

FROM
OFFICE OF LEGAL COUNSEL
TO
OFFICIAL INDICATED BELOW BY CHECK

MEMORANDUM

January 4, 1965

Re: Immigration Bill

We have gone over
Norb's draft and have
made the necessary
changes in the proposed
Presidential letter.

Norb's handwritten
note to you is attached.

Leon Uiman

The Attorney General
Executive Assistant
The Solicitor General
Deputy Attorney General
Antitrust Division
Civil Division
Civil Rights Division
Criminal Division
Internal Security Division
Lands Division
Tax Division
Federal Bureau of Investigation
Office of Alien Property
Immigration & Naturalization
Service
Bureau of Prisons
Administrative Division
Budget and Accounts Office
Supplies and Printing Section
Records Administration Office
Transcription Section
Mail Room
Telegraph Office
Director of Public Information

NdeBK:NAS:RLS:LU:sgc

Mr. Katzenbach
Mr. Schlei
Mrs. Copeland
Mr. Saloschin
Mr. Ulman

Mr. Schwartz
State

Mr. Hughes, BOB
Mr. Farrell

I&N

MEMORANDUM FOR THE HONORABLE WALTER TELFERMAN
Special Counsel to the President

Re: Immigration Bill

To White House 1-4-65

Attached hereto is a draft of a proposed Presidential letter transmitting to the Congress the Administration's Immigration Bill.

by messenger.

Except as noted in the draft letter, pages 4-5, this bill is the same as the proposed Immigration legislation introduced in the last Congress and supported by both Presidents Kennedy and Johnson.

Nicholas deB. Katzenbach
Acting Attorney General

Copy w/enclosure to

Mr. Abba Schwartz, Administrator
Bureau of Security and Consular Affairs
Department of State

Mr. Philip S. Hughes, Assistant Director
for Legislative Reference
Bureau of the Budget

Mr. Raymond F. Farrell
Commissioner of Immigration
and Naturalization

DRAFT

Dear Mr. President (Mr. Speaker):

On July 23, 1953, President Kennedy proposed to the Congress legislation designed to correct certain basic defects in our immigration laws. That legislation, introduced in the House as H.R. 7700 and in the Senate as S. 1932, was the subject of hearings during the 84th Congress before Subcommittee No. 1 of the House Committee on the Judiciary, but action on the bill was not completed before adjournment. The reforms contemplated by that proposed legislation are, in my judgment, among the most urgent and self-evidently necessary tasks that were pending before the last Congress when it adjourned. I am, therefore, resubmitting the legislation at the outset of this Congress with the request that it be considered and enacted as soon as reasonably possible.

The principal reform effected by this bill is the elimination from our law of the discriminatory national origins quota system. In its place, the bill would rely upon a sensible and humane system of preferential admissions designed to serve the interests of this Nation and its citizens. Within that system of preferences, and within the numerical and other limitations prescribed

by law, admission of quota immigrants to this country would be based on the order of their application for visas--first-come, first-served. As I put the matter in my State of the Union message a year ago, we may properly ask of applicants for admission "What can you do for our country?" But we should never ask "In what country were you born?"

First preference under the bill would be given to those with special skills or attainments whose admission would be especially advantageous to our economy or society. Other preferences would favor close relatives of our citizens and permanent residents, and thus serve to promote the reuniting of families--an important humanitarian objective and a primary goal of American immigration policy.

Transition to the system would be gradual, over a five-year period, in order to avoid abrupt changes in the pattern of immigration that might otherwise occur. Also, the possibility of extreme changes is moderated by a provision which insures that in no event shall the new system result in the allocation to a single country of more than ten percent of the quota numbers available for any year.

Finally, in order to insure that transition to the new system will not impose undue hardship on our close allies by

abruptly curtailing their immigration, the bill would authorize the President, after consultation with a joint Congressional-Executive Immigration Board, to utilize up to thirty percent of the quota numbers available in any year for the purpose of restoring cuts made by the new system in the quotas established by existing law. Numbers could be reserved under this provision only where undue hardship would otherwise result as a consequence of transition from the existing system to the new system, and where the reservation of numbers is in the national security interests of the United States. No country could, as a result of the reservation of numbers under this provision, receive more quota numbers than it receives under the present system.

Similar authority to reserve numbers, up to ten percent of the numbers available in any year, would be provided by the bill to meet the needs of refugees fleeing from catastrophe or oppression. In addition, the bill would do the following:

(1) eliminate waste of urgently-needed quota numbers by providing that numbers not used by any country to which they are assigned shall be available to countries where they are needed,

(2) eliminate the discriminatory "Asia-Pacific Triangle" provisions of existing law,

(3) afford non-quota status to parents of citizens, and fourth preference to parents of resident aliens,

(4) afford non-quota status to citizens of newly-independent countries of the Western Hemisphere such as Jamaica, Trinidad and Tobago,

(5) eliminate the requirement that highly trained or skilled first-preference immigrants secure employment here before immigrating,

(6) afford a fourth preference to workers with lesser skills who can fill specific needs in short supply here,

(7) grant admission under proper safeguards to persons afflicted with mental health problems who are close relatives of our citizens or of resident aliens provided certain standards are met, and

(8) authorize the Secretary of State to require re-registration of quota immigrant visa applicants and to regulate the time of payment of visa fees.

The only substantial variation between the draft bill transmitted herewith and the bill proposed by President Kennedy

relates to the percentages of quota numbers made subject to reservation by the President for national security and refugee purposes. As explained by Attorney General Kennedy in his testimony during the hearings of last summer, studies made by him and the Secretary of State after the bill was originally proposed showed that the quota numbers available for reservation in the national security interest could safely be lowered from fifty percent to thirty percent, while those available for reservation in the interests of refugees could be lowered from twenty percent to ten percent. Those changes are reflected in the attached draft bill. Other minor changes have been made for technical reasons.

The harm that is done to this Nation and its citizens by our existing system of selecting immigrants is incalculable. Our foreign policy is adversely affected by the invidious implication of our law that immigrants from some countries are more desirable citizens than those from other countries, regardless of their individual qualifications. Our economy and society are injured by the fact that the existing system too often arbitrarily denies us immigrants who are outstanding by any standard. Thousands of our citizens are needlessly and

cruelly separated from their aged parents or other close relatives, although the same law permits them freely to import household help from other countries. And, perhaps most important of all, the most basic ideals of our Nation are daily undermined and contradicted by our adherence to this system.

Legislative proposals that could effect improvements as dramatic as this one frequently involve substantial cost in money or the sacrifice of competing interests. The striking feature of this bill is that it has no substantial drawbacks from the standpoint of the national interest. It offers an opportunity to accomplish great benefits without the necessity of making hard and painful choices.

Thus, the new system proposed by the bill would eliminate national origins as a basis for selection between applicants for admission. However, it would not alter the many restrictions in existing law which prevent any influx of undesirables and safeguard the very real interests of our people against excessive or unregulated immigration. For example, under this bill each immigrant would be required to satisfy all of the security requirements that have been applicable in the past. Moreover, no immigrants, quota or non-quota,

could be admitted if their admission would contribute to any unemployment problem in the United States. We have the assurance of the Secretary of Labor that the effect of the kind of immigration that would result from enactment of this bill would increase, not decrease, the employment opportunities available to citizens of this country.

We live today in a Nation of more than 190 million people. Our population increases each year by nearly 4 million, without regard to immigration. Under the bill here proposed, authorized quota immigration, which now amounts to 155,361 per year, would be increased by less than 7,000 per year. Actual immigration of all kinds, quota and non-quota, would be increased by considerably less than 100,000 per year. Bearing in mind that no material change is proposed in the qualitative restrictions or the protective provisions afforded by existing law, I am satisfied that the enactment of this legislation would not adversely affect the interests of this country from any reasonable point of view.

In calling for immigration reform, I follow in the footsteps of Presidents Roosevelt, Truman, Eisenhower and Kennedy. The decisive difference in this session of the Congress is

that we have now developed and had hearings on a bill which makes the needed reforms soundly and carefully, with due regard to the interests of all those affected. Through these hearings there has been spread upon the record all or most of the information which the Congress needs in order to consider and appraise the bill.

The time is now ripe for action. I urge the Congress to move quickly toward the enactment of this historic legislation, and thereby to return the United States, at long last, to an immigration policy that both serves the national interest and is consistent with our historic ideals and values as a Nation, particularly the value we place as a Nation on the dignity and worth of the individual human being.

Sincerely,

Lyndon B. Johnson

MEMORANDUM

THE WHITE HOUSE

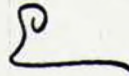
WASHINGTON

January 11, 1965

MEMORANDUM FOR

Horace Busby
Myer Feldman
Bill Moyers
Jack Valenti

Here is a suggested revised draft of the Immigration letter.



Eric F. Goldman

Enclosure.

Hayes -
keep until can
be decided

Revised Draft: efg
January 11, 1965

Dear Mr. Speaker:

A change is needed in our laws dealing with immigration. Four Presidents have called attention to serious defects in this legislation. Action is long overdue.

I am therefore submitting, at the outset of this Congress, a bill designed to correct the deficiencies. I urge that it be accorded priority consideration.

The principal reform called for is the elimination of the national origins quota system. This procedure is blatantly discriminatory. As such, it is a violation of one of the wisest parts of the American tradition.

Over the years the ancestors of all of us -- some 42 million human beings -- have migrated to these shores. The fundamental, longtime American attitude has been to ask not where a person comes from but what are his personal qualities. On this basis men and women migrated from every quarter of the globe. By their hard work and their enormously varied talents they hewed a great nation out of a wilderness. By their dedication to liberty and equality, they created a society reflecting man's most cherished ideals.

Long ago the poet Walt Whitman spoke our pride: "These States are the amplest poem." We are not merely a nation but a "Nation of Nations."

Violation of this tradition by the national quota system does incalculable harm. The procedure makes the blunt implication that men and women from some countries are, just because of where they come from, more desirable citizens than others. We have no right to disparage the ancestors of millions of our fellow Americans in this way. Relationships with a number of countries, and hence the success of our foreign policy, is needlessly impeded by this absurd proposition.

The quota system has other grave defects. Too often it arbitrarily denies us immigrants who have outstanding and sorely needed talents and skills. That is neither good government nor good sense.

Thousands of our citizens are needlessly separated from their parents or other close relatives. There is only one word for this: inhumane.

To replace the quota system, the proposed bill relies on a technique of preferential admissions based upon the advantage to our nation of the skills of the immigrant, and the existence of family relationship between the immigrant and people who are already citizens or permanent residents of the United States. Within this system of preferences, and within the numerical and other

limitations prescribed by law, the issuance of visas to prospective immigrants would be based on the order of their application.

First preference under the bill would be given to those with the kind of skills or attainments which ~~make~~^{made} the admission especially advantageous to our society. Other preferences would favor close relatives of citizens and permanent residents, and thus serve to promote the reuniting of families -- long a primary goal of American immigration policy. Parents of United States citizens could obtain admission without waiting for a quota number.

Transition to the system would be gradual, over a five-year period. Thus the possibility of abrupt changes in the pattern of immigration from any nation is eliminated. In addition, the bill prohibits any country from receiving more than ten percent of the quota numbers available in any one year.

In order to insure that the new system ~~will~~^{would} not impose undue hardship on any of our close allies by suddenly curtailing their emigration, the bill authorizes the President, after consultation with an Immigration Board established by the legislation, to utilize up to thirty percent of the quota numbers available in any year for the purpose of restoring cuts made by the new system in the quotas established by existing law.

Similar authority, permitting the reservation of up to ten percent of the numbers available in any year, would enable us to meet the needs of refugees fleeing from catastrophe or oppression.

In addition, the bill would:

(1) permit numbers not used by any country to be available to countries where they are needed,

(2) eliminate the discriminatory "Asia-Pacific Triangle" provisions of existing law,

(3) eliminate discrimination against newly-independent countries of the Western Hemisphere by providing nonquota status for natives of Jamaica, Trinidad and Tobago,

(4) afford nonquota status to parents of citizens, and fourth preference to parents of resident aliens,

(5) eliminate the requirement that skilled first preference immigrants needed in our economy must actually find an employer here before they can come to the United States,

(6) afford a preference to workers with lesser skills who can fill specific needs in short supply,

(7) eliminate epilepsy as a ground of exclusion and grant admission to persons with mental health problems who are close relatives of citizens or of resident aliens, under safeguards

imposed by the Attorney General after consultation with the Public Health Service,

(8) eliminate technical restrictions that have hampered the effective use of the existing Fair-Share Refugee Law, and,

(9) authorize the Secretary of State to require re-registration of quota immigrant visa applicants and to regulate the time of payment of visa fees.

This bill would not alter in any way the many limitations in existing law which prevent an influx of undesirables and safeguard our people against excessive or unregulated immigration. Nothing in the legislation relieves any immigrant of the necessity of satisfying all of the security requirements we now have, or the requirements designed to exclude persons likely to become public charges. No immigrants admitted under this bill could contribute to unemployment in the United States.

The total number of immigrants would not be substantially changed. Under this bill, authorized quota immigration, which now amounts to 158,361 per year, would be increased by less than 7,000.

I urge the Congress to return the United States to an immigration policy which both serves the national interest and continues

our traditional ideals. No move could more effectively reaffirm our fundamental belief that a man is to be judged -- and judged exclusively -- on his worth as a human being.

Sincerely,

Honorable John W. McCormack
Speaker of the
House of Representatives
Washington, D. C.

(Draft of July 14th for Confidential Committee Print)

Item 9

OLC Office Copy
Pl. Lelachian
Lark co

89TH CONGRESS
1ST SESSION

H. R. 2580

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 1965

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 201 (a) of the Immigration and Nationality
4 Act (66 Stat. 175, 8 U.S.C. 1151 (a)) be amended to read
5 as follows:

6 "SEC. 201. (a) The annual quota of any quota area
7 shall be the same as that which existed for that area upon
8 enactment of subsection (f) of this section: *Provided*, That
9 the minimum quota for any quota area shall be two hundred:
10 *Provided further*, That beginning with the first fiscal year
11 commencing after the enactment of subsection (f) of this

Insert
(See
Amend-
ment
No. 1,
attached)

1 section and for each of the four succeeding fiscal years the
 2 annual quota of every quota area shall be reduced by
 3 20 per centum of its present number for each such fiscal
 4 year. The quota numbers so deducted from quotas of
 5 quota areas shall be added to the quota reserve established
 6 by subsection (f) of this section and shall be available for
 7 distribution in accordance with the provisions thereof."

*Insert (See
 Amendment
 No. 2,
 attached)*

8 SEC. 2. Section 201 (b) of the Immigration and Na-
 9 tionality Act (66 Stat. 175; 8 U.S.C. 1151 (b)) is amended
 10 by substituting "section 202 (d)" for "section 202 (e)"
 11 after the words "provided for in".

*Insert (See
 Amendment
 No. 3,
 attached)*

12 SEC. 3. Section 201 of the Immigration and Nationality
 13 Act (66 Stat. 175; 8 U.S.C. 1151) is amended by adding
 14 the following additional subsection:

15 "(f) Quota numbers made available at the commence-
 16 ment of any fiscal year as a result of the reduction of the
 17 annual quota of any quota areas pursuant to subsection (a)
 18 of this section, together with quota numbers not issued or
 19 otherwise used during the previous fiscal year, shall then
 20 be made available (1) during the five fiscal years following
 21 the enactment of this subsection, to quota immigrants, if
 22 otherwise admissible under the provisions of this Act, who
 23 are unable to obtain prompt issuance of visas due to over-
 24 subscription of their quotas or subquotas as determined by
 25 the Secretary of State, and (2), thereafter, to quota im-

1 migrants if otherwise admissible under the provisions of this
2 Act. These quota numbers shall be allocated within the
3 ~~percentage limitations and in the order of priority specified~~
4 in section 203 without regard to the quota to which the
5 alien is chargeable: *Provided, however,* That the combined
6 number of quota numbers issued to any quota area in any
7 year, under the provisions of this subsection and subsection
8 (a) of this section, shall not exceed 10 per centum of the
9 total quota numbers authorized for that year: *Provided*
10 *further,* That in no case shall this limitation operate to re-
11 duce any quota in any of the five fiscal years following the
12 enactment of this Act by more than the 20 per centum
13 specified in subsection (a) of this section: *Provided further,*
14 That the President may, after consultation with the Immi-
15 gration Board, reserve—

16 (1) Not to exceed 30 per centum of such num-
17 bers for allocation to quota immigrants, if otherwise ad-
18 missible under the provisions of this Act, whose admis-
19 sion is determined by him to be required (A) to avoid
20 undue hardship, resulting from the reduction of annual
21 quotas pursuant to subsection (a) of this section, which
22 is not otherwise avoided under the provisions of this
23 subsection, and (B) in the national security interest of
24 the United States: *Provided,* That the limitation on
25 immigration from any single quota area in any year

1 included in the first proviso to this subsection shall not
2 apply to visas issued under this clause; and

3 (2) Not to exceed 10 per centum of such numbers
4 for allocation to quota immigrants, if otherwise admissible
5 under the provisions of this Act, whose admissions will
6 further the traditional policy of the United States of
7 offering asylum and refuge to persons oppressed or per-
8 secuted, or threatened with oppression or persecution,
9 because of their race, color, religion, national origin,
10 adherence to democratic beliefs, or their opposition to
11 totalitarianism or dictatorship, and to persons uprooted
12 by natural calamity or military operations who are un-
13 able to return to their usual place of abode. After con-
14 sultation with the Attorney General, the Secretary of
15 State shall establish by regulation the requirements for
16 qualification within this class, with reference to current
17 world conditions.

18 In no case shall the authority to reserve such numbers, or the
19 limitation on the combined number of quota numbers to be
20 issued to any quota area in any year, operate so as to require
21 that authorized quota numbers be unused."

*Inset (See
Amendment
No. 4,
attached)*

22 SEC. 4. Section 201 (c) of the Immigration and Na-
23 tionality Act (66 Stat. 176, 8 U.S.C. 1151 (c)) is amended
24 to read as follows:

25 "There shall be made available for the issuance of im-

1 migrant visas to quota immigrants (1) in any fiscal year no
 2 more quota numbers than the total quota for such year, and
 3 (2) in any calendar month of any fiscal year, no more quota
 4 numbers than 10 per centum of the total quota for such year
 5 in addition to that portion of the quota authorized for issu-
 6 ance but not issued during any preceding calendar month or
 7 months of the same fiscal year; except that during the last
 8 two months of any fiscal year immigrant visas may be
 9 issued without regard to the 10 per centum limitation con-
 10 tained herein."

Insert
(See
Amendment
No. 5,
attached)

11 SEC. 5. Section 201 (d) of the Immigration and Na-
 12 tionality Act (66 Stat. 175, 8 U.S.C. 1151 (d)) is amended
 13 to read as follows:

14 "A quota immigrant visa shall not be issued to any alien
 15 who is eligible for a nonquota immigrant visa."

Insert
(See
Amendment
No. 6,
attached)

16 SEC. 6. (a) Section 202 (a) of the Immigration and
 17 Nationality Act (66 Stat. 176, 8 U.S.C. 1152 (a)) is
 18 amended by deleting paragraph (5) thereof.

19 (b) Section 202 (b) of the Immigration and Nation-
 20 ality Act (66 Stat. 177, 8 U.S.C. 1152 (b)) is repealed.

21 (c) Section 202 (c) of the Immigration and Nation-
 22 ality Act (66 Stat. 177, 8 U.S.C. 1152 (c)) is redesignated
 23 section 202 (b) and is amended to read as follows:

24 "Any immigrant born in a colony or other component

1 or dependent area of a governing country for which no
 2 separate or specific quota has been established, unless a
 3 nonquota immigrant as provided in section 101 (a) (27) of
 4 this Act, shall be chargeable to the quota of the governing
 5 country, except that no more persons born in any such
 6 colony or other component or dependent area overseas from
 7 the governing country shall be chargeable to the quota of
 8 its governing country in any one year than a number which
 9 bears the same relation to the quota of its governing country
 10 as the number two hundred bears to the quota of the govern-
 11 ing country prior to the enactment of this Act."

12 (d) Section 202 (d) of the Immigration and Nation-
 13 ality Act (66 Stat. 178, 8 U.S.C. 1152 (d)) is redesignated
 14 section 202 (c).

15 (e) Section 202 (e) of the Immigration and Nation-
 16 ality Act (66 Stat. 178), as amended (75 Stat. 654), (8
 17 U.S.C. 1152 (e)) is redesignated section 202 (d) and is
 18 further amended by substituting "section 202 (d)" for "sec-
 19 tion 202 (c) (1)" after the words "issued under."

*Insert (See
 Amendment
 No. 7,
 Attached)*

20 SEC. 7. Section 207 of the Immigration and Nationality
 21 Act (66 Stat. 181, 8 U.S.C. 1157) is amended by deleting
 22 the words "no immigrant visa shall be issued in lieu there-
 23 of to any other immigrant" and inserting in lieu thereof the
 24 words "an immigrant visa may be issued in lieu thereof
 25 to any other immigrant".

Insert (See
Amendment
No. 8,
attached)

1 SEC. 8. Paragraph (27) (A) of section 101(a) of the
2 Immigration and Nationality Act (66 Stat. 169, 8 U.S.C.
3 1101 (a) (27) (A) is amended to read as follows:

4 " (A) An immigrant who is the child, spouse,
5 or parent of a citizen of the United States;".

Insert (See
Amendment
No. 9,
attached)

6 SEC. 9. Paragraph (27) (C) of section 101 (a) of the
7 Immigration and Nationality Act (66 Stat. 169, 8 U.S.C.
8 1101 (a) (27) (C) is amended to read as follows:

9 " (C) An immigrant who was born in any in-
10 dependent foreign country of North, Central, or
11 South America, or in any independent island coun-
12 try adjacent thereto, or in the Canal Zone, and the
13 spouse and children of any such immigrant, if ac-
14 companying or following to join him;".

Insert
(See
Amendment
No. 10,
attached)

15 SEC. 10. (a) Section 203 (a) (1) of the Immigration
16 and Nationality Act (66 Stat. 178; 8 U.S.C. 1153 (a) (1))
17 is amended by deleting the words "needed urgently in" and
18 substituting the words "especially advantageous to".

19 (b) Section 203 (a) (2) of the Immigration and Na-
20 tionality Act (66 Stat. 178), as amended (73 Stat. 644), (8
21 U.S.C. 1153 (a) (2)), is amended by deleting the words
22 "parents of citizens of the United States, such citizens being
23 at least twenty-one years of age or who are the".

24 (c) Section 203 (a) (4) of the Immigration and Nation-

1 ality Act (66 Stat. 178), as amended (73 Stat. 633; 8
2 U.S.C. 1153 (a) (4)), is amended by—

3 (1) inserting after the words "married daughters
4 of citizens of the United States" a comma, followed by
5 the words "or parents of aliens lawfully admitted for
6 permanent residence," and

7 (2) adding at the end thereof the following: "Qual-
8 ified quota immigrants capable of performing specified
9 functions for which a shortage of employable and willing
10 persons exists in the United States shall be entitled to
11 a preference not to exceed 50 per centum of the immi-
12 grant visas remaining available for issuance under this
13 paragraph after the preference to the named relatives
14 of United States citizens and resident aliens is satisfied
15 or exhausted."

*Insert (See
Amendment
No. 11,
attached)*

16 SEC. 11. Section 204 of the Immigration and Nation-
17 ality Act (66 Stat. 179; 8 U.S.C. 1154) is amended as
18 follows:

19 (1) Subsection (a) is amended by deleting the words
20 "or section 203 (a) (1) (A)" and substituting a comma,
21 followed by the words "section 203 (a) (1) (A) or the
22 last clause of section 203 (a) (4)."

23 (2) Subsection (b) is amended (A) by deleting the
24 words "section 203 (a) (1) (A)" and substituting the words
25 "the last clause of section 203 (a) (4)" and (B) by insert-

1 ing after the words "required by the Attorney General" the
2 words "after consultation with the Immigration Board."

