

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Gerri Ratliff to Irene Bueno et al re: LRM LJM189 (page 1 only) (1 page)	06/13/2000	P5 1465
002. email attachment	Robert Raben to Speaker Dennis Hastert (4 pages)	06/06/2000	P5 1466

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([Welfare Residence and Immigration Responsibility Act])
OA/Box Number: 250000

FOLDER TITLE:

[10/14/1997 - 06/29/2000]

2011-0320-F
ds391

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Gerri.Ratliff@usdoj.gov (Gerri.Ratliff@usdoj.gov [UNKNOWN])

CREATION DATE/TIME: 13-JUN-2000 09:47:48.00

SUBJECT: Re:LRM LJM189 - - JUSTICE Draft Bill to Repeal Section 564 o

TO: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: Patricia.A.First@intmail.usdoj.gov (Patricia.A.First@intmail.usdoj.gov [UNKNOWN])
READ:UNKNOWN

TO: Cathy.St.Denis@intmail.usdoj.gov (Cathy.St.Denis@intmail.usdoj.gov [UNKNOWN])
READ:UNKNOWN

CC: Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

CC: Barbara.L.Strack@intmail.usdoj.gov (Barbara.L.Strack@intmail.usdoj.gov [UNKNOWN])
READ:UNKNOWN

CC: Lisa.S.Roney@intmail.usdoj.gov (Lisa.S.Roney@intmail.usdoj.gov [UNKNOWN])
READ:UNKNOWN

TEXT:

Irene: we are proposing this now because the LA Board of Supervisors is starting to push us to implement the pilots required under the law (that we want to repeal). We don't want to pursue the pilots now that we have the legally enforceable affidavits of support. If we could tell the LA Board of Supervisors that we are seeking to repeal that section of law, that would be a better answer to them than our present position of hemming and hawing...we understand that this bill probably wouldn't go anywhere this year, and we wouldn't be expecting anyone to want to push it, but it would be helpful for us to have a cleared position to tell LA that we would like to see the pilot requirement repealed...I can give you more background if you want...thanks!
--
Gerri

Reply Separator

Subject: LRM LJM189 - - JUSTICE Draft Bill to Repeal Section 564 of t
Author: Irene_Bueno@opd.eop.gov
Date: 6/12/2000 12:23 PM

Why are we proposing this now? Can we discuss at the IWG today? Thanks.
----- Forwarded by Irene Bueno/OPD/EOP on 06/12/2000 12:22 PM -----

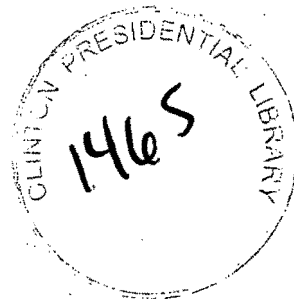
From: Lisa J. Macecevic on 06/09/2000 05:19:53 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

COPY

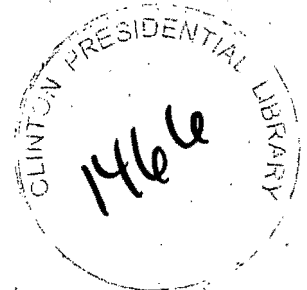




U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530



The Honorable Dennis Hastert
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Enclosed is a legislative proposal that would, if enacted, repeal section 564 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).

Section 564 of IIRIRA established a pilot program in five INS district offices to require aliens to post a bond, in addition to the affidavit of support requirements under section 213A of the Immigration and Nationality Act (INA) and the deeming requirements under welfare reform, sufficient to cover the cost of means tested public benefits for the alien and the alien's dependents.

For the legal and practical reasons identified below, it is not feasible to implement the bond pilot provisions of section 564 of IIRIRA. For these reasons -- and because we have concluded that the bond pilot will provide little additional benefit over existing protections against an immigrant becoming a public charge -- the Department recommends that this provision be repealed.

1. The Immigration and Naturalization Service (INS) does not have the legal authority to deny admission to an otherwise admissible alien based solely on the failure to post a public charge bond under the pilot program. Section 212(a)(4) of the INA does not authorize officers to find an alien inadmissible who has submitted an adequate affidavit of support and is otherwise admissible but for posting a public charge bond.

2. The Welfare Reform Act bars most immigrants from using means-tested public benefits for 5 years after entry. Welfare reform also requires that an agency considering a sponsored immigrant's eligibility for means-tested benefits include all the income and

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Hex-Dump Conversion

resources of the sponsor and his or her spouse as part of the immigrant applicant's income which almost always makes a sponsored immigrant ineligible for program benefits.

