into criminals or fall as victims. Overburdened local law enforcement agencies are ill-equipped to handle the certain resulting flood of juvenile crime and violence."

Gilbert C. Gallegos, National President of the Fraternal Order of Police, recently wrote that "[p]utting hundreds of thousands of additional children on some of the toughest streets in our country translates into a windfall of potential new victims for the predators who work those streets. The cost of education pales by comparison to the cost of public safety in the neighborhoods where these kids are forced to live."

Matt L. Rodriguez, Superintendent of Police for the City of Chicago, recently wrote "[f]orcing young people out of school and onto the streets would have disastrous long-term effects on public safety as well. Every study that has ever been done on the subject has found a close correlation between the absence of education and increased criminality. Our communities are made safer when our young people--in particular, young people from families that are already at risk--are given the opportunity to stay in school and to learn."

Arthur J. Reddy, International Secretary-Treasurer and Legislative Liaison for the International Union of Police Associations AFL-CIO, recently wrote "[h]ow can anyone advocate throwing thousands of children onto the streets without supervision where they will become both victims and criminals. Local law enforcement officers, our members, will be overwhelmed at a time we can ill afford the extra pressure."

(2) It is fundamentally unfair, and unworthy of us as a great Nation, to penalize children for the conduct of their parents, conduct those children are powerless to control. As the Supreme Court said in Plyler, "legislation directing the onus of a parent's misconduct against his children does not comport with fundamental conceptions of justice," and "it is...difficult to conceive of a rational justification for penalizing these children for their presence within the United States." Plyler, at 220. It should be remembered, as well, that the punishment of undocumented children that the amendment would authorize would, in many families, be visited arbitrarily among siblings, because under the Fourteenth Amendment all children who are born in the United States are United States citizens.

(3) Not only is it wrong to penalize children for their parents' unlawful entry by denying them a basic education, it is

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ineffective. Education services are not the incentive to illegal immigration that job opportunities are, and, in any event, many of the children who would be affected by the amendment are here now, and are likely to remain here. Moreover, even assuming that exclusion from the public schools would have a deterrent effect on illegal immigration, that effect would be undermined by the "crazy quilt" pattern of implementation that would result from State choice in the matter. Indeed, if a deterrent effect is assumed, such an amendment would presumably channel illegal immigration to those States that decline the invitation to turn their backs on our national traditions.

(4) Schools--which is where, inevitably, such an amendment would be implemented--are ill-suited by their nature to make determinations about the immigration status of their students. Imagine the burden and cost of training teachers and school administrators about the procedures of the Immigration and Naturalization Service (INS) and related documentary requirements; imagine further the burden and cost to parents (presumably, all parents in order to avoid charges of discriminatory implementation by school systems) of implementing such requirements. Certainly, implementation efforts by schools are likely to ensnare them in costly litigation. The INS Commissioner has also written to Congress describing the burden associated with this type of amendment, including its likely effect of diverting INS resources away from more pressing priorities.

(5) Forcing schools to act as extension agents of our immigration authorities would likely intimidate and estrange not only the students who are subject to exclusion and their families, but also students and families--of a variety of ethnicities--who are not subject to exclusion, but who are either uncertain of their rights or fear, rightly or wrongly, stigmatization. We need to do all we can to increase family involvement in education and reduce the drop-out rate, not undercut those efforts through divisive policies such as this.

The fundamental issue raised by such an amendment is not whether the United States needs to do a better job of protecting the integrity of its borders. Every responsible person agrees on this imperative, and this Administration is taking strong steps to fulfill this need. The fundamental issue is whether we should harm the undocumented children who live here--and ourselves and our values--for the transgressions of their parents. In this connection, we would remind you that less than two years ago, the Congress declared it to be the policy of the United States "that a high-quality education for all individuals and a fair and equitable opportunity to obtain that education are a societal good, are a moral imperative, and improve the life of every

Page 4

individual, because the quality of our individual lives ultimately depends on the quality of the lives of others." Section 1001(a)(1) of the Elementary and Secondary Education Act of 1965. This policy reflects both the practical wisdom of our national experience and "the better angels of our nature" that President Lincoln invoked.

Some will argue, no doubt, that if excluding undocumented children from the public schools is such a bad idea, there is little harm in authorizing the States to do so, because few States would do it. We strongly disagree with this reasoning. By this logic, the more unwise the proposal, the more willing we should be to authorize the States to implement it. The issues here are plainly not about federalism or the wisdom of the States; the issues here are about our historical belief in the power of our public schools to promote opportunity, understanding, cooperation, and economic progress for us all.

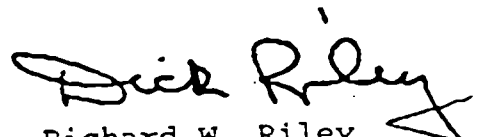
Others will argue that the obligation of the States under the Equal Protection Clause to avoid discrimination against these children should be seen as an unfunded mandate. The short answer to this rhetorical device is that under the terms of the recently enacted Unfunded Mandates Reform Act of 1995, P.L. 104-4, the Constitutional obligations of the States plainly are not unfunded mandates. Nor do we believe that the States' basic obligations under the Constitution--such as the right of all accused persons to a jury trial--should ever be considered as such.

Any amendment that would have the effect of denying or restricting public education benefits to undocumented children would have grave implications for public safety. It would not only harm innocent children, it would continue to harm them for the remainder of their lives. It would not deter illegal immigration. It would have our public schools screening children for their immigration status, an expensive and burdensome task for which they are not suited or prepared. For all these reasons, we urge you to oppose any such amendment.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program and that enactment of S. 1664 with a provision that would deny or limit public elementary or secondary education benefits to undocumented children would not be in accord with the program of the President.

Sincerely,


Janet Reno
Attorney General


Richard W. Riley
Secretary of Education

satisfactory immigration status (section 612(4) of the House bill, section 224(4) of Senate bill); (2) require verification by citizens (section 612(2) of House bill, section 224(2) of the Senate bill (the Senate bill makes this permissive on the part of HUD or a PHA)); and (3) make ineffective HUD's noncitizen rule if regulations implementing the changes made by the bills were not issued within 60 days of enactment (section 614 of the House bill, section 227 of the Senate bill).

In 1995 HUD issued its final rule implementing section 214. Before making changes in program coverage or procedures, this rule should be given a full opportunity to work, and its effectiveness fully reviewed and assessed. The House and Senate bills would undermine this process.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program. I am sending a similar letter to all other conferees of H.R. 2202.

I look forward to working with you on this important legislation.

Sincerely,


Henry G. Cisneros

cc: Honorable Orrin G. Hatch
Honorable Strom Thurmond
Honorable Charles E. Grassley
Honorable Arlen Specter
Honorable Jon L. Kyl
Honorable Edward M. Kennedy
Honorable Patrick J. Leahy
Honorable Paul Simon
Honorable Herbert H. Kohl
Honorable Dianne Feinstein

Amendments made by the House and Senate bills directly to section 214 also raise serious concerns (sections 611-614 of House bill, sections 221-227 of Senate bill).

Provisions of the House and Senate bills, for example, (sections 612(6) and 226, respectively), make uncertain whether HUD can provide prorated housing assistance to a "mixed family" -- those families with members that have been determined to be eligible and ineligible for assistance. The effect of these provisions would be to force the division of families in order to receive housing assistance. HUD's rule implementing section 214 has a carefully crafted proration approach that ensures that the amount of housing assistance provided to a mixed family reflects only the number of members of the family eligible for assistance. The bills would limit HUD's ability to fully implement and assess the approach provided in its rule.

The bills would also reduce the time period for the deferral of termination of assistance to one three month period (with the House bill applying this change retroactively to families) -- thereby creating a hardship for families due to the short period of time that they would have to find alternative housing when their assistance is terminated (section 611(3) of the House bill, section 223(3) of the Senate bill). Under current law, deferrals of terminations may be provided to families for 6 months, and may be renewed for an aggregate period of up to 3 years. While the Senate bill would allow an additional month beyond the proposed 3 month period if a hearing is requested, we strongly believe that a deferral of termination period of 6 months should be permitted, with the period renewable for up to 18 months -- and any change should have prospective application. The limited period provided by the House and Senate bills would not allow for an orderly transition for families who could be forced into homelessness due to tight rental housing markets.

The House bill eliminates the section 214 fair hearing process, and both bills eliminate the section 214 fair hearing procedures (section 612(6) of the House bill, section 224(6) of the Senate bill). The fair hearing process and the procedures provide individuals a final opportunity to demonstrate that they are not ineligible for assistance based on immigration status. These changes raise the potential for increased and costly litigation faced by the government and PHAs by families who believe that their assistance has been wrongly terminated. The fair hearing process and procedures should be maintained.

We also specifically oppose provisions of the bills that would: (1) limit to 30 days, without any exception for good cause, the amount of time an individual has to demonstrate

Page 6 - Honorable Edward M. Kennedy

Conclusion

I appreciate your efforts to safeguard educational opportunity under this complex and important immigration bill. Please let me or my staff know if the Department can provide you with any further information or assistance.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,


Richard W. Riley

Page 5 - Honorable Edward M. Kennedy

approved for receipt, by an alien in an academic year which ends or begins in the calendar year of enactment "until the matriculation of their education." Under section 622 of the House version, an alien would be considered a public charge only if he or she received benefits under certain non-education programs (SSI, AFDC, Medicaid, Food Stamps, State general cash assistance, and housing assistance) for at least 12 months within 7 years of his or her date of entry into the U.S.

In general, the Administration prefers the House provisions with some modifications. The House provision is significantly preferable with respect to the treatment of postsecondary education, because it does not include any education-related programs among those that may result in an alien being considered a public charge. It makes no sense to consider a legal immigrant a burden on society and deportable merely for trying to go to college; our Nation should encourage, not discourage, its legal residents who seek to improve their skills and productivity. The exception in the Senate version is insufficient, because all student aid recipients should be exempted (as well as beneficiaries of any elementary, secondary, preschool, or school nutrition programs that may be based on need). In any event, the use of the term "matriculation" to describe the end of the period during which the student may receive assistance is incorrect.

Cosignature of student loans

The final student aid-related provision in the House version of H.R. 2202 that I must bring to your attention is section 633, which would require an otherwise eligible, lawfully admitted, sponsored alien to have his or her sponsor, or another credit-worthy U.S. citizen or national, cosign any student loans under title IV of the HEA. I oppose this provision, both as a matter of policy and because the administrative burden that would be associated with such a requirement would outweigh any imagined benefit from it. Requiring cosignature in this situation would clearly restrict access to postsecondary education, because the need to obtain a cosigner is likely to prove an insurmountable obstacle in many instances. Just as it is unrealistic to assume that most sponsors will actually pay a share of the student's postsecondary costs under the Senate deeming requirement, most sponsors will also be unwilling to cosign student loans. Finding another creditworthy U.S. citizen or national to cosign the loan will also prove very difficult, and the burden on lenders will be increased by the requirement that the cosigner's creditworthiness be established. The cosignature requirement is also unrelated to the creditworthiness of the individual legal immigrant seeking the loan; there are no data to indicate that student loans borrowed by legal immigrants are at a greater-than-usual risk of default.

Page 4 - Honorable Edward M. Kennedy

do this without significant guidance and training by the Department due to the complexities of the need analysis formulas and the numerous questions raised by the Senate deeming requirement. Institutions would also have to develop or purchase software and enhance their computer capabilities, and would be at risk of incurring significant legal and financial liabilities if they improperly processed eligible non-citizens' applications and awarded Federal aid to ineligible students. Even under a centralized system, institutions would shoulder a very large part of the information collection and verification burden, and would need to assist students, their parents, and their sponsors with this confusing new twist on an already complex process.

This is but a summary description of the numerous thorny issues that would have to be resolved before deeming provisions, the Senate's version in particular, could be implemented--and which would make the effective date for such provisions, and the terms of any "grandfathering" exception, critical.

The Senate deeming requirements would be effective upon enactment, which would create additional problems for the student aid programs. Such an effective date would be incalculably disruptive to the centralized Federal student aid application and delivery systems for the 1996-97 award year because processing for 1996-97 has been going on since January. It appears that the language "grandfathering" aliens who have received, or been approved to receive, student aid in an academic year that begins or ends in the year of enactment would probably not require deeming for 1996-97, but that language contains numerous unanswered questions that are likely to create further complexities and disruptions to the application for and delivery of student aid.

Even if the Senate deeming requirement were first effective for the 1997-98 award year, it still would cause major disruptions and delays to the application process, since systems and forms development for 1997-98 are well underway, with distribution of the form set for this fall. Another impediment to implementation is the statutory "Master Calendar" (20 U.S.C. 1089), which governs the deadlines for each phase of the development and processing of student aid forms, and which requires a delay of the effective date of any regulations not published in final form by December 1 to the second award year after that date.