3 (3) Subsection (c) is redesignated (d) and is amended
4 to read as follows:

5 "(d) After an investigation of the facts in each case,
6 and after consultation with appropriate agencies of the
7 Government, the Attorney General shall, if he determines
8 that the facts stated in the petition are true and that the
9 alien in respect of whom the petition is made is eligible for
10 an immigrant status under section 101 (a) (27) (F) (i),
11 section 203 (a) (1) (A), or the last clause of section
12 203 (a) (4), approve the petition and forward one copy
13 thereof to the Department of State. The Secretary of State
14 shall then authorize the consular officer concerned to grant
15 such immigrant status. The Attorney General shall forward
16 to the Congress a report on each approved petition for
17 immigrant status under section 203 (a) (1) stating the basis
18 for his approval and such facts as were by him deemed to
19 be pertinent in establishing the beneficiary's qualifications
20 for the preferential status. Such reports shall be submitted
21 to the Congress on the first and fifteenth day of each
22 calendar month in which the Congress is in session."

23 (4) Subsection (d) is redesignated (e) and is amended
24 by deleting the words "or section 203 (a) (1) (A)," and

1 substituting a comma, followed by the words "section 203
2 (a) (1) (A) or the last clause of section 203 (a) (4)."

3 (5) The following new subsection is inserted after sub-
4 section (b) :

5 " (c) Any immigrant claiming in his application to be
6 entitled to an immigrant visa under section 203 (a) (1) (A)
7 of the Act shall file a petition with the Attorney General.
8 The petition shall be in such form as the Attorney General
9 may by regulations prescribe and shall contain such additional
10 information and be supported by such documentary evidence
11 as may be required by the Attorney General. The petition
12 shall be made under oath administered by an individual hav-
13 ing authority to administer oaths, if executed in the United
14 States, but, if executed outside of the United States, adminis-
15 tered by a consular officer."

*Insert (See
Amendment
No. 12,
attached)*

16 SEC. 12. The first sentence of section 205 (b) of the
17 Immigration and Nationality Act (66 Stat. 180), as
18 amended (73 Stat. 644), (8 U.S.C. 1155 (b)) is amended
19 to read as follows:

20 " (b) Any citizen of the United States claiming that
21 any immigrant is his spouse, child, or parent, and that such
22 immigrant is entitled to a nonquota immigrant status under
23 section 101 (a) (27) (A) of this Act, or any citizen of the
24 United States claiming that any immigrant is his unmarried
25 son or unmarried daughter and that such immigrant is en-

1 titled to a quota immigrant status under section 203 (a) (2)
 2 of this Act, or any alien lawfully admitted for permanent
 3 residence claiming that any immigrant is his spouse or his
 4 unmarried son or unmarried daughter and that such immi-
 5 grant is entitled to a quota immigrant status under section
 6 203 (a) (3) of this Act, or any citizen of the United States
 7 claiming that any immigrant is his brother or sister or his
 8 married son or his married daughter and that such immigrant
 9 is entitled to a preference under section 203 (a) (4) of
 10 this Act, or any alien lawfully admitted for permanent resi-
 11 dence claiming that any immigrant is his parent and that
 12 such immigrant is entitled to a preference under section
 13 203 (a) (4) of this Act, may file a petition with the Attor-
 14 ney General."

*Insert
(See
Amendment
Art. 13,
attached)*

15 SEC. 13. Section 1 of the Act of July 14, 1960 (74
 16 Stat. 504), is amended to read as follows:

17 "That (a) under the terms of section 212 (d) (5) of
 18 the Immigration and Nationality Act the Attorney General
 19 may parole into the United States, pursuant to such regula-
 20 tions as he may prescribe, an alien refugee-escapee defined in
 21 subsection (b) of this section, if such alien (1) applies for
 22 parole while physically present within the limits of any
 23 country which is not Communist, Communist-dominated, or
 24 Communist-occupied, and (2) is not a national of the area
 25 in which the application is made.

1 “(b) For the purposes of subsection (a), the term ‘ref-
 2 ugee-escapee’ means any alien who, because of persecution
 3 or fear of persecution on account of race, religion, or politi-
 4 cal opinion has fled or shall flee (A) from any Communist,
 5 Communist-dominated, or Communist-occupied area, or (B)
 6 from any country within the general area of the Middle East,
 7 and who cannot return to such area, or to such country, on
 8 account of race, religion, or political opinion. The expres-
 9 sion ‘general area of the Middle East’ means the area be-
 10 tween and including (1) Morocco on the west, (2) Turkey
 11 on the north, (3) Pakistan on the east, and (4) Saudi Ara-
 12 bia and Ethiopia on the south.”

*Insert (See
 Amendment
 No. 14,
 attached)*

13 SEC. 14. Section 2 of the Act of July 14, 1960 (74
 14 Stat. 504), as amended (76 Stat. 124), is amended by de-
 15 leting (1) the letter “(a)” immediately following the words
 16 “SEC. 2.” and (2) subsection (b) thereof.

*Insert (See
 Amendment
 No. 15,
 attached)*

17 SEC. 15. Section 281 of the Immigration and Nation-
 18 ality Act (66 Stat. 230; 8 U.S.C. 1351) is amended as fol-
 19 lows:

20 (1) Immediately after “SEC. 281.” and insert “(a)”.

21 (2) Paragraph (2) is amended to read as follows:

22 “(2) For the issuance of each immigrant visa, \$20;
 23 except that such fee shall be \$10 in the case of any alien
 24 who is the beneficiary of a petition required under sec-
 25 tion 204(b) or 205(b).”

1 (3) The following is inserted after paragraph (7), and
2 is designated subsection (b) :

3 "The time and manner of payment of the fees specified
4 in paragraphs (1) and (2) of subsection (a) of this sec-
5 tion, including but not limited to partial deposit or prepay-
6 ment at the time of registration, or postponement for an
7 appropriate period, shall be prescribed by the Secretary of
8 State."

9 (4) The paragraph beginning with the words "The fees
10 . . ." is designated subsection (c) .

11 SEC. 16. Section 203(c) of the Immigration and
12 Nationality Act (66 Stat. 179; 8 U.S.C. 1153(c)) is
13 amended by adding at the end thereof the following:

14 "The Secretary of State, in his discretion, may terminate
15 the registration on a ~~quota~~ waiting list of any alien who fails
16 to evidence his continued intention to apply for a visa in such
17 manner as may be by regulation prescribed."

18 SEC. 17. (a) Paragraph (1) of section 212(a) of the
19 Immigration and Nationality Act (66 Stat. 182; 8 U.S.C.
20 1182(a)(1)) is amended by deleting the language "feeble-
21 minded" and inserting the language "mentally retarded" in
22 its place.

23 (b) Paragraph (4) of section 212(a) of the Immigra-
24 tion and Nationality Act (66 Stat. 182; 8 U.S.C. 1182(a)

*substituting in lieu thereof
the words "sexual deviation".*

1 (4)) is amended by deleting the word "epilepsy" and ~~the~~
2 ~~commas before and after it.~~

3 (c) Section 212 (f), (g), and (h) of the Immigration
4 and Nationality Act, as added by the Act of September 26,
5 1961 (75 Stat. 654, 655; 8 U.S.C. 1182), are hereby re-
6 designated section 212 (g), (h), and (i), respectively,
7 and section 212 (g) as so redesignated is amended to read
8 as follows:

9 "Any alien who is excludable from the United States
10 under paragraphs (1), (2), (3), or (4) of subsection (a)
11 of this section, and any alien afflicted with tuberculosis in any
12 form, who (A) is the spouse or the unmarried son or daugh-
13 ter, or the minor unmarried lawfully adopted child, of a
14 United States citizen, or of an alien lawfully admitted for
15 permanent residence, or of an alien who has been issued
16 an immigrant visa, or (B) has a son or daughter who is a
17 United States citizen, or an alien lawfully admitted for per-
18 manent residence, or an alien who has been issued an immi-
19 grant visa, may, if otherwise admissible, be issued a visa
20 and admitted to the United States for permanent residence
21 in accordance with such terms, conditions, and controls,
22 including the giving of a bond, as the Attorney General, in
23 his discretion, may by regulations prescribe, after consultation
24 with the Surgeon General of the United States Public Health
25 Service."

1 SEC. 18. (a) There is hereby established the Immigra-
2 tion Board (hereafter referred to as the "Board") to be com-
3 posed of seven members. The President of the United States
4 shall appoint the Chairman of the Board and two other mem-
5 bers. The President of the Senate, with the approval of the
6 majority and minority leaders of the Senate, shall appoint
7 two members from the membership of the Senate. The
8 Speaker of the House of Representatives, with the approval
9 of the majority and minority leaders of the House, shall
10 appoint two members from the membership of the House.
11 The members of the Board shall be selected by virtue of
12 their high personal integrity, their capabilities, and their
13 experience in and expert knowledge of immigration laws and
14 international migration problems. A vacancy in the mem-
15 bership of the Board shall be filled in the same manner as
16 the original designation and appointment.

17 (b) The duties of the Board shall be—

18 (1) to promulgate, after consultation with the At-
19 torney General, such regulations as are necessary to
20 insure its efficient functioning under the provisions of
21 this Act;

22 (2) to make a continuous study of such conditions
23 within and without the United States, which, in the
24 opinion of the Board, might have any bearing on the
25 immigration policy of the United States;

1 (3) to consider, after consultation with the Secre-
2 tary of State, to recommend to the President, such allo-
3 cation of quota immigrant visas, under section 201 (f)
4 of the Immigration and Nationality Act, as will best
5 fulfill the purposes of that section;

6 (4) to consider, and after consultation with the
7 Secretaries of Labor, State, and Defense, to recommend
8 to the Attorney General such criteria for admission of
9 immigrants under section 203 (a) (1) (A) of the Im-
10 migration and Nationality Act, as amended, and the
11 last clause of section 203 (a) (4), as amended, as will
12 further the policy of the United States to secure the
13 immigration of persons of high skill, education, or train-
14 ing, or who are capable of performing specified functions
15 for which a shortage of employable, willing persons
16 exists in the United States;

17 (5) to study such other aspects of the Immigra-
18 tion and Nationality Act as the President shall assign
19 to the Board for study, and make recommendations with
20 respect thereto;

21 (6) to conduct such investigations and to hold
22 such public and executive hearings in such places within
23 and without the United States and at such times as the
24 Board deems necessary.

25 (c) All Federal agencies shall cooperate fully with

1 the Board to the end that it may effectively carry out its
2 duties.

3 (d) Each member of the Board who is not otherwise
4 in the service of the Government of the United States shall
5 receive the sum of \$75 for each day spent in the work of
6 the Board, shall be paid actual travel expenses, and per
7 diem in lieu of subsistence expenses, when away from his
8 usual place of residence, in accordance with section 5 of the
9 Administrative Expenses Act of 1946, as amended.

10 (e) Each member of the Board who is otherwise in
11 the service of the Government of the United States shall
12 serve without compensation in addition to that received
13 for such other service, but while engaged in the work of
14 the Board shall be paid actual travel expenses, and per
15 diem in lieu of subsistence expenses, when away from his
16 usual place of residence, in accordance with the Administra-
17 tive Expenses Act of 1946, as amended.

18 (f) There is authorized to be appropriated, out of any
19 money in the Treasury not otherwise appropriated, so much
20 as may be necessary to carry out the provisions of this
21 section.

22 SEC. 19. Section 221 (g) of the Immigration and Na-
23 tionality Act (66 Stat. 192, 8 U.S.C. 1201 (g)) is amended
24 by deleting the period at the end thereof and adding the
25 following: "*Provided further, That a visa may be issued*

1 to an alien defined in section 101 (a) (15) (B) or (F), if
 2 such alien is otherwise entitled to receive a visa, upon re-
 3 ceipt of a notice by the consular officer from the Attorney
 4 General of the giving of a bond with sufficient surety in
 5 such sum and containing such conditions as the consular
 6 officer shall prescribe, to insure that at the expiration of
 7 the time for which such alien has been admitted by the At-
 8 torney General, as provided in section 214 (a), or upon
 9 failure to maintain the status under which he was admitted,
 10 or to maintain any status subsequently acquired under sec-
 11 tion 248 of the Act, such alien will depart from the United
 12 States."

13 SEC. 20. So much of section 272 (a) of the Immigration
 14 and Nationality Act (66 Stat. 226, 8 U.S.C. 1322 (a)) as
 15 precedes the words "shall pay to the collector of customs"
 16 is amended to read as follows:

17 "SEC. 272. (a) Any person who shall bring to the
 18 United States an alien (other than an alien crewman)
 19 who is (1) mentally retarded, (2) insane, (3) afflicted
 20 with *(or with sexual deviations)* psychopathic personality, (4) a chronic alcoholic, (5)
 21 afflicted with any dangerous contagious disease, or (6) a
 22 narcotic drug addict,".

SEC. 21. This Act shall become effective on the
 first day of the first month after the expiration of ³⁰~~60~~
 days following the date of its enactment.

January 11, 1965

Dear Mr. Speaker:

A change is needed in our laws dealing with immigration. Four Presidents have called attention to serious defects in this legislation. Action is long overdue.

I am therefore submitting, at the outset of this Congress, a bill designed to correct the deficiencies. I urge that it be accorded priority consideration.

The principal reform called for is the elimination of the national origins quota system. This procedure is blatantly discriminatory. As such, it is a violation of one of the wisest parts of the American tradition.

Over the years the ancestors of all of us -- some 42 million human beings -- have migrated to these shores. The fundamental, longtime American attitude has been to ask not where a person comes from but what are his personal qualities. On this basis men and women migrated from every quarter of the globe. By their hard work and their enormously varied talents they hewed a great nation out of a wilderness. By their dedication to liberty and equality, they created a society reflecting man's most cherished ideals.

Long ago the poet Walt Whitman spoke our pride: "These States are the amplest poem." We are not merely a nation but a "Nation of Nations."

Violation of this tradition by the national quota system does incalculable harm. The procedure makes the blunt implication that men and women from some countries are, just because of where they come from, more desirable citizens than others. We have no right to disparage the ancestors of millions of our fellow Americans in this way. Relationships with a number of countries, and hence the success of our foreign policy, is needlessly impeded by this absurd proposition.

The quota system has other grave defects. Too often it arbitrarily denies us immigrants who have outstanding and sorely needed talents and skills. That is neither good government nor good sense.

Thousands of our citizens are needlessly separated from their parents or other close relatives. There is only one word for this: inhumane.

To replace the quota system, the proposed bill relies on a technique of preferential admissions based upon the advantage to our nation of the skills of the immigrant, and the existence of family relationship between the immigrant and people who are already citizens or permanent residents of the United States. Within this system of preferences, and within the numerical and other

limitations prescribed by law, the issuance of visas to prospective immigrants would be based on the order of their application.

First preference under the bill would be given to those with the kind of skills or attainments which make the admission especially advantageous to our society. Other preferences would favor close relatives of citizens and permanent residents, and thus serve to promote the reuniting of families -- long a primary goal of American immigration policy. Parents of United States citizens could obtain admission without waiting for a quota number.

Transition to the system would be gradual, over a five-year period. Thus the possibility of abrupt changes in the pattern of immigration from any nation is eliminated. In addition, the bill prohibits any country from receiving more than ten percent of the quota numbers available in any one year.

In order to insure that the new system ^{would} ~~will~~ not impose undue hardship on any of our close allies by suddenly curtailing their emigration, the bill authorizes the President, after consultation with an Immigration Board established by the legislation, to utilize up to thirty percent of the quota numbers available in any year for the purpose of restoring cuts made by the new system in the quotas established by existing law.

Similar authority, permitting the reservation of up to ten percent of the numbers available in any year, would enable us to meet the needs of refugees fleeing from catastrophe or oppression.

In addition, the bill would:

(1) permit numbers not used by any country to be available to countries where they are needed,

(2) eliminate the discriminatory "Asia-Pacific Triangle" provisions of existing law,

(3) eliminate discrimination against newly-independent countries of the Western Hemisphere by providing nonquota status for natives of Jamaica, Trinidad and Tobago,

(4) afford nonquota status to parents of citizens, and fourth preference to parents of resident aliens,

(5) eliminate the requirement that skilled first preference immigrants needed in our economy must actually find an employer here before they can come to the United States,

(6) afford a preference to workers with lesser skills who can fill specific needs in short supply,

(7) eliminate epilepsy as a ground of exclusion and grant admission to persons with mental health problems who are close relatives of citizens or of resident aliens, under safeguards

imposed by the Attorney General after consultation with the Public Health Service,

(8) eliminate technical restrictions that have hampered the effective use of the existing Fair-Share Refugee Law, and,

(9) authorize the Secretary of State to require re-registration of quota immigrant visa applicants and to regulate the time of payment of visa fees.

This bill would not alter in any way the many limitations in existing law which prevent an influx of undesirables and safeguard our people against excessive or unregulated immigration. Nothing in the legislation relieves any immigrant of the necessity of satisfying all of the security requirements we now have, or the requirements designed to exclude persons likely to become public charges. No immigrants admitted under this bill could contribute to unemployment in the United States.

The total number of immigrants would not be substantially changed. Under this bill, authorized quota immigration, which now amounts to 158,361 per year, would be increased by less than 7,000.

I urge the Congress to return the United States to an immigration policy which both serves the national interest and continues

our traditional ideals. No move could more effectively reaffirm our fundamental belief that a man is to be judged -- and judged exclusively -- on his worth as a human being.

Sincerely,

Honorable John W. McCormack
Speaker of the
House of Representatives
Washington, D. C.

January 9, 1955

Dear Mr. Speaker:

Among the most urgent reforms needed in our laws governing our relationships with foreign nations are those dealing with immigration. Four Presidents have called attention to the defects in these laws. Action is long overdue.

I am therefore submitting, at the outset of this Congress, legislation designed to correct these defects. I urge that it be accorded priority consideration.

The principal reform called for by this bill is the elimination from our law of the discriminatory national origins quota system. In its place, the bill relies upon a sensible and humane system of preferential admissions based upon the advantage to our nation of the skills of the immigrant, and the existence of any family relationship between the immigrant and a family already a citizen or permanent resident of the United States. Within that system of preferences, and within the numerical and other limitations prescribed by law, the issuance of visas to prospective immigrants would be based on the order of their application for visas -- first-come, first-served. Wisdom, justice and respect for our traditions of equality among men dictate this change in the law. A decent respect for our neighbors permits no other criteria for admission. Pride in our polyglot origins compels us to replace the present discriminatory law.

First preference under the bill would be given to those with special skills or attainments whose admission would be especially advantageous to our economy or society. Other preferences would favor close relatives of our citizens and permanent residents, and thus serve to promote the reuniting of families -- an important humanitarian objective and long a primary goal of American immigration policy. Parents of United States citizens could obtain admission without waiting for a quota number.

Transition to the system would be gradual, over a five-year period. The possibility of abrupt changes in the pattern of immigration from any nation is thus eliminated. In addition, the bill prohibits any country from receiving more than ten percent of the quota numbers available for any year.

Finally, in order to insure that the new system will not impose undue hardship on our close allies by abruptly curtailing their immigration, the bill would authorize the President, after consultation with an Immigration Board established by the legislation, to utilize up to thirty percent of the quota numbers available in any year for the purpose of restoring cuts made by the new system in the quotas established by existing law.

Similar authority, permitting the reservation of up to ten percent of the numbers available in any year, would enable us to meet the needs of refugees fleeing from catastrophe or oppression. In addition, the bill would:

(1) permit numbers not used by any country to which they are assigned to be available to countries where they are needed,

(2) eliminate the discriminatory "Asia-Pacific Triangle" provisions of existing law,

(3) eliminate discrimination against newly-independent countries of the Western Hemisphere by providing nonquota status for natives of Jamaica, Trinidad and Tobago,

(4) afford nonquota status to parents of citizens, and fourth preference to parents of resident aliens,

(5) eliminate the requirement that skilled first preference immigrants needed in our economy actually find an employer here before they can come to this country,

(6) afford a preference to workers with lesser skills who can fill specific needs in short supply here,

(7) eliminate epilepsy as a ground of exclusion and grant admission to persons with mental health problems who are close relatives of our citizens or of resident aliens, under safeguards imposed by the Attorney General after consultation with the Public Health Service,

(8) eliminate technical restrictions that have hampered the effective use of the existing Fair-Share Refugee Law, and,

(9) authorize the Secretary of State to require re-registration of quota immigrant visa applicants and to regulate the time of payment of visa fees.

The harm that is done by the present system of selecting immigrants is unnecessary and incalculable. There is an invincible implication that immigrants from some countries are more desirable citizens than those from other countries, regardless of their individual qualifications. Foreign policy cannot be based on this absurd assumption. Too often the law arbitrarily denies us immigrants who have outstanding talents. That is neither good government nor good for the economy. Thousands of our citizens are needlessly and cruelly separated from their parents or other close relatives. That is inhumane. And, perhaps most important of all, our most fundamental standards of national conduct are undermined and contradicted by adherence to this system.

The system of immigration proposed by this bill would eliminate national origins as a basis for selection between applicants for admission. It would not, however, alter in any way the many limitations in existing law which prevent any influx of undesirables and safeguard the very real interests of our people against excessive or unregulated immigration. For example, nothing in this bill would relieve any immigrant of the burden of satisfying all of the security requirements we now have, or those requirements designed to exclude persons likely to become public charges. Moreover, no immigrants admitted under this bill would contribute to unemployment in the United States. The immigration following enactment of this bill would increase, not decrease, the employment opportunities available to citizens of this country.

We have a population of over 170 million. It increases each year by nearly 4 million, without regard to immigration. Under this bill, authorized quota immigration, which now amounts to 132,361 per year, would be increased by less than 7,000 per year.

The time for action upon this legislation is now. I urge the Congress to return the United States, at long last, to an immigration policy that both serves the national interest and is consistent with our traditional ideals and values, particularly the value we place as a Nation on the dignity and worth of the individual human being.

Sincerely,

Honorable John W. McCormack
Speaker of the
House of Representatives
Washington, D.C.

LBJ: :ltd

January 11, 1965

MEMORANDUM FOR

Horace Busby
Myer Feldman
Bill Moyers
Jack Valenti

Here is a suggested revised draft of the Immigration letter.


Eric F. Goldman

Enclosure.

extra

(Note: This is the so-called Blue Book which was informally distributed in Congress - particularly to members of the House & Senate Judiciary Committees - in support of the Administration bill. (A similar consolidated presentation was prepared in the Justice Department on other major items of the Admin. legislative program in the mid-1960s. Work was done with support of all cognizant executive agencies, and was organized and led by lawyers in

PROPOSED IMMIGRATION LEGISLATION

89th CONGRESS

Deputy A/G's
Office and/or
in Office of
Legal Counsel
of Justice)
R.L.S.)

January 1965 -- S.

PROPOSED IMMIGRATION LEGISLATION

89th CONGRESS

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INTRODUCTION

IMMIGRATION AND NATIONALITY LEGISLATION OF 1965

INTRODUCTION

I

On January 13, 1965, President Johnson sent to the Congress a special message recommending reforms in our basic immigration law, the Immigration and Nationality Act; accompanying the message was a proposed bill to amend the Act to make the necessary changes. On the same day, the President's bill was introduced in the House of Representatives by Congressman Celler as H.R. 2580 and referred to the House Judiciary Committee. It was introduced in the Senate on January 15 by Senator Hart and 32 other Senators* as S. 500 and referred to the Senate Judiciary Committee. The President has requested that the bill be accorded priority consideration.

The Principal reform called for by the bill is elimination of the national origin system of allocating quota immigrant visas, a system established in 1924 and continued in 1952 by the Immigration and Nationality Act of 1952. Under that system visas are allocated to each

* Senators Bartlett, Bayh, Brewster, Case, Clark, Dodd, Douglas, Fong, Gruening, Hartke, Inouye, Javits, Kennedy of Massachusetts, Kennedy of New York, Kuchel, Lausche, Long of Missouri, McCarthy, McGee, McNamara, Mondale, Moss, Muskie, Neuberger, Pastore, Pell, Proxmire, Ribicoff, Scott, Tydings, Williams of New Jersey, and Young.

of the world's countries on the basis of descendants of nationals of the country in the United States in 1920. This results in a distribution of about 70 per cent of the annual quota of approximately 158,000 to three countries--the United Kingdom (65,361), Ireland (17,756), and Germany (25,814).

Section 1 of the bill amends section 201(a) of the Immigration and Nationality Act, under which the quotas for each country are determined. Each country's quota would be reduced by 20 per cent annually for each year following the enactment of the bill. The quota numbers freed by the annual reductions are to be made available to a quota reserve pool established by section 3 of the bill, this pool consisting of the released "national origin" numbers plus the quota numbers unused the previous year. At the present time about 50,000 of all quota numbers, principally from the United Kingdom and Irish quotas, are wasted, because there is no demand for them. On the other hand, many countries, like Italy and Greece, which have large backlogs of quota visa applications but relatively small quotas (Italy, 5,666; Greece, 308), would be substantially benefitted. After five years all quota numbers would be allocated on a first-come first-served basis without regard to national origin.