3. The bond pilot program is duplicative of other protections to ensure that agencies are reimbursed for the cost of benefits used by sponsored immigrants. The INA also requires that most new immigrants have a legally enforceable affidavit of support from a U.S. sponsor that lasts until the sponsored immigrants become U.S. citizens or accrue 40 quarters of work. If a sponsored immigrant receives means-tested benefits, the sponsor is obligated to repay the cost of those benefits on demand and can be sued for failure to repay them. Section 213 of the INA already authorizes public charge bonds if an officer determines it is necessary.

4. The bond pilot program's requirements would be difficult, if not impossible, to administer. The bond pilot program requires immigrants to post bonds equal to at least the cost of providing means-tested public benefits to themselves and family members for 6 months. If set at a level based on benefit *eligibility*, the amount would usually be \$0.00 because of the 5-year bar to receiving benefits (see No. 2 above). If based on *current* benefit costs, the bond amount would need to consider the average value of Federal, state, and local benefits. This would be a daunting task given the wide variety of possible state and local benefits, particularly in districts that cross state and county lines. Differences in age, health and other factors related to each family member would also need to be taken into account. If based on *prospective* costs of benefits, the amount would be totally speculative, starting 5 years in the future.

5. The additional operational and administrative workloads created by the bond pilot would be debilitating to INS and consular posts. The operational and administrative aspects of the bond pilot program would be formidable and time-consuming for INS and consular posts for little or no additional gain. The new legally enforceable affidavit of support requirement has already caused considerable additional work for both agencies.

6. The bond pilot program does not provide a good test of the effectiveness of bonds. The testing of public charge bonds would serve little additional purpose in the restrictive welfare reform environment. Moreover, the effects of the bond pilot program could not be separated from the effects of the affidavit of support and the general bar to benefit eligibility, so as to determine whether the bond pilot adds any additional deterrent to immigrants becoming public charges after entry.

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Thank you for your attention to this matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this legislative proposal.

Sincerely,

Robert Raben
Assistant Attorney General

Enclosure



COPY

A BILL

To repeal section 564 of the Illegal Immigration and Immigrant Responsibility Act
of 1996

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

Section 564 of the Illegal Immigration Reform and Immigrant Responsibility Act
of 1996 (Pub. L. 104-208, 110 Stat. 3009) is repealed.



Automated Records Management System
Hex-Dump Conversion

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Wendy Patten to Lisa Macecevic et al re: HR4489 SAP (3 pages)	05/22/2000	P5 1467
001. email	Irene Bueno to Mark D. Magana re: [3] (9 pages)	03/28/2000	P5 1468

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
WHO ([Welfare Residence and Immigration Responsibility Act])
OA/Box Number: 500000

FOLDER TITLE:

[04/01/1997 - 05/22/2000]

2011-0320-F

ds392

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 28-MAR-2000 18:57:35.00

SUBJECT: Re[3]: Fwd:Re:Fwd:Re: Re[2]: Fwd[3]:registry q&A

TO: Mark D. Magana (CN=Mark D. Magana/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TEXT:

----- Forwarded by Irene Bueno/OPD/EOP on 03/28/2000
06:57 PM -----

Efren.Hernandez@usdoj.gov

03/28/2000 04:43:00 PM

Record Type: Record.

To: Ruth.E.Tintary@intmail.usdoj.gov, Irene Bueno/OPD/EOP

cc: gerri.ratliff@usdoj.gov

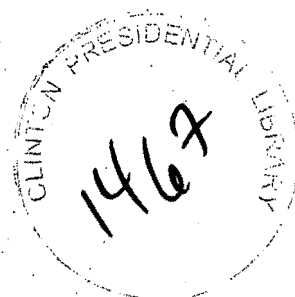
Subject: Re[3]: Fwd:Re:Fwd:Re: Re[2]: Fwd[3]:registry q&A

Ruthie: Here are a couple of q & a's. You may want to restate the first question. The basic point is that the registry fix is better than the elimination of 377 because (1) the substantive law and effect on the alien public will be the same regardless of section 377, and (2) eliminating 377 while changing the registry fix will create confusion. It will have the effect of prolonging the litigation and leading many people to believe that they should pursue that course rather than registry. I think we want to encourage a clean break with legalization/late amnesty and encourage people to take the simpler registry route.

Does the change to Section 377 of IIRIRA affect the late amnesty cases?