"Public charge"

Under section 202 of the Senate version, an alien would be considered a public charge, and thus deportable, if he or she received any of a wide variety of benefits for at least 12 months within 5 years of the date of his or her entry into the United States. There is an exception to this provision (among others) for student financial assistance under titles IV, V, IX, or X of the Higher Education Act of 1965 (HEA) that is received, or

Page 3 - Honorable Edward M. Kennedy

expected to contribute even more of his or her income and "resources" (an undefined term) to pay for the postsecondary education of the sponsored alien student than for the sponsor's own child.

By extending the responsibility for college financing beyond the parent and student to the sponsor, deeming would result in a new category of student for financial aid purposes--an independent student who is required to provide financial information from someone other than a spouse. Dependent legal immigrant students would be required to provide financial information from both their parents and their sponsors (if they are different). Adding a new set of data about an additional person (who is not necessarily a relative of the student) complicates the aid application process immensely. The Department would have to develop procedures for determining whether an eligible non-citizen was required to have a sponsor and whether he or she did indeed have a sponsor, as well as collect the necessary data from the sponsor--all of which would have to be verified. These procedures would have to be added to the current student aid application and delivery system, and institutions would likely be faced with significantly increased complexity and burden. In addition, all students, not just legal immigrants, would likely face extra steps in the aid application process.

If the Department were to collect and process centrally the additional data elements that must be added to the calculation of need for student assistance, it would require extensive modifications to the delivery systems. Changes would also be needed to EDEXpress (the school-based management software provided by ED) and FAFSA Express (the software individuals can use to apply for aid electronically). If the Senate provisions were to be effective for the 1997-98 award year, serious delays (that would affect all students, not just legal immigrants) could be expected in FAFSA (the aid application form used by all students seeking Federal aid) clearance, forms distribution, and processing system start-up. A very rough, preliminary estimate of the cost of these changes is well over \$10 million for the first year alone, with only slightly lower costs in subsequent years.

Alternatively, if the Department were not to address these issues using our centralized systems, the full burden of carrying out this provision would be borne by institutions of higher education. If institutions were made responsible for implementing the Senate deeming provision (which would be necessary if the provision were effective any sooner than the 1997-1998 academic year, and perhaps even in that year), they would have to develop and process their own forms, including editing, returning for correction, verifying, and re-processing corrected forms, informing students and the Department of the results, and handling appeals. Institutions would not be able to

Page 2 - Honorable Edward M. Kennedy

to complete the course of study for which the alien receives the aid.

Under section 631 of the House version, there is a similar deeming requirement, but a broader list of exceptions. The exceptions to deeming that relate to education include School Lunch and Child Nutrition programs, the Head Start program, student assistance under titles IV, V, IX, and X of the HEA, and benefits under any means-tested programs under the Elementary and Secondary Education Act of 1965. These exceptions would be permanent, not just "grandfather" in certain current recipients, as under the Senate version.

The Administration's approach to deeming, which would extend the deeming period only for those programs which currently deem (SSI, AFDC, and Food Stamps), is vastly preferable to the House and Senate bills. However, in the context of the two bills, I strongly prefer the House version of the deeming rules with respect to education programs, although the House version needs to be more explicit that if State and local governments choose to apply deeming rules to State and local programs, they must also apply exceptions that are equivalent to the Federal exceptions.

The Senate deeming requirement would render most sponsored aliens totally ineligible for need-based student aid, such as Pell Grants, although few sponsors would actually provide the contribution expected of them under the student aid need analysis formula. In theory, to make up the difference, the student or his parents could borrow PLUS and unsubsidized Stafford loans. In reality, however, the prospect of taking on significantly greater student loan debt would represent an insurmountable barrier for many legal immigrant families. The net result is that the Senate deeming requirement would sharply limit access to postsecondary education. (The House cosigner requirement, discussed below, would further exacerbate this access problem.)

In addition to the harmful impact on legal immigrants, wishing to improve their skills, implementation of the Senate deeming requirement would place a staggering burden, not only on the Department, but on participating institutions of higher education and all student aid applicants.

To illustrate this burden, consider the Senate deeming provision which would view all of the income and "resources" of the sponsor to be included in the student's income and resources. (This provision would not apply to current student aid recipients, who would be "grandfathered.") This raises several problems. Under current law, the contribution expected from a student (whether considered dependent or independent of his or her parents) is a proportionally greater share of discretionary income and assets than the share a parent would be expected to contribute. Under the Senate provision, therefore, a sponsor apparently would be



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
THE SECRETARY

WASHINGTON, D.C. 20410-0001

JUN - 4 1996

Honorable Alan K. Simpson
Chairman, Subcommittee on Immigration
Committee on the Judiciary
United States Senate
Washington, D.C. 20510-5002

Dear Mr. Chairman:

I would like to express to you, as a Conferee of the House and Senate immigration bills, H.R. 2202, the Administration's opposition to many of the provisions which would affect eligibility of immigrants for benefits. The Justice Department's letter of May 31, 1996, has detailed the Administration's concerns on this matter. I would like to provide you with some additional information on how these provisions would affect HUD's housing assistance programs. The bills would amend HUD's current statutory authority regarding the provision of housing assistance to noncitizens in a way that would seriously hinder HUD's ability to fully carry out that authority.

Currently under section 214 of the Housing and Community Development Act of 1980, and regulations recently issued to implement that section, HUD has a consistent, coherent, and responsible mechanism for ensuring that housing assistance benefits are provided only to citizens, or to noncitizens who are otherwise in compliance with this Nation's immigration laws. The House and Senate immigration bills would substantially disrupt that mechanism, and create confusion and uncertainty for millions of low-income families eligible for housing assistance, State and local governments, over 3,400 public housing agencies (PHAs), and thousands of multifamily project owners. It could also jeopardize progress made between HUD and INS to fully implement section 214.

By extending the scope of benefit restrictions to virtually every Federal assistance program, both bills would create substantial administrative problems for State and local governments. For example, State and local governments that administer HUD's Federal Housing Administration mortgage insurance programs and Community Development Block Grant programs would have the administrative burden of identifying noncitizens who may indirectly benefit from these non-direct assistance programs. Similarly, provisions in the bills extending "deeming" requirements to all Federal assistance programs (section 631 of the House bill, section 204 of the Senate bill), would also be administratively difficult to implement, and pay as you go savings would not be achieved by this change.



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

June 4, 1996

Honorable Edward M. Kennedy
Committee on Labor and Human Resources
United States Senate
Washington, DC 20510

Dear Senator Kennedy:

I am writing in response to your request for the views of the Department of Education as you prepare to go to conference on the House and Senate versions of H.R. 2202, the "Immigration Control and Financial Responsibility Act of 1996" regarding their respective "deeming" provisions (and the related "public charge" provisions). As you know, the Administration has many other concerns with H.R. 2202 as expressed in the recent letter by the Department of Justice; in this letter, I will address only how certain of the provisions would affect postsecondary students receiving aid under the student financial assistance programs authorized by the Higher Education Act of 1965 (HEA).

The Administration strongly opposes language that would apply deeming and public charge rules beyond a discrete list of cash and food assistance programs. These provisions, as well as the cosignature requirements in the House bill, would prevent or seriously impede a large number of legal immigrants from improving their skills and becoming more productive through participating in postsecondary student financial assistance programs. Indeed, the public charge provision in the Senate bill would make legal immigrants subject to deportation for merely receiving a grant or loan to attend college. Furthermore, these provisions are complex and vague and would be very burdensome for the Federal Government or institutions of higher education to implement. As a result, they would cause serious disruptions in the student financial aid process for all students, not just legal immigrant students.

Deeming

Under section 204 of the Senate version of H.R. 2202, when determining an alien's eligibility for, and amount of benefits under, any Federal program of assistance for which eligibility is based on need, the income and resources of the alien would be deemed to include the income and resources of the alien's sponsor (and sponsor's spouse). This provision includes an exception for student assistance under titles IV, V, IX, and X of the HEA for aliens who have received, or been approved to receive, such aid in an academic year that begins or ends in the year of enactment. This exception would apply only for the period normally required

UNITED STATES
DEPARTMENT OF EDUCATION

NEWS

FOR IMMEDIATE RELEASE
June 10, 1996Contact: Rick Miller
(202) 401-3026**STATEMENT BY U.S. SECRETARY OF EDUCATION RICHARD W. RILEY**
regarding the Gallegly amendment to the immigration bill

As House and Senate conferees work to craft a bipartisan immigration bill, I urge them to follow the Senate's lead and leave out the destructive "Gallegly Amendment" contained in the House version of the legislation.

I oppose this provision because it is fundamentally wrong to punish innocent children for the mistakes of their parents by depriving them of an education and an opportunity to become self-sufficient. It is also shortsighted: we don't help solve the illegal immigration problem by creating a new class of illiterate children in America, pushing them out of the schoolhouse and into the streets.

This provision would attempt to circumvent the Supreme Court's 1982 decision in Plyler v. Doe and authorize States to exclude undocumented children from public elementary and secondary schools.

Children prohibited from attending school are much more likely to wind up victimized by gangs, engaging in unlawful activity or otherwise burdening their communities. As the National President of the Fraternal Order of Police recently wrote, "[p]utting hundreds of thousands of additional children on some of the toughest streets in our country translates into a windfall of potential new victims for the predators who work the streets." This concern is so great that the Attorney General and I recently wrote leading senators pledging that we would recommend a presidential veto if the bill contains this "poison pill" amendment.

Any policy that requires schools to exclude undocumented children would also force teachers and principals to serve as immigration officials -- a burdensome task for which they are not suited or prepared. Excluding undocumented children from public schools would also create a climate of mistrust and division. Parents could be forced to prove that their children are not undocumented, potentially burdening *all* families and estranging those legal immigrant and citizen students and families who may be uncertain of their rights or fear stigmatization. And in some families, children born in the U.S. -- *citizens* -- might be eligible to attend school while their undocumented siblings could not.

Excluding undocumented children would penalize children, harm communities, burden teachers and principals, and frustrate attempts to increase family involvement in education without reducing illegal immigration. For all of these reasons, I strongly urge the Conferees to drop the Gallegly Amendment.

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

THE DIRECTOR

March 20, 1996

The Honorable Orrin Hatch
Chairman
Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

On behalf of the Administration, I would like to express our strong support for three of the amendments that may be offered during the Senate Judiciary Committee mark-up of Title II of S. 1394, the Immigration Reform Act of 1995.

We understand that an amendment will be offered to limit the application of deeming rules to programs that currently "deem" an immigrant's income to include the income of his or her sponsor (AFDC, Food Stamps, and SSI). The Administration supports this amendment. As currently drafted, S. 1394 would broaden the application of deeming rules to all means-tested programs. This would include Medicaid, the Maternal and Child Health Services programs, the School Lunch program, student financial assistance programs for postsecondary education and scores of other Federal programs. The Administration opposes deeming under the Medicaid program. Broadening the scope of deeming could endanger the public health and safety by precluding immigrants in need of health care from receiving assistance. In addition, this provision would significantly complicate the administration of programs that do not currently deem, especially those programs run by local charities and non-profit organizations.

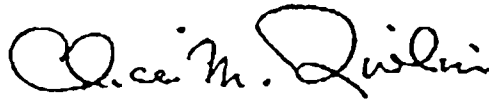
The Administration also supports an amendment that would limit the application period of deeming rules until the sponsored immigrant becomes a naturalized U.S. citizen. Under S. 1394, future immigrants would be subject to deeming -- even after attaining citizenship -- until they have worked 40 qualifying quarters. Thus, a sponsored immigrant would be subject to deeming for a minimum of 10 years, or potentially 5 to 7 years after becoming a U.S. citizen. A sponsored immigrant who did not fulfill the 40 quarters requirement would be subject to deeming forever. Deeming beyond citizenship would treat naturalized citizens differently from natural born citizens, creating two classes of citizens. It would be a mistake to relegate naturalized U.S. citizens -- who have demonstrated their commitment to our country by undergoing the naturalization process -- to a kind of second class citizenship status. Furthermore, the Department of Justice has serious concerns about the constitutionality of this provision as applied to naturalized citizens.

In addition, the Administration supports an amendment that would make the binding affidavit of support legally binding only until the sponsored immigrant becomes a naturalized U.S. citizen. Under the proposed legislation, the affidavit of support would be legally binding for a

period of 40 qualifying quarters. This section would hold a sponsor legally liable to support a sponsored immigrant, even after the immigrant has become a U.S. citizen. While the Administration supports making the current affidavit of support legally binding, we oppose an affidavit of support which would be binding after the immigrant has naturalized. We have been advised by the Department of Justice that there may be constitutional concerns related to this section as well.

We strongly urge you and other members of the Committee to support these amendments.

Sincerely,



Alice M. Rivlin
Director

Identical letters sent to The Honorable Joseph Biden, The Honorable Thomas Daschle,
and The Honorable Robert Dole.