Authorized quota immigration, now set at approximately 158,000, would be increased by about only 8,000 and there would be no change in existing security requirements or procedures.

All quota numbers would be made available on a preferential system as at present. However, the present preference system is modernized so as to permit priorities to be given primarily to skilled specialists, close relatives of United States citizens and resident aliens, and workers in short supply in the United States. Parents of citizens (presently second preference) are accorded nonquota status and parents of resident aliens (who now have no preference) are accorded a fourth preference status.

Other changes proposed by the bill are as follows:

(1) Eliminating the "Asia-Pacific Triangle" provisions of the existing law.

(2) According to natives of Jamaica, Trinidad and Tobago, which have obtained their independence since enactment of the 1952 Act, the same nonquota status now available to persons from other independent Western Hemisphere nations.

(3) Eliminating the requirement that skilled first preference immigrants must actually find an employer in the United States before they can obtain a first-preference visa.

(4) Affording a subsidiary fourth preference to workers with lesser skills who can fill specific labor needs in short supply in the United States.

(5) Eliminating technical restrictions that have hampered the effective use of the Fair-Share Refugee Law.

(6) Authorizing the Secretary of State to require re-registration of quota immigrant visa applicants and to regulate the time of payment of visa fees.

(7) Deleting epilepsy as a ground of exclusion.

(8) Permitting the Attorney General to admit under safeguards mentally-afflicted aliens who are close relatives of United States citizens or of resident aliens.

(9) Establishing a seven-man Immigration Board (2 from the House, 2 from the Senate, and 3 to be appointed by the President) to advise the President on immigration policies and on his authority to utilize up to 30 per cent of the annual quota for national security purposes and up to 10 per cent for refugees.

(10) Authorizing consular officers to require departure bonds from certain nonimmigrants.

(11) Conforming to the changes made by the bill the provisions of existing law which impose a penalty on carriers bringing to the United States aliens afflicted with certain defects.

(12) Raising minimum quotas from 100 to 200.

II

The present bill is substantially identical to the immigration bill submitted to the 88th Congress by President Kennedy on July 23, 1963, and introduced in the House by Congressman Celler as H.R. 7700, 88th Congress, and in the Senate by Senator Hart and others as S. 1932, 88th Congress.

Apart from certain technical changes, the only significant substantive difference between the earlier and the present bill relates to the President's authority to reserve quota numbers for allocation in the interest of national security and for refugees. The earlier bill gave the President the authority to reserve up to 50 per cent of the annual quota for national security purposes and up to 20 per cent for refugees. The present bill reduces this reserve authority to 30 per cent and 10 per cent respectively.

Hearings on S. 1932 were begun in 1964 by the Immigration and Nationality Subcommittee of the Senate Judiciary Committee. The only administration witness heard was the Secretary of State. Hearings on H.R. 7700 were also held late in 1964 by Subcommittee No. 1 of the House Judiciary Committee. Administration witnesses who testified included the Secretary of State, the Attorney General, and the Secretary of Labor. No action on the bills was taken by either of the committees.

This booklet contains a copy of President Johnson's message, the text of the bill with a detailed section-by-section analysis, a discussion of the existing immigration system and an explanation of the effects of the proposed legislation, and a series of questions and answers designed to assist the reader in further understanding the purposes and scope of the bill.

In addition there are appended as exhibits copies of the 1964 testimony of Secretary of State Rusk (Exhibit A), Attorney General Kennedy (Exhibit B), and Secretary of Labor Wirtz (Exhibit C) before the Congress. Also appended as exhibits are a table projecting a statistical estimate of immigration under the bill from each of a large number of selected countries during the five-year period beginning with 1965 (Exhibit D), and a copy of the Congressional print of the bill (Exhibit E).

PRESIDENT JOHNSON'S JANUARY 13, 1965 MESSAGE
TO THE CONGRESS SUBMITTING PROPOSED
IMMIGRATION LEGISLATION

PRESIDENT JOHNSON'S JANUARY 13, 1965 MESSAGE
TO THE CONGRESS SUBMITTING PROPOSED
IMMIGRATION LEGISLATION

TO THE CONGRESS OF THE UNITED STATES:

A change is needed in our laws dealing with immigration. Four Presidents have called attention to serious defects in this legislation. Action is long overdue.

I am therefore submitting, at the outset of this Congress, a bill designed to correct the deficiencies. I urge that it be accorded priority consideration.

The principal reform called for is the elimination of the national origins quota system. That system is incompatible with our basic American tradition.

Over the years the ancestors of all of us -- some 42 million human beings -- have migrated to these shores. The fundamental, longtime American attitude has been to ask not where a person comes from but what are his personal qualities. On this basis men and women migrated from every quarter of the globe. By their hard work and their enormously varied talents they hewed a great nation out of a wilderness. By their dedication to liberty and equality, they created a society reflecting man's most cherished ideals.

Long ago the poet Walt Whitman spoke our pride: "These States are the amplest poem." We are not merely a nation but a "Nation of Nations."

Violation of this tradition by the national origins quota system does incalculable harm. The procedures imply that men and women from some countries are, just because of where they come from, more desirable citizens than others. We have no right to disparage the ancestors of millions of our fellow Americans in this way. Relationships with a number of countries, and hence the success of our foreign policy, is needlessly impeded by this proposition.

The quota system has other grave defects. Too often it arbitrarily denies us immigrants who have outstanding and sorely needed talents and skills. I do not believe this is either good government or good sense.

Thousands of our citizens are needlessly separated from their parents or other close relatives.

To replace the quota system, the proposed bill relies on a technique of preferential admissions based upon the advantage of our nation of the skills of the immigrant, and the existence of a close family relationship between the immigrant and people who are already citizens or permanent residents of the United States. Within this system of preferences, and within the numerical and other limitations prescribed by law, the issuance of visas to prospective immigrants would be based on the order of their application.

First preference under the bill would be given to those with the kind of skills or attainments which make the admission especially advantageous to our society. Other preferences would favor close relatives of citizens and permanent residents, and thus serve to promote the reuniting of families -- long a primary goal of American immigration policy. Parents of United States citizens could obtain admission without waiting for a quota number.

Transition to the new system would be gradual, over a five-year period. Thus the possibility of abrupt changes in the pattern of immigration from any nation is eliminated. In addition, the bill would provide that as a general rule no country could be allocated more than ten percent of the quota numbers available in any one year.

In order to insure that the new system would not impose undue hardship on any of our close allies by suddenly curtailing their emigration, the bill authorizes the President, after consultation with an Immigration Board established by the legislation, to utilize up to thirty percent of the quota numbers available in any year for the purpose of restoring cuts made by the new system in the quotas established by existing law.

Similar authority, permitting the reservation of up to ten percent of the numbers available in any year, would enable us to meet the needs of refugees fleeing from catastrophe or oppression.

In addition, the bill would:

- (1) permit numbers not used by any country to be made available to countries where they are needed,
- (2) eliminate the discriminatory "Asia-Pacific Triangle" provisions of the existing law,
- (3) eliminate discrimination against newly-independent countries of the Western Hemisphere by providing nonquota status for natives of Jamaica, Trinidad and Tobago,
- (4) afford nonquota status to parents of citizens, and fourth preference to parents of resident aliens,
- (5) eliminate the requirement that skilled first preference immigrants needed in our economy must actually find an employer here before they can come to the United States,
- (6) afford a preference to workers with lesser skills who can fill specific needs in short supply,
- (7) eliminate technical restrictions that have hampered the effective use of the existing Fair-Share Refugee Law, and,
- (8) authorize the Secretary of State to require re-registration of quota immigrant visa applicants and to regulate the time of payment of visa fees.

This bill would not alter in any way the many limitations in existing law which prevent an influx of undesirables and safeguard our people against excessive or unregulated immigration. Nothing in the legislation relieves any immigrant of the necessity of satisfying all of the security requirements we now have, or the requirements designed to exclude

persons likely to become public charges. No immigrants admitted under this bill could contribute to unemployment in the United States.

The total number of immigrants would not be substantially changed. Under this bill, authorized quota immigration, which now amounts to 158,361 per year, would be increased by less than 7,000.

I urge the Congress to return the United States to an immigration policy which both serves the national interest and continues our traditional ideals. No move could more effectively reaffirm our fundamental belief that a man is to be judged -- and judged exclusively -- on his worth as a human being.

LYNDON B. JOHNSON

THE WHITE HOUSE,

January 13, 1965.

TEXT OF THE BILL AND
SECTION-BY-SECTION ANALYSIS

TEXT OF THE BILL AND
SECTION-BY-SECTION ANALYSIS

Set out below, section-by-section, is the text of the President's Immigration Bill; following each section is an analytical comment briefly explaining the effect and operation of the section.

TEXT: SEC. 1

A BILL

To amend the Immigration and Nationality Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(a) of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1151(a)) be amended to read as follows:

"Sec. 201. (a) The annual quota of any quota area shall be the same as that which existed for that area upon enactment of subsection (f) of this section: Provided, That the minimum quota for any quota area shall be two hundred: Provided further, That beginning with the first fiscal year commencing after the enactment of subsection (f) of this section and for each of the four succeeding fiscal years the annual quota of every quota area shall be reduced by twenty per centum of its present number for each such fiscal year. The quota numbers so deducted from quotas of quota areas shall be added to the quota reserve established by subsection (f) of this section and shall be available for distribution in accordance with the provisions thereof."

COMMENT: SEC. 1

SECTION 1 amends section 201(a) of the Immigration and Nationality Act, under which quotas for each country are determined. It abolishes the national origins system by reducing present quotas by one-fifth of their present number each year for five years. As numbers are released from national origins quotas, they are added to the quota reserve pool established by the amendment to section 201 of the Act made by section 3 of the bill. Thus in the first year, twenty per cent (roughly 32,000) are released to the pool;

in the second year, the pool will have forty per cent of present quotas (or 64,000); until in the fifth year and thereafter, all numbers are allocated through the pool. To provide some immediate relief to minimum quota areas, the minimum quota is raised to 200, but is then reduced in the same manner as other quotas.

TEXT: SEC. 2

SEC. 2. Section 201(b) of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1151(b)) is amended by substituting "section 202(d)" for "section 202(e)" after the words "provided for in".

COMMENT: SEC. 2

SECTION 2 amends section 201(b) of the Immigration and Nationality Act by changing a reference therein from "section 202(e)" to "section 202(d)" in conformity with the redesignation of section 202(e) as 202(d) made by SECTION 6(e) of the bill.

TEXT: SEC. 3

SEC. 3. Section 201 of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1151) is amended by adding the following additional subsection:

"(f) Quota numbers made available at the commencement of any fiscal year as a result of the reduction of the annual quota of any quota areas pursuant to subsection (a) of this section, together with quota numbers not issued or otherwise used during the previous fiscal year, shall then be made available (1) during the five fiscal years following the enactment of this subsection, to quota immigrants, if otherwise admissible under the provisions of this Act, who are unable to obtain prompt issuance of visas due to oversubscription of their quotas or subquotas as determined by the Secretary of State, and (2), thereafter, to quota immigrants if otherwise admissible under the provisions of this Act. These quota numbers shall

be allocated within the percentage limitations and in the order of priority specified in section 203 without regard to the quota to which the alien is chargeable: Provided, however, that the combined number of quota numbers issued to any quota area in any year, under the provisions of this subsection and subsection (a) of this section, shall not exceed ten per centum of the total quota numbers authorized for that year: Provided further, that in no case shall this limitation operate to reduce any quota in any of the five fiscal years following the enactment of this Act by more than the twenty per centum specified in subsection (a) of this section: Provided further, that the President may, after consultation with the Immigration Board, reserve --

(1) Not to exceed thirty per centum of such numbers for allocation to quota immigrants, if otherwise admissible under the provisions of this Act, whose admission is determined by him to be required (A) to avoid undue hardship, resulting from the reduction of annual quotas pursuant to subsection (a) of this section, which is not otherwise avoided under the provisions of this subsection, and (B) in the national security interest of the United States: Provided, That the limitation on immigration from any single quota area in any year included in the first proviso to this subsection shall not apply to visas issued under this clause; and

(2) Not to exceed ten per centum of such numbers for allocation to quota immigrants, if otherwise admissible under the provisions of this Act, whose admissions will further the traditional policy of the United States of offering asylum and refuge to persons oppressed or persecuted, or threatened with oppression or persecution, because of their race, color, religion, national origin, adherence to democratic beliefs, or their opposition to totalitarianism or dictatorship, and to persons uprooted by natural calamity or military operations who are unable to return to their usual place of abode. After consultation with the Attorney General, the Secretary of State shall establish by regulation the requirements for qualification within this class, with reference to current world conditions.

In no case shall the authority to reserve such numbers, or the limitation on the combined number of quota numbers to be issued to any quota area in any year, operate so as to require that authorized quota numbers be unused."

COMMENT: SEC. 3

SECTION 3 amends section 201 of the Immigration and Nationality Act by adding a new subsection (f). This subsection establishes the quota reserve pool from which all quota numbers will be allocated by the fifth year. In each of the five years constituting the period of transition, the pool will consist of (1) the numbers released from national origins quotas each year, and (2) numbers assigned to the old quota areas but unused the previous year because insufficient demand for them existed in the assigned quota area.

Quota numbers are issued in the order of preference specified in amended section 203 of the Immigration and Nationality Act (see Section 10 of the bill). That is, first call on the first fifty per cent is given to persons whose admission, by virtue of their exceptional skill, training or education, will be especially advantageous to the United States; first call on the next thirty per cent, plus any part of the first fifty per cent not issued for first preference purposes, is given to unmarried sons and daughters of United States citizens, not eligible for nonquota status because they are over 21 years of age; first call on the remaining twenty per cent, plus any part of the first eighty per cent not taken by the first two preference classes, is given to spouses and unmarried sons or daughters of aliens lawfully admitted for permanent residence; and any portion remaining is issued to other quota visa applicants, with percentage preferences to other relatives of United States citizens and resident aliens, and then to certain

classes of workers. Amended section 203 further provides that within each class, visas are issued in the order in which applied for--first come, first served. These preference provisions, which under present law determine only relative priority between nationals of the same country, will now determine priority between nationals of different countries throughout the world.

To prevent disproportionate benefits to the nationals of any single country, a maximum of ten per cent of the total authorized quota is set on immigration attributable to any quota area. However, this limitation is not applied if to do so would result in reducing any quota at a more rapid rate than that provided by amended section 201(a). Ultimately, of course, the limitation applies to all.

Exceptions to the principle of allocating visas on the basis of time-of-registration within preference classes are provided to deal with special problems. Since some countries' quotas are not current, their nationals have no old registrations on file. To apply the principle rigidly would result, after four or five years, in curtailing immigration from these countries almost entirely. This would be undesirable not only because it would frustrate the aim of the bill that immigration from all countries should continue, but also because many of the countries that would be affected are our closest allies. Therefore, proposed section 201(f) would authorize the President, after consultation with the Immigration Board (established by SECTION 18), to reserve up to thirty per cent of the quota reserve pool for allocation

to qualified immigrants (1) who could obtain visas under the existing system but not under the new system and (2) whose admission to the United States would further the national security interest by maintaining close ties with their countries. The number of quota visas so allocated may exceed the ten per cent limit on the number of immigrants from any country in the case of those countries which, under the existing system, regularly receive allocations in excess of that limit.

Subsection (f) also allows the President to reserve up to ten per cent of the quota reserve pool for allocation to certain refugees and permits him to disregard priority of registration within preference classes for the benefit of such refugees. Many refugees, almost by definition, are uprooted suddenly. They had no thought of immigration until they were forced to leave the country in which they were living because of natural calamity or political upheaval; or they may be refugees from persecution or dictatorship, in which case previous registration would have been dangerous.

Finally, subsection (f) provides that if the President reserves, against contingencies, any numbers during the year, but thereafter finds them not to be needed for the named purposes, such numbers are to be issued as if they had not been reserved. Similarly, the ten per cent limitation on the number of visas to be issued to any quota area is made inoperable if its application would result in authorized quota numbers not being used.

TEXT: SEC. 4

SEC. 4. Section 201(c) of the Immigration and Nationality Act (66 Stat. 176, 8 U.S.C. 1151(c)) is amended to read as follows:

"There shall be made available for the issuance of immigrant visas to quota immigrants (1) in any fiscal year no more quota numbers than the total quota for such year, and (2) in any calendar month of any fiscal year, no more quota numbers than ten per centum of the total quota for such year in addition to that portion of the quota authorized for issuance but not issued during any preceding calendar month or months of the same fiscal year; except that during the last two months of any fiscal year immigrant visas may be issued without regard to the ten per centum limitation contained herein."

COMMENT: SEC. 4

SECTION 4 amends section 201(c) of the Immigration and Nationality Act, which presently limits the number of quota visas issued in any single month to ten per cent of the total yearly quota. This limitation is needed to ensure that persons entitled to preference by virtue of special skills or family ties will not be foreclosed from preference by a rush of earlier applications which exhaust the annual quota. To ensure that all available quota numbers can nevertheless be utilized, present law provides that numbers not used during the first ten months of any fiscal year may be used during the last two months of such year, without regard to the ten per cent monthly limitation. Often, if close to the full ten per cent of quota visas is not issued in each of the first months of the year, undesirable administrative problems result in the last two. The amendment allows the issuance each month of the ten per cent authorized for that month

plus any visas authorized but not issued in previous months. This permits a more even spacing of visa issuance during the year.

TEXT: SEC. 5

SEC. 5. Section 201(d) of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1151(d)) is amended to read as follows:

"A quota immigrant visa shall not be issued to any alien who is eligible for a nonquota immigrant visa."

COMMENT: SEC. 5

SECTION 5 amends section 201(d) of the Immigration and Nationality Act which now permits the issuance of quota immigrant visas to nonquota immigrants. Substituted for the provisions of section 201(d) is a specific direction that no quota immigrant visa shall be issued to a person who is eligible for a nonquota immigrant visa. This will prevent nonquota immigrants from preempting visas to the prejudice of qualified quota immigrants.

TEXT: SEC. 6

SEC. 6. (a) Section 202(a) of the Immigration and Nationality Act (66 Stat. 176, 8 U.S.C. 1152(a)) is amended by deleting paragraph (5) thereof.

(b) Section 202(b) of the Immigration and Nationality Act (66 Stat. 177, 8 U.S.C. 1152(b)) is repealed.

(c) Section 202(c) of the Immigration and Nationality Act (66 Stat. 177, 8 U.S.C. 1152(c)) is redesignated section 202(b) and is amended to read as follows:

"Any immigrant born in a colony or other component or dependent area of a governing country for which no separate or specific quota has been established, unless a nonquota immigrant as

provided in section 101(a)(27) of this Act, shall be chargeable to the quota of the governing country, except that no more persons born in any such colony or other component or dependent area overseas from the governing country shall be chargeable to the quota of its governing country in any one year than a number which bears the same relation to the quota of its governing country as the number two hundred bears to the quota of the governing country prior to the enactment of this Act."

(d) Section 202(d) of the Immigration and Nationality Act (66 Stat. 178, 8 U.S.C. 1152(d)) is redesignated section 202(c).

(e) Section 202(e) of the Immigration and Nationality Act (66 Stat. 178), as amended (75 Stat. 654), (8 U.S.C. 1152(e)) is redesignated section 202(d) and is further amended by substituting "section 202(b)" for "section 202 (c) (1)" after the words "issued under."

COMMENT: SEC. 6

SECTION 6 amends section 202 of the Immigration and Nationality Act to eliminate the so-called "Asia-Pacific Triangle" provisions, which require persons of Asian stock to be attributed to quota areas not by their place of birth, but according to their racial ancestry. At the end of the five-year transition period, this provision would be in any event superfluous, since national origin will no longer be a standard for the admission of qualified quota immigrants. But the formula is so especially discriminatory that it should be removed immediately, and not be permitted to operate even in part during the five-year transition period.

Subsection (c) of the section amends section 202(c) of the Act so as to raise the minimum allotment to subquotas of dependent areas of a governing country, thus preserving their present equality with independent minimum-quota areas.

The dependent area's allotment is taken from the governing country's quota. To prevent a dependent area from preempting the governing country's quota disproportionately, it is provided that the dependent area's share of the quota will decrease as the governing country's quota is reduced.

TEXT: SEC. 7

SEC. 7. Section 207 of the Immigration and Nationality Act (66 Stat. 181, 8 U.S.C. 1157) is amended by deleting the words "no immigrant visa shall be issued in lieu thereof to any other immigrant" and inserting in lieu thereof the words "an immigrant visa may be issued in lieu thereof to any other immigrant".

COMMENT: SEC. 7

SECTION 7 amends section 207 of the Immigration and Nationality Act by deleting the language of that section which prevents the issuance of visas in lieu of those issued but not actually used, or later found to be improperly issued. Thus in Germany alone over seven thousand quota visas are now taken by persons entitled to nonquota status, and two thousand more quota visas are issued to persons who do not actually apply for admission to the United States. All these quota visas are lost under the present law. Such a result is inconsistent with the aim of the bill that all authorized quota numbers shall be used. The amended section 207 specifically authorizes the issuance of a quota visa in lieu of one improperly issued or not actually used, utilizing the same quota number.

TEXT: SEC. 8

SEC. 8. Paragraph (27)(A) of section 101(a) of the Immigration and Nationality Act (66 Stat. 169, 8 U.S.C. 1101(a)(27)(A) is amended to read as follows:

"(A) An immigrant who is the child, spouse, or parent of a citizen of the United States;".

COMMENT: SEC. 8

SECTION 8 amends section 101(a)(27)(A) of the Immigration and Nationality Act, which grants nonquota status to spouses and children of United States citizens, so as to extend non-quota status to parents of United States citizens as well.

TEXT: SEC. 9

SEC. 9. Paragraph (27)(C) of section 101(a) of the Immigration and Nationality Act (66 Stat. 169, 8 U.S.C. 1101(a)(27)(C) is amended to read as follows:

"(C) An immigrant who was born in any independent foreign country of North, Central, or South America, or in any independent island country adjacent thereto, or in the Canal Zone, and the spouse and children of any such immigrant, if accompanying or following to join him;".

COMMENT: SEC. 9

SECTION 9 amends section 101(a)(27)(C) of the Immigration and Nationality Act so as to extend nonquota status to natives of all independent Western Hemisphere countries. Under present law, such status is granted to natives of all independent North, Central and South American countries, and of named Caribbean island countries which were independent when the Immigration and Nationality Act was enacted in 1952. The amendment extends nonquota status to natives of countries in these areas which have gained their independence since then, or may gain their independence hereafter.

TEXT: SEC. 10

SEC. 10. (a) Section 203(a)(1) of the Immigration and Nationality Act (66 Stat. 178, 8 U.S.C. 1153(a)(1)) is amended by deleting the words "needed urgently in" and substituting the words "especially advantageous to".

(b) Section 203(a)(2) of the Immigration and Nationality Act (66 Stat. 178), as amended (73 Stat. 644), (8 U.S.C. 1153(a)(2)), is amended by deleting the words "parents of citizens of the United States, such citizens being at least twenty-one years of age or who are the".

(c) Section 203(a)(4) of the Immigration and Nationality Act (66 Stat. 178), as amended (73 Stat. 644), (8 U.S.C. 1153(a)(4)) is amended by

- (1) inserting after the words "married daughters of citizens of the United States" a comma, followed by the words "or parents of aliens lawfully admitted for permanent residence," and
- (2) adding at the end thereof the following:
"Qualified quota immigrants capable of performing specified functions for which a shortage of employable and willing persons exists in the United States shall be entitled to a preference not to exceed 50 per centum of the immigrant visas remaining available for issuance under this paragraph after the preference to the named relatives of United States citizens and resident aliens is satisfied or exhausted."

COMMENT: SEC. 10

SECTION 10 amends section 203(a) of the Immigration and Nationality Act, which establishes preferences for immigrants with special skills and for relatives of United States citizens and resident aliens.