In 1993, the Supreme Court held that the "late amnesty" lawsuits could only be maintained by aliens who had actually applied for legalization timely or attempted to apply but had been "front-desked." Section 377 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was enacted on September 30, 1996. That section reinforced the Supreme Court's decision by providing that courts may only hear cases brought by persons seeking relief under the IRCA if they in fact filed a timely application for legalization before May 4, 1988, or attempted to file but were front-desked. Because the Supreme Court decision would continue to bind the lower courts, the late

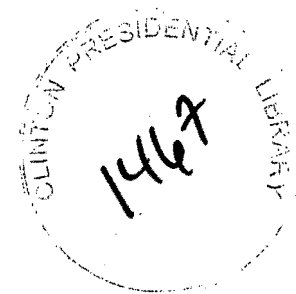
COPY



amnesty
litigation would not be affected.

What is Front Deskling?

"Front-desking" occurred when an alien timely submitted a complete legalization application and fee to an INS officer who then refused the application, contending that the alien was ineligible.



Reply Separator

Subject: Re[2]: Fwd:Re:Fwd:Re: Re[2]: Fwd[3]:registry q&A
Author: Ruth E Tintary
Date: 3/27/2000 8:58 PM

Efren,

Would you do a Q & A based on Irene's request?

thanks,
Ruth E.

Reply Separator

Subject: Re: Fwd:Re:Fwd:Re: Re[2]: Fwd[3]:registry q&A
Author: Irene_Bueno@opd.eop.gov
Date: 3/27/2000 5:36 PM

X-Lotus-FromDomain: EOP

Can you do a q and a on why the repeal of section 377 (which is in Rep. SJL's bill) does not help or is not preferable to the registry date fix for the late amnesty group? Let me know. Thanks.

(Embedded
image moved Ruth.E.Tintary@usdoj.gov
to file: 03/22/2000 04:15:00 PM
PIC29770.PCX)

Record Type: Record

To: Gerri.Ratliff@intmail.usdoj.gov, Irene Bueno/OPD/EOP

cc:

Subject: Fwd:Re:Fwd:Re: Re[2]: Fwd[3]:registry q&A

here you go.

Forward Header

Subject: Re:Fwd:Re: Re[2]: Fwd[3]:registry q&A

COPY

Author: Efren Hernandez

Date: 3/22/2000 3:38 PM

I looked at the redline. I only have a couple of points. In the first question, we should avoid using the term "legalization." Legalization is a specific "term of art" relating to the 1986 amnesty. Anytime you use that word

you will confuse people into thinking this is an amnesty, and that is exactly

what we are trying to avoid with these Q&A's. I would change the last sentence

of the first answer to read "This amendment is much more limited and only revises the registry date to allow long term migrants who have been living in

the U.S. since 1986 to become lawful permanent residents."

I don't like the word "migrants" either but I understand why it is there.

I

guess they don't want to say "unlawful" or "illegal." Long-term residents" would be OK. In a similar vein, I don't like replacing "alien" with "immigrant." Immigrant is another "term of art" and really doesn't work the

way

it is phrased here.

Other than that, no comment.

Reply Separator

Subject: Fwd:Re: Re[2]: Fwd[3]:registry q&A

Author: Ruth E Tintary

Date: 3/22/2000 2:58 PM

here's the edited one plus the one you did. Please review and comment.

Forward Header

Subject: Re: Re[2]: Fwd[3]:registry q&A

Author: Irene_Bueno@opd.eop.gov

Date: 3/22/2000 12:26 PM

Oops - here's the redlined attachment.

(See attached file: registryQ&A032200.doc)

Irene Bueno

03/22/2000 10:22:20 AM

Record Type: Record

To: Gerri.Ratliff@usdoj.gov

cc: See the distribution list at the bottom of this message

bcc: Irene Bueno/OPD/EOP

Subject: Re: Re[2]: Fwd[3]:registry q&A (Document link not converted)

After further review, I have added a few additional qs and as and revised a couple using the answers we prepared in response to the AFL-CIO resolution. Please let me know you think they look okay and send me your the final qs and as. Thanks.

(Embedded

image moved Gerri.Ratliff@usdoj.gov

to file: 03/22/2000 08:51:00 AM

PIC11919.PCX)

COPY



Record Type: Record

To: Cathy.St.Denis@intmail.usdoj.gov, Irene Bueno/OPD/EOP,
Gerri.Ratliff@usdoj.gov, Ruth.E.Tintary@usdoj.gov
cc:
Subject: Re[2]: Fwd[3]:registry q&A

thanks! we will try to meet with Cathy and Maria Cardona on this today....
Gerri
:)

Reply Separator

Subject: Re: Fwd[3]:registry q&A
Author: Irene_Bueno@opd.eop.gov
Date: 3/21/2000 6:51 PM
These qs and as look good. Thanks.
Please send the draft statement when it's ready. Thanks.