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 16 1996

Hon. Robert Dole
Majority Leader
United States Senate
Washington D.C. 20510

Dear Senator Dole:

I write to express the Administration's strong opposition to the proposed requirement for triple-tier fencing contained in S. 269, the "Immigration in the National Interest Act of 1995." This provision requires the construction of second and third fences, in addition to the existing 10 foot steel fence, along the 14 miles of U.S.-Mexico border in the San Diego Border Patrol Sector. The bill also requires roads to be built between the fences. Instead, we support an amendment, to be offered by Senators Feinstein and Boxer, to replace the requirement for triple fencing along portions of the Southwest border with an authorization of funds for the construction and improvement of physical barriers, lighting, sensors, and other technologies to detect and deter unlawful entry.

The requirement now in the bill, if enacted, would endanger the physical safety of Border Patrol agents. U.S. Border Patrol agent Joe Dassaro, Public Information Coordinator for Local 1613, U.S. Border Patrol Council, recently stated, "There is no support from U.S. Border Patrol agents in the field for the three tiered fence. We see it as a dangerous situation. If an agent goes between the three fences and gets into trouble, there is a longer response time for another Border Patrol agent to come to his/her aid. . . ." From a tactical perspective, agents travelling along roads surrounded by fencing present an easy target for alien smugglers and others ready to thwart our enforcement efforts. Our experience has shown that when agents travel in a single, predictable line, they and their vehicles are susceptible to attack with rocks and other objects.

Response time to an emergency situation in areas adjacent to fenced in areas will be greatly and unnecessarily increased if this provision is enacted. Agents that patrol between the sections of the fence will not have the ability to quickly and directly get out of the area at critical times. With triple fencing, smugglers can easily block a Border Patrol vehicle with

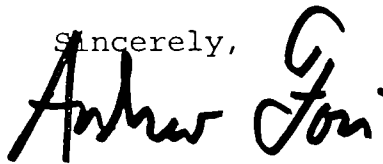
debris and limit agent mobility to the fixed path bounded by the fence. In addition, the rocky terrain and deep canyons in this region of California make a continuous road impossible to build and use. The challenges presented by this terrain are better met through the other tactics currently deployed in the San Diego Sector.

We support physical barriers along the border when and where they are appropriate and have erected 23 miles of fences along the California Border as an important part of our strategic plans. In order to build the fence that is now in place, it was necessary to construct an access road along the border. Rather than specifying barriers, we recommend funding to construct "all-weather roads", since the existing roads become impassable after relatively little rainfall. The current situation prohibits the Border Patrol from actually reaching the border and interrupts repair and maintenance on the fence. Rain also precludes the Border Patrol from working close to the border in a high visibility, deterrent posture. Agents must pull back and work from hardpacked or paved streets during these periods. With an all-weather road system, Border Patrol agents would have access to the fence even during the extended rainy season.

We fully recognize the usefulness and need for border fencing and have been at the forefront of fencing innovations for many years. Single fencing is a valid deterrent in many areas and we will continue to use this tool at various locations to meet the needs of the San Diego Sector Border Patrol. In some carefully selected areas, multiple fencing may be appropriate. Other deterrence technologies, such as enhanced communications systems, lighting, low light television systems and fixed infrared/daylight cameras also will compliment the existing and planned fencing. In our view, the actual deployment of personnel, physical barriers, technology and operational judgments are decisions best left to the Border Patrol with responsibility for the day-to-day operation at the ground level.

Please do not hesitate to contact me if I can be of further assistance. The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Fois". The signature is stylized with a large, looped "F" and a cursive "ois".

Andrew Fois
Assistant Attorney General

cc: Hon. Thomas A. Daschle
Minority Leader
United States Senate



The Rabbinical Assembly • כנסת הרבנים

3080 Broadway • New York, New York 10027 • 212-280-6000 • FAX 212-749-9166 • E-Mail: rabassembly@jtsa.edu

16 November 1997

Bruce Reed
The White House
West Wing, 2nd Floor
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20502

Dear Mr. Hilley,

As chair of The Rabbinical Assembly, Social Action Committee, I am writing to thank you for your leadership on behalf of President Clinton in the fight to ensure benefits for legal immigrants. The Rabbinical Assembly, the professional association of 1400 Conservative rabbis represents 1.5 Jews in the United States and around the world. Legal immigration is an important part of our advocacy program. We are pleased that your support enabled the balanced budget bill, recently signed into law, to restore a measure of fairness to our most vulnerable legal immigrants. In less than one year, thanks in large part to your hard work, the sweeping cuts to the safety net made by the welfare bill have been partially reversed. Hundreds of thousands of elderly and disabled legal immigrants, on the verge of losing their only means of survival, cannot rest assured that the modest Supplemental Security Income checks on which they have come to depend will not be abruptly cut off. Immigrants who were in the country prior to enactment of the welfare bill will also be able to rely on the SSI safety net if they become disabled and needy. Your leadership in this effort has had a tremendous impact on the lives of hundreds of thousands of people in communities all over the country.

I thank you, and I look forward to working with you in the future in the ongoing effort to restore the safety net---including food stamps and disability assistance for future legal immigrants---to all those legal immigrants who deserve to be treated as future citizens of this great nation of immigrants. We have enclosed a copy of the material we sent to our rabbis last year on immigration in preparation for the high holidays.

Sincerely,

Rabbi Charles M. Feinberg



הנסת הרבנים • The Rabbinical Assembly

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1 August 1996

ט"ז אב תשנ"ו

Dear Colleague,

On behalf of the Social Action Committee of the RA, I am happy to send you the enclosed High Holy Day resource materials on Immigration along with the platform statements the Joint Public Policy Commission sent to the Democratic and Republican National Committees. Also included are guidelines to Religion in the Public Schools.

Immigration is one of the leading items on the agenda of the Congress and the President at the moment. As of this writing, the Immigration Bill (H.R. 2202) will be sent to a joint House/Senate conference committee. The House Judiciary Committee has not yet named its conferees but by the time you receive this, they may be in place. Congress is now in its August recess and will consider the bill in great detail upon its return in early September, at the time of the Yamim Noraim.

The materials include the current RA resolution on immigration, a policy statement, extensive background information (correct as of August 1, 1996) a list of resources, and some articles which articulate the issues. Feel free to reproduce any part of this packet.

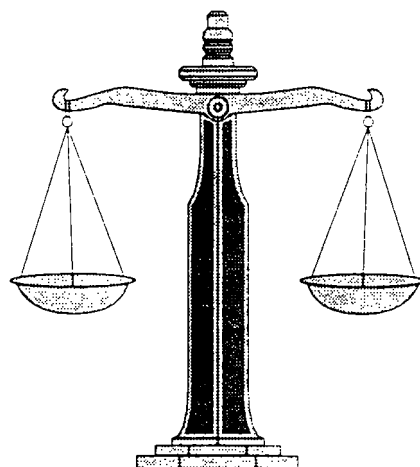
We also urge you to send our resolutions and statements to local media and legislators. You may remind them that as Conservative rabbis we represent the largest religious denomination in American Jewish life.

The Social Action Committee would like to hear your reactions about the material. Please feel free to contact me at 914-454-0570 or via e-mail (102022.3560@compuserve.com). If you would like any of this material on a disk or via e-mail, please contact Jan Kaufman at the RA office (e-mail: jakaufman@jtsa.edu).

Please accept my best wishes for a שנה טובה.

Sincerely,

Charles Feinberg
Chair, RA Social Action Committee



Immigration
וגר לא תלחץ... גרים
הייתם בארץ מצרים
(שמות כג:ט)

Resources for High Holy Days and Programming 5757

**Prepared by
The Rabbinical Assembly
Social Action Committee**

Rabbi Charles M. Feinberg, Chair
Rabbi Jan Caryl Kaufman
Elul 5756

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APPENDIX

Letter From Rep. Newt Gingrich To Sens. Phil Gramm and Kay Bailey Hutchinson

Dear Conferee Letter from Reps. Benjamin Gilman and John Conyers

Article: "Museum Reminds Us Not To Stand Idly By Blood of Others" by Alan Silverstein (*MetroWest Jewish News*, July 13, 1995), reprinted with permission

Article: "Poison Provisions in the Immigration Bill" (*Washington Post*, July 5, 1996), reprinted with permission

Article: "If Immigrants Lose U.S. Aid, Local Budgets May Feel Pain" (*New York Times*, July 29, 1996), reprinted with permission

STATEMENT ON IMMIGRATION

by Rabbi Charles Feinberg, Chair, RA Social Action Committee

The Jewish Community's concern about immigration policy is grounded in Scripture and historical experience. The Jewish people came together as a community in Egypt when we were slaves. Because of that experience the Torah reminds us never to forget the stranger and the oppressed. From that experience we learned that being sensitive to the needs of strangers is a paramount ethical principle.

"Do not oppress the stranger, for you know what it means to be a stranger since you were strangers in the land of Egypt." We knew what it meant to be a stranger in Egypt in ancient times. And we have known what it has meant to be a stranger in modern times. The vast majority of American Jews arrived on these shores within three generations. In the last decade, tens of thousands of Jews from the former Soviet Union have immigrated to America. They fled an oppressive society which was hostile to both Jewish people and Judaism.

We want to make sure that the United States remain a society open to legal immigrants and strangers, especially to those fleeing oppression. We want to make sure that the United States continue its policy of supporting family reunification. Moreover, we feel strongly that legal immigrants should not be discriminated against in receiving public benefits.

Specifically, we oppose any attempt to institute "summary exclusion" procedures that would give low-level immigration officers the authority to send back refugees who are forced to flee without valid travel documents. Most threatened refugees often have to rely on false documents to escape repressive regimes. Jews who were able to escape Nazi Europe were able to do because of false documents. We support the Senate passed Leahy amendment which gives refugees with false documents their day in court to prove they are fleeing out a legitimate fear of persecution.

We oppose the imposition of severe restrictions on access to needs-based federal benefits by legal immigrants. These restrictions would hurt legal immigrants who suffer the same misfortunes as the rest of us. An immigrant, even a child, who participated in needs-based federal, state or local programs during the first five years would be deported. Legal immigrants who pay taxes would be excluded from such programs as Head Start, health care funded by Medicaid, student loans, job training, and even programs administered by non-profit organizations. Legal immigrants are here in accordance with the law of the land and therefore should have access to public services as citizens do. It is this kind of discrimination that the Torah warns us against when it enjoins us to love the stranger.

We also vigorously oppose the House immigration bill that would require United States citizens and legal immigrants to prove that their incomes at least 200% of the poverty level before they can sponsor a spouse, child, parent or sibling for legal immigration into the United States. This proposal is a covert attempt to cut back legal immigration. This proposal would preclude a huge number of Americans from reuniting with their immediate relatives. Forty percent of all Americans live in families with incomes below the 200% poverty line. This measure is unjust since it discriminates in favor of the rich. This measure does not take into account the immigrant's own likely income. Moreover, there are many other provisions in the law that prevent an immigrant from becoming a public charge.

We support current provisions of the law regarding illegal immigrants. However, we oppose the Gallegly amendment which gives power to the States to deny public education to school age children who are here illegally. We believe the Gallegly amendment would not discourage illegal immigrants but would cause havoc in many communities throughout the country. In addition, we oppose any effort to deny emergency health services to illegal immigrants. Such a proposal would endanger the public health as well as possibly cause the death of another person. While illegal immigration is a serious public issue, it does not justify such draconian measures.

In the last generation the Jewish community has benefited from the immigration policies of the United States. We do not want to see these same benefits denied to other religious or ethnic communities. We feel that immigration has provided vitality to America. Immigrants contribute far more to the American economy and culture than many Americans realize.

RESOLUTION ON IMMIGRATION TO THE UNITED STATES

Whereas the Torah commands us not to oppress the stranger since we know what it is like to be a stranger (Exodus 23:9); and

Whereas the Jewish people are painfully familiar with the plight of the refugee and the rejection experience, stemming from our millennia in exile; and

Whereas xenophobia and economic pressures have continued to fuel mounting anti-immigrant sentiment, increasing calls for new laws to protect U.S. borders and provide more effective enforcement of current policies; and

Whereas Members of Congress have responded to these public pressures with an unprecedented number of immigration-related bills and amendments, calling for a variety of restrictions; and

Whereas more than 85 percent of newcomers reside in the U.S. legally and most come to reunite with close family members; and

Whereas the Department of Labor has indicated that immigrant entrepreneurs increase aggregate employment levels in this country through higher self-employment rates than do native-born Americans; and

Whereas according to the Urban Institute, immigrants and refugees pay \$30 billion a year more in taxes than they consume in services, if all levels of government are considered together;

Therefore, be it resolved that the Rabbinical Assembly urge the United States Congress to reject all attempts to change existing legislation in order to deny social services and educational opportunities to immigrants legally residing in the United States.

Be it further resolved that the Rabbinical Assembly reaffirm its traditional support for a fair and generous immigration policy in which the open door policy of years past will continue to serve those refugees "yearning to breathe free," and whose contributions to American society will continue to enrich and prosper this nation as a whole.