Subsection (a) relaxes the test for the first preference accorded to persons of high education, technical training, specialized experience, or exceptional ability. Under present law, such persons are granted preferred status only if the Attorney General determines that their services are

"needed urgently" in the United States. The amendment allows them first preference if their services, as determined by the Attorney General, would be "especially advantageous" to the United States.

Subsection (b) eliminates the second preference for parents of American citizens, now accorded nonquota status by the amendment made by SECTION 8 of the bill.

Subsection (c) grants a fourth preference, up to fifty per cent of numbers not issued to the first three preferences, to parents of aliens lawfully admitted for permanent residence. It also grants a subsidiary preference to qualified quota immigrants capable of filling particular labor shortages in the United States. Under present law, immigrants who do not meet the rigorous standards of the skilled specialist category are not preferred over any other immigrants even though they can fill a definite labor need which other immigrants cannot fill. The amendment allows to such immigrants a preference of fifty per cent of the quota visas remaining after all family preferences have been satisfied or exhausted.

TEXT: SEC. 11

SEC. 11. Section 204 of the Immigration and Nationality Act (66 Stat. 179, 8 U.S.C. 1154) is amended as follows:

- (1) Subsection (a) is amended by deleting the words "or section 203(a)(1)(A)" and substituting a comma, followed by the words "section 203(a)(1)(A) or the last clause of section 203(a)(4)."
- (2) Subsection (b) is amended (A) by deleting the words "Section 203(a)(1)(A)" and substituting the words "the last clause of section 203(a)(4)" and (B) by inserting after the words "required

- (2) by the Attorney General" the words "after consultation with the Immigration Board."
- (3) Subsection (c) is redesignated (d) and is amended to read as follows:

"(d) After an investigation of the facts in each case, and after consultation with appropriate agencies of the Government, the Attorney General shall, if he determines that the facts stated in the petition are true and that the alien in respect of whom the petition is made is eligible for an immigrant status under section 101(a)(27)(F)(i), section 203(a)(1)(A) or the last clause of section 203(a)(4) approve the petition and forward one copy thereof to the Department of State. The Secretary of State shall then authorize the consular officer concerned to grant such immigrant status. The Attorney General shall forward to the Congress a report on each approved petition for immigrant status under section 203(a)(1) stating the basis for his approval and such facts as were by him deemed to be pertinent in establishing the beneficiary's qualifications for the preferential status. Such reports shall be submitted to the Congress on the first and fifteenth day of each calendar month in which the Congress is in session."

- (4) Subsection (d) is redesignated (e) and is amended by deleting the words "or section 203(a)(1)(A)," and substituting a comma, followed by the words "section 203(a)(1)(A) or the last clause of section 203(a)(4)."
- (5) The following new subsection is inserted after subsection (b):

"(c) Any immigrant claiming in his application to be entitled to an immigrant visa under section 203(a)(1)(A) of the Act shall file a petition with the Attorney General. The petition shall be in such form as the Attorney General may by regulations prescribe and shall contain such additional information and be supported by such

- (5) "(c) documentary evidence as may be required by the Attorney General. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside of the United States, administered by a consular officer."

COMMENT: SEC. 11

SECTION 11 amends section 204 of the Immigration and Nationality Act, which establishes the procedure for determining eligibility for preferred status under section 203.

The amendments made by paragraphs (1), (2), (3) and (4) cover the filing of petitions, on behalf of the workers accorded a fourth preference, by the persons who will employ them to fill the special labor needs. Paragraph (1) provides for approval of these petitions by the Attorney General, and paragraph (2) requires that he consult with the Immigration Board and interested departments of government before granting preference to these workers.

Paragraph (2) also exempts first preference skilled specialists from the present petition procedure because under the bill a new procedure is established for such persons. Under present law, skilled specialists may qualify for preferred status only when a petition requesting their services is filed by a United States employer. This requirement unduly restricts our ability to attract those whose services would substantially enhance our economy, cultural interests, and welfare. Many of these people have no way of contacting employers in the United States in order to

obtain the required employment. Even if they knew whom to contact, few openings important enough to attract such highly-skilled people are offered without personal interviews, and only a few very large enterprises or institutions have representatives abroad with hiring authority. Thus many such skilled specialists cannot obtain the employment presently required for first preference status.

Moreover, the requirement of prearranged employment is in fact unnecessary. Highly-skilled specialists would obviously work at their specialty, provided that employment is open. The only check needed is that the Attorney General ascertain, upon consultation with appropriate government agencies, that job openings exist in the specialist's particular field. Although the present petition procedure serves to confirm the individual's own evidence of his training, education, or skills, such confirmation is not essential if proper investigation is made of his qualifications before the preference is accorded.

Paragraph (5), therefore, allows the Attorney General to grant a first preference to skilled specialists upon their own petitions, supported by such documentation as the Attorney General shall require. In this connection it is to be noted that the existing law requiring an investigation by the Attorney General of the petitioner's qualifications and a determination of his eligibility for a first preference is continued.

TEXT: SEC. 12

SEC. 12. The first sentence of section 205(b) of the Immigration and Nationality Act (66 Stat. 180), as amended (73 Stat. 644), (8 U.S.C. 1155(b)) is amended to read as follows:

"(b) Any citizen of the United States claiming that any immigrant is his spouse, child, or parent, and that such immigrant is entitled to a nonquota immigrant status under section 101(a)(27)(A) of this Act, or any citizen of the United States claiming that any immigrant is his unmarried son or unmarried daughter and that such immigrant is entitled to a quota immigrant status under section 203(a)(2) of this Act, or any alien lawfully admitted for permanent residence claiming that any immigrant is his spouse or his unmarried son or unmarried daughter and that such immigrant is entitled to a quota immigrant status under section 203(a)(3) of this Act, or any citizen of the United States claiming that any immigrant is his brother or sister or his married son or his married daughter and that such immigrant is entitled to a preference under section 203(a)(4) of this Act, or any alien lawfully admitted for permanent residence claiming that any immigrant is his parent and that such immigrant is entitled to a preference under section 203(a)(4) of this Act, may file a petition with the Attorney General."

COMMENT: SEC. 12

SECTION 12 amends section 205(b) of the Immigration and Nationality Act, providing for petitions to establish eligibility for preference as a relative of a United States citizen or lawfully resident alien, to conform to the substantive amendments made by SECTION 10.

TEXT: SEC. 13

SEC. 13. Section 1 of the Act of July 14, 1960 (74 Stat. 504), is amended to read as follows:

"That (a) under the terms of Section 212(d)(5) of the Immigration and Nationality Act the Attorney General may parole into the United States, pursuant to such regulations as he may prescribe, an alien refugee-escapee defined in subsection (b) of this section, if such alien

(1) applies for parole while physically present within the limits of any country which is not Communist, Communist-dominated, or Communist-occupied, and (2) is not a national of the area in which the application is made.

"(b) For the purposes of subsection (a), the term 'refugee-escapee' means any alien who, because of persecution or fear of persecution on account of race, religion, or political opinion has fled or shall flee (A) from any Communist, Communist-dominated, or Communist-occupied area, or (B) from any country within the general area of the Middle East, and who cannot return to such area, or to such country, on account of race, religion, or political opinion. The expression 'general area of the Middle East' means the area between and including (1) Morocco on the west, (2) Turkey on the north, (3) Pakistan on the east, and (4) Saudi Arabia and Ethiopia on the south."

COMMENT: SEC. 13

SECTION 13 amends the "Fair Share" refugee law so as to remove a provision which has hampered its effective operation. Presently, the entry of refugees is subject to the condition that they be within the mandate of the United Nations High Commissioner for Refugees. The mandate provision is eliminated, so that the refugee law will no longer be subject to outside control. In addition, subsection (b) enlarges the applicable area definition so as to allow the entry of refugees from North Africa generally, and Algeria particularly, who are unable to return to their countries because of their race, religion, or political opinions, and incorporates this new definition in the "Fair Share" law. The existing definition encompasses refugees from "any country within the general area of the Middle East," which is defined as the area between Libya on the West, Turkey on the North, Pakistan on the East,

and Saudi Arabia and Ethiopia on the South. The new definition substitutes Morocco for Libya as the western border of this area.

TEXT: SEC. 14

SEC. 14. Section 2 of the Act of July 14, 1960 (74 Stat. 504), as amended (76 Stat. 124), is amended by deleting (1) the letter "(a)" immediately following the words "Sec. 2.," and (2) subsection (b) thereof.

COMMENT: SEC. 14

SECTION 14 repeals the "Fair Share" law's special provision for five hundred "difficult to resettle" refugees; all such persons have been taken care of, and the authority is therefore no longer necessary.

TEXT: SEC. 15

SEC. 15. Section 281 of the Immigration and Nationality Act (66 Stat. 230, 8 U.S.C. 1351) is amended as follows:

- (1) Immediately after "SEC. 281." insert "(a)".
- (2) Paragraph (2) is amended to read as follows:

"(2) For the issuance of each immigrant visa, \$20; except that such fee shall be \$10 in the case of any alien who is the beneficiary of a petition required under sections 204(b) or 205(b)."

- (3) The following is inserted after paragraph (7), and is designated subsection (b):

"The time and manner of payment of the fees specified in paragraphs (1) and (2) of subsection (a) of this section, including but not limited to partial deposit or prepayment at the time of registration, or postponement for an appropriate period, shall be prescribed by the Secretary of State."

- (4) The paragraph beginning with the words "The fees ..." is designated subsection (c).

COMMENT: SEC. 15

SECTION 15 amends section 281 of the Immigration and Nationality Act so as to grant discretionary authority to the Secretary of State to specify the time and manner of payment of the fees for visa applications and issuances. This discretionary authority will allow the Secretary to control two undesirable situations:

First, many people in countries with oversubscribed quotas register their names on visa waiting lists even though they have no present intention of emigrating; they regard the registration as "insurance" for possible future use. Such registrations have the effect of creating a distorted picture of visa backlogs and make efficient administration difficult. The amendment therefore would allow the Secretary of State to require a registrant to deposit a fee at the time of registration. While not unduly burdensome on those who wish to come here, such a procedure would serve to discourage registrations which are not bona fide.

Second, otherwise admissible immigrants, particularly refugees, are often unable to pay the required visa fee. Rather than bar them from obtaining a visa, the Secretary is given authority to postpone payment.

TEXT: SEC. 16

SEC. 16. Section 203(c) of the Immigration and Nationality Act (66 Stat. 179, 8 U.S.C. 1153(C)) is amended by adding at the end thereof the following:

"The Secretary of State, in his discretion, may terminate the registration on a quota waiting

list of any alien who fails to evidence his continued intention to apply for a visa in such manner as may be by regulation prescribed."

COMMENT: SEC. 16

SECTION 16 is also directed to the problem of "insurance" registrations. Many applicants for visas have been offered visas repeatedly but have turned them down. They wish only to preserve their priority in registration for possible future use. To handle such cases, section 203(c) of the Immigration and Nationality Act is amended so as to allow the Secretary of State to terminate the registrations of persons who have previously declined visas. This amendment is also important in connection with a contemplated re-registration of applicants in certain over-subscribed quota areas designed to ascertain whether registrants have died, emigrated elsewhere, or changed their minds; the Secretary is authorized to terminate the registration of all persons who fail to re-register.

TEXT: SEC. 17

SEC. 17. (a) Paragraph (1) of section 212(a) of the Immigration and Nationality Act (66 Stat. 182, 8 U.S.C. 1182(a)(1)) is amended by deleting the language "feeble-minded" and inserting the language "mentally retarded" in its place.

(b) Paragraph (4) of section 212(a) of the Immigration and Nationality Act (66 Stat. 182, 8 U.S.C. 1182(a)(4)) is amended by deleting the word "epilepsy" and the commas before and after it.

(c) Section 212(f), (g) and (h) of the Immigration and Nationality Act, as added by the Act of September 26, 1961, (75 Stat. 654, 655, 8 U.S.C. 1182) are hereby redesignated sections 212(g), (h), and (i), respectively, and section 212(g) as so redesignated is amended to read as follows:

"Any alien who is excludable from the United States under paragraphs (1), (2), (3), or (4) of subsection (a) of this section, and any alien afflicted with tuberculosis in any form, who (A) is the spouse or the unmarried son or daughter, or the minor unmarried lawfully adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or (B) has a son or daughter who is a United States citizen, or an alien lawfully admitted for permanent residence, or an alien who has been issued an immigrant visa, may, if otherwise admissible, be issued a visa and admitted to the United States for permanent residence in accordance with such terms, conditions, and controls, including the giving of a bond, as the Attorney General, in his discretion, may by regulations prescribe, after consultation with the Surgeon General of the United States Public Health Service."

COMMENT: SEC. 17

SECTION 17 amends subsections (a)(1), (a)(4) and (g), as redesignated, of section 212 of the Immigration and Nationality Act so as to allow the entry of certain mentally afflicted persons. Under present law, no visas may be issued to aliens who are feeble-minded or insane, or have had one or more attacks of insanity, or who are afflicted with a psychopathic personality, epilepsy, or a mental defect. These provisions have created hardships for families seeking admission, where one member, often a child, is retarded. Such families are presented with the difficult decision as to whether they should leave the afflicted person behind or stay with him. Such a person cannot enter the United States even if the family is willing and able to care for him here and even if he is

within the 85 per cent of mentally afflicted persons whose condition can be substantially improved by adequate treatment.

The amendment gives the Attorney General discretionary authority to admit such persons who are the spouses, children, or parents of citizens or resident aliens, or who are accompanying a member of their family. The Attorney General, after consultation with the Surgeon General of the United States Public Health Service, would prescribe the controls and conditions on the entry of such persons, including the giving of a bond to insure continued family support.

The bar against the admission of epileptics is removed entirely, since this affliction can effectively be medically controlled. The amendment would also provide that the term "mentally retarded" be substituted for the present term "feeble-minded." This is not a substantive change in the law.

TEXT: SEC. 18

SEC. 18. (a) There is hereby established the Immigration Board (hereafter referred to as the "Board") to be composed of seven members. The President of the United States shall appoint the Chairman of the Board and two other members. The President of the Senate, with the approval of the majority and minority leaders of the Senate, shall appoint two members from the membership of the Senate. The Speaker of the House of Representatives, with the approval of the majority and minority leaders of the House, shall appoint two members from the membership of the House. The members of the Board shall be selected by virtue of their high personal integrity, their capabilities, and their experience in and expert knowledge of immigration laws and international migration problems. A vacancy in the membership of the Board shall be filled in the same manner as the original designation and appointment.

(b) The duties of the Board shall be --

- (1) to promulgate, after consultation with the Attorney General, such regulations as are necessary to insure its efficient functioning under the provisions of this Act;
- (2) to make a continuous study of such conditions within and without the United States, which, in the opinion of the Board, might have any bearing on the immigration policy of the United States;
- (3) to consider, after consultation with the Secretary of State, to recommend to the President, such allocation of quota immigrant visas, under section 201(f) of the Immigration and Nationality Act, as will best fulfill the purposes of that section;
- (4) to consider, and after consultation with the Secretaries of Labor, State, and Defense, to recommend to the Attorney General such criteria for admission of immigrants under section 203(a)(1)(A) of the Immigration and Nationality Act, as amended, and the last clause of section 203(a)(4), as amended, as will further the policy of the United States to secure the immigration of persons of high skill, education, or training, or who are capable of performing specified functions for which a shortage of employable, willing persons exists in the United States;
- (5) to study such other aspects of the Immigration and Nationality Act as the President shall assign to the Board for study, and make recommendations with respect thereto;
- (6) to conduct such investigations and to hold such public and executive hearings in such places within and without the United States and at such times as the Board deems necessary.

(c) All Federal agencies shall cooperate fully with the Board to the end that it may effectively carry out its duties.

(d) Each member of the Board who is not otherwise in the service of the Government of the United States shall receive the sum of \$75 for each day spent in the work of the Board, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses, when away from his usual place of residence, in accordance with section 5 of the Administrative Expenses Act of 1946, as amended.

(e) Each member of the Board who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Board shall be paid actual travel expenses, and per diem in lieu of subsistence expenses, when away from his usual place of residence, in accordance with the Administrative Expenses Act of 1946, as amended.

(f) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

COMMENT: SEC. 18

SECTION 18 establishes the Immigration Board, to be composed of seven members. Two members of the House of Representatives are appointed by the Speaker with the approval of the majority and minority leaders, two members of the Senate, by the President of the Senate, with the approval of the majority and minority leaders, and three members, including the chairman, by the President. Members not otherwise in government service are to be paid on a per diem basis for actual time spent in the work of the Board.

The section provides that the Board's duties shall be to study, and consult with appropriate government departments on all facets of immigration policy; to make recommendations to the President as to the reservation and allocation of quota numbers, and to recommend to the Attorney General criteria

for admission of skilled specialists and workers whose services are needed by reason of labor shortages in this country.

TEXT: SEC. 19

SEC. 19. Section 221(g) of the Immigration and Nationality Act (66 Stat. 192, 8 U.S.C. 1201(g)) is amended by deleting the period at the end thereof and adding the following:

": Provided further, That a visa may be issued to an alien defined in section 101(a)(15) (B) or (F), if such alien is otherwise entitled to receive a visa, upon receipt of a notice by the consular officer from the Attorney General of the giving of a bond with sufficient surety in such sum and containing such conditions as the consular officer shall prescribe, to insure that at the expiration of the time for which such alien has been admitted by the Attorney General, as provided in section 214(a), or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired under section 248 of the Act, such alien will depart from the United States."

COMMENT: SEC. 19

SECTION 19 grants consular officers discretionary authority to require bonds ensuring that certain non-immigrants will depart voluntarily from the United States when required. This amendment to section 221(g) of the Immigration and Nationality Act, by providing an additional safeguard against a later refusal to depart, would allow the issuance of visas in many borderline cases in which visas are now refused to students and visitors.

TEXT: SEC. 20

SEC. 20. So much of section 272(a) of the Immigration and Nationality Act (66 Stat. 226, 8 U.S.C. 1322(a)) as precedes the words "shall pay to the collector of customs" is amended to read as follows:

"SEC. 272. (a) Any person who shall bring to the United States an alien (other than an alien crewman) who is (1) mentally retarded, (2) insane, (3) afflicted with psychopathic personality, (4) a chronic alcoholic, (5) afflicted with any dangerous contagious disease, or (6) a narcotic drug addict,"

COMMENT: SEC. 20

SECTION 20 amends section 272 of the Immigration and Nationality Act, which imposes a penalty on carriers bringing to the United States aliens afflicted with certain defects, so as to make that section conform with the changes made by this bill and section 11 of the Act of September 26, 1961.

QUOTA IMMIGRATION: PRESENT LAW

QUOTA IMMIGRATION: PRESENT LAW

For each of the past several years, approximately 300,000 persons have entered the United States as immigrants. Present law divides these immigrants into two types--"quota" and "non-quota". There is no statutory or other pre-established maximum limit on the number of non-quota immigrants who may enter the United States each year. Non-quota immigrants--mainly spouses and children of United States citizens and immigrants from the Western Hemisphere--account for about two-thirds of our annual immigration. 1/

Immigrants who cannot qualify as non-quota must enter, if at all, as quota immigrants, for whom a maximum limit is set by law; the current annual limit is 158,361. Under the existing discriminatory "national origins" system governing quota immigration, however, about one-third of the total quota remains unused each year. And this occurs notwithstanding the existence of long waiting lists of otherwise qualified persons who wish to emigrate to the United States.

1/ While actual quota immigration to the United States in 1964 was 102,844, non-quota immigration was 189,404. Some 33,669 spouses and children of United States citizens were admitted as nonquota immigrants and 139,284 natives of Western Hemisphere countries also qualified and entered outside the quota system; 11,191 immigrants for whom quota visas were unavailable were the beneficiaries of special legislation. The comparable figures for 1963 are: Quota immigration--103,036; Nonquota immigration--203,244; Spouses and children of citizens--30,606; Western Hemisphere--147,744 (including spouses and children); Special legislation--19,926.

The National Origins System

The Immigration and Nationality Act presently provides for division of overall annual quota immigration among the various countries (or "quota areas") in proportion to the ancestry or national origins of the population of the United States in 1920. Thus, each country or quota area is assigned an annual quota based upon the number of persons here in 1920 whose national origins are attributable to that country or area. 2/ The minimum quota for any area is 100. Immigrants are charged against these national or area quotas on the basis of the immigrant's country of birth or ancestry. 3/

The national origins system was an obvious attempt to insure predominance of Northern and Western European immigrants over those from Southern Europe and the rest of the world. The quotas of Germany, the United Kingdom and Ireland aggregate about two-thirds of the overall total.

2/ The national origins system, first enacted in 1924, established the quota of each country or "quota area" as one-sixth of one per cent of the number of inhabitants in the continental United States in 1920 "attributable by national origin to such quota area." National origins were determined by a special Quota Board which presented its findings in 1927. The resulting storm from groups which were surprised by the compilations almost had the consequence of repeal, and postponed the proclamation of national origins quotas until 1929.

3/ Normally, the quota within which an immigrant must enter is determined by his place of birth. Persons of as much as one-half Asian ancestry, however, must enter under the quota of the Asian country to which their forebearers are attributed. The proposed legislation would repeal this provision.

A list of 90 national quotas--most of them the 100-a-year minimum for small countries--appears in 8 U.S.C. in the notes following section 1151.

The System Doesn't Work: Waiting Lists
And Special Legislation

In point of fact, the national origins system has proved generally unworkable. The places reserved for many of the "favored" peoples are unused. The law allots over half the available quota numbers to immigrants from Great Britain and Ireland, but immigrants from these countries use less than half of their quotas. In Great Britain alone, some 40,000 places remain unused each year. Under present law, none of these unused quota numbers may be allocated to other areas.

The system does not even achieve the discriminatory balance for which it was designed. Immigration from Germany (quota 25,814) is as large as that from Great Britain (quota 65,361); and as many Poles (quota 6,488) enter as Irishmen (quota 17,756). Thousands of servicemen's foreign wives, entitled to enter on a nonquota basis, nevertheless come in under the German quota because a nonquota application costs another 10 dollars. Their places could be given to other Germans--but no more wish to come.

At the same time, those from many other nations are either precluded from coming to the United States altogether or must wait for many years to emigrate because of the insufficient quotas allocated to their country.

More than 800,000 persons are presently on quota waiting lists, almost 60 per cent of them from four countries--Italy, Greece, Poland and Portugal. 4/

Other major waiting lists include Yugoslavia, Turkey, Israel, Spain, Rumania, and India. 5/ By far the largest component of the world-wide waiting lists is European.

Of the Asian waiting lists, that for Chinese persons is the largest (about 40,400 including 38,500 waiting in Hong Kong), followed by that for the Philippines (about 12,500) and Indonesia and Japan (less than 5,000 each).

In Africa, only the United Arab Republic (9,176), Morocco (4,090), the Union of South Africa (3,990), and Tunisia (2,062) have substantial lists; of the Sub-Saharan African countries, only South Africa (and last year Ghana) comes close to using its minimum annual quota of 100.

It is not accurate, however, to assume that all of the 831,881 persons on quota waiting lists would actually emigrate to the United States if offered a visa. A fair estimate would place the actual figure at about 582,000. A number of factors account for the need to reduce the total waiting list by about 30 per cent. Many of the names on the

4/ As noted hereafter, the waiting lists overstate actual demand by about 30 per cent, due to deaths, changes of mind, etc.

5/ Of approximately 16,614 Indian registrants, it is estimated that perhaps as many as one-half are persons of British Colonial stock born in India.

lists were placed there a number of years ago. Recent increased prosperity in Europe and the greater demand for labor in certain European countries has created a tendency toward migration within Europe rather than overseas. Thus it can be fairly expected that a number of persons on the lists have moved within Europe and no longer desire to come here. In addition, there have been deaths and other family changes since some visa applications were made. Moreover, given the long waiting period in many countries, some applications are filed simply as "insurance" in case the applicant should want to emigrate in the future when his name gets to the top of the list. While such factors vary from country to country and from time to time and are difficult to measure precisely, it is appropriate to estimate that slightly less than one-third of those on waiting lists would not use a visa if offered.

The strictures and inadequacies of the present system create strains which regularly result in a need for Congress to enact special legislation to admit additional immigrants. In 1964, some 11,191 persons who could not obtain regular quota visas were admitted under such special legislation. In 1962, there were 24,056 such immigrants, and for 1963, the figure was almost 20,000. The yearly average over the five years 1960-1964 is almost 21,000. This perennial need for Congressional action to meet pressures created under present law is still another demonstration of the failure of the national origins system.