(Embedded

image moved Gerri.Ratliff@usdoj.gov
to file: 03/21/2000 05:06:00 PM
PIC11266.PCX)

Record Type: Record
To: Irene Bueno/OPD/EOP
cc:
Subject: Fwd[3]:registry q&A

here you go! -- Gerri

Forward Header

Subject: Fwd:registry q&A
Author: Ruth E Tintary
Date: 3/21/2000 12:15 PM
fyi

Forward Header

Subject: registry q&A
Author: Efren Hernandez
Date: 3/21/2000 9:50 AM
Here you go...
Message Copied

To: _____

cathy.st.denis@intmail.usdoj.gov
gerri.ratliff@usdoj.gov
ruth.e.tintary@usdoj.gov
Ruth.E.Tintary@usdoj.gov
Mark D. Magana/WHO/EOP@EOP

- REGISTRY.DOC
- REGIST~1.DOC
- PIC29770.PCX

COPY



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1467

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D14]ARMS21485349U.046 to ASCII,
The following is a HEX DUMP:

[illegible]

COPY

What is Registry?

Registry is the process of a creation of a record of lawful admission for permanent residence for a qualifying alien. Upon conferral of this benefit, the alien is a lawful permanent resident.



Is this a new provision?

The registry provision has existed in some form in the immigration law since 1929. The purpose of the registry provision was to legalize the residence of aliens who had entered improperly before 1921, the date of one of the first comprehensive immigration laws.

Has the Registry date been changed before?

Currently, the registry provision required that an alien have entered the United States before January 1, 1972. This cutoff date was enacted in 1986, as part of the most recent amendment to the registry statute. Prior advancements of the cutoff date occurred in 1940 (July 1, 1924), 1958 (June 28, 1940), and 1965 (June 30, 1948).

How does this amendment affect "late amnesty" class members?

The "late amnesty" cases involve claims by illegal aliens who did not successfully apply for legalization under the Immigration Reform and Control Act of 1986 (IRCA) before the deadline of May 1988. IRCA required continuous unlawful presence since January 1, 1982. Because this amendment goes beyond the 1982 date, "late amnesty" class members who would have been eligible for legalization are covered by this amendment and may apply for registry.

Is this amendment a reward for Immigration violators?

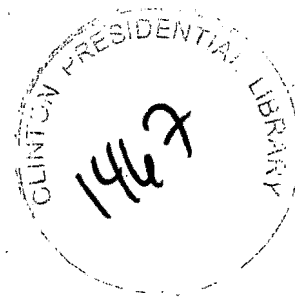
No. The registry provision reflects the fact that it is an inefficient use of the government's resources to pursue the removal of aliens who have resided in the United States for substantial periods of time. The majority of aliens who have resided in the United States for a period of time sufficient to qualify for registry will have acquired substantial connections to the United States so as to make their removal of dubious benefit. It is also in the public interest to avoid a perpetual "underground" class of individuals who are subject to exploitation by landlords, employers, and others and whose fear of government authorities has other negative effects, such as failing to report crimes or participate in important events such as the current census.

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Hex-Dump Conversion

Is this a new amnesty?

No. While Registry does reflect the same concept as a statute of limitations, the benefit is not automatic. An alien must apply for the benefit at an INS office. In addition to demonstrating residence in the United States since the registry date, the alien must establish that he or she is a person of good moral character, is not ineligible for citizenship, and is not deportable on terrorism-related grounds.



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How does this proposal relate to the AFL-CIO resolution?

My understanding is that the AFL-CIO resolution addresses a number of issues including a proposal to grant amnesty for undocumented immigrants currently working in this country. This amendment is much more limited to the revision of the registry date that would allow the legalization of long-term migrants who have been living in the US since 1986.

Why are you proposing this legislation now?

The last time the registry date was revised was in 1986 and at that time the registry date was revised to 1972 with a 14 years period of residency. It has been 14 years since the registry date has been revised and should be revised to 1986 following the same 14 years residency requirement.

What does this legislation do?

This legislation would revise the registry date from 1972 to 1986 allowing long-time migrants - who have developed substantial ties to this country including establishing families, homes and roots in their communities - to legalize their immigration status.

How many people do you expect will be legalized under this proposal?

The INS estimates that approximately 500,000 would be legalized under this proposal.

What is Registry?

Registry is the process of a creation of a record of lawful admission for permanent residence for a qualifying alien. Upon conferral of this benefit, the alien is a lawful permanent resident.