Passed by The Rabbinical Assembly Convention Plenum May 1995

POLICY AND BACKGROUND MATERIAL

Prepared by Rabbi Jan Caryl Kaufman

America is a nation of immigrants. Congress should preserve this tradition rather than attack it. Immigration bills sponsored by Rep. Lamar Smith (R-TX) in the House (H.R. 2202) and Sen. Alan Simpson (R-WY) intend to enact immigration legislation that is more restrictive than we have seen in over 70 years. The bills reduce legal immigration levels by 30% (House version) and 43% (Senate version); make it difficult or impossible for U.S. citizens to sponsor their parents, adult children and siblings by eviscerating or elimination four of five family-based immigration categories (both bills); slash refugee admissions by over 50% (House bill) and as well as gut our nation's asylum system for those fleeing political and religious persecution (both bills); mandate the implementation of a controversial national identification system; and threaten our democratic traditions - all to solve a "problem" that is more myth than reality.

The proposed legislation would make it extremely difficult for U.S. citizens to sponsor their parents, virtually impossible for citizens and permanent residents to sponsor their children aged 21 and over, and absolutely impossible for U.S. citizens to sponsor their brothers or sisters. The United States should continue to stand up for human rights by protecting refugees fleeing religious or political persecution. The House version would slash refugee admissions from the 1995 ceiling of 110,000 to 50,000 a year, and tie the President's hands in case of a human rights crisis. The Senate version would institute "summary exclusion" procedures that would give low-level immigration officers the authority to send back to their persecutors refugees who are forced to flee persecution without valid travel documents. Both bills would make it nearly impossible for legitimate refugees arriving in the U.S. even to apply for protection as the refugee would have to make application within 30 days of arrival. Under the House version, people fleeing religious or political persecution who come to the U.S. seeking protection would automatically be turned away as long as another country is willing to take them. For example, no Jews fleeing persecution could ever be permitted to stay in the U.S. since Israel would always be willing to take them. The bill would even permit removing people already granted asylum in the U.S. regardless of the existence of any ties between the asylee and that country, and regardless of the asylee's family and job ties in the U.S.

Both bills would eliminate the safety net for legal immigrants. We uphold a long cherished principle that legal immigrants should be treated the same as citizens except for the right to vote. The proposed legislation would deny aid to certain citizens just because they are foreign born, to elderly immigrants who have not worked long enough to qualify for social security, to mothers of young children who have fled abusive marriages and to those who suffer accidents after arrival and can no longer work. The House version would allow states to deny public education to undocumented children under the Gallegly amendment. Throwing kids out of school who are "suspected" of being here without legal status will hardly advance the goal of immigration control. This provision would deliberately "dump" children onto the streets - unsupervised and uneducated - where they are far more likely to get into trouble or be victimized by it. Teachers and school administrators would be burdened with the task of determining the citizenship or immigration status of each and every child who enrolls in public schools. Both bills would require charitable organizations to check the immigration status of each and every person they serve. We need to bear in mind that, in fact, legal immigrants pay far more

in taxes than they use in services, have higher labor participation rates than those born in the U.S. and use less government assistance than those born in the U.S.

Background Facts

Under our immigration laws, Congress allows approximately 825,000 immigrants and refugees to be admitted into the United States each year in order to effectuate the fundamental goals of family reunification, U.S. labor needs, refugee protection and diversity in immigration.

Immigration in the National Interest Act H.R. 2202

Sponsored by Sen. Alan Simpson (R-WY) and Rep. Lamar Smith (R-TX)

As of July 31, 1996, the House leadership has failed to appoint Members to a conference committee that still must meet to resolve differences between the House and Senate immigration bills before producing one final version. With the August recess scheduled to begin August 2nd, the expectation is that the conferees will either be named in the next week or two, or shortly after the Congress returns following Labor Day. Even then, Congress will only be in session until early October, so the window of opportunity for them to take action on the bill is limited. The conference committee will convene within a day of the naming of the conferees, and that the business of the committee will be pushed through expeditiously. As of this writing, a handful of issues are still in play including provisions dealing with the Gallegly amendment, summary exclusion, asylum deadlines, the 200% of poverty level income requirement for sponsorship, and some benefits and relief provisions.

Provisions of the Immigration Bill

200% Income for Sponsorship

The House Bill requires any person who sponsors an immigrant to earn 200% of the poverty level. This requirement would effectively restrict legal immigration to only wealthy Americans. The table in the Appendix gives an idea of the median income for selected occupations compared to 200% of the poverty level. This would restrict 40% of all Americans from bringing in family members including many recent Russian immigrants. Remember most immigrants come to the United States under family reunification. The Senate version is 125% of poverty level. There have been several attempts to convince the conferees to abandon this provision. On June 27th, Jack Kemp sent a letter arguing against the 200% level to Reps. Gingrich and Hyde, and to Sens. Trent Lott (R-MS) and Hatch. In the House, a Dear Conferee letter from Reps. Ben Gilman (R-NY) and John Conyers (D-MI) which urges the conference committee to reject the prohibitive 200% requirement in favor of the less stringent 125% requirement from the Senate bill is currently being circulated among fellow House members for signatures. Representatives who voted in support of the Chrysler-Berman-Brownback amendment to strike the cuts in legal immigration when H.R. 2202 was on the House floor are being targeted for support on this issue as well. For example, a family of four would have to earn \$31,200 to sponsor an immigrant. This would restrict 40% of all Americans from bringing in family members including many recent Russian immigrants. Most immigrants come to the United States under family reunification. (See chart p. 18)

Not for Profit Exemption

We urge you to support the Not for Profit Amendment which exempts non-profit agencies from verifying status of immigrants before granting services to them. This language is in the Senate version.

Public Charge Deportation

Any immigrant could be deported if he/she uses any federally funded means tested program more than 12 months within the first five years of being in the United States. In the Senate version, the government could only go back five years to see if an immigrant used a program for more than 12 months within the first five years and in the House version, the government could go back to when the immigrant arrived in the country. In the House bill, the programs under which an immigrant could be deported are limited to what we normally think of as welfare provisions (AFDC, SSI, Food Stamps and Housing Assistance). The Senate bill would include all programs such as job training and English as a second language classes in which many of our Russian immigrants participate.

We support the Senate language that would impose a statute of limitations of five years. We support the House language that would limit the programs under which an immigrant could be deported if he/she took advantage of the benefits for more than 12 months within the first five years.

Gallegly Amendment

The Gallegly amendment, that provision in the House immigration bill which would give states the ability to kick undocumented children out of school, has been strongly urged by Speaker of the House Newt Gingrich (R-GA) and presumed Republican presidential nominee Bob Dole. The amendment has also attracted critical strikes from some very key individuals. In a letter to Senate Judiciary Committee Chairman Orrin Hatch (R-UT) dated July 2nd, Texas Republican senators Phil Gramm and Kay Bailey Hutchison urged the conference committee not to include the Gallegly amendment, stating unequivocally that "[p]ermittting any child to grow up in the United States idle and illiterate is an unacceptable national policy." The next day, Speaker Gingrich responded to the two Texas senators arguing that the Gallegly amendment should be preserved in the bill to give each state the right to decide for itself if it will deny education or not.

On July 8th retired General and former chairman of the Joint Chiefs of Staff, Colin Powell remarked that the proposal to kick kids out of school seemed "shortsighted," and concluded that the issue of illegal immigration should be dealt with "without taking it out on children who for the most part are innocents." On July 10th, Sen. Alfonse D'Amato (R-NY) told reporters at a briefing that he thought the Gallegly proposal should not be included in the immigration bill. These voices add to the swelling ranks of Republicans coming out against the Gallegly amendment, among whom are Senate conferees Alan Simpson (R-WY), and Arlen Specter (R-PA); New York City Mayor Rudy Giuliani; former President George Bush; Republican governors from Illinois, Massachusetts, New Jersey, New York, and Texas; and a number of other House and Senate Republicans.

Sen. Dianne Feinstein (D-CA), who holds a key swing vote over this issue on the conference committee, clarified her stand against the proposal in a strongly worded letter to Sen. Hatch on July 10th. Sen. Feinstein emphasized in her letter that she "cannot

vote for any bill that includes the Gallegly Amendment." Sen. Feinstein's opposition to the Gallegly amendment is important not only as a vote against it on the conference committee, but potentially even more so as a vote of confidence for the potential Senate filibuster that has been threatened should the immigration bill emerge from conference with the Gallegly amendment attached. There are now 51 senators on record opposing the amendment.

The Gallegly amendment has been opposed by many civic leaders and citizens. A recent poll conducted for the Gannett News Service found that 63% of the people surveyed did not believe that undocumented immigrant children should be kept from public schools. Surprisingly enough, even Ron Prince, the principal architect of California's Proposition 187, has come out against the Gallegly amendment. While a veto by the President has been threatened, it is not a lock. As a result it remains crucial that advocates continue to keep the pressure on the White House as well as on individual Senators. This amendment would give states the option of kicking undocumented kids out of school.

Summary Exclusion and Asylum

On the issues of summary exclusion, asylum deadlines, and affirmative asylum applications the key players seem to be Sens. Hatch, Specter, and Feinstein in the Senate, and Reps. John Bryant (D-TX) and Henry Hyde (R-IL) in the House. Advocates are hoping to have Hatch's compromise version of the Senate-passed Leahy amendment adopted in order to stave off the more draconian summary exclusion provisions of the House bill, as well as to preserve suspension of deportation which had been effectively eliminated by the anti-terrorism bill. The conferees are also being worked to keep the Senate's one year asylum filing deadline instead of the House version of 180 days. The Senate version, unlike the House, would also leave affirmatively filed asylum applications free of any deadline.

Welfare Reform Bill

The Welfare Reform Bill also includes provisions concerning immigration. It stipulates that legal immigrants are barred from receive AFDC, SSI, Food Stamps and Medicaid for the first five years they are in the United States. There is an exception for refugees and asylees. After five years, legal immigrants are deemed which means that their income and their sponsor's income will be combined to determine eligibility. This will eliminate 98% of all legal immigrants from qualifying.

In 1995 The Rabbinical Assembly passed a resolution that called on the Congress to reject all attempts to change existing legislation in order to deny social services and educational opportunities to immigrants legally residing in the United States and affirming support for a fair and generous immigration policy. (See text of resolution on p. 3)

Joint House/Senate Conference Committee: Immigration Bill

House (not confirmed as of July 31)

Senate

Republicans:

Alan Simpson (WY)
Charles Grassley (IA)
Jon Kyl (AZ)
Arlen Specter (PA)
Strom Thurmond (SC)
Orrin Hatch (UT)

Democrats:

Edward Kennedy (MA)
Paul Simon (IL)
Dianne Feinstein (CA)
Herbert Kohl (WI)
Patrick Leahy (VT)

Republicans:

Henry Hyde (IL)
Lamar Smith (TX)
Elton Gallegly (CA)
Bill McCollum (FL)
Bob Goodlatte (VA)
Sonny Bono (CA)
Ed Bryant (TN)
Fred Heineman (NC)

Democrats:

John Conyers (MI)
Howard Berman (CA)
John Bryant (TX)
Xavier Becerra (CA)
Barney Frank (MA)

WELCOMING THE STRANGER

Biblical and Rabbinic Source Analysis Prepared by Rabbis Charles Feinberg and Jay Stein

The ongoing debate regarding the place of immigrants in American society touches upon moral issues that are of the highest priority in the Torah and rabbinic Literature. The word גר is applied not only to strangers who are not residents but to all people including Israelites. Before God we are all strangers and temporary residents. In Leviticus 25:23, the intent is to teach that no person or group of people have an absolute right to land. Only God the Creator has such a right. This idea is further generalized in the Psalms which teaches that we are all strangers before God. In Psalm 29:13 the psalmist begs God to listen to his prayer admitting that "like my forebears, I am an alien, resident with You." In Psalm 119:19, the author proclaims that "I am a sojourner in the land."

Psalm 15 opens with the words "Lord, who may sojourn in Your tent, who may dwell on Your holy mountain? Nahum Sarna, in his book, *On the Book of the Psalms*, points out that the "use of the particular verb, to 'sojourn' intimates the appropriate mood of human vulnerability and the resultant attitude of humility expected of one who enters the sacred domain." Dr. Sarna notes that those who seek admission to the house of God are by extension strangers. We come to the house of God looking to "dispel this feeling of alienation by the act of worship that will impart a heightened sense of fellowship and intimacy with Him." Moreover, Dr. Sarna points out that strangers in ancient societies were not legally protected from being exploited or physically harmed. Psalm 15 implies that God was their ultimate source of protection. The great innovation of the Hebrew Bible and its great passion is to warn us against the exploitation of the stranger. Because God looks out for the stranger, so do we. Thus in such passages as--Exodus 22:20, 23:9; Leviticus 19:33-34; Deuteronomy 24:14, 17-18, 27:19; Jeremiah 7:6, 22:3; Ezekiel 22:7; Zechariah 7:9-10; Malachi 3:5--the Torah warns its readers not to exploit or oppress the stranger. The Torah reminds us that we were strangers in Egypt, that we know the נפש הגר as Exodus 23:9 puts it. Moreover, we are taught to love the stranger in Deuteronomy 10:19. There are three mitzvot to love in the Torah. We are commanded to love God, our neighbor, and the stranger.