Prospects For The Future

Even taking account of the downward adjustment in waiting lists, the problem is serious and can be expected to become even worse in the future, absent changes in the immigration laws. About 835,000 people are expected to apply for quota immigration to the United States in the next five years. When added to the adjusted waiting-list backlog of 582,000 (those among the 835,000 persons on waiting lists who fairly could be expected to use visas if offered), the total demand for quota visas in the next five years will be more than 1,400,000. While the present annual quota of 158,361 would theoretically provide 791,805 places over the same period, roughly a third of this total will not actually be available for use by those who seek them because of the present "national origins" system of allocating quotas. Thus, under present law, the number of places actually available over the next five years will be only about 530,000. The estimated demand--1,400,000--will be almost three times as large.

Harmful Effects Of Present System

Not only President Johnson and President Kennedy, but Presidents Eisenhower and Truman recognized the harm done the United States by reliance on the discriminatory national origins system and all have recommended that it be discarded. The present system operates cruelly to separate Americans from their families; it deprives this

country of the benefits of badly needed skills which highly trained immigrants could, and would, bring here; it creates a false image of a United States which prizes race and nationality over individual merit and hampers the effective conduct of our foreign affairs; and, finally, as President Johnson has said, the national origins system is "incompatible with our basic American tradition."

Separation of families--It is plain that under present law the foreseeable demand for quota visas will even further outstrip the available supply. Yet, even at present, an American citizen with a Greek father or mother must wait at least two years, and often longer, to bring that parent here to join him. 6/ If the married son or daughter, or brother or sister of an American citizen is Italian, he cannot obtain a visa at all, but must wait for Congress to pass a special bill; the last such bill, P.L. 87-885 of October 24, 1962, made visas available to all such relatives who had first applied more than eight years earlier. However, the same American citizen who must wait five or ten years before special legislation will allow him to add his Italian sister to his household may procure the services

6/ The Visa Office Bulletin, No. 119 (November 1, 1963), states that Greek second preference visas are available to persons who first registered prior to January 16, 1960. P.L. 87-301 gave nonquota status to second and third preference registrants on whose behalf a petition was filed prior to July 1, 1961. The quota waiting list for Greece is therefore comprised of persons who registered for visas after January 16, 1960, including those on whose behalf petitions were not filed before July 1, 1961.

of a Nordic housemaid in a matter of weeks. 7/

Exclusion of desired specialists--Under the present quota system, a Philippine scientist or a Japanese engineer or architect must wait well over a year for an immigrant visa; yet unskilled laborers from many countries in Western Europe may enter immediately.

Typical cases of persons with unusually valuable talents and skills who have been kept from immigrating here include: an Australian research scientist wanted here to teach physics, a Japanese mathematician regarded as one of a half-dozen world experts in his field of modern mathematical theory, a Turkish doctor wanted to teach medicine and perform heart disease research, a Korean expert in radiation therapy, an Indian urgently desired as a college chemistry instructor, an Indian wanted to do electrical engineering research in a large corporate laboratory, a Japanese expert on pediatric anesthesiology needed on a hospital staff, a Greek chemist wanted for research on projects supported by three government agencies, and an Egyptian urologist needed in a public hospital.

At intervals of several years, such people can sometimes be admitted under special legislation--if they still wish to come. But the uncertainty and delay of such

7/ One "Personnel Center" which specializes in providing European domestics to residents of the Washington area lists the following times required to procure help from the named countries; United Kingdom and Ireland, 4-6 weeks; Sweden, Belgium, and Germany, 8-12 weeks.

a remedy denies our nation their contributions for long periods and perhaps permanently, while others who can offer far less to our society may enter readily.

Projection of discriminatory image--Congress partially recognized the adverse effect of the present discriminatory system when it repealed the Chinese Exclusion Act. Both President Kennedy and President Johnson, in calling for reform of our immigration laws to eliminate the national origins system, have emphasized that its discriminatory nature contradicts our world position as a defender of individual dignity and the equality of man. Presidents Eisenhower and Truman stressed the same point. Our present immigration laws are obviously inconsistent with our professed ideals and needlessly provide ammunition for exploitation by our enemies.

THE PROPOSED LEGISLATION

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Summary of the President's Bill

The basic principles and effects of the bill submitted to the Congress by President Johnson are fairly simple.

(1) The basic purpose of the legislation is to abolish the "national origins quota system," and to place immigration on a first-come, first-served basis within preference categories.

(2) The transition to the new system will take place gradually, over a five-year period. The quota of each country will be reduced 20 per cent the first year, 40 per cent the second year, etc., until in the fifth year national quotas are wholly eliminated.

(3) The present total quota of 158,361 will be increased by about 8,000 as a result of the increase in all minimum quotas from 100 to 200 provided for in the bill.

(4) During each of the first five years, the "pool" created by the annual 20 per cent reductions, plus the authorized quota numbers unused during the previous year, will be allocated to immigrants from over-subscribed areas without regard to their country of birth but in accordance with established priorities and preferences.

(5) At the end of the five-year period, all national quotas will have been abolished and all quota numbers will be in the "pool". Numbers from the "pool" will then be

allocated on a first-come, first-served basis within preference categories to:

(a) First preference immigrants whose skills are found "especially advantageous" to the United States.

(b) Second and third preference immigrants who are close relatives of United States citizens or permanent resident aliens.

(c) Not to exceed 50 per cent of any remaining visas to other close relatives of United States citizens and parents of resident aliens, and the other 50 per cent of such remaining visas to immigrants filling a particular labor shortage; thereafter, to other immigrants.

(6) An advisory Immigration Board is established, composed of two members of the House appointed by the Speaker of the House, two members of the Senate appointed by the President of the Senate, and three non-congressional members appointed by the President. This Board is to advise on immigration matters and to help implement the new legislation.

(7) During and after the five-year transition period, the President may, after consultation with the Immigration Board, reserve up to 30 per cent of the quota pool in the national security interest to avoid undue hardship resulting

from the quota reductions. This authority is limited to relieving pressures for immigration from friendly nations--mainly our NATO allies--created by the elimination of national quotas and could be used only to restore quota reductions made under the bill. The authority could not be used to increase any country's quota allotment above present levels.

(8) After consultation with the Board, the President may also reserve up to 10 per cent of the quota pool for refugees.

(9) No more than 10 per cent (approximately 16,600) of the overall quota (approximately 166,000) may be used by any one country under the first-come, first-served formula established by the bill, except where it appears that quota numbers would otherwise be unused. The three countries whose quotas exceed 10 per cent of the total quota under present law--Great Britain, Ireland, and Germany--could, however, continue to receive numbers in excess of 10 per cent where necessary, in the national security interest to relieve hardship.

(10) The so-called "Asia-Pacific Triangle" is eliminated upon enactment of the bill. Ancestry will no longer be a factor in the allocation of quota numbers.

(11) Nonquota immigrants will be ineligible to receive quota visas--a practice now permitted which wastes needed quota numbers.

(12) Visa fee provisions are revised to equate fees paid by nonquota, preference, and nonpreference immigrants.

(13) Nonquota status is extended to all parents of United States citizens, who are now subject to quota limitations.

(14) Nonquota status, now available to natives of all other independent Western Hemisphere countries, is extended to persons from Jamaica and Trinidad and Tobago.

(15) A simplified petition procedure is established for first preference skilled immigrants. Prearranged employment will no longer be a condition for the approval of these petitions.

(16) The "Fair Share" refugee law is amended to eliminate restrictions which have hampered its effectiveness.

(17) "Epilepsy" is eliminated as a ground of exclusion.

(18) Authority is granted to the Secretary of State to retrieve quota numbers where the issued visas are not used and to make those numbers available for the issuance of immigrant visas to other qualified applicants.

The proposed legislation would not alter the security requirements which immigrants must meet under existing law. Similarly, no immigrant would be relieved of the need to fulfill requirements designed to exclude persons likely to become public charges.

The ensuing discussion explains precisely how the most significant provisions of the bill would operate.

Waiting Lists and The New System

As has been noted, the present discriminatory quota system has produced long visa waiting lists in many nations--

lists composed of persons who, in many instances, first applied for visas many years ago. Under an unrestricted first-come, first-served system, such persons would, by virtue of their pre-existing longtime registration, preempt almost all quota immigration for some time. Thus, analysis of existing waiting lists shows that, of the first 100,000 relatives of United States citizens and resident aliens to be admitted on a simple time-of-registration basis, over 80 per cent would be Italian; over 90 per cent would be Italian, Greek and Polish. Needless to say, such a result is unsatisfactory--not because Italians and Greeks and Poles are, as a class, any more or less desirable than any other immigrants, but because it would mean cutting off almost all such immigration from other countries, such as Great Britain, France, Germany, and the other NATO countries, and from Asia and Africa as well. This would not only frustrate the legislative purpose of permitting immigration from all nations, but would also adversely affect our foreign relations. Moreover, it poses new problems of fairness almost equal to those it solves.

The countries which have been the beneficiaries of the existing system, in many cases our closest allies, have developed legitimate expectations which they cannot be asked to change overnight; they are not responsible for the fact that the quotas assigned to them by United States law have been the result of a discriminatory formula. Further, some

people have only recently been allowed by their government (i.e., Poland and Hungary) to apply for visas; these people should not be penalized for the harsh policies of their rulers. And people in countries with minimal quotas (e.g., Greece, Portugal, Turkey) may not have registered for visas simply because their quota was oversubscribed for twenty years or more into the future. 1/ To meet these problems of fairness and national interest, the legislation does three things.

Gradual Phasing of Transition

First, it reduces existing national quotas gradually over a five-year period and transfers the amount of the reductions to an overall quota pool. Thus, at the outset, only twenty per cent of existing national quotas, plus quota numbers unused the previous year, will be distributed through the overall pool according to the new non-discriminatory selection formula; in the second year, forty per cent of the national quotas plus unused numbers, will go to the pool, with successive equal annual increases until, by the fifth year, all numbers are distributed on the new formula. Natives of the countries affected will thus have time to adjust to the new system.

1/ The Greek waiting list is about 300 times the quota of 308; the Portugese list 120 times the quota of 438; the Turkish list 77 times the quota of 225.

Ten Per Cent Limitation

Second, the legislation allows exceptions to the formula of selection according to preference category and priority of registration. One such exception is a limitation on the number of immigrants from any single country in any one year; natives of no one country could take more than ten per cent of all quota numbers authorized in any year. Such a limit must be retained, if the possibility of immigration to the United States is to be kept open for natives of all countries.

President's Authority to Reserve Pool Numbers

Third, the bill authorizes the President, with advice from the Immigration Board, to reserve up to thirty per cent of available pool numbers for issuance, in the interest of our national security, to relieve hardships created by the elimination of national quotas. This authority will help to insure that our own interests and those of our allies will not be prejudiced by our attempts to deal justly with others.

The countries which could be disadvantaged under a strict first-come, first-served formula are those whose quotas are now open--that is, those which do not use all of the quota numbers assigned to them under existing law and which have no visa waiting lists. Those countries are mainly our NATO allies, Great Britain, Germany, France, the Netherlands, Norway, Belgium, Denmark, and Luxembourg. Other such nations include Ireland, Sweden, Switzerland, and some of the sub-Saharan African

countries. 2/ In most of these countries, even the reduced quotas will not be down to the level of demand until the third or fourth year. In nations such as France, the Netherlands, and Germany, however, where quotas are roughly equal to demand, there could be almost immediate disadvantage or hardship.

Of course, many natives of these countries will qualify for the first preference given to persons with special skills, training or education, or for the preferences given to relatives of American citizens and residents. But these preferences alone will not suffice to maintain the current immigration flow from our traditional allies. That flow might be cut sharply, until waiting lists everywhere else in the world had dwindled, if the President were not given the authority to reserve quota numbers.

Great Britain offers a good example of how the gradual reduction of national quotas could curtail severely the present flow of immigration in a few years if there were no provision for Presidential reservations. The present British quota is 65,814, and between 25,000 and 30,000 British immigrants enter under it yearly. With annual 20 per cent reductions, the British quota will be 52,651 in the first year, 39,488 in the second, 26,325 in the third, and 13,162 in the fourth. Thus, during the third and fourth years, the actual

2/ The countries named in this paragraph now send us about 75,800 immigrants each year; 65,250 come from the named NATO countries.

demand could exceed Britain's quota, and the President, after consultation with the Immigration Board, could use the reservation authority to cushion the impact of the curtailment.

The example of Great Britain also illustrates why the President's use of the reservation authority is excepted from the requirement that quota immigration from any one country cannot exceed ten per cent of the total annual authorization. The ten per cent limit will be 16,600, well under the current level of British immigration.

In fact, the President's authority to exceed the ten per cent limit could operate only in the cases of Great Britain, Germany, and Ireland, the only three countries whose present quotas exceed the ten per cent limit of about 16,000. In no case could this reservation authority be used to increase immigration from any country to more than its present national quota; it is exercisable only to restore reductions in quota levels.

The President's authority to reserve up to 30 per cent of the pool could be exercised only under both of the following specified conditions: (1) that the numbers will go to persons who otherwise would suffer "undue hardship" because of the reduction of quotas for their countries and (2) that the reservation and reallocation is in the interests of our national security.

These two criteria are tailored to fit European problems,

particularly those of our allies. 3/ They would not apply to countries with large present backlogs, since the reservation is limited to the relief of hardship from reduced quotas "which is not otherwise avoided" under the provisions of the bill. Thus, Italy's share of the pool--up to the ten per cent limit for any one country--will more than counter-balance the quota numbers lost to Italy by the reduction of the present Italian quota of 5,666. The President will therefore not be called upon to exercise his reservation authority in favor of countries like Italy, Greece, or Poland, which have sizable and long-time waiting lists.

The mere fact that natives of a given country might have to wait a few months longer for visas under the new provisions than they might have under the old, would not constitute "undue hardship," within the meaning of the bill and would not be an occasion for use of the power to reserve numbers. Even if some persons were unable to obtain visas for longer periods, but no pressing reasons of national interest justified restoring them to their previous favored position, numbers could not be reserved for their benefit.

The Immigration Board

Section 18 of the bill establishes an Immigration Board, composed of seven members, two from the House, to be appointed

3/ A proposal to name NATO as the intended beneficiary was rejected.

by the Speaker with the approval of the majority and minority leaders, two from the Senate, to be appointed by the President of the Senate, with the approval of the majority and minority leaders, and three, including the chairman, by the President. Each member is to be selected upon the basis of his experience and expertise in immigration problems.

The functions of the Board, as set forth in the bill, are as follows:

(1) To make a continuous study of all facets of immigration policy;

(2) To make, after consultation with the Secretary of State, recommendations to the President as to the exercise by him of the authority conferred by section 3 of the bill (adding section 201(f) to the Immigration and Nationality Act) to reserve in the interests of national security up to 30 per cent of quota numbers for countries adversely affected by cuts in their existing quotas, and up to 10 per cent of quota numbers for refugees;

(3) After consultation with the Secretaries of Labor, State, and Defense, to recommend to the Attorney General the criteria for admission of first preference skilled specialists and of fourth preference workers whose services are needed because of labor shortages in their fields of work in the United States;

(4) To study such other aspects of the Immigration and Nationality Act as the President may assign to the

Board and to make recommendations with respect thereto;

(5) To conduct investigations and to hold hearings, either public or in executive session, as the Board deems necessary.

One of the most important functions of the Board will be that of advising the President with respect to reservation of quota numbers for national security or refugee purposes. The Board will be in a position to supply to the President an expert and informed judgment. For example, it could investigate the immigration situation in the NATO countries, principally the United Kingdom and Germany, where a cut in existing quotas could have an adverse effect on relations with them. It may find that in fact there will be no such adverse effect. Or it may find that there is an adverse effect but that only a small portion of additional numbers need be allocated to the countries involved in order to remedy the situation.

Similarly, the Board could investigate the refugee situation and ascertain how much, if any, of the allowable 10 per cent reserve need be allocated to take care of refugees at any given time.

The composition of the Board ensures that its recommendations will adequately reflect the traditional interest of Congress in the effectuation of immigration policy--a majority of its membership is from the Congress. At the same time, since the Board's role is only advisory, there

is no violation of the constitutional doctrine of separation of powers. While the inclusion of members of Congress on the Board constitutionally precludes making its recommendations legally binding on the President, it is likely that he will accept and follow its recommendations.

The bill does not eliminate the Joint Congressional Committee on Immigration and Nationality Policy. The Committee and the Immigration Board would be free to act in their respective areas and each could supplement the work of the other.

The New Preference System and Time Priorities

The proposed legislation would substitute a simplified formula for the complexities of present law. The basic criterion for judging between all competing applicants would be a preference structure--closely analogous to that established under present law for determining priority within national quotas. There would be four preference categories.

First Preference: A first preference of up to 50 per cent of all quota numbers authorized, would be available for immigrants with special skills, education, or training, whose admission would be "especially advantageous" to the United States.

Second Preference: First call on the next 30 per cent, plus any part of the first 50 per cent not issued to the first-preference skilled specialists, would be given to second-preference applicants: unmarried sons and daughters of United States citizens, not eligible for nonquota status because they are over 21 years of age. (Spouses and unmarried minor children of citizens already have nonquota status; the bill would give parents of citizens similar nonquota status.)

Third Preference: Priority for the remaining 20 per cent, plus any part of the first 80 per cent not taken by the first two classes, would be given to third-preference applicants: spouses and unmarried children of aliens lawfully admitted for permanent residence.

Fourth Preference: Any portion remaining would be issued to other applicants, but subject to a fourth preference to certain other relatives of United States citizens and resident aliens 4/ and to workers who, while not qualified for the first preference, would fill particular labor shortages in the United States.

Within each preference category--that is, as between competing applicants with equal claims--visas would be issued in the order in which applied for, first come, first served, regardless of country.

4/ Married sons and daughters of citizens, and parents of resident aliens.

Source of Quota Immigration Under New System

The number of quota visas authorized to be issued each year will be substantially the same as under the present law. Under that law the authorized annual number of quota visas is 158,361. A small increase is provided by the provisions of section 1 of the bill raising minimum quotas from 100 to 200. This increase adds 7,700 numbers. Under the bill, however, presently unused quota numbers will be used and numbers will be distributed on a fairer basis.

Under the existing system actual quota immigration has been averaging about 100,000 annually. This results in great part from the fact that the demand for quota visas in the United Kingdom (Great Britain and Northern Ireland) and Ireland is far less than the number allocated to them. The United Kingdom is presently allotted 65,361 quota numbers and Ireland (Eire) 17,756, a total of 83,117--more quota numbers than are authorized for the entire rest of the world. But during the fiscal year ending June 30, 1964, the United Kingdom used only 32,427 quota visas and Ireland 6,423, leaving unused some 44,267 quota numbers--more than half of the quota numbers allotted to them. Existing law does

not permit such unused numbers to be made available to other countries. The bill would permit all quota numbers to be used, thereby avoiding the waste of a total of approximately 55,000 unused numbers annually.

Principal beneficiaries of the new system would be nations such as Italy, Greece, Poland, Portugal, Spain and Yugoslavia, whose presently available quotas are far oversubscribed. Existing quotas for these countries are as follows: Italy, 5,666; Greece, 308; Poland, 6,488; Portugal, 438; Spain, 250; and Yugoslavia, 942. During the last five fiscal years (1960-64), visas issued to nationals of these countries under the quota system and special legislation were: Italy, 61,606; Greece, 6,865; Poland, 33,611; Portugal, 12,776; Spain, 2,253; Yugoslavia, 6,738. The annual average was: Italy, 12,321; Greece, 1,373; Poland, 6,722; Portugal, 2,555; Spain, 451; Yugoslavia, 1,287.

As summarized in the following chart, it is estimated that during the first five years following enactment of the bill, Italy will receive 82,880 numbers; Greece, 76,507; Poland, 59,767; Portugal, 36,264; Spain, 9,768; and Yugoslavia, 27,635. The annual average will be Italy, 16,576; Greece, 15,301; Poland 11,593; Portugal, 7,254; Spain, 1,954; and Yugoslavia, 5,527. These countries will thus receive a total during this period of 265,191 quota numbers as compared to the 117,111 during the past five years.

EFFECT OF PROPOSED LEGISLATION ON SELECTED QUOTAS

<u>Country</u>	<u>Present Quota</u>	<u>Visas Issued During Last Five Fiscal Years (1960-1964) Under Quota and Special Legislation</u>		<u>Estimated Admis- sions For First Five Years Under Administration Bill</u>	
		<u>Five Year Total</u>	<u>Annual Average</u>	<u>Five Year Total</u>	<u>Annual Average</u>
Italy	5,666	61,606	12,321	82,880	16,576
Greece	308	6,865	1,373	76,507	15,301
Poland	6,488	33,611	6,722	59,767	11,953
Portugal	438	12,776	2,555	36,269	7,253
Spain	250	2,253	451	9,768	1,954
Yugoslavia	942	6,738	1,287	27,635	5,527

Five-year estimated quota admissions on a regular basis under the new system would be as follows: Europe, 679,603; Asia, 53,928; Near and Middle East (other than Africa), 48,411; Africa, 16,566; and Oceania, 5,297. The annual average in round figures is thus Europe, 136,000; Asia, 11,000; Middle and Near East (other than Africa), 10,000; Africa, 3,300; and Oceania, 1,000. This compares with actual quota immigration for fiscal 1964 of 98,729 from Europe; 1,326 from Asia; 964 from the Middle and Near East (other than Africa); 1,232 from Africa; and 381 from Oceania.

A more detailed breakdown of projected admissions on a country-by-country basis for the first five years of operation under the new system appears as Exhibit D to this booklet.

Effects of the Immigration Changes on the Economy and Employment

The overall effect of the bill on the nation and its economy is likely to be beneficial. The kind of new immigration that will occur under the bill will tend, if anything, to stimulate economic activity and growth, not cause unemployment in the United States. This conclusion is supported by six solid reasons:

1. Over 60 per cent of the estimated 60,000 additional immigrants who will enter under the bill will be consumers and not workers: elderly parents, women, and children. Since those who are workers are themselves also consumers, our economy will get almost three more consumers for every additional worker admitted. This is a somewhat better ratio of consumers to workers than now prevails in our population. Any effect on the demand for labor would be to increase rather than reduce the employment available to our own citizens.

2. The total number of additional workers of all kinds that will enter annually under the bill and join the national work force will be less than 24,000. As a part of our present labor force of over 77,000,000, this number is insignificant--in fact, infinitesimal. In percentage terms, these additional workers will amount to about 3 one-hundredths of one per cent, or about one to each three thousand present workers. And in a nation of almost 200,000,000 population, where the birth rate adds 4,000,000 each year, the employment requirements of 24,000 additional workers, scattered throughout the year

and across the country, are truly imperceptible. Statistically and practically, they are hardly a drop in the bucket.

3. Of these 24,000 additional workers who would enter under the bill, a good part will not even be potential competitors for jobs held by Americans. Many of them will be first preference quota immigrants for whom up to 50 per cent of the overall quota is reserved. To qualify for the first preference, immigrants must have specialized skills and their admission must be found to be "especially advantageous" to the United States. One most significant factor with obviously little bearing on whether admission will be "especially advantageous" is the likelihood of displacement of workers. It is estimated that there will be at least 3,000 new first preference workers in professional and technical occupations; given the limitations on their entry, they will pose no employment problems.

Quota immigrants who have lesser skills could qualify for an occupational fourth preference, but the bill grants such a preference only if "a shortage of employable and willing persons exists in the United States" for the specific work such immigrants would perform. Such workers will number an estimated 2,400, and along with the 3,000 first preference immigrants, represent new admittees who clearly will not displace American jobholders. Thus, deducting these 5,400 first and fourth preference immigrants from the total 24,000 added workers who would be admitted under the bill,

it appears that the additional workers who are even potentially competitive number less than 19,000 -- an even more infinitesimal part in our huge economic system. And the first and fourth preference workers not only will not take jobs that Americans either hold or seek, they also will fill jobs whose continuing vacancy is a drag on business activity.