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Hex-Dump Conversion

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1467

The "late amnesty" cases involve claims by ~~illegal aliens~~ undocumented immigrants who did not successfully apply for legalization under the Immigration Reform and Control Act of 1986 (IRCA) before the deadline of May 1988. IRCA required continuous unlawful presence since January 1, 1982. Because this amendment goes beyond the 1982 date, "late amnesty" class members who would have been eligible for legalization are covered by this amendment and may apply for registry.

Revising the registry date from 1972 to 1986 would not only provide humanitarian relief to many long-term migrants, but also reduce or eliminate the need to continue litigating some of the large class actions still lingering from the 1986 legalization program.

Is this amendment a reward for Immigration violators?

No. The registry date was established in recognition that migrants who have resided in the U.S. for a long period have developed substantial ties to this country including establishing families, homes and roots in their communities. The registry provision reflects the fact that it is an inefficient use of the government's resources to pursue the removal of aliensimmigrants who have resided in the United States for substantial periods of time. The majority of aliensimmigrants who have resided in the United States for a period of time sufficient to qualify for registry will have acquired substantial connections to the United States so as to make their removal of dubious benefit. It is also in the public interest to avoid a perpetual "underground" class of individuals who are subject to exploitation by landlords, employers, and others and whose fear of government authorities has other negative effects, such as failing to report crimes or participate in important events such as the current census.

Is this a new amnesty?

No. While Registry does reflect the same concept ~~as a statute of limitations~~, the benefit is not automatic. An alienimmigrant must apply for the benefit at an INS office. In addition to demonstrating residence in the United States since the registry date, the alien must establish that he or she is a person of good moral character, is not ineligible for citizenship, and is not deportable on terrorism-related grounds.



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Automated Records Management System
Hex-Dump Conversion

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Wendy L. Patten (CN=Wendy L. Patten/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME: 22-MAY-2000 17:23:23.00

SUBJECT: Re: HR4489 SAP

TO: Lisa J. Macecevic (CN=Lisa J. Macecevic/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Dawn M. Chirwa (CN=dawn m. chirwa/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: irene bueno (CN=irene bueno/OU=opd/O=eop@eop [OPD])

READ: UNKNOWN

CC: Kirsten N. Pflomm (CN=kirsten n. pflomm/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: Lisa J. Macecevic (CN=lisa j. macecevic/OU=omb/O=eop@eop [OMB])

READ: UNKNOWN

CC: steven d. aitken (CN=steven d. aitken/OU=omb/O=eop@eop [OMB])

READ: UNKNOWN

CC: Steven M. Mertens (CN=steven m. mertens/OU=omb/O=eop@eop [OMB])

READ: UNKNOWN

CC: Wendy L. Patten (CN=wendy l. patten/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

TEXT:

Lisa -- this version looks good. Agree with Irene that should delete

"also" from last sentence.

thanks -- WLP



From: Lisa J. Macecevic on 05/22/2000 03:33:50 PM

Record Type: Record

To: Lisa J. Macecevic/OMB/EOP@EOP

cc: See the distribution list at the bottom of this message

COPY

bcc:

Subject: Re: HR4489 SAP



a little more tweeking in bold pink underlined....fyi:

From: Lisa J. Macecevic on 05/22/2000 03:10:09 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: HR4489 SAP

Please let me know if you're okay with this

Change to SAP on HR4489 (from DoJ):

The Administration supports H.R. 4489. The legislation would replace the entry/exit control requirements of Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 with a requirement to automate the issuance of existing entry/exit documents beginning in phases beginning in on December 31, 2003. The legislation does not impose any new documentary or data collection requirements on any person. The Administration asks that language be made part of the record to clarify the intent of H.R. 4489 would permit to be the automation and integration of the existing INS I-94 travel form issuance process so that, to the extent possible, arrival and departure data is are entered and available on a real time basis, and acknowledge the differences between land, air and sea ports-of-entry. The Administration also recommends that the deadline for establishment of the proposed task force be changed from six months after the date of enactment to 12 months, in order to allow sufficient time to address applicable requirements under the Federal

COPY

Advisory Committee Act.



Message Sent

To: _____

Steven M. Mertens/OMB/EOP@EOP

Irene Bueno/OPD/EOP@EOP

Wendy L. Patten/NSC/EOP@EOP

Steven D. Aitken/OMB/EOP@EOP

Dawn M. Chirwa/WHO/EOP@EOP

Kirsten N. Pflomm/WHO/EOP@EOP

Message Copied

To: _____

steven m. mertens/omb/eop@eop

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