Prophets such as Jeremiah (22:1-5) and Ezekiel (22:6-12) make it very clear that the leadership of the society were responsible for oppressing the stranger and other vulnerable people. The prophets aligned themselves with the vulnerable and stood up for them against the leaders and the upper class of their society. In Psalm 94, which we recite on Wednesday mornings, the psalmist goes after those who oppress "Your people." God's people are the widow, the stranger, and the orphan which the evil oppressors are killing. As Dr. Sarna points out in *On the Book of the Psalms*, "God's 'people' are the ordinary common folk, and the evil oppressors and exploiters are the corrupt, privileged upper classes in Israel, those whom the prophets denounced repeatedly from the eighth century B.C.E. on."

In Rabbinic Literature the גר becomes the convert to Judaism. But the rabbis' concern for the גר is relevant to strangers in other societies. In בבא מציעא נט: יז and in יד מהכילתא, מסכתא נויקין, פרשה the rabbis wonder why the Torah warns us so many times about not exploiting the stranger. The בבא מציעא passage puts it this way: "Rabbi Eliezer HaGadol said: Why did the Torah warn against wronging a proselyte in thirty-six, or as others say, forty-six, places? Because he has a strong inclination to evil (סורו רע)." The

parallel passage in the *מכילתא* indicates that the reason is that "his leaven is bad" (*רע* (סיאור), which Lauterbach translates as "there is a bad streak in the stranger." Rabbi Eliezer is teaching that it is easy to rationalize oppressing the stranger by thinking of his origins. If the stranger is a convert, then we can rationalize his being exploited by remembering that he was once an evil idolater. Therefore, the Torah reminds us many times not to exploit the stranger. The Torah realizes how easy it is to rationalize violating the stranger and so it has to keep reminding us how wrong that is.

Immediately after Rabbi Eliezer's teaching the Talmud includes a teaching of Rabbi Nathan: "What is the meaning of the verse, 'You shall neither wrong a stranger nor oppress him because you were strangers in the land of Egypt (Ex. 22:20)?' It has been taught: Rabbi Nathan said: Do not taunt your neighbor with the blemish you have." We were once strangers, therefore we should have learned not to take advantage of strangers in our own midst. Both Rabbis Nathan and Eliezer teach the same lesson: it is easy to allow ourselves to take advantage of the stranger. Therefore, the Torah reminds us many times that we were and are strangers in this world. It is our sacred duty, as an act of *imitatio dei*, to open our hearts and extend our hands to the stranger in our midst.

These biblical and rabbinic teachings are germane to American society. We are a nation of immigrants. All of us have family members who were once strangers in this land. Many of us know first hand or from family stories what it is like to be a stranger in a strange land. Therefore we should remember these stories, just as the Torah and the prophets teach, so that we do not exploit the newcomers of our own generation. We should also realize that the legislation Congress has voted on will harm the welfare of immigrant families. As you will read in the enclosed material, Congress has voted on cutting off all public assistance to legal immigrants. Legal immigrants obey the law, pay their taxes, and contribute to the prosperity of our society. Yet in spite of being law abiding taxpayers, they will be denied the benefits of their tax dollars. This is unjust and we should speak out against such legislation. Another proposed act of legislation will make it very difficult for legal immigrants to bring other family members to this country. This law proposes that only families earning 200% above the poverty line will be allowed to reunite with other family members. Immigration will become more and more a middle and upper middle class phenomenon. Families who are making decent livings will not be able to reunite with other family members. This is a cruel and oppressive law. It is the kind of law the Torah warns us about when it teaches we should not exploit the stranger or the poor.

Finally, we should realize that the proposed legislation before Congress will harm the Jewish community. We are an immigrant community. Tens of thousands of immigrants from the former Soviet Union have come to North America during the last decade. Some of these immigrants rely on various forms of public assistance. They will be directly affected by the proposed legislation. We should not underestimate the crisis this will provoke in our communities as we will have to provide a whole new range of service to Jewish immigrants.

The RA Social Action Committee urges every member to read the enclosed material carefully. We urge everyone to speak out against the oppression of the stranger within our midst.

Who Would be Hurt by the Immigration Bill?

Rosa sends her daughter to a day care center in a Chicago suburb so that she can go to work each day as an accountant. Rosa pays tuition for the day care but her daughter receives special services for a speech impediment that are provided through a federal grant intended to benefit low-income families. Under the immigration bill, Rosa and her daughter could be deported as a public charge.

Ajay, who works at a low-wage job as a mechanic's aid in San Antonio, signs up for an adult education program which offers computer courses; he dreams of becoming a computer programmer, earning higher wages so that he can buy a house for his wife a new baby. The adult education center receives funds from a federal block grant. When Ajay applies to naturalize, the INS learns he took the class for longer than a year and places him in deportation proceedings.

Mariana works as a nanny for two small children in a private home in Philadelphia. She is on the waiting list to take English classes at night; she is eager to improve her English in order to get a better job. Though she pays a nominal fee for her English class, the program is also subsidized through a government block grant intended to serve low-income people. After completing more than two years of classes and learning English fluently, Mariana learns she is deportable as a "public charge" at her INS naturalization interview.

Nelson is a high school student in Des Moines who gets straight A's and want to study to become a doctor. He came to the United States at age 15 and is doing so well that he will be named the valedictorian of his senior class this year. He has been accepted at Yale, but needs student loans in order to finance his education, just like his American-born peers. Without them, he will not be able to attend college. If Nelson takes a student loan, even for one year, he could be deported as a public charge.

Gang prevention programs receiving government funds will have to implement complex "deeming" requirements before they can assist any teenager. Legal immigrant teens whose sponsors "make too much money" would not be served, and thus would be potential recruits for neighborhood gangs.

Elementary school clinics, which are often the only source of health care in their neighborhoods, would be forced to deny immunizations, treatment, and other critical services to legal immigrant children who are not able to provide documentation of their sponsors' incomes, or whose sponsors are deemed to make too much money. Such children will go untreated and without immunizations, even if their conditions is contagious.

An immigrant family who loses their home in an earthquake would be denied disaster relief to help them rebuild their home and their lives, because their documentation and their sponsor's documentation were destroyed along with their home.

An elementary school teacher who lost her husband and who wanted to bring her mother from Poland to help take care of her three children would likely not be able to do so because the median income for school teachers is \$33,280- not enough to be above 200% of the poverty level for her family plus her mother (\$36,440)

A police officer with two children from a previous marriage meets a woman from Ireland whom he would like to marry. If this police officer earns less than the median income for police (\$31,200), he will be unable to sponsor his prospective wife, because the median income for a police officer is just 200% of the poverty level for a family of four (\$31,200)

A young congressional staffer who would like to marry a woman he met when he spent a college year abroad would be unable to sponsor her because his office pays him \$20,000 per year - less than the \$20,720 needed to be above 200% of the poverty level for a family of two.

What They are Saying About Kicking Kids Out of School

George W. Bush, Republican Governor of Texas

Regardless of the rhetoric coming out of Washington, D.C., or amendments to bill or whatever may be happening in Washington, so long as Texas has the choice, I will advocate that we educate all children in Texas. (*San Antonio Express News*, March 24, 1996)

Sen. Alan Simpson (R-WY), sponsor of Senate Immigration bill

I do think some of (H.R. 2202) is very bad. The education of children, I think is very important. Just because a person is 6 years old and illegal, or 6th grade and illegal, does not mean they should wander the streets. (Senate Judiciary Committee hearing, March 21, 1996)

Rudolph Giuliani, Republican Mayor of New York City

This amendment. . . would have the effect of creating an underclass of illiterate and unskilled individuals unable to be productive members of society. In addition, enactment of this language into law would engender distrust and suspicion in our public schools towards all school children who look 'different' and would lead inevitably to discrimination. This amendment will take school officials away from their traditional role as educators and for them to play the role of INS officials without any training. (Letter to Members of the House of Representatives, March 19, 1996)

Richard W. Riley, Secretary, U.S. Department of Education

The fundamental issue is whether we should harm the undocumented children who lie here - - and our selves and our values - - for the transgressions of their parents. We need to do all we can to increase family involvement in education and reduce the drop-out rate, not undercut those efforts through divisive policies such as this . . . The issues here are about our historical belief in the power of our public schools to promote opportunity, understanding, cooperation and economic progress for us all. (Letter to Rep. Newt Gingrich, March 18, 1996)

Programmatic Ideas And Resources For Further Information

- Write and call President Clinton, your representative and senators. If you do not speak to the elected official, ask to speak to the legislative aide in charge of immigration. Contacts with key congressional staffers are very important. Urge your members to do the same. Any office of a member of Congress can be reached at 202-244-3121 (The Capitol switchboard). Letter to Senators may be addressed to United States Senate, Washington, D.C. 20510 and to Representatives, The United States House of Representatives, Washington, D.C. 20515. If you have any contacts with members of the Senate or House who are on the Joint Conference Committee, you are especially urged to write and call them. The White House comment line is 202-456-1111, fax 202-456-6218.
- Preach a sermon on the respect in our tradition for the גר during the High Holy Days in keeping with the theme of righteousness.
- Feature a discussion if your service has a break on Yom Kippur afternoon on immigration. Invite a recent immigrant and perhaps a not so recent immigrant to talk about the process of coming to a new country. There also may be experts in your congregation who can address the issue from a policy perspective. The panel discussion could be based on your sermon and would serve to engage members of your community in the process.
- Immigrants from the former Soviet Union continue to come to our communities. Organize donations of clothing, furniture and other necessities that families may need to start their lives anew. Perhaps your synagogue or school could match families with new immigrant families for Shabbat and hagim.
- Most institutions have many programs around the High Holidays. Set-up a table at these programs for a letter writing campaign to elected officials about current immigration legislation. Have sample letters available and ask that people write the letters and hand them in before they leave. Momentum is lost if people take the material home.
- Invite the senior legislative aide to your Representative or Senator to speak on the issue of immigration to speak at your synagogue. This will give you the opportunity to hear an expert on the legislative issues and to forge a relationship with an important staff member of your Congressman. The talk could be preceded by a text study session on the גר.
- Invite the chair of your local immigrants' advocate group to speak at your congregation. You could also invite an immigration lawyer who helps legal immigrants become citizens. Your local bar association should have a section of immigration lawyers. The talk could be preceded by a text study session on the גר.
- Write a bulletin article based on the policy statement (pp. 1-2) about the status of legal immigrants.
- For further information and other resources, please call Rabbi Jan Kaufman at the RA office. We would be happy to send you any of this information on a disk or by e-mail.

Lisa Zachary
Council of Jewish Federations
1640 Rhode Island Avenue, NW
Washington, D.C. 20036
(202) 785-5900
fax (202) 785-4937

Ms. Zachary is the legislative expert for the CJF on immigration. She briefed the RA at its advocacy day in June on the issue of immigration.

National Immigration Forum
220 I Street, NE, #220
Washington, D.C. 20002-4362
(202) 544-0004
fax (202) 544-1905
e-mail: HN1786@handsnet.org

National Immigration Law Center
1102 S. Crenshaw Blvd., Suite 101
Los Angeles, CA 90119
(213) 938-6452
fax (213) 964-7940

Many local communities have interfaith coalitions and other groups advocating for the rights of legal immigrants.

SAMPLE LETTER TO MEMBERS OF CONGRESS

The Honorable _____
United States Senate
Washington, DC 20510

The Honorable _____
United States House of Representatives
Washington, DC 20515

Dear Cong.

I am writing to express concern about the current immigration legislation the Senate and House of Representatives will be reconciling in the next few weeks and after the August recess. Jewish tradition teaches respect and compassion for the stranger because we were once strangers in a foreign land. The United States has historically welcomed immigrations and we want to make sure that America remain a society open to legal immigrants and strangers, especially those fleeing oppression. We want to make sure that the United States continue its policy of supporting family reunification. Moreover, we feel strongly that legal immigrants should not be discriminated against in receiving public benefits.

We oppose any attempt to institute "summary exclusion" procedures that would give low-level immigration officers the authority to send back refugees who are forced to flee without valid travel documents.

We are disheartened by the recent welfare reform bill passed by Congress that imposes severe restrictions on access to needs-based federal benefits by legal immigrants. These restrictions would hurt legal immigrants who suffer the same misfortunes as the rest of us. Benefits such as school lunch programs, Head Start, job training programs provide immigrants with the tools necessary to become integrated into American society. Our country was built on the labor of immigrants and immigrants pay far more in taxes than they receive in benefits.

We also vigorously oppose the House immigration provision that would require United States citizens and legal immigrants to prove that their incomes at least 200% of the poverty level before they can sponsor a spouse, child, parent or sibling for legal immigration into the United States. This would prevent 40% of all Americans from sponsoring relatives to come to The United States.