4. Even if, despite the foregoing, any of those who might enter under the bill are regarded as a threat to the jobs of Americans, present statutory safeguards will continue to be available to remove the threat. As Secretary of Labor Wirtz testified, "Under the present Immigration and Nationality Act, the Department of Labor is charged with the responsibility of protecting U.S. workers from unfair competition from aliens seeking to enter the United States for employment. Applicants for immigrant visas who will be entering the labor market become excludable aliens if the Secretary of Labor certifies that domestic workers are available to perform the work which would be performed by the alien or if the alien's employment in the United States would adversely affect the wages and working conditions of our own workers [sec. 212(a) (14)]. Because of the Department's special interest and experience in this area, we expect that its role in this respect will continue to be an important one." House Hearings on H.R. 7700, July 23, 1964, p. 441.

5. There is an additional statutory safeguard, administered by the consular service of the State Department,

which is designed to exclude workers who are likely to contribute to unemployment. This is the requirement excluding aliens who fail to prove they are not likely to become a public charge. Thus there are two statutory safeguards, each administered by a different department, which precludes immigration causing unemployment.

6. The shift in emphasis from place of birth to individual merit as the primary basis for admitting quota immigrants will stimulate and enrich our economy. Our history is replete with examples of immigrants who have done this: Michael Pupin and Charles Steinmetz, electrical engineering geniuses; A.P. Giannini, financial leader; Guiseppe Bellanca and Igor Sikorsky, aircraft developers; and Enrico Fermi, the atomic pioneer. Such men of outstanding talents, far from taking away American jobs, helped create whole industries, with thousands of new jobs for our people. Such benefits will be more extensive and certain under the proposed preference structure which selects immigrants on the basis of their individual merit rather than on the basis of where they were born.

QUESTIONS AND ANSWERS

QUESTIONS AND ANSWERS

- Q. What are the differences between this bill and the 1963 Administration bill?
- A. Apart from technical matters, the only substantive changes are in section 3 of the bill. That section gives the President authority to reserve quota numbers in the national security interest to avoid hardship resulting from the reduction of annual quotas for any country, and to reserve quota numbers for refugees. The 1963 bill gave the President authority to reserve up to 50 per cent of the available quota pool for national security purposes and up to 20 per cent for refugees. The present bill reduces these to 30 and 10 per cent, respectively. Attorney General Kennedy, in his 1964 testimony before the House Subcommittee on Immigration, explained that studies made by the Secretary of State and himself since the bill had been introduced had convinced them that the reduced percentages were adequate to meet the situation.
- Q. How many additional immigrants would enter the United States each year if the Administration's bill is passed?
- A. Only about 60,000. Authorized quota immigration would be increased by 7,700 as a result of raising minimum quotas from 100 to 200. In addition, the bill would permit use of the approximately 55,000 quota numbers which are now authorized but which, on the average, remain unused each year. Thus quota immigration would increase by about 62,700 annually.

The bill's allowance of non-quota status to parents of U.S. citizens is expected to benefit about 5,000 new immigrants annually and elimination of the so-called Asia Pacific Triangle would permit admission of an estimated maximum of 6,000 persons from non-quota areas in the Western Hemisphere. If Jamaica and Trinidad and Tobago are accorded the same non-quota status already available to other Western Hemisphere countries, it is estimated that immigration from those newly independent nations would total about 7,000 per year. The total of the expected annual increase in non-quota immigration is thus estimated to be about 18,000, which when added to that for quota immigration gives an overall total of slightly less than 81,000.

There must off-set against this figure, however, the approximately 21,000 immigrants who, on the average, have entered under special legislation during each of the past five years. It is to be expected that enactment of the Administration proposals would eliminate the need for Congress to enact such special legislation to relieve pressures created by the existing system. Deduction of this 21,000 from the 81,000 total thus gives a figure of approximately 60,000 as the estimated annual net increase in the volume of immigration under the provisions of the Administration bill. And, of course, it should be remembered that of this approximately 60,000 increase, some 55,000 are already authorized under the provisions of existing law; consequently the increase per year would be only about 5,000 more immigrants than those presently authorized.

- Q. How many immigrants can be absorbed and assimilated by the United States each year?
- A. The answer to that question would depend on the circumstances at any given time, and upon other policy decisions. For example, after the Hungarian revolution, and after Castro's coming to power, it was determined that the national interest would be served by admitting many thousands of refugees in a short period. In other words, the United States decided that it "could" admit tens of thousands of "extra" immigrants. In other circumstances, Congress has not seen fit to encourage such large-scale migration to the United States.

There is, of course, another level to the question: that is whether the regular immigration quota should be 150,000 or 300,000, or even 1 million. The Administration's bill does not attempt to provide a new answer to that question. It leaves the present authorized level of immigration substantially unchanged. All that the present bill does is to establish the principle that whatever the number of immigrants we admit each year, they should be judged as individuals and not by formulas; that they should receive consideration on the basis of their potential contribution to this country and its citizens, and not according to the accident of birth and national origin.

The proposed bill provides only a small increase in authorized quota immigration, and a somewhat more substantial increase in actual immigration, since quota numbers will no longer go unused and some additional persons will be admitted on a non-quota basis. The total increase in actual immigration (which will be about 60,000 annually) is not significant when measured against our birthrate, which adds 4,000,000 new Americans each year. The increase is necessary to keep relatives of American citizens from waiting another five or ten years before coming here, and to keep the United States from being deprived for precious years of the skills of many first-preference applicants now waiting. The increase, while comparatively very small, is needed and beneficial.

- Q. Which countries will be the principal beneficiaries of the new system for distributing quota numbers?
- A. Those countries, like Italy, Greece, Poland, Portugal and Spain, which now have large backlogs of applicants for quota visas but have relatively small quotas. However, to prevent disproportionate benefits to any one country, no country can be given more than 10 per cent of the total annual quota. Thus, Italy, for example, could not obtain more than 16,600 numbers each year.
- Q. What changes would the bill make in existing restrictions on admission of aliens who suffer physical or mental defects?
- A. The proposed amendments to the Immigration and Nationality Act would remove the bar against the issuance of visas to epileptics, since that condition is now effectively controllable. It would also give the Attorney General discretionary authority to allow--subject to appropriate conditions and controls--the entry of certain persons who are afflicted with mental conditions and who are the spouses, children, or parents of citizens or resident aliens, or who are accompanying a member of their family. Similar authority already exists with respect to persons suffering from tuberculosis.

The law would continue to prohibit the issuance of any visa to a person who has a dangerous contagious disease, such as tuberculosis, or has suffered a serious mental illness, if he is not within the category of persons who may be admitted under the limited authority described above.

- Q. What will happen to present requirements barring issuance of visas to criminals, security risks, and other undesirable persons?
- A. There will be no change in such requirements. Continued in effect will be present barriers to entry of security risks, narcotics addicts or traffickers, or persons who have a criminal record, including one involving an offense against public morals, or persons who are or have been members of or affiliated with the Communist Party or other proscribed organizations.
- Q. What will happen to other existing restrictions designed to prevent entry of persons who might aggravate unemployment problems or go on public relief roles?
- A. Such restrictions will not be altered. There will remain in full force the provisions of present law which require that a visa may not be issued to a person who is likely to become a public charge, or to a person who is coming to the United States for the purpose of performing skilled or unskilled labor, if the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that (A) sufficient workers in the United States who are able, willing, and qualified are available at the time and place to perform such labor, or (B) the employment of such aliens would adversely affect the wages and working conditions of similarly employed workers in the United States.
- Q. What changes does the bill make in the existing preference structure for allocation of quota visas?
- A. The existing first preference of 50 per cent for skilled specialists is continued. However, the criterion for qualifying would be that the individual's services be "especially advantageous to" the United States instead of being "urgently needed in" the United States. In addition, an individual with desirable skills would no longer be required to have a specific job here before he qualifies. In the past, persons with special talents or training were prevented from entering, even though their skills were needed to fill job openings, because employers were hesitant to hire them without an interview, a requirement they could not meet before actually coming here.

Present law gives a second preference of 30 per cent to parents of United States citizens or their unmarried sons or daughters who are at least 21 years old. Under the bill parents of U.S. citizens will be accorded nonquota status.

The present third preference of 20 per cent for spouses and unmarried children of alien residents is unchanged. The new bill grants a fourth preference, of up to 50 per cent of numbers not used by the first three preferences, to parents of alien residents, with the remaining 50 per cent available to fourth preference workers capable of filling particular labor shortages in the United States. Any quota numbers not used by preference immigrants will be available to other non-preference applicants.

The new preference structure will help obtain needed expert workers and will expedite the reuniting of families.

- Q. What kind of immigrants would be given first preference under the bill?
- A. The first preference would be available to persons of "high education, technical training, specialized experience or exceptional ability" whose services would be "especially advantageous" to the United States. Recommendations of specific skills to be included in this description would be made to the Attorney General by the Immigration Board after consultation with the Secretaries of Labor, State, and Defense.

The types of occupations which might qualify are illustrated by lists prepared by the Department of Labor for administering the first preference as it now exists, and lists for guidance in granting Selective Service occupational deferments. Such listed occupations include certain types of astronomers, biophysicists, chemists, engineers, librarians, metallurgists, glass blowers (laboratory apparatus), instrument repairmen, teachers in certain fields, tool and die designers, and some linguists. Inclusion of any particular occupational specialty would depend on the market for such skills and talents, developments

in applicable technology, and other pertinent factors affecting needs and benefits at any given time. According to guidelines submitted by the Department of Labor (Hearings on H.R. 7700, 88th Congress, Part II, pp. 595-596), no new occupational category would be added unless the skill or knowledge involved is substantial, requiring university training or its equivalent, with overall national shortages existing or developing in the field.

Q. What occupational groups might be admitted under the fourth preference?

A. The fourth preference would allow entry of persons capable of meeting proven shortages for specific job vacancies. Examples of occupations presently in short supply which could come under this preference are tailors, orthopedic shoe builders, medical and dental technicians, and foreign specialty cooks. This preference will require proof of job offers from American employers. Such job offers will be reviewed to assure the payment of prevailing salaries and the non-availability of native applicants for the jobs, thus protecting the job opportunities and working conditions of the nation's labor force. The requirements and procedures which would be used are very similar to those presently employed by the Department of Labor in carrying out its responsibility to protect American workers from any adverse effects under present first preference provisions.

Q. Will the President's authority to reserve numbers from the pool continue in effect after the five-year period of transition is over, i.e., after national quotas are completely eliminated?

A. Yes. It is a permanent feature of the new system since it is possible that the interests of our NATO allies and other countries will continue to require reservation of numbers after the transition period. Moreover, reservation of numbers is also designed to deal with refugee problems which will almost certainly continue to recur.

Q. Why does the bill impose a ten per cent limitation on immigration from any one country and then allow it to be waived by the President in exercising his authority to reserve numbers for national security purposes?

A. The ten per cent limit can be waived for the same reason that the changeover to the new system can be delayed by reserving quota numbers: to avoid overly quick or unfair change in the situation of our close allies. Quota immigration from Great Britain, for example, is now at an average rate of about 25,000 per year, well below Britain's quota, but substantially in excess of ten per cent of total authorized quota immigration. If the President could not reserve numbers and waive the ten per cent limitation in the national security interest to avoid hardships, immigration from Britain could be cut substantially in a short period of time. The fundamental principle of the bill is that change should be gradual. Therefore the President is allowed not only to reserve numbers, but also to waive the limitation. However, because the President can use this reserve power only to restore cuts made in present national quotas, he would, in effect, be authorized by this bill to waive the ten per cent limit only as to the three countries which now have quotas greater than ten per cent--that is, only Great Britain, Germany, and Ireland.

Q. What limits are there on the President's authority to reserve up to 30 per cent of the "pooled" quota numbers for national security purposes?

A. The President's authority is strictly limited. Present law now sets certain quotas for each country. Under the bill, quota immigration would move gradually to a system of first-come, first-served, within preference classes set by Congress. All that the President could do under the bill is soften the change-over to the new system. The most that he could do as to any country would be to restore the numbers they now are entitled to under present law; he could not use his authority to exceed that limit. And the President could exercise this authority only where necessary to relieve hardship and only if to do so would be

in the national security interest. Moreover, he may act only after consultation with the Immigration Board, a majority of whose members will be appointed by the Speaker of the House and the President of the Senate. While, in order to avoid constitutional problems, the Board's recommendations are not made legally binding, they will undoubtedly have great weight.

Q. Does the authority given the President and the Immigration Board to reserve pool numbers for national security purposes constitute an unconstitutional delegation of congressional power? Hasn't the Supreme Court stated that congressional power over immigration is plenary?

A. There is no question that Congress has plenary power over immigration. It may pass any immigration legislation that it desires. Indeed, it is precisely the great power of Congress in this area that allows it to delegate certain functions to the President and the Immigration Board. In fact, the President would be given only a very circumscribed authority--an authority limited to minimizing difficulties in changing from one system prescribed by Congress to another system also prescribed by Congress. And it is a power which may be exercised only under certain specific conditions and subject to congressionally-declared standards. Under present law, the President has discretion to suspend the immigration of all aliens or any class of aliens, or to impose on their entry any restrictions he deems appropriate. This, obviously, is a far broader and less restricted authority than that which he would have under this bill.

Q. Do the functions assigned to the Immigration Board violate the constitutional doctrine of separation of powers or infringe upon the President's constitutional authority to execute the laws?

A. No. The Board has only advisory duties. It can recommend to the President how many quota numbers he should reserve for national security purposes and for refugees, for example, but the President is not required by the bill to accept the Board's recommendations. His constitutional authority to execute the law within the limitations specified by Congress in the bill is left unimpaired.

- Q. Would the bill abolish the existing congressional Joint Committee on Immigration?
- A. No. The Joint Committee, established by section 401 of the Immigration and Nationality Act, would continue to be charged by law with the study of the immigration laws and policy of the United States. Both the Congress and the Executive are continually engaged in studying all facets of United States law and policy, and the conditions affecting it. The activities of one branch can and do supplement those of the other. The Immigration Board, created by the bill, would have important duties extending to areas not within the present responsibilities of the Joint Committee; for example, the Board would advise and assist the President in discharging his responsibility with respect to quota reservations for national security and refugee purposes.
- Q. What is the purpose of section 19 of the bill giving consuls authority to require a departure bond from a visitor or a student, i.e., a bond guaranteeing that the applicant seeking temporary admission will, in fact, leave the United States and return home upon expiration of his visa?
- A. In some cases, consuls are uncertain whether such a persons is really seeking temporary admission or whether he is seeking to come here on a permanent basis. Given such doubts, a nonimmigrant visa must be denied. By being able to require a departure bond, there will be assurance that the terms of the visa will be met and the visa can then be granted.
- Q. Why does section 16 of the bill authorize the Secretary of State to terminate an alien's registration on a quota waiting list if he fails to evidence a continued intention to apply for a visa?
- A. The basic purpose of this provision is to obtain a more realistic picture of the number of people on waiting lists who are serious in their intention to immigrate to the United States. Many persons in countries with oversubscribed quotas have registered their names on visa waiting lists even though at the time they have no serious intention of coming to the United States

as immigrants. They have registered as "insurance" of a sort against the possibility that they might want to come here in the future. A number of those on waiting lists have failed to accept visas when offered, but still keep their names on the list to preserve their priority in registration for possible use in the future. In addition, the Department of State intends to require reregistration in over-subscribed quota areas in order to ascertain whether registrants have died, emigrated elsewhere, or changed their minds. The new provision will allow the Secretary of State to terminate the registration of persons who have previously declined visas and of those who fail to reregister. The result will be a more accurate picture of quota visa backlogs.

EXHIBIT - A

DEPARTMENT OF STATE

JULY 31, 1964

FOR THE PRESS

NO. 351

CAUTION - FUTURE RELEASE

FOR RELEASE UPON DELIVERY WHICH IS EXPECTED AT 10:30 A.M., E.D.T., FRIDAY,
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STATEMENT BY THE HONORABLE DEAN RUSK,
SECRETARY OF STATE,
ON THE ADMINISTRATION'S PROPOSALS FOR AMENDMENT OF
THE IMMIGRATION LAWS (S. 1932 AND H.R. 7700),
BEFORE THE SENATE JUDICIARY COMMITTEE,
SUBCOMMITTEE ON IMMIGRATION AND NATURALIZATION

Mr. Chairman, Members of the Committee--

It is a distinct privilege for me to appear before you today to discuss the Administration's proposals in S. 1932 for a revision of our basic immigration laws.

I shall limit my comments this morning to those objectives of the Administration proposals which bear on foreign policy and in which my Department, therefore, is deeply interested. I understand that the Attorney General and the Secretary of Labor will discuss internal or national aspects of the proposals. My colleague, Mr. Abba P. Schwartz, Administrator of the Bureau of Security and Consular Affairs, is available at the Committee's convenience to discuss the refugee and other aspects of the Administration's proposal which I may not cover this morning.

There are three areas which are of particular concern to us. The first is the way in which the present law prescribes the selection of immigrants who are subject to quota restrictions. The second is the differential treatment to which we subject persons of Asian ancestry under our immigration laws; and third is the quota status accorded to immigrants of newly independent former colonial areas in the Western Hemisphere.

I should like to address myself first to the formula by which we select quota immigrants. When Congress in 1924 devised this method, usually referred to as the national origins system, its primary objective was to maintain the ethnic balance among the American population as it existed in 1920.

This system

This system preserves preferences based on race and place of birth in the admission of quota immigrants to the United States. This results in discrimination in our hospitality to different nationalities in a world situation which is quite different from that which existed at the time the national origins system was originally adopted.

Since the end of World War II, the United States has been placed in a critical role of leadership in a troubled and changing world. We are concerned to see that our immigration laws reflect our real character and objectives.

What other peoples think about us plays an important role in the achievement of our foreign policies. We in the United States have learned to judge our fellow Americans on the basis of their ability, industry, intelligence, integrity and all the other factors which truly determine a man's value to society. We do not reflect this judgment of our fellow citizens when we hold to immigration laws which classify men according to national and geographical origin. It is not difficult, therefore, to understand the reaction to this policy of a man from a geographical area, or of a national origin, which is not favored by our present quota laws. Irrespective of whether the man desires to come to the United States or not, he gets the impression that our standards of judgment are not based on the merits of the individual--as we proclaim--but rather on an assumption which can be interpreted as bias and prejudice.

This basic rule embodying the national origins system was not intended to be the exclusive principle governing American immigration policy. From the very beginning Congress gave equal weight to our good neighbor policy when it exempted from quota restrictions natives of our

sister

In these special laws we have exhibited a generosity of spirit and a complete absence of concern about the origin, race and place of birth of the refugees whom we have admitted to our shores under circumstances of need.

I don't have to remind you, Mr. Chairman, and the Members of the Committee, of the fine record Congress established in passing the Displaced Persons Act of 1948, the Refugee Relief Act in 1953, and the "Fair Share" Refugee-Escapée Act in 1960. These acts, for all practical purposes, exempted refugees from the quota restrictions which would have delayed their entry into this country for many years.

More recent legislation has clearly reflected the intent of the Congress to relieve pressures created by quota restrictions. On five separate occasions since 1957 the Congress granted nonquota status to quota immigrants who had been waiting for visas for an extensive period of time. While I shall not indulge in a statistical presentation, I should like to remind this Committee that, as a result of this liberalizing policy of the Congress, only 34 percent of the 2,599,349 immigrants who came to the United States from 1953 through 1962 were quota immigrants.

What is needed, basically, is to bring our immigration laws into line with the real character and disposition of the American people, who are at heart and in fact hospitable, kindly disposed and interested in all races and cultures. This is so because we know from actual experience that immigrants previously admitted, regardless of race and place of birth, have made their distinctive contribution to what is America today.

President Kennedy, in a special message to the Congress on July 23, 1963, said:

"The most urgent and fundamental reform I am recommending relates to the national origins system of selecting immigrants. Since 1924 it has been used to determine

the number

the number of quota immigrants permitted to enter the United States each year. Accordingly, although the legislation I am transmitting deals with many problems which require remedial action, it concentrates attention primarily upon revision of our quota immigration system. The enactment of this legislation will not resolve all of our important problems in the field of immigration law. It will, however, provide a sound basis upon which we can build in developing an immigration law that serves the national interest and reflects in every detail the principles of equality and human dignity to which our nation subscribes." President Johnson in January 1964 said:

"This bill applies new tests and new standards which we believe are reasonable and fair and right. I refer specifically to: What is the training and qualification of the immigrant who seeks admission? What kind of a citizen would he make, if he were admitted? What is his relationship to persons in the United States? And what is the time of his application? These are rules that are full of common sense, common decency, which operate for the common good.

"That is why in my State of the Union message last Wednesday (January 8, 1964), I said that I hoped that in establishing preferences a nation that was really built by immigrants--immigrants from all lands--could ask those who seek to immigrate now: What can you do for our country? But we ought to never ask: In what country were you born?"

The Administration's proposal would eliminate the National Origins System on a gradual basis by reducing all established quotas by 20 percent each year for five years. The present total of quota authorizations would be maintained,

be maintained, except initially all minimum quotas and subquotas would be increased from 100 to 200. These minimum quotas would have the 20 percent reduction each year applied to them.

A quota reserve pool is established by Section 2 of the bill before the Committee under which all numbers would be allocated by the fifth year. In each of the five years constituting the period of transition, the pool would consist of (1) the numbers released from national origin quotas each year, under the 20 percent progressive reduction plan and (2) numbers assigned to the old quotas but unused the previous year because insufficient demand for them existed in the assigned quota area.

Experience has shown that we have approximately 50,000 visa numbers annually which are unused and are not available for reallocation to other quota areas. These unused numbers are chiefly from the United Kingdom and Irish quotas.

In the fifth year all quota allocations would be made from the quota reserve pool which would then become a world-wide quota. So that no one country could enjoy a disproportionate amount of numbers from the pool based on registrations or relatively long-standing, the bill provides that no one country could receive more than 10 percent of the total authorized quota numbers.

A strict first-come, first-served basis of allocating visa quotas would create some problems in certain countries of Northern and Western Europe, which under the national origins system enjoyed a situation where quota numbers were readily available to visa applicants.

To apply the new principle rigidly would result, after a few years, in eliminating immigration from these countries almost entirely. Such a result would be undesirable, not only because it frustrates the aim of the bill that immigration from all countries should continue, but also because many of the countries so affected are our closest allies. At a

time

time when our national security rests in large part on a continual strengthening of our ties with these countries, it would be anomalous indeed to restrict opportunities for their nationals here. Therefore, the bill allows the President to reserve up to 50* percent of the pool reserve for allocation to qualified immigrants, who could obtain visas under the present system, but not under the terms of the bill before the Committee, and whose admission would further the national security interests in maintaining close ties with their countries.

Also involved in this is the issue of our immigration policy toward Asian persons, to which I now wish to address myself. Perhaps the most discriminatory aspect of the present law is the so-called Asia-Pacific Triangle which requires persons of Asian stock to be attributed to quota areas not of their place of birth but according to their racial ancestry. This feature of the present law is indefensible from a foreign policy point of view. It represents an overt statutory discrimination against more than one-half of the world's population. Here again our request is not that the Congress drastically depart from existing policy, but rather that it pursue to a conclusion a development which began more than twenty years ago. As your Committee is well aware, the Congress, at the request of President Roosevelt, eliminated in 1943 the Chinese Exclusion Laws and established for the first time a quota for the immigration of Chinese persons. This well-considered and cautious beginning of a revision of our policy of excluding Asian persons has been followed by progressively liberal amendments to our laws. In 1952, the drafters of the Immigration and Nationality Act eliminated race as a bar to naturalization and thereby to immigration. Asian spouses and children of American citizens were given the same nonquota status as enjoyed by any person of non-Asian ancestry. The only discriminatory features affecting Asian persons which then remained were the establishment of an upper limit of 2,000 for the

so-called

*Reduced to 30% in H.R. 2580 and S. 500 (89th Congress) based upon up-dated estimates.

so-called minimum quotas in the Asian area, and the rule that the quota of an Asian person born outside the Asian sphere be governed by ancestry, rather than by place of birth. The Congress in 1961 removed the 2,000 limit on the number of Asian immigrants from minimum quota areas. The only remaining discriminatory provision of the law now, therefore, is the one requiring that an Asian person be charged to an Asian quota even if he were born outside the Asian area in a quota or nonquota country.