Most disturbing to us is the Gallegly amendment which gives power to the States to deny public education to school age children who are here illegally. Such a proposal would punish only children and would not deter illegal immigration. The only hope for these children is education and it is bad public policy to turn them loose on the streets with nothing to do.

We urge you to support (for conferees: We urge you to support in conference) an immigration bill that humanely and conscientiously addresses concerns about immigration. allows those fleeing persecution to come to our shores, that provides generously for family reunification, that helps immigrants to integrate into American society and does not discriminate against immigrants and most importantly, that protects all children and allows them to attend school.

SAMPLE LETTER TO PRESIDENT CLINTON

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

Dear Mr. President,

I am writing to express concern about the current immigration legislation before Congress and the welfare reform bill that was just passed. In January, you vetoed a Congressional welfare proposal because you deemed it extreme and said that it would hurt children and other vulnerable populations. The current welfare reform bill would be more punitive than the measured you vetoed. It would hurt our most vulnerable populations including legal immigrants. The Welfare Reform legislations would deny federal means- tested programs and services to refugees and legal immigrants. I urge you to veto the welfare reform bill.

As Jews we understand what it means to be strangers in a strange land. The United States has historically welcomed immigrations and we want to make sure that America remain a society open to legal immigrants and strangers, especially those fleeing oppression. We want to make sure that the United States continue its policy of supporting family reunification. The provision that would require United States citizens and legal immigrants to prove that their incomes at least 200% of the poverty level before they can sponsor a spouse, child, parent or sibling for legal immigration into the United States would prevent 40% of all Americans from sponsoring relatives to come to The United States.

Most disturbing to us is the Gallegly amendment which gives power to the States to deny public education to school age children who are here illegally. You have been vocal on the need to protect children and we urge you not to allow an immigration bill to be enacted into law with this provision.

We urge you to veto any immigration bill passed by Congress that does not provide for those fleeing persecution, those seeking family reunification, that denies benefits to legal immigrants, and would hurt children.

Median Income for Selected Occupations Compared to 200% of Poverty Level for Families of Selected Sizes

The House immigration bill would require that U.S. citizens and lawful permanent residents prove that their income is at least 200% of the poverty level before they can sponsor a spouse, child, parent or sibling for legal immigration to the United States. The Senate bill contains a similar requirement, but sets 125% as the threshold a sponsor must meet. At 200% of the poverty level, many ordinary Americans will not be able to sponsor their family members, because they do not earn enough. In fact, the median income for all of America's full-time wage and salary workers is \$25,400. An American wishing to sponsor an immigrant family member would have to earn 200% of the poverty level for herself, her family, plus the immigrant or immigrants she is sponsoring. For example, a woman with two kids who wished to sponsor her spouse, would have to earn 200% of the poverty level for a family of four—regardless of whether her spouse would contribute significantly to her family income once he arrives. The chart below illustrates the difficulties many American workers will have in meeting the 200%-of-poverty requirement.

Child Care Worker	\$9,360
Sales Worker (clothing)	\$13,728
Waiter or Waitress	\$14,092
Janitor	\$15,236
200% of Poverty Level For One Person	\$15,480
Bank Teller	\$15,600
Dental Assistant	\$17,628
Cab Driver	\$18,304
Construction Worker	\$18,512
Secretary	\$20,592
200% of Poverty Level For a Family of Two	\$20,720
All Women	\$21,112
Bus Driver	\$21,788
Restaurant Manager	\$22,984
Carpenter	\$24,232
Automobile Mechanic	\$24,232
Truck Driver	\$25,012
Electrician	\$25,792
200% of Poverty Level For a Family of Three	\$25,960
Social Worker	\$26,780
Plumber	\$28,912
Librarian	\$30,992
Police or Detective	\$31,200
200% of Poverty Level For a Family of Four	\$31,200
Journalist	\$32,084
Accountant	\$32,188
Firefighter	\$32,552
Elementary School Teacher	\$33,280
Mail Carrier	\$33,696
High School Teacher	\$34,996
Registered Nurse	\$36,140
200% of Poverty Level For a Family of Five	\$36,440
Architect	\$37,648
Computer Programmer	\$38,636
Economist	\$39,104

Sources: Median income statistics for 1995 from the Bureau of Labor Statistics. 1996 Poverty level figures from the Department of Health and Human Services.



The Speaker
United States House of Representatives
Washington, D.C. 20515

Newt Gingrich
Sixth District
Georgia

July 3, 1996

The Honorable Phil Gramm
SR-370 Russell Senate Office Building
Washington, D.C. 20510-4302

The Honorable Kay Bailey Hutchison
SR-283 Russell Senate Office Building
Washington, D.C. 20510-4304

Dear Senators Gramm and Hutchison:

In a recent letter to Senate Judiciary Chairman Orrin Hatch, you urged him to oppose immigration legislation that would allow states to deny public school education to illegal aliens, as proposed by Rep. Elton Gallegly (R-CA) in the House bill.

It is my belief that the Gallegly amendment should remain in any immigration legislation enacted by Congress. It is the fundamental responsibility of the federal government to stop illegal immigrants from crossing the nation's borders. The federal government, however, has failed miserably in this task. As a result, states primarily along the border, are unjustly overwhelmed with the increasing financial burden of paying benefits, educational and otherwise, to illegal aliens.

The fact that the nation's borders have been more like a sieve than a wall is a problem the federal government must solve. Until we effectively control illegal immigration, every state should have the right to decide whether its limited budget should be spent to provide benefits to illegal aliens. California decided by statewide referendum to not pay these benefits; this should be its right. Texas, on the other hand, has chosen to pay for these benefits; this also should be its right.

The federal government cannot continue to turn its back on the deepening illegal immigration problem and simply expect state budgets to absorb the soaring costs. We must stop illegal immigration now, and we must relieve the pressure felt by the states.

Sincerely,

Newt Gingrich

Congress of the United States

Washington, DC 20515

June 25, 1996

Dear Conferee:

We are writing to urge that you oppose the "200 percent of poverty level" requirement for sponsors of immigrants contained in Section 632 of the House immigration bill. Instead, we hope you will maintain current law on this point, or adopt less restrictive language.

The principal victims of a 200 percent requirement would be American citizens or lawful permanent residents who seek to sponsor a spouse or minor child. The 200 percent requirement would also hurt Americans who seek to sponsor a parent. Take the example of a widower who wants to bring his mother here from Poland to help him raise his three children. To be eligible to sponsor his mother, the widower would have to earn \$36,440 per year, 200 percent of the poverty level for a family of four. That salary is out of reach today for many Americans. In fact, according to the Census Bureau, close to 40 percent of Americans -- 91 million people -- live in families that earn less than 200 percent of the poverty level.

We emphasize that the 200 percent requirement is not a welfare provision. Indeed, the provisions in the bill restricting immigrants' access to welfare render the 200 percent requirement unnecessary.

The 200 percent requirement would defeat the purposes of a pro-family immigration system. Accordingly, we urge the conferees to retain current law or to adopt less restrictive language, such as the Senate's "125 percent of poverty level" provision. Keeping close family members apart does not serve our national interests and is particularly inappropriate in a bill addressing illegal immigration.

Thank you for your consideration.

Sincerely,

Sen. Silman
Peter King

Sen. Long

► OPINION

Museum reminds us not to stand idly by blood of others

by Rabbi Alan Silverstein

Visiting Capitol Hill in the summer of 1995 with a delegation of Conservative rabbis, I was dismayed by current legislative proposals both to curtail immigration sharply and to eliminate virtually all forms of humanitarian foreign aid.

This self-centered agenda offers a frightening reminder of the political atmosphere in America during the 1930s and the years of World War II. At that time, our country was blemished by nativism, xenophobia and a disdain for all "foreigners" and "foreign entanglements."

In such a setting, many U.S. citizens became "American Firsters," bystanders both individually and collectively to the deepening horror in Europe. The U.S. Holocaust Memorial and Museum was created by Congress specifically to offer a civic warning against repeating excessive isolationism.

A major subdivision at the museum is devoted to bystanders. During the Shoa, as at all points of any oppression, the role of the bystanders was crucial. As the Torah mandates: "Do not stand idly by the blood of thy fellow human being." (Leviticus 19:16). Indifference negatively affects both the victim and the bystander. As Daniel Goleman writes in an article, "Studying the Pivotal Role of Bystanders," psychologist Erwin Staub has noted:

"The path to grave horror begins with minor transgressions.

'If bystanders — people who are neither perpetrators nor victims — object firmly at this point, it can slow or even stop the whole process.'

But if no one objects, it emboldens the transgressors.

Plus, standing by passively while witnessing an evil act has a subtle effect on the bystanders themselves. 'You feel guilty.... So there is a tendency to diminish the seriousness of the harm in your own mind, or to distance yourself from the victim.'

By the same token, the passivity of the bystanders has a demoralizing effect on victims.

'When you feel helpless and alone, you are less likely to resist. Whereas in Belgium, where the population resisted German persecution of the Jews, Jews themselves did much more on their own behalf.' (New York Times, June 22, 1993)

Thus, one critical civic lesson of the U.S. Holocaust Memorial and Museum is that individual Americans never again allow ourselves to be bystanders to evil.

This very lesson makes the museum not a Jewish institution, but an American statement of values. It does not solely document what was destroyed in European Jewish life, it itemizes tragic instances of the U.S. as a bystander during the Holocaust:

- refusal to boycott the 1936 Olympic Games Nazi showpiece;
- refusal to accept refugees in need of asylum;
- refusal to make the saving of Jews a war goal;
- refusal to act upon reports about gas chambers, crematoria, extermination, as early as 1942;
- refusal to bomb the railroad tracks leading into Auschwitz.

The museum cries out to us as Americans to remain moral voices within

the global scene. At the ceremony of dedication, Elie Wiesel's message stressed the moral peril of being collective bystanders:

"Mr. President, I must tell you something. I have been in the former Yugoslavia last fall. I cannot sleep [because of] what I have seen."

Wiesel reminded all Americans that the opposite of love is not just hate, but rather indifference:

"[We must] reject indifference. To be present at an injustice without aiding its victims is a sin. The Bible warns, 'Do not stand idly by.' To see sick, wounded and humiliated children in the hospitals of Bosnia, and not to be moved by their fate, by their solitude, betrays a blind and unpardonable insensitivity. [As Americans] it is our duty to look this in the face. And to bring help."

Humanitarian foreign aid, whether to Bosnia, to Rwanda, to Somalia or elsewhere is mandatory to our soul as a nation.

And, similarly, the museum stresses the plight of immigrants seeking asylum:

"The notion of granting protection to those fleeing persecution gained strength after World War II from the widespread agreement that what had happened to the Jews would never be allowed to happen to anybody, anywhere..."

"A homosexual escaping from death squads in Brazil...a woman from Africa who does not want to undergo the cruel, potentially crippling procedure called clitoridectomy...A Peruvian who has aroused the wrath of the Shining Path...A Guatemalan union worker threatened with death for organizing against the government. A Christian Sudanese fleeing from Islamic fundamentalists..." (Ted Conover, "The United States of Asylum," New York

Times Magazine, Sept. 19, 1993).

As Americans concerned both about the world around us and about our own moral integrity, this unique U.S. museum must remind us to remain eternal advocates for compassion toward people whose lives are at stake. We must summon the ethical courage never to surrender to isolationism, to nativism or to crude appeals for narrow self-interest.

Does this mean that America should intervene in every world conflict and spend unlimited dollars? No! But the president's request for \$15 billion for humanitarian foreign aid is less than one percent of the federal budget, a smaller percentage than virtually every other westernized nation spends on humanitarian foreign aid!

Does concern for peoples abroad mean that we should not control our borders or that illegal immigration should be tolerated? No! But a generous policy toward genuine refugees and legal immigrants is a fundamental building block upon which our nation has been constructed.

Congress needs to take time out from its frantic legislative revolution. It should step outside of its chambers and go on a tour of the U.S. Holocaust Memorial and Museum, guided by Elie Wiesel, by national religious leaders and by other men and women of conscience.

Congress must step back for a moment and come to realize just how sad, at a time when they are championing a return to basic "values" of caring and rectitude, that their policies bespeak withdrawal into self. ■

Alan Silverstein, religious leader of Congregation Agudath Israel in West Caldwell, is president of the Rabbinical Assembly.