The restrictive effect of this rule has been significantly tempered during the last decade as a result of the special legislation to which I referred earlier. The very liberal policy which found expression in these special measures, as distinct from the letter of the general law, is best illustrated by the volume and composition of immigration from some of the major countries of the Far East. During the ten-year period from 1953 to 1963 a total of 119,677 immigrants came to the United States from China, Japan and the Philippines. 109,654 of these were nonquota immigrants and less than 10 percent were quota immigrants. These facts may startle those who read in our immigration laws that Japan has an annual quota of 185, the Philippines a quota of 100, and that China has a total of 205 quota numbers a year. Any increase in the volume of immigration resulting from the proposed amendments would be rather limited against the actual volume of Asian immigration into the United States between 1953 and 1963. We deprive ourselves of a powerful weapon in our fight against misinformation if we do not reconcile here too the letter of the law with the facts of immigration and thus erase the unfavorable impression made by our old quota limitation for Asian persons.

I urge you most earnestly to eliminate this last vestige of discrimination against Asian persons from our immigration laws. This action would bring to a logical conclusion the progressive policy the Congress has followed since 1943.

Consistent

Consistent with the foregoing, I should like to urge you to accord equal status to all immigrants born in our American sister republics. It has always been the policy of the Congress to recognize the common bond uniting the Americas by exempting from any quota restrictions those immigrants who were born in independent countries of the Western Hemisphere. When the Congress in 1952 formulated the pertinent provisions of the Immigration and Nationality Act it included in the list of nonquota countries all those which were independent at that time. Meanwhile, our neighbors in the Caribbean, Jamaica, and Trinidad and Tobago have become independent. The wording of the law required that we proclaim for each of these areas quotas of 100. We have had serious representations from these countries concerning these quota restrictions which are interpreted as discriminatory measures. Jamaica and Trinidad are among our best friends in this hemisphere and their friendship is of considerable significance to us.

Assistant Secretary Mann will expand upon this in later testimony. Mr. Abba P. Schwartz, Administrator, Bureau of Security and Consular Affairs, will also present a statement on the refugee aspects of the Administration's proposal.

Finally, Mr. Chairman, without going into the economic aspects of the Administration's proposals, on which others will testify, I wish to conclude with a few general considerations.

Present-day immigration is very different in volume and make-up from the older migration on which most of our thinking is still based; and its significance for this country is considerably different. Immigration now comes in limited volume and includes a relatively high proportion of older people, females, and persons of high skill and training.

The significance of immigration for the United States now depends less on the number than on the quality of the immigrants.

The explanation

The explanation for the high professional and technical quality of present immigration lies in part in the nonquota and preference provisions of our immigration laws that favor the admission of highly qualified migrants. But still more it depends on world conditions of postwar economic and social dislocations, discriminations, and insecurities in various parts of the world that have disturbed social and occupational strata not normally disposed to emigrate and has attracted them to the greater political freedom and economic opportunity offered in the United States. Under present circumstances the United States has a rare opportunity to draw migrants of high intelligence and ability from abroad; and immigration, if well administered, can be one of our greatest national resources, a source of manpower and brainpower in a divided world.

It should be emphasized that there has been no relaxing of the qualitative criteria for admissibility to the United States, and that no relaxation of these mental, moral, economic, and ideological criteria is proposed in S. 1932 or H.R. 7700.

I urge you, Mr. Chairman, and members of this Committee that you give most careful consideration to the President's proposals embodied in H.R. 7700 and S. 1932.

Thank you, Mr. Chairman.

* * *

DEPARTMENT OF STATE

FOR THE PRESS

JULY 2, 1964

NO. 309

STATEMENT BY THE HONORABLE DEAN RUSK,
SECRETARY OF STATE,
ON THE ADMINISTRATION'S PROPOSALS FOR AMENDMENT
OF THE IMMIGRATION LAWS (H.R. 7700 AND S. 1932),
BEFORE THE IMMIGRATION AND NATIONALITY SUBCOMMITTEE,
THE COMMITTEE OF THE JUDICIARY,
HOUSE OF REPRESENTATIVES

Mr. Chairman and Members of the Committee -

I appreciate this opportunity to appear before you to discuss a very important problem. I refer to the effect on the operation of our foreign policies of the national origins system which is the basis of our immigration laws.

The Administration has proposed in H.R. 7700 and S. 1932 the progressive elimination of the national origins system from our immigration laws. I should like to discuss with you the foreign policy aspects of our immigration laws and of the Administration's proposals from the point of view of the Department of State. Others will discuss internal or national aspects of the Administration's proposals.

Under the national origins system, the primary objective was to maintain the ethnic balance among the American population as it existed in 1920. This system preserves preferences based on race and place of birth in the admission of quota immigrants to the United States. This results in discrimination in our hospitality to different nationalities in a world situation which is quite different from that which existed at the time the national origins system was originally adopted.

Since the end of World War II, the United States has been placed in the role of critical leadership in a troubled and constantly changing world. We are concerned to see that our immigration laws reflect our real character and objectives.

What

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Since the end of World War II, the United States has been placed in a critical role of leadership in a troubled and changing world. We are concerned to see that our immigration laws reflect our real character and objectives.

What other peoples think about us plays an important role in the achievement of our foreign policies. We in the United States have learned to judge our fellow Americans on the basis of their ability, industry, intelligence, integrity and all the other factors which truly determine a man's value to society. We do not reflect this judgment of our fellow citizens when we hold to immigration laws which classify men according to national and geographical origin. It is not difficult, therefore, to understand the reaction to this policy of a man from a geographical area, or of a national origin, which is not favored by our present quota laws. Irrespective of whether the man desires to come to the United States or not, he gets the impression that our standards of judgment are not based on the merits of the individual--as we proclaim--but rather on an assumption which can be interpreted as bias and prejudice.

This basic rule embodying the national origins system was not intended to be the exclusive principle governing American immigration policy. From the very beginning Congress gave equal weight to our good neighbor policy when it exempted from quota restrictions natives of our
sister

sister republics in the Western Hemisphere. Similarly, the Congress recognized the importance of uniting separated families by permitting wives and children of United States citizens to join their husbands and fathers outside of any quota restrictions. As the years progressed, the Congress has permitted more and more classes of immigrants to come to the United States irrespective of their national origin. In passing the Displaced Persons Act of 1948, the Refugee Relief Act in 1953, and the "Fair Share" Refugee-Escapee Act in 1960, the Congress has made major contributions to the solution of the refugee problem. The main objective of these Acts was to permit refugees to come to the United States expeditiously without subjecting them to delays as a result of quota restrictions. During the last seven years the Congress, in five bills, has taken additional steps to ease existing quota restrictions by admitting as nonquota immigrants those quota immigrants who had been waiting for visas for a considerable period of time. As a result of this liberalizing policy of the Congress only 34 percent of the 2,599,349 immigrants who came to the United States from 1953 through 1962 were quota immigrants.

The action we urge upon you, Mr. Chairman, is, therefore, not to make a drastic departure from a long established immigration policy but rather to reconcile our immigration policy as it has developed in recent years with the letter of the general law. The image held by many here and abroad of our immigration policy is one of discrimination which selects prospective immigrants based strictly on their national origin. This is understandable, since 70 percent of the total authorized annual immigration of approximately 156,000 is allocated to three countries, Great Britain, Ireland, and Germany; and only 30 percent is available for
over

over one hundred other countries and areas. A careful examination of our actual immigration policy over the last ten years reveals that this is not an accurate picture.

The fact that we are a country of many races and national origins, that those who built this country and developed it made decisions about opening our doors to the rest of the world, that anything which makes it appear that we, ourselves, are discriminating in principle against particular national origins, suggests that we think less well of our citizens of those national origins, than of other citizens, and that we are somehow fearful or timid about receiving other such citizens from certain parts of the world.

The national origins principle, rather than the facts of our actual immigration, is picked up by people unfriendly to the United States and made an issue in their countries. This causes political disturbances in the good relations which we would hope to establish.

I therefore urge the Committee to reflect in the letter of the law the policy adopted by the Congress during the last decade and to eliminate, with the safeguards proposed by the Administration Bill, the national origins system which has created an unwholesome atmosphere in our foreign relations.

The Administration's proposal eliminates the national origins system on a gradual basis by reducing all quotas by 20 percent each year for five years. The present total authorized annual quota admissions of approximately 156,000 would be maintained, except initially all minimum quotas and subquotas would be increased from 100 to 200. These minimum quotas would have the 20 percent reduction each year applied to them.

A quota

A quota reserve pool is established by Section 2 of the bill before the Committee under which all numbers would be allocated by the fifth year. In each of the five years constituting the period of transition, the pool would consist of (1) the numbers released from national origin quotas each year, under the 20 percent progressive reduction plan and (2) numbers assigned to the old quotas but unused the previous year because insufficient demand for them existed in the assigned quota area.

Experience has shown that we have approximately 50,000 visa numbers annually which are unused and are not available for reallocation to other quota areas. These unused numbers are chiefly from the United Kingdom and Irish quotas.

In the fifth year all quota allocations would be made from the quota reserve pool which would then become a world-wide quota. So that no one country could enjoy a disproportionate amount of numbers from the pool based on registrations of relatively long-standing, the bill provides that no one of the highly oversubscribed quota areas would receive more than 10 percent of the total authorized quota numbers.

A strict

A strict first-come, first-served basis of allocating visa quotas would create some problems in certain countries of Northern and Western Europe, which under the national origins system enjoyed a situation where quota numbers were readily available to visa applicants.

To apply the new principle rigidly would result, after a few years, in eliminating immigration from these countries almost entirely. Such a result would be undesirable, not only because it frustrates the aim of the bill that immigration from all countries should continue, but also because many of the countries so affected are among our closest allies. At a time when our national security rests in large part on a continual strengthening of our ties with these countries, it would be anomalous indeed to restrict opportunities for their nationals here. Therefore, the bill allows the President to reserve a portion of the pool for allocation to qualified immigrants, who could obtain visas under the present system, but not under the terms of the bill before the Committee, and whose admission would further the national security interests in maintaining close ties with their countries. The bill before you proposes that 50 percent of the pool be available for this purpose. However, since the introduction of the bill we have determined, in consultation with the Attorney General, that 30 percent of the pool would suffice to meet our objective. This is indicated in a projection of estimated admissions for the first five years under the bill and in the computation of the estimated percentage of the reserve which will be utilized annually during the first five years. I am pleased to offer these charts for the record.

The second issue to which I should like to address myself is our immigration policy toward Asian persons. We urge the Congress to bring
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to a final conclusion a development which began more than twenty years ago; we do not ask for a drastic departure from existing policy. As you well know, Mr. Chairman, the Congress eliminated the Chinese Exclusion Laws in 1943 at the request of President Roosevelt. At that time it established a quota which permitted Chinese persons to immigrate to this country. Progressively liberal amendments have followed this well-considered beginning of a revision of our exclusion policy as far as Asian persons are concerned. Race as a bar to naturalization and thereby to immigration was eliminated with the passage of the Immigration and Nationality Act in 1952. That Act placed Asian spouses and children of American citizens on equal footing with all other immigrants of non-Asian ancestry by giving them the privilege of nonquota status. The establishment of an upper limit of 2,000 for the so-called minimum quotas in the Asian area, and the rule that the quota of an Asian person born outside Asia be governed by ancestry, remained the only discriminatory provisions in the 1952 Act as far as Asian persons are concerned. The 2,000 limit on the number of Asian immigrants from any nonquota area was removed by Congress in 1961. Therefore, only one discriminatory provision remains in the law as far as Asian persons are concerned. This provision requires that an Asian person be charged to an Asian quota even if he was born outside Asia, whether in a quota or nonquota area.

For all practical purposes, Congress has already significantly tempered this provision during the last ten years by passing the special legislation to which I referred earlier. This observation is best documented by the volume and composition of immigration from the major countries in the Far East. 119,677 immigrants came to the United States from China, Japan and the Philippines from 1953 to 1963. More than 90 percent of these immigrants, 109,654, were nonquota immigrants. Those who read our immigration laws

and

and see that China has access to 205 quota numbers annually while Japan has a quota of 185, and the Philippines a quota of 100, are unaware of the actual number of immigrants from these countries. Against the background of the volume of Asian immigration into the United States between 1953 and 1963, any increase in the volume of immigration resulting from the proposed amendments would be limited. We deprive ourselves of a powerful weapon in our fight against misinformation if we do not reconcile here too the letter of the law with the facts of immigration and thus erase the unfavorable impression which unjustifiably has become attached to our immigration policy towards Asian persons.

It is of great importance to us from a foreign policy point of view that this last vestige of discrimination against Asian persons be eliminated from our immigration laws. This action would bring to a logical conclusion the progressive policy the Congress has followed since 1943.

Two aspects of our present immigration laws are a source of misunderstanding and friction in the Hemisphere.

A major problem arises from the fact that the Immigration and Nationality Act of 1952 exempts from quota limitations only those persons born in Western Hemisphere countries that were independent at the time the law was enacted. This means that Jamaica and Trinidad -- which achieved their independence after the date of the Act -- are each subjected to restrictions of 100 quota visas annually while their Hemisphere neighbors are not. An additional irritant for these two countries is the fact that the language of the present law would grant nonquota status automatically to dependencies on the mainland if they become independent.

The governments and people of Jamaica and Trinidad have made strong representations asking to be placed on an equal footing with the other American states.

It has

It has long been the policy of the Congress to recognize the unique status of our independent Hemisphere neighbors by according them nonquota immigration status. Jamaica and Trinidad are among the friendliest of these neighbors. I urge the Committee to remove the accidental discrimination against them by granting nonquota status. The Administration's proposal would also accord nonquota status to any dependencies that achieve independence in the future, making it clear to all concerned that there are no second class countries in the Hemisphere family.

The differential treatment accorded Jamaica and Trinidad in the matter of nonquota status is compounded by the so-called Asia-Pacific triangle provisions of existing law which require that persons of Asian ancestry be charged to the quota of their ethnic origin rather than their place of birth. This provision of the Immigration and Nationality Act affects most countries in the Hemisphere since in many of them some segment of the population is of Asian ethnic origin.

The question has special importance for Jamaica and Trinidad (roughly 40 percent of the Trinidad population is of Asian ancestry) since the law not only discriminates against these two countries on the basis of nationality by withholding nonquota status, but, in addition, establishes differential treatment for large segments of their populations on the basis of Asian ancestry--even though the persons affected are often generations removed from Asia. Nonquota status for Jamaica and Trinidad would have no significance for these persons unless the Asia-Pacific triangle provisions of the law are repealed. I respectfully urge that such action be taken to remove this last vestige of discrimination--the final step required to place all immigrants from our sister American states on an equal footing.

I realize,

I realize, you may be concerned about the effect of granting non-quota status to these countries on the flow of immigration to the United States. No doubt this flow will increase slightly as a result of this action, since the United States has always had an attraction for those seeking economic opportunity and political freedom. I do not believe, however, that this increase will be dramatic or injurious to our national interest. We do not ask that the qualitative requirements be lifted or modified for these immigrants. They, as all others, will have to satisfy the public charge provisions of the law. They will have to pass the health, educational, and security tests prescribed by existing law. Furthermore, the Secretary of Labor always has the authority to close the door to immigrants whose admission would adversely affect the working conditions of American labor, or who would take positions for which American labor is available.

Without going into details of the economic aspects of the Administration's proposal, on which Secretary Wirtz will expand when he testifies before this Committee, I would like to make a few general observations.

When Congress developed the national origins system in 1924, it appears that it may have been fearful that our country would be swamped with vast numbers of untrained and impoverished people. Present-day immigration is very different in volume and make-up from the older migration on which most of our thinking is still based; and its significance for this country is considerably different. Immigration now comes in limited volume and includes a relatively high proportion of older people, females, and persons of high skill and training.

The significance of immigration for the United States now depends less on the number than on the quality of the immigrants.

The explanation

The explanation for the high professional and technical quality of present immigration lies in part in the nonquota and preference provisions of our immigration laws that favor the admission of highly qualified migrants. But still more it depends on world conditions of postwar economic and social dislocations, discriminations, and insecurities in various parts of the world that have disturbed social and occupational strata not normally disposed to emigrate and has attracted them to the greater political freedom and economic opportunity offered in the United States. Under present circumstances the United States has a rare opportunity to draw migrants of high intelligence and ability from abroad; and immigration, if well administered, can be one of our greatest national resources, a source of manpower and brain power in a divided world.

Mr. Chairman, I urge you and members of this Committee to give most careful consideration to the President's proposals embodied in S. 1932. The adoption of these proposals would substantially assist in the conduct of our foreign relations because their impact is much wider than just on our immigration situation. History has made of this country a people drawn from many races, religions, and national origins.

The central issue of our time is between freedom and coercion--between free societies and a world of free nations, on the one hand, and a world in which the human race is regimented under Communist rule. As the great leader of the cause of freedom, we are expected to exemplify all that freedom means. We have proclaimed, again and again, from the Declaration of Independence until the present day, that freedom is the right of all men. The rest of the world watches us closely to see whether or not we live up to the great principles we have proclaimed and promoted. Our blemishes delight our enemies and dismay our friends. In recent legislation,

legislation, the Congress has reaffirmed our basic commitment to ourselves: that all our citizens are equally entitled to their rights as citizens and human beings.

I believe that the amendments to our immigration laws proposed by the Administration would materially strengthen our position in the world struggle in which we are engaged. And if we remain alert and energetic and resolute, and true to the ideas and ideals which gave birth to our nation and which have now seized the minds of men everywhere, including millions behind the Iron and Bamboo curtains, I have no doubt as to how the contest between freedom and coercion will be resolved.

Thank you, Mr. Chairman.

* * *

EXHIBIT - B

STATEMENT

by

ATTORNEY GENERAL ROBERT F. KENNEDY

before

**SUBCOMMITTEE NO. 1 OF THE HOUSE JUDICIARY
COMMITTEE REGARDING H.R. 7700, A BILL TO
AMEND THE IMMIGRATION AND NATIONALITY ACT**

WEDNESDAY, JULY 22, 1964

B1

Mr. Chairman and Members of the Subcommittee:

It is a privilege for me to appear today to testify in support of H.R. 7700, the Administration's immigration bill.

It is my conviction that there are few areas in our law which more urgently demand reform than our present unfair system of choosing the immigrants we will allow to enter the United States. It is a source of embarrassment to us around the world. It is a source of anguish to many of our own citizens with relatives abroad. It is a source of loss to the economic and creative strength of our nation as a whole.

I come here, on the first anniversary of the submission of this bill by President Kennedy, to urge the correction of these faults by the speedy enactment of H.R. 7700.

As you know, President Kennedy took a special interest in immigration matters throughout his public life. He considered this bill sound and felt that the reforms it would make in our immigration laws were urgently needed.

President Johnson shares deeply in this concern. He gave his emphatic support to the reforms proposed by this bill in his State of the Union Message. Since then, he has several times declared this bill to be one of the most significant measures now before Congress.

Mr. Chairman, this measure is simple. It is fair. And, when its provisions are understood, it is uncontroversial. The most remarkable thing is that we did not insist on these reforms long ago.

--This measure would make it easier to bring to the United States persons with special skills and attainments that we need and want.

--It would reunite thousands of our citizens with members of their families from whom they are now needlessly separated.

--It would remove from our law a discriminatory system of selecting immigrants that is a standing affront to millions of our citizens and our friends abroad.

--It would provide for the needs of refugees and serve our traditional policy of aiding those made homeless by catastrophe or oppression.

--And, finally, H.R. 7700 would accomplish all these necessary goals without damaging the interests of any person or group, either here or abroad.

I. Background

Mr. Chairman, the central fact with which our immigration policy must deal is that there are far more people who would like to come to the United States than we can accept.

At the present time, there are approximately three quarters of a million people who have applied for admission to our country. Over the next five years, another three quarters of a million will apply. There are differing views of how many immigrants the United States can absorb. But none of us, I am sure, believe we can admit them all.

As a result, the basic problem for our immigration policy is to choose fairly among the applicants for admission to this country. When this bill was in preparation, President Kennedy felt that it was essential to concentrate on this basic problem, and to avoid confusing the issue by proposing any substantial changes in the amount of authorized immigration.

Therefore with one minor exception -- an increase in the minimum national quota from 100 to 200 -- this bill leaves the present ceiling on authorized quota immigration. The question posed by the bill is not whether quota immigration should be substantially increased, but simply how we are to choose those who are admitted.

Since 1924, our standard for choice has been the national origins quota system. Under this system, quotas are assigned to each country on the basis of the national origins of the population of the United States in 1920. The goal was to preserve the racial and ethnic composition of the population of the United States as it was then.

There are a great many objections to this system. A simple one is that it does not work, even on its own terms.

One reason is that this system assumes each country will fully use its quota. But not all countries do so. England and Ireland, for example, are assigned 83,000 numbers--over half our immigration total--and yet these countries send only about 32,000 immigrants each year. The unused numbers are lost.

At present, if quota numbers assigned to one country are not used by that country, there is no provision for their transfer to other countries. Consequently, more than a third of the authorized quota goes unused each year, even though thousands of otherwise eligible immigrants in other countries are eager to be admitted. The failure of the national origins system is also shown by the continual changes special legislation has made on the pattern of immigration over the years. That pattern so poorly reflects the needs of our own citizens and of our foreign policy that inevitable pressures build up and must be relieved by humanitarian special bills. As a consequence, our actual immigration over the past 15 or 20 years has been further altered from that purportedly imposed by our permanent immigration law.

A second major objection to the national origins quota system is that it fails to serve the national interest.

No matter how skilled or badly needed a man may be, if he was born in the "wrong" country he must wait to come here, while others who are less qualified come at will. An Italian scientist--or a skilled Portuguese workman, or a Greek chef, or a Polish craftsman with special skills--obviously brings more to this country than an unskilled laborer who happens to come from a Northern European country. But now, the unskilled immigrant, even without relatives here and with no claim on this country, comes first. There is no good reason for this result.

It takes only a brief look through the files of the Immigration and Naturalization Service to learn how damaging this system is to the United States. Let me cite a few representative cases.

One involves a widely known Turkish physician and scientist who sought to come to this country to pursue important research on treatment of heart attacks. An American medical school was anxious to have him. He was anxious to come. But because the Turkish quota is oversubscribed, he could not be admitted. He already has had to wait for a year and a half--and will have to wait months more before he can receive a visa.

In another case, a physicist from South Africa is anxious to come here to pursue basic research in the structure of metals. A leading American industrial firm is anxious to

hire him here, and it has been determined that the supply of persons available to do such work here is inadequate. But again, the quota is oversubscribed and the physicist will have to wait nearly two years.

Stories like these are repeated again and again. A Philippine woman, expert in teaching deaf children, is prevented from accepting a job in a state school. A Korean radiation specialist cannot accept an opportunity to come here to do research. A Japanese microbiologist, a Greek chemist, an Egyptian urologist, and many others like them,--all are barred, harassed, and discouraged by our immigration law.

The third objection to the present system is perhaps even more compelling. This objection is that the system is cruel.

One of the primary purposes of civilization--and certainly its primary strength--is the guarantee that family life can flourish in unity, peace, and order. But the current system separates families coldly and arbitrarily. It keeps parents from children and brothers from sisters for years--and even decades. Thus, it fails to recognize simple humanity. It fails to recognize the legitimate interests of large numbers of American citizens.

Again, our files are full of cases which, out of the simplest compassion ought never to have been allowed to occur. Let me cite a single example.

A Providence, Rhode Island man, now an American citizen, is seeking to bring his daughter here from Italy, following the death of her husband. Because the father is a citizen, the daughter is eligible for a visa in the second preference category of the Italian quota. Her father's petition for her is near approval and she will soon be eligible to come to the United States.

She also will soon be forced to make a cruel choice. While she will be able to come to the United States, her three children, aged 9, 7, and 1, will not be eligible to come with her. Under the regulations, the preferential status that covers the Providence man's children does not extend to his grandchildren. They would have to wait nearly four years to be admitted.

What kind of answer is this for a potential American from a land whose Amerigo Vespucci gave our land its very name? What kind of fairness does this reflect for generations of Americans who came here from Italy in the spirit expressed by Americans like Philip Mazzei, in words later adopted by his friend Thomas Jefferson, that "All men are by nature created free and equal to each other in natural rights?"

What kind of humanity does this demonstrate to our millions of citizens of Italian descent, whose continued contribution to our common country is evidenced simply by a roll call of the Medal of Honor winners, or of political or economic or scientific leaders like Senator Pastore or Enrico Fermi or A.P. Giannini?

Giovanni da Verrazano, the 16th century Italian navigator, discovered parts of our country. Are we to say to Italians of a later day that they cannot come to the same country because they are Italian?