Cecilia Munoz and John Swenson

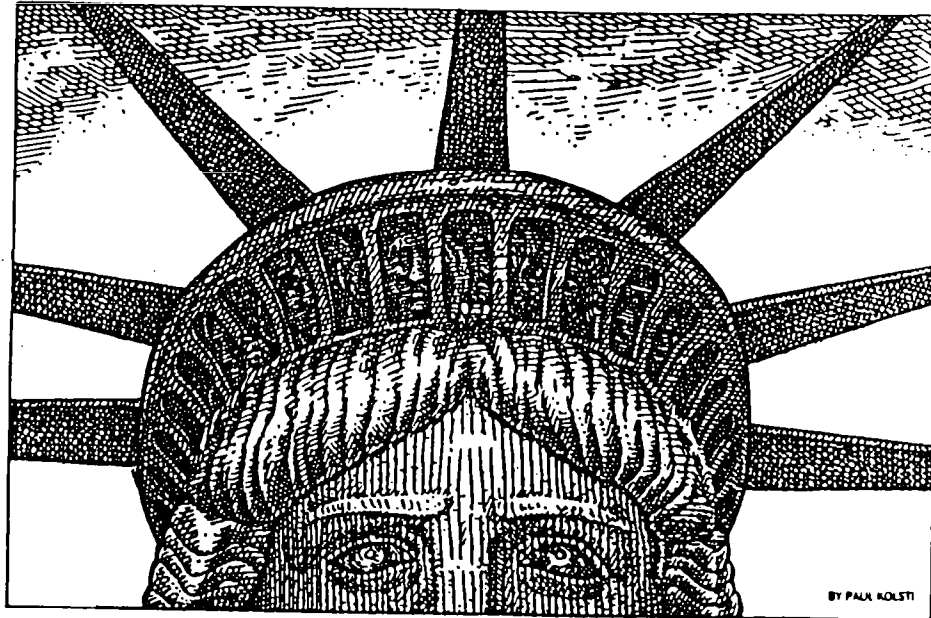
Poison Provisions in the Immigration Bill

The most prominent example of extremism in the immigration bill before Congress is the provision that would lead to denial of education to undocumented schoolchildren. Reportedly, some in Congress hardly can contain their glee at the prospect that the president will sign either this dangerous bit of policymaking or open himself to attacks that he "killed" the immigration reform bill. But education is hardly the only issue where this bill goes too far; several other provisions present grave dangers to Americans' health and safety, not to mention our basic sense of decency.

For example, the bill purports to deal only with the question of illegal immigration. However, a provision in the House version would bar U.S. citizens from sponsoring their own spouses or children under the legal immigration system unless they earn more than 200 percent of the poverty level. U.S.-citizen sponsors of immigrants already must prove that they are above the poverty level in order to bring in their loved ones, but doubling the height of the hurdle would prevent nearly half of all Americans who wished ever to be reunited with a spouse or child from doing so—hardly a rational policy for a "pro-family" Congress.

Further attacks on legal immigrants can be found in both House and Senate provisions that would result in the deportation of legal immigrants who participate in programs they are eligible for, such as student aid and loan programs, prenatal care and even certain English classes. Where is the wisdom in a law that would deport immigrants for doing things we want them to do—such as learning English, nurturing their children and furthering their educations?

In our own neighborhoods, directors of programs affiliated with institutions like the Latin American Youth Center, which sponsors gang-prevention programs, or the Mary Center, which provides prenatal and pediatric health care, are stunned to discover that the immigration bill would require them to turn away some of their current clients who are legally in the United States. Under mistaken notions of how to make immigrants' sponsors more technically responsible—a concept we support when done properly—the House and Senate have approved



BY PAUL KOLSTI

Where is the wisdom in a law that would deport legal immigrants for doing things we want them to do?

new restrictions on a vast range of services for immigrants who are here legally, including vaccinations, prenatal care, student loans and even emergency medical care.

This policy would do grievous harm to the hospitals and colleges that would no longer receive funds for providing these services. While we are concerned for the well-being of the immigrants who will be turned away, they will not be the only ones to suffer. When the county and Catholic hospitals close in places such as Los Angeles, Chicago and New York, everyone in those communities will feel the effects. When community colleges are forced to shut their doors because eager legal immigrant students lack the resources to pursue their studies, all of us will pay a serious price.

Much is at stake in this legislative debate beyond the difficult question of immigration control. When we fail to provide education to children and young adults, we impoverish ourselves socially and economically. When we embark on policies that threaten the well-being of hospitals and schools, we threaten the health and safety of all Americans. We urge Congress to delete extremist measures from the immigration bill. If it does not, the bill ought to be vetoed.

Cecilia Munoz is a deputy vice president at the National Council of La Raza. John Swenson is executive director of the Office of Migration and Refugee Services/United States Catholic Conference.

f Immigrants Lose U.S. Aid, Local Budgets May Feel Pain

By TIM GOLDEN

OAKLAND, Calif., July 27 — The elaborate tattoos that adorn Bech Chuom's chest are meant to protect him from wayward bullets, and he trusts the precepts he follows as a strict Buddhist to safeguard his soul.

But a decade after Mr. Chuom, 72, arrived here as a refugee from Cambodia, he depends entirely for his food and rent on a \$551 monthly welfare check. Where he might turn if that aid is taken from legal immigrants under the plans to overhaul welfare now moving through Congress, he says, is a mystery.

"I am old," he said, speaking in Khmer through a translator. "My arms are weak. There is nothing I can do anymore. If I do not receive the help, I will starve and die."

With growing alarm, many local officials around the country are predicting another result if welfare restrictions are enacted: that thousands of immigrants like Mr. Chuom will turn to them, swamping nursing homes, local welfare agencies and financially precarious public hospitals.

In Los Angeles County alone, officials say, the added burden in local welfare and medical costs could climb to nearly \$400 million a year, forcing drastic cuts in other programs.

Officials in New York City estimate that 10 percent of the people who receive Medicaid or benefits for the elderly and disabled could be cut off, reducing the amount of aid flowing into the city by more than \$290 million a year.

"The impact on states with high

populations of legal immigrants will be profound," said Christine C. Burch, the executive director of the National Association of Public Hospitals. "The immigrants will still get health care. But it will be the responsibility of local government or, in the case of private hospitals, it will come out of their charity budgets."

For months, immigration advocates have focused their attention and energy on a pending immigration bill that would reduce benefits to noncitizens by \$5.4 billion over seven years. The magnitude of the proposed cuts in the revived welfare legislation has left them stunned.

The welfare bill passed by the House on July 18 would make most legal immigrants ineligible for Medicaid, food stamps and Supplemental Security Income, or SSI, the Fed-

Continued on Page A12, Column 1

If Immigrants Lose U.S. Aid, Burden May Shift

Continued From Page A1

eral program that provides cash support for poor elderly, blind and disabled people. Of the \$61.8 billion that the legislation would trim from the Federal budget over seven years, about half would come from reducing aid to these immigrants.

A second version of the bill, passed by the Senate last Tuesday, would allow the states to decide whether to take Medicaid benefits away from legal immigrants already living in the United States. Like the House's version, the Senate bill would give states the option to bar those resident immigrants from some other programs as well, and it would prevent future legal immigrants from receiving most Federal benefits until they had been in the country for five years.

The Senate bill would save about \$58 billion by 2002. Almost half of that would come from aid to legal immigrants, who would remain liable for Federal and state taxes.

House and Senate negotiators are expected to produce a final draft of the legislation next week. On Friday, one of the House conferees, Representative E. Clay Shaw Jr., Republican of Florida, said House Republicans might be willing to compromise on several issues, including Medicaid benefits for legal immigrants.

Under either version of the bill, Medicaid coverage for emergency health care would be preserved, even for those who enter the country illegally.

Even though much of the political support for the cutbacks can be traced to public anger over the social costs of illegal immigration, the welfare bills would specifically restrict illegal immigrants only from some smaller programs, including school lunches for children and gang-prevention programs.

The cuts in benefits for legal immigrants have also been fueled by the growing belief, particularly among conservatives, that immigrants have taken unfair advantage of the system.

Despite the concern of state officials in Texas that the welfare cuts would shift much of what is now an annual \$614 million Federal liability to the local authorities there, Senator Phil Gramm of Texas, among others, has argued in strong support of the bill.

"I think that the vast majority of the people of Texas believe that immigrants should come to Texas with

BY THE NUMBERS

Who Gets Welfare

Bills now moving through Congress would greatly reduce the eligibility of legal immigrants for welfare. Shown is the percentage of immigrants and native-born Americans who receive aid from Federal programs, based on 1990 figures

	ALL AGES		65 AND OVER	
	IMMIGRANTS AND THEIR CHILDREN	IMMIGRANTS	NATIVE-BORN	NATIVE-BORN
CASH PROGRAMS				
Aid to Families with Dependent Children	3.6%	3.2%	2.0%	0.1%
Supplemental Security Income	2.3	2.7	3.1	6.1
NONCASH PROGRAMS				
Medicaid	7.3	8.8	9.4	6.7
Food stamps	6.7	7.0	8.0	3.4

Source: The Urban Institute

The New York Times

their sleeves rolled up, ready to go to work, and not with their hands out, ready to go on welfare," said Mr. Gramm, a Republican.

In an apparent reflection of the complicated politics of the issue, Gov. Pete Wilson of California, a Republican who has led a campaign to get the Federal Government to reimburse states for the costs of illegal immigration, kept largely silent about the cuts in benefits for legal immigrants until late last week.

But in an interview on Thursday, Mr. Wilson said that although he had some concerns about the local impact of the legislation, his complaints about it centered on the refusal of Congress to grant states wider authority to redesign their welfare and Medicaid programs. He called the proposed reductions in benefits to legal immigrants "the kind of step that needs to be taken to prevent Federal taxpayers from being inundated with people who come, especially late in life, and become public charges."

Population surveys have shown that in the last three decades, immigrant noncitizens have become somewhat more dependent than native-born Americans on Supplemental Security Income and Medicaid.

To some researchers, including

George J. Borjas, an economist at Harvard University, that shift clearly fits into a demographic trend in which the immigrants in the newer waves from Asia and Latin America have come to the United States with less education and fewer job skills than the immigrants who preceded them, most of them European.

Other experts contend that the welfare statistics for legal immigrants are skewed by the heavy use of benefits by two groups — refugees and the elderly — that have grown

Anger over illegal immigrants sings legal residents, too.

more numerous because of changes in immigration laws since 1965.

A look at some of the lives that fall into those two categories suggests that simply withdrawing benefits from older immigrants and refugees is unlikely to jolt them from dependency.

On a quiet street in Oakland's San Antonio district, one of the city's



Darcy Padilla for The New York Times

A Congressional plan to overhaul welfare would deny such aid to many legal immigrants. Bech Chuom, 72, who came to the United States as a refugee from Cambodia a decade ago, depends entirely on a welfare check.

poorest, a decrepit, two-story apartment building has become home to a small community of Cambodian refugees. The days seem to come and go with only the most tentative forays outside: shopping, visiting the doctor, getting children off to school.

After providing a fresh coat of stucco and perhaps a swimming pool in the drab, concrete patio, a hopeful suburban landlord might have given the place a name like Palm Gardens or Tudor Court. Instead, it seems exotic only for the occasional smells that waft from small kitchens and for the elderly men and women who sit chatting quietly in Khmer.

Tith Chin, 40, a former Cambodian soldier who survived a Khmer Rouge labor camp and the long trek to refuge in Thailand, said he had worked in an Atlanta bakery when he came to the United States in 1983.

He might work again, he said, if he could find a way to care for his ailing wife and three children. He said he would also like to apply for United States citizenship but did not think he spoke enough English to pass the test. Still, he could not imagine how he would make up for the loss of the \$707 that he and his wife get each month under Aid to Families With Dependent Children, the main Federal program of cash assistance.

"When we first came here, the

Americans said, 'We will help you,' " he said in hesitant English. "And now they want to change this law. Why?"

Unlike other legal immigrants, who are at least initially the economic responsibility of the American citizens who sponsor them, refugees are eligible for Federal benefits upon their arrival. Both the Senate and House bills would continue benefits to refugees during their first five years in the United States. The legislation would also waive the new restrictions for immigrants who have worked for a total of 10 years without drawing Federal aid and for those who have served in the military.

At Coney Island Hospital in Brooklyn, where the signs are printed in English, Spanish and Russian, the director, Howard C. Cohen, said the proposed Medicaid cutbacks would strip insurance from many of the elderly immigrants who are already his patients. He said it would also inundate the hospital with many more such patients, those turned away for other than emergency care by private hospitals and private doctors.

"We would just get dumped on," he said.

Nowhere is that kind of shift expected to be felt more acutely than in California, home to nearly 40 percent

of the roughly 1.5 million legal immigrants who now get Federal benefits.

Officials said most poor and elderly immigrants would still qualify for general assistance, the locally financed aid program of last resort. In Los Angeles County, the 93,000 immigrants who could potentially seek such help would almost equal the number now on the rolls.

That problem is compounded across California by the fact that although the state government would expect to save close to \$300 million of the money it now spends annually to supplement Federal S.S.I. payments to legal immigrants, the state contributes nothing to the county to help pay for general assistance.

"If no other relief is obtained, this could be very extreme," said Sandra M. Davis, the interim chief administrative officer for Los Angeles County, which faced a \$1.2 billion shortfall last year.

"It would mean closing the Parks Department, closing the beaches and museums — all administrative operations would be significantly reduced," she said. "It could throw the county into an insolvent position."

240199



BELLINGHAM CITY COUNCIL

210 Lottie Street, Bellingham, Washington 98225
 24 Hour Agenda Information Line (360) 647-6397
 Telephone (360) 676-6970
 Fax (360) 738-7418

Honorable William J. Clinton
 President of the United States
 1600 Pennsylvania Avenue
 Washington, D.C. 20500

Dear President Clinton,

The purpose of this letter is to bring to your attention a provision of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 which would have a severe adverse impact on cross border traffic in Washington State as well as other United States/Canadian ports of entry.

Of particular concern is Section 110 of the Act which directs the U.S. Immigration and Naturalization Service to implement a system of entry and exit control of all aliens by September 30, 1998. The implementation of Section 110 would result in unnecessary delay and severe traffic congestion of several Whatcom County ports of entry as well as have a severe negative economic impact on our region.

Canadian tourists and business visitors have traditionally been exempt from paperwork and fee requirements as part of our open border with Canada. This new law must continue to be an exemption for residents and citizens of Canada.

Northwestern Washington State, the region in which the City of Bellingham is located, contains the largest commercial and people crossing between the United States and Canada. The economic and social stability of our entire region is based on an open border with Canada including commerce, tourism, cultural, family and social ties.

We emphatically request your support in this matter. Please find enclosed Bellingham City Council Resolution 46-97 regarding this pending federal legislation.

Kindest regards,
 Bellingham City Council

OCT 27 1997

Bob Ryan

Gene Knutson

Arne Hanna

Bob Hall

Pat Rowe

Bruce Ayers

Louise Bjornson

Bob Ryan
 Council Member
 1st Ward
 2723 Cedarwood

Gene Knutson
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 1722 Alton Court

Arne Hanna
 Council Member
 3rd Ward
 1158 Central

Bob Hall
 Council Member
 4th Ward
 1158 Central

Pat Rowe
 Council Member
 5th Ward

Bruce Ayers
 Council Member
 6th Ward

Louise Bjornson
 Council Member
 At Large

Admin
 issue (?)
 Continuing debate -
 Active issue -
 Hearing w/in last
 month
 Congress try's
 to get
 more info
 INS trying
 to figure out
 how to deal
 w/ this.

RESOLUTION NO. 46-97**A RESOLUTION OF THE CITY OF BELLINGHAM
REGARDING PENDING FEDERAL IMMIGRATION LEGISLATION**

TO THE HONORABLE WILLIAM J. CLINTON, PRESIDENT OF THE UNITED STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

YOUR MEMORIALIST, The City of Bellingham, Washington, through its elected City Council in legislative session assembled, respectfully represents and petitions as follows:

WHEREAS, Northwestern Washington State, the region in which the City of Bellingham is located, contains the largest commercial and people crossings between the United States and Canada; and

WHEREAS, Cultural, social, and economic exchanges between the citizens, organizations, and businesses of the region have historically been and continue to be an integral part of our region's economic and cultural development; and

WHEREAS, The historically close and constant ties between the two countries of Canada and the United States have been forged and maintained by continuous cultural exchanges ranging from fraternities, social, sports, and business clubs to name but a few; and

WHEREAS, The rapid changes in global affairs require countries to renew and enhance their ties with neighboring states and countries; and

WHEREAS, Innumerable tourists, visitors, and business investors who expend millions of dollars in the United States legally cross the borders of the Pacific Northwest each year; and

WHEREAS, Both business and family immigration benefits this community, our region and the entire nation, and is qualitatively different from illegal immigration; and

WHEREAS, Both the border crossing fee and other restrictions to legal immigration as proposed by pending federal legislation would adversely impact the economy, culture, and quality of life for many of our citizens and legal residents; and

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, WA 98225
Telephone (360) 676-6903

WHEREAS, It is necessary for the President and the Congress to consider strengthening laws dealing with illegal immigration as soon as is reasonably possible;

NOW, THEREFORE, The City of Bellingham respectfully requests that the United States Congress reject any proposals that would levy a fee on, or unnecessarily delay, individuals lawfully crossing the borders of the United States,

FURTHERMORE, The City of Bellingham respectfully requests that the United States Congress sever all pending legislative proposals that restrict legal immigration to the United States from those pending legislative proposals that deal with illegal immigration.

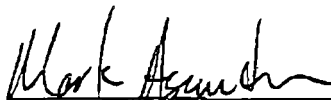
BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, senator Slade Gorton, Senator Patty Murray and Congressman Jack Metcalf.

PASSED BY THE COUNCIL this 13th day of October, 1997.



Pat Rowe, Council President

APPROVED BY ME this 20th day of October, 1997.



Mark Asmundson, Mayor

ATTEST:


Finance Director

APPROVED AS TO FORM:


Office of the City Attorney

► Diane Ikemiyashiro
11/21/97 03:40:22 PM
.....

Record Type: Record

To: Leanne A. Shimabukuro/OPD/EOP

cc:

Subject: illegal immigration

Leanne --

I have a letter from a member of the CA legislature regarding his concerns that San Diego County health care providers incurred unreimbursed charges for emergency medical treatment to unauthorized immigrants as a result of a specific policy of the U.S. Border Patrol. In the past, I've written responses in regard to this issue, but they are now outdated. Is there anything more I can add to the draft down below? Let me know if you want to see the incoming.

Thanks very much.

-- Diane

Thank you for your letter. I understand your concerns about the costs of illegal immigration and particularly its impact on San Diego County.

My Administration has been the first to provide reimbursement to state and local governments for the costs associated with illegal aliens in areas such as education, medical care and incarceration. We have also demonstrated an unprecedented commitment to controlling illegal immigration, including dramatically increasing our border enforcement efforts. I believe that stopping illegal immigration at the border and other points of entry, combined with a strong worksite enforcement program and removal of criminal and other deportable aliens, is the most effective approach to controlling illegal immigration and its costs.

As we continue to address this and other immigration issues facing our nation, I'll keep your thoughts in mind.

Ben
Robert
dumplings

ongoing
problem
Nothing has
changed.
OMB/INS/HHS
having mty. to
figure out
what should be
done

Latest
from Veterans

STATE CAPITOL
SACRAMENTO, CA 95814
(916) 445-8364

California Legislature



SCOTT WILDMAN

CHAIR

JOINT LEGISLATIVE AUDIT COMMITTEE

248141

Scott Wildman

October 17, 1997

The Honorable William J. Clinton
President of the United States of America
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20502

Dear President Clinton:

At the direction of the California State Legislature's Joint Legislative Audit Committee, the California State Auditor has just released an audit report entitled "U.S. Border Patrol: Its Policies Cause San Diego County Health Care Providers To Incur Millions of Dollars in Unreimbursed Medical Care."

The report concludes that San Diego County health care providers incurred unreimbursed charges for emergency medical treatment to unauthorized immigrants as a result of the United States Border Patrol's policy to pay medical charges only for injured suspects in its custody. In 199 incidents identified between January 1996 and May 1997 involving injured unauthorized immigrants and Border Patrol Agents, the Bureau of State Audits estimates the total charges in these incidents at approximately \$3.1 million of which the Border patrol paid approximately \$153,100.

These findings provide conclusive evidence that a specific policy of the United States Border Patrol is resulting in millions of dollars in costs to local communities in California. While this policy is clearly intended to absolve the Border Patrol of financial responsibility for injured suspects, it may also be allowing some unauthorized immigrants to avoid custody as a result of their injuries.

The people of California cannot continue to pay the bill for this type of policy. As agents of the federal government, the Border Patrol must assume full responsibility for the costs of emergency medical services when unauthorized immigrants are injured and would have been taken into custody were it not for their injuries. Mr. President, I respectfully ask that California's communities be fully reimbursed for the costs they have incurred as a result of this policy.

Sincerely,

SCOTT WILDMAN, Chair
Joint Legislative Audit Committee

cc: Governor Pete Wilson

THE WHITE HOUSE
WASHINGTONFacsimile from Diane Ikemiyashiro
Office of Presidential Letters and Messages

Voice: (202) 456-5519 FAX: (202) 456-5426

Number of Pages (including cover):

(7)

Date: 12.5.97Time: 3:15 pmTo: Julie Fernandez

Voice: _____

FAX: 65581

[] incoming letter(s) from: _____

re: _____

[] for your review

[☒] per my e-mail or voice-mail message to you

[] per your request

Additional comments:

Julie -

- 1) Is George Mariani writing about the "Immigration Reform Act of 1997"? I'm quite sure.
- 2) Section 110 - is this something the Admin. should comment on? Or should Justice handle the response?
- 3) San Diego letter - please see my notes to Leanne. Thanks so much.

242109

GEORGE D. MAZIARZ
SENATOR, 61ST DISTRICT

PLEASE RESPOND TO:

☐ ALBANY OFFICE
ROOM 805, LOB
ALBANY, NEW YORK 12247
(518) 455-2024
FAX (518) 426-6987

☐ DISTRICT OFFICE
60 PROFESSIONAL PARKWAY
LOCKPORT, NEW YORK 14094
(716) 438-0655
FAX (716) 438-0955

E-MAIL ADDRESS
MAZIARZ@SENATE.STATE.NY.US



THE SENATE
STATE OF NEW YORK

CHAIRMAN
COMMITTEE ON AGING
CO-CHAIRMAN
ADMINISTRATIVE REGULATIONS
REVIEW COMMISSION
COMMITTEES
BANKS
COMMERCE, ECONOMIC DEVELOPMENT
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ENERGY & TELECOMMUNICATIONS
HEALTH
HOUSING, CONSTRUCTION &
COMMUNITY DEVELOPMENT
TOURISM, RECREATION &
SPORTS DEVELOPMENT
WATER RESOURCES

November 5, 1997

President Bill Clinton
The White House
Washington, D.C. 20500

Dear President Clinton:

I write to you today regarding a federal legislative issue that could have serious implications for my New York State Senate District. I am hopeful your attention to this matter will bring about a very necessary amendment.

I would like to voice my support for the proposed amendment to the Immigration and Nationality Act, which would establish a 24-month pilot program to permit certain aliens to be admitted to the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation. This amendment is **crucial** to my senate district, which is largely rural and agriculturally based.

I know of many farmers who depend heavily upon seasonal labor to plant and harvest their crops in a timely manner each year. I find it most disheartening to drive through my district and see crops spoiling in the fields because farmers do not have enough workers available to harvest them. Imagine the frustration farmers feel in watching a season's worth of intensive work go to waste!

The proposed amendment would greatly alleviate this problem for farmers across our country and I urge you to seriously consider the implications we, as dependents on farm produce, would face if it is not passed. If I can be of any assistance to you regarding this issue, please do not hesitate to contact me.

Sincerely,

George D. Maziarz
George D. Maziarz
Senator, 61st District

GDM:mpo
cc: Congressman John J. LaFalce
Senator Daniel P. Moynihan
Senator Alfonse D'Amato
Niagara County Farm and Home Center
Orleans County Farm Bureau



*H-2A
temp. agriculture
worker program
the sponsor?
Oregon?
Cong. relation*

THE WHITE HOUSE
WASHINGTONFacsimile from Diane Ikemiyashiro
Office of Presidential Letters and Messages

Voice: (202) 456-5519 FAX: (202) 456-5426

Number of Pages (including cover): 4Date: 12.8.97Time: 2:00 pmTo: Julie Fernandez

Voice: _____

FAX: 6.5581☐ incoming letter(s) from: _____

re: _____

☐ for your review☐ per my e-mail or voice-mail message to you☒ per your request

Additional comments:

Thanks so much for your help!

-Di

STATE CAPITOL
SACRAMENTO, CA 95814
(916) 445-8364

California Legislature

240141

**SCOTT WILDMAN**

CHAIR

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OCT 21 1997

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SENATOR, 61ST DISTRICT

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THE SENATE
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November 5, 1997

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GDM:mpo
cc: Congressman John J. LaFalce
Senator Daniel P. Moynihan
Senator Alfonse D'Amato
Niagara County Farm and Home Center
Orleans County Farm Bureau



240199



BELLINGHAM CITY COUNCIL

210 Lottie Street, Bellingham, Washington 98225
 24 Hour Agenda Information Line (360) 647-6397
 Telephone (360) 676-6970
 Fax (360) 738-7418

Honorable William J. Clinton
 President of the United States
 1600 Pennsylvania Avenue
 Washington, D.C. 20500

Dear President Clinton,

The purpose of this letter is to bring to your attention a provision of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 which would have a severe adverse impact on cross border traffic in Washington State as well as other United States/Canadian ports of entry.

Of particular concern is Section 110 of the Act which directs the U.S. Immigration and Naturalization Service to implement a system of entry and exit control of all aliens by September 30, 1998. The implementation of Section 110 would result in unnecessary delay and severe traffic congestion of several Whatcom County ports of entry as well as have a severe negative economic impact on our region.

Canadian tourists and business visitors have traditionally been exempt from paperwork and fee requirements as part of our open border with Canada. This new law must continue to be an exemption for residents and citizens of Canada.

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