The contributions of Fiorello LaGuardia or Arturo Toscanini are known around the world. Are we to bar ourselves from the undoubted contributions of later generations of Italian immigrants and their descendants?

The same can be said about Poles or Greeks or Turks or Ukrainians or Slavs--or people from all over the world who have given our country its strength. Why should an American citizen who was born in one country be able to get a maid or a gardener overnight from another country, but be forced to wait a year or more to be reunited with his mother? Or many years, in the case of a married brother or sister. The fact is that the existing system provides no reason. Yet it remains the foundation of our immigration law. It simply doesn't make any sense.

Finally, the national origins system contradicts our basic national philosophy and basic values. It denies recognition to the individual and treats him as part of a mass. It judges men and women not on the basis of their worth but on their place of birth--and even, in some cases, the place of birth of their ancestors.

This system is a standing affront to many Americans and to many countries. It implies what we in the United States

know from our own experience is false: that regardless of individual qualifications, a man or woman born in Italy, or Greece, or Poland, or Portugal or Czechoslovakia or the Ukraine is not as good as someone born in Ireland, or England, or Germany, or Sweden.

Everywhere else in our national life, we have eliminated discrimination based on one's place of birth. Yet this system is still the foundation of our immigration law.

The inadequacies of the system have been deplored by both major parties and by four successive Presidents. President Truman said that its assumptions were opposed to the American tradition and a constant handicap to our foreign policy. President Eisenhower, calling for revision of the immigration laws in 1956, stated that the root of the problem lay in the unfair and discriminatory national origins system. President Kennedy, in proposing the bill now before the Subcommittee, called the system arbitrary, without basis in logic or reason.

Now, President Johnson, calling for passage of the Administration bill in his State of the Union message, has urged that we turn away from an irrational and irrelevant concern with the place of an immigrant's birth, and turn instead to a meaningful concern with the contribution the immigrants can make to this society.

There is wide agreement, therefore, on the inadequacy of the present system.

The Immigration and Nationality Act of 1952, contains a sound system of preferences that reflects the objectives we should pursue. Thus, the Act gives first preference to quota immigrants with special skills, education or training that are urgently needed in the United States. It gives other preferences designed to reunite families -- for parents and unmarried sons and daughters of citizens, for spouses and unmarried sons and daughters of resident aliens, and a partial preference for brothers, sisters, and married sons and daughters of citizens.

As the law now stands, of course, these preferences do not really govern our immigration policy because they operate only within national quotas. That is to say, the mother of an Italian-American enters before a stranger from Italy -- but not before a stranger from a Northern European country.

However, if we can use these preferences as the criteria, without regard to national origins, we can erect a rational and humane immigration policy. That is the purpose of H.R. 7700.

II. Gradual Abolition of the National Origins System

The Administration bill is drafted to accomplish two separate tasks with respect to quota immigration. First, it provides for the gradual elimination of the national origins system. Second, it establishes a new system for the distribution of quota numbers. Both aspects of the bill are simple in essence, but both involve complexities that this Committee will want to explore.

It is clear enough that the present system is unsound and inadequate. However, it is also clear that it cannot be changed overnight. Since 1924, this system has created such monumental inequities that an immediate and complete change would create almost as many problems as it would solve.

For example, there are long waiting lists in Italy and Greece, which now have small quotas. If we went immediately to a first-come, first-served system, without limitation, our entire quota immigration for several years would come almost entirely from those two countries. This would shut off immigration unfairly and abruptly for a number of years from almost every other country.

Accordingly, the bill includes several provisions designed to accomplish a smooth and fair transition from the old system to the new. First, it provides that the old quota system should be abolished gradually, over a five-year period. During each of the five years the old quotas would be diminished 20 percent. The quota numbers taken from the old system each year, together with all unused numbers, would be distributed on a new basis. At the end of five years, all quota immigration would be on the new basis.

Second, the bill would limit the immigration from any one country to ten percent of the whole number of quota immigrants authorized for the year. Since the total authorized would be 165,000 per year, the bill could not increase immigration from any country to more than 16,500. It seems to me fair and reasonable that no single country, out of the hundred or so in the world, should supply more than 10 percent of our immigration while others wait.

But this limitation would only apply if applicants were in fact waiting for admission from other countries. Under this bill, unlike the present law, there would be no unused quota numbers. If they were not used initially by the country to which they are assigned, they would be reassigned to countries which need and want them.

Finally, the bill provides the flexibility needed to deal with unforeseeable problems of fairness and foreign policy. In the past, several of our close allies have established immigration patterns based on our law as it has been. They are not responsible for the fact that the quotas on which they came to rely were the result of a discriminatory system. Sudden change might hurt them unduly.

Accordingly, the bill as originally submitted, authorizes the President, with the advice of an Immigration Board, to reserve up to 50 percent of the authorized numbers where he finds that it is necessary both in the national security interest and to avoid undue hardship resulting from changes being made by the bill.

The President's authority under this provision would, of course, have to be exercised in strict accordance with the criteria established by the bill, and in no case could the President give to a country any greater immigration than it has been receiving under existing law. In essence, the President would have authority only to slow the rate at which quota numbers are taken away, primarily from Northern European countries, in the course of transition to a new, fairer system.

As the Secretary of State has explained, the same procedure could be used for the emergency needs of refugees.

We cannot know in advance when natural disaster or tyranny will strike. Accordingly, the bill provides that the President may, with the advice of the Immigration Board, reserve a portion of the quota pool for the benefit of refugees.

Since this bill was first introduced, we have been able to make more extensive and detailed studies of the problems involved in the reservation of numbers. These studies show that the authority to reserve numbers in the interests of the national security can safely be lowered to 30 percent of the numbers in the reserve pool, without affecting the vital interests of our allies.

Similarly, the authority concerning refugees can, we believe, safely be lowered to 10 percent. I recommend, therefore, with the concurrence of the Department of State, that these changes be made in the bill.

To insure that these and other Executive functions will be properly performed, the bill would establish a seven-member Immigration Board. Three members would be appointed by the President, two by the President of the Senate, and two by the Speaker of the House. Congress would thus be able continually to participate in the administration of the policy established by the bill.

Although the existing system would be replaced only gradually, one form of present discrimination would be abolished immediately. Now, persons traceable by ancestry to what is called the Asia-Pacific Triangle must come in--if at all--under the quotas assigned to the countries of their ancestors. Thus, the members of a family of Japanese ancestry that has lived in Britain for centuries would nevertheless have to come in under the Japanese quota. This provision has little effect except needlessly to insult Asians. It would be abolished by the bill.

III. The New System

The new system of allocating quota numbers in this bill is based on the system of preferences in existing law. Within the system of preferences, the time of registration would govern--the principle of first-come, first-served.

As under existing law, those who have the greatest ability to contribute to our society would receive first preference. Other preferences, as under existing law, would favor the reuniting of families. If there were two applicants with equal claims -- such as two engineers, the earliest registrant would be admitted first. Race and national origin would play no part.

Although the system of preferences used in the bill is based on the preferences in existing law, some changes would be made. Present law grants a first preference only to persons whose skills are "needed urgently" in the United States. Experience has shown that this standard is unnecessarily restrictive. It hinders us from admitting outstanding people who can enrich our economy or our culture. The bill therefore would grant first preference to those whose immigration would be "especially advantageous" to the United States.

In addition, the bill would eliminate the present requirement that to qualify for first preference an immigrant must already have secured employment in the United States. Few businessmen are willing to hire an applicant they have never seen. Thus, as a practical matter, first preference has been available only to those with friends or relatives in the United States who can arrange employment in advance. This requirement has prevented the admission of many outstanding immigrants. Its elimination will serve the national interest.

A further change in the preference structure concerns parents of citizens and resident aliens. Parents of United States citizens, who receive a second preference under present law, would be given non-quota status by the bill. Parents of aliens admitted for permanent residence now receive no preference at all. They would be granted fourth preference status.

These amendments will not affect large numbers of people. But to those concerned, the benefits will be great.

Finally, the bill grants a partial preference to immigrants capable of filling particular labor shortages in the United States. Under present law, if an immigrant does not meet the

rigorous standards of the skilled specialist category, he is not entitled to preference, even though he may answer a definite labor need in the United States which other immigrants do not.

The new system, in summary, is based on the principle of first-come, first-served, within preference categories, subject to limitations designed to prevent excessive benefit or harm to any country. The system is basically simple. It is sound. And it is fair.

The remaining matters dealt with in the bill are for the most part of interest primarily to the Department of State. There is one item, however, to which I would like to devote a few words.

IV. Immigrants Afflicted with Mental Health and Mental Retardation Problems

Present law imposes an absolute, unwaivable ban on the immigration of any alien who is mentally retarded or who has -- or has ever had -- a mental health problem. This provision is a sorry expression of the ancient, discredited view that the mentally-afflicted are objects of hopeless shame. It conflicts squarely with the enlightened and humane attitudes toward these problems that Congress accepted last year when it enacted the Mental Retardation and Mental Health Construction Act.

Our existing law repeatedly creates heartrending and insoluble situations. Families which are able and willing to care for an afflicted child or parent are forced to choose between giving up their opportunity to come here or leaving their loved ones behind. This applies also to persons who were once mentally ill. Even though long since successfully treated, they are forever barred.

In many cases, these results serve no conceivable interest of the United States. They are in conflict with the medical advances in the fields of mental health and mental retardation.

This bill would, therefore, authorize the admission of mentally afflicted persons for permanent residence so long as the public interest could be adequately protected. The Attorney General and the Surgeon General of the U.S. Public Health Service would be authorized to establish the necessary criteria and controls to protect the public interest. This authority would extend only to close relatives of American citizens or immigrants already admitted for permanent residence.

This new provision would foster the preservation of the family unit and eliminate much needless suffering.

V. Other Issues

I want to offer this morning for the consideration of the Subcommittee a projection of the effect of this bill on immigration to the United States over the next five years. A full explanation of that projection, with the methods by which it was reached, will be presented to the Subcommittee by Mrs. Helen Eckerson of the Immigration and Naturalization Service.

Mr. Chairman, forty years ago the national origins system was adopted on the theory that immigration posed a threat to the ethnic composition of the United States. Today, even if one were to accept the assumptions underlying that theory, as I do not, the idea that quota immigration could significantly affect our population is absurd.

The quota immigration of the United States under this bill would involve 165,000 people per year. The increase this bill would provide is far less than that. Yet we live today in a nation of 192,000,000 people. Births alone increase the population by almost four million each year. Immigration from the Western Hemisphere, not subject to quotas, accounts for more each year than quota immigration from the rest of the world combined.

Whatever basis there may have been for the ignoble fears that prompted the adoption of the national origins system, clearly there is none today.

Another argument traditionally made against immigration reform is that it assertedly would contribute to unemployment here. Secretary Wirtz, who I understand will be the next witness before the Subcommittee, will have a great deal to say on that subject and I will leave its detailed development to him. However, I would like to make one point. Far from creating an unemployment problem, immigration of the kind and quantity for which this bill provides would increase, not decrease, employment opportunities for American workers.

Only about one immigrant out of three additional immigrants admitted by this bill would enter the labor market. This reflects the fact that these immigrants would include a greater proportion of women and elderly people than the population generally. What it means is that our economy will get three consumers for every worker that is admitted. And our economy generates jobs at a rate of better than one for every three consumers.

Another fact not widely understood is that our quota immigrants today are not the uneducated, unskilled people who came at various times in the past. Today, our standards for admission are so high that our quota immigrant workers are predominantly educated and skilled.

They do not take unskilled jobs away from our unemployed. They fill jobs that are going begging because there are not enough workers available in our economy who have the needed skills. By doing this, these immigrants make possible expansion of production and the creation of far more new jobs than they take. Immigrants today bring to this country and spend a great deal more than they take in wages.

What I have said might not hold true if immigration were greatly increased. What we are talking about however, is only a yearly intake of 69,000 workers -- in an economy with a work force of more than 78,000,000. At this rate, quota immigration helps and stimulates our economy and creates more jobs than it absorbs.

VI. Conclusion

These are facts and they are important. But, more than that, we are concerned with the feelings and the fate of

thousands of human beings and their families. We are concerned with a very fundamental question which asks whether we believe, as we say we believe, in the dignity and worth of each individual.

The present system is inconsistent with our principles and out of step with our history. This nation was built by immigrants of courage and ability who came from many lands. We have had Presidents whose forebearers were English, Irish, Welsh, Scotch, German and Dutch. We have benefitted from the genius of Einstein, Bohr, Fermi, and thousands of others. As President Johnson has said, we can properly ask of people "What can you do for our country", but we should never ask "In what country were you born?"

I believe that the American people really do not want the present system to continue and that the time has come to enact this bill. It will not solve all the problems of immigration, but it will relieve those which are basic and most pressing. Furthermore, it will demonstrate for the world our dedication to individual freedom and our confidence in the future.

Oscar Handlin, the historian, observed: "Once I thought to write a history of immigrants in America. Then I discovered that immigrants were American history." Mr. Chairman, let us remember that history and look with confidence to the future, recognizing that our investment in new citizens will be repaid thousands of times over.

EXHIBIT - C

STATEMENT

by

SECRETARY OF LABOR W. WILLARD WIRTZ

before

SUBCOMMITTEE ON IMMIGRATION AND NATIONALITY

HOUSE JUDICIARY COMMITTEE ON H.R. 7700 AMEND-

ING THE IMMIGRATION AND NATIONALITY ACT

THURSDAY, JULY 23, 1964

Mr. Chairman, I am grateful for this opportunity to testify in support of H.R. 7700, a bill designed basically to eliminate the discriminatory national origins system from our immigration law.

In the 40 years since that law was enacted, the position and the responsibilities of the United States in the world arena have changed dramatically. All of mankind are now acutely sensitive to the basic and fundamental differences between those systems of government that are dedicated to the freedom of man and those which are bent upon his enslavement. To the citizens of the free world and to millions of persons imprisoned behind the walls of totalitarianism, the United States has become the symbol of hope that the dignity of every individual person will some day be accorded equal respect by all others, regardless of the individual's ethnic or national origin.

In these 40 years the common catastrophe of war and the bitter struggle against the corrosive forces of communism have forged a new unity of interest among the peoples of the free nations. We are joined with the people of Asia, Africa, Europe, and our own hemisphere in preserving democracy as a political and social institution.

In this contemporary setting, the discriminatory features of the 1924 immigration legislation are anachronistic.

The historic Civil Rights Act of 1964 brings one part of our law in line with the dictate of our conscience that discrimination has no place in a free and democratic society. It enunciates the vital principle of equal recognition, equal status, equal opportunity, and equal protection for all persons without regard to race, creed, color, or national origins. The discriminatory features of the national origins quota system, still a part of our immigration laws, is inconsistent with this vital principle.

"The use of national origin quota systems is without basis in either logic or reason. It neither satisfies a national need nor accomplishes an international purpose." This was President Kennedy's appraisal.

President Johnson has summed up the situation in forceful terms: "In establishing preferences, the Nation which was built by the immigrants of all lands can ask those who now seek admission, 'What can you do for your country?' but we should not be asking 'In what country were you born?'"

The inequities and the discriminatory aspects of the present immigration legislation have been described by other witnesses before this committee. Remedial legislation is long overdue, and section 201(a) of H.R. 7700 represents a sound approach to the problem. It provides for the elimination of the national origin quotas over a 5-year period. Though it retains a 10-percent annual limitation on the admission of immigrants from any quota country, the pool of 164,200, subject to certain family and occupational preferences, will be used on a first-come, first-granted basis.

My testimony, as Secretary of Labor, is most appropriately addressed to the effect of H.R. 7700 on the work force in this country. Against the overall annual average quota of 155,600 an average of 97,500 quota immigrants were admitted during the years 1958 to 1962. It is anticipated that the enactment of H.R. 7700, in its present form, would result in the admission in 1969 of the maximum permissible number, or an increment of approximately 61,700. It is likely that, in addition, an annual average of 5,000 refugees may come in .

Of the 97,500 average admitted to the United States under present provisions, an estimated average of 48,600 entered the labor market during the period 1959 through 1963. Our best estimates, which of necessity exclude refugees whose characteristics and origin are indeterminate, are that under the revised system an additional 23,150 would be added to the labor force.

When measured against a projected total work force of 79 million in 1969, the first year in which the total quotas would be pooled, it becomes apparent that the impact from the additional number will be insignificant. The ratio of 23,150 new immigrant entrants into the labor market, under the proposed new system, to the total U.S. work force would be about 1 to 3,000.

The preference categories which would be established under this bill would serve a humanitarian purpose by facilitating the uniting of families kept apart by the narrower provisions of the present law. At the same time they would bring to our shores a number of immigrants whose talents, training, education and skills will, in a historic pattern, contribute immeasurably to the enrichment of the culture and to the continuing progress and advancement of this country.

In the late 19th and early 20th centuries the flow of immigrants into the United States helped satisfy the labor needs of our developing industries such as coal mining, apparel, and transportation. In contrast, a greater percentage of immigrants entering this country during the past two decades have been in the professional and technical worker category.

Under the present law, approximately 8,600 quota immigrants entering the labor market are craftsmen, foremen, and kindred workers. The proposed revision would bring this category up to about 13,800, representing about 1 of every 5 worker immigrants.

We have benefited greatly from the diversified education, training, and knowledge brought here by immigrants. During the 1952-61 period, the United States profited when some 14,000 immigrant physicians and surgeons and about 28,000 nurses helped alleviate the shortage of trained personnel in the critical medical field. Some 4,900 chemists and nearly 1,100 physicists contributed their technical know-how to industry and government. Fifteen of the U.S. Nobel prize winners in the field of chemistry and physics were foreign-born.

More than 12,000 immigrant technicians, the vitally needed men and women who assist and support scientists and engineers, were also admitted during the 1952-61 period. About 9,000 machinists and 7,000 tool and die makers added their skills to our supply of craftsmen.

It must be kept in mind that whatever the skill, training, or education of any immigrant, preference or nonpreference, from quota or nonquota countries, no visas are issued by the Department of State for permanent admission to the United States unless the immigrant can satisfactorily demonstrate that he will not become a public charge.

The amendment proposed by H.R. 7700 would benefit the United States in two respects. First, under the present immigration law persons who could qualify under the first preference provision are admitted upon the petition of an employer. The employer must, however, satisfy the Attorney General that the immigrant's services are "urgently needed" in the United States because of his high education, technical training, specialized experience, or exceptional ability. The proposed amendment would remove the requirement of employer petitions and require the Attorney General to determine whether the admission of the immigrant applicant would satisfy the terms of the first preference category, that is, would be "especially advantageous." This means a first preference immigrant applicant could be admitted without waiting for a specific job offer. He would merely have to satisfy the Attorney General that he meets the eligibility requirements for the first preference category. This would facilitate the admission of larger numbers of such highly skilled persons into the United States.

Secondly, H.R. 7700 would establish a subsidiary fourth-preference category for qualified quota immigrants capable of filling particular labor shortages in the United States. Under present law, if an immigrant does not meet the standards of the highly skilled specialist category of the first preference, he is given no preference at all over any other immigrants even though there is a need in the United States for persons possessing his occupational skill.

Thus, under H.R. 7700, the quota system would be better attuned to the needs and welfare of the United States. An individual with needed skills from a country which presently has a very limited quota would no longer find his admission barred by the limitation of national origin.

Under the present Immigration and Nationality Act, the Department of Labor is charged with the responsibility of protecting U.S. workers from unfair competition from aliens seeking to enter the United States for employment. Applicants for immigrant visas who will be entering the labor market become excludable aliens if the Secretary of Labor certifies that domestic workers are available to perform the work which

would be performed by the alien or if the alien's employment in the United States would adversely affect the wages and working conditions of our own workers (sec. 212(a)(14)). Because of the Department's special interest and experience in this area, we expect that its role in this respect will continue to be an important one.

In closing, Mr. Chairman, I state again the conviction that these changes will best serve the interest of the United States. They will comport with the basic principles to which we are so fully committed in the free world's critical effort to give meaning to our central proposition that all people are created equal.

EXHIBIT -- D

United States Department of Justice
Immigration and Naturalization Service
Washington, D. C. - February 1, 1965

ESTIMATED ADMISSIONS FOR FIRST FIVE YEARS UNDER H.R. 2580 OR S-500

Quota area	Estimated Admissions on Area Quotas					Estimated Admissions from Pool					Total Estimated Admissions	
	Total	1st preference	2nd or 3rd preference	4th preference	non-preference	Total	National Security Reserve	1st preference	2nd or 3rd preference	4th preference		non-preference
All quota areas	265,177	41,550	26,912	13,888	184,837	538,628	92,851	66,745	28,317	96,165	278,350	828,805
Refugees												25,000
Europe	268,863	38,100	20,675	12,341	177,757	530,740	92,851	35,688	23,720	76,977	202,304	679,603
Albania	400	18	173	117	142	1,375	-	6	45	112	1,162	1,725
Austria	2,810	799	432	140	1,439	642	-	413	144	85	-	3,452
Belgium	2,394	710	12	58	1,824	3,787	3,248	523	4	12	-	6,381
Bulgaria	400	68	37	115	200	203	-	16	12	97	78	603
Czechoslovakia	5,718	1,032	37	156	4,493	8,164	-	404	12	39	7,909	14,082
Denmark	2,350	741	240	91	1,278	3,603	2,499	1,000	80	24	-	5,933
Estonia	400	88	37	61	272	225	-	16	12	17	180	625
Finland	1,112	156	272	147	567	270	-	52	120	98	-	1,402
France	6,082	1,523	1,066	644	2,869	9,205	7,512	858	387	447	-	15,286
Germany	49,628	9,713	630	1,784	37,501	63,625	18,788	4,181	210	466	-	93,253
Great Britain and Northern Ireland	92,410	7,569	3,039	2,980	78,862	37,954	26,242	10,499	941	272	-	130,384
Greece	616	309	307	-	-	75,891	-	501	1,949	10,028	63,413	76,507
Hungary	1,730	678	831	110	111	4,565	-	610	405	946	2,605	6,296
Iceland	400	42	12	71	275	180	131	14	4	29	-	580
Ireland (Eire)	25,312	984	24	8	24,296	994	-	984	8	2	-	26,306
Italy	11,332	5,670	5,862	-	-	71,548	-	8,330	12,768	28,405	22,045	82,880
Latvia	470	83	72	116	199	634	-	29	24	109	472	1,104
Lithuania	768	131	72	243	322	1,185	-	45	24	227	889	1,953
Luxembourg	270	6	-	-	264	110	108	2	-	-	-	380
Netherlands	6,272	1,596	666	499	3,411	9,408	8,142	738	222	106	-	15,680
Norway	4,728	1,225	48	4	3,451	7,019	6,179	823	16	1	-	11,747
Poland	12,976	1,633	1,441	3,950	3,952	46,791	-	544	1,575	18,458	26,214	59,767
Portugal	876	246	630	-	-	35,393	-	138	1,752	9,739	23,764	36,269
Rumania	578	289	278	5	6	8,286	-	673	237	1,094	6,282	8,864
San Marino	400	-	126	31	243	86	-	-	42	44	-	486
Spain	500	250	231	9	10	9,268	-	517	240	1,485	7,026	9,768
Sweden	4,940	994	37	12	4,947	1,137	-	1,122	12	3	-	7,127
Switzerland	3,396	838	228	128	2,202	542	-	434	76	32	-	3,938
Turkey	450	226	210	7	7	14,395	-	823	530	1,086	12,256	15,045
U.S.S.R.	5,394	144	358	672	4,230	8,091	-	68	116	168	7,758	11,485
Yugoslavia	1,884	569	1,315	-	-	25,751	-	315	1,869	3,117	20,450	27,635
Other Europe	577	30	12	111	424	63	-	10	4	69	-	640
Asia	5,060	1,314	1,545	659	1,542	48,868	-	7,462	2,635	9,770	29,001	93,928
Asia-Pacific	400	18	268	96	58	2,020	-	6	219	988	807	2,420
Burma	400	70	18	115	197	627	-	26	6	85	510	1,027
Ceylon	325	-	-	162	163	298	-	-	-	298	-	623
China	400	200	200	-	-	18,618	-	4,605	349	1,329	11,135	18,818
India	400	200	160	20	20	9,641	-	628	84	1,041	8,088	10,041
Indonesia	400	96	116	93	95	1,662	-	32	84	1,370	16	1,862
Japan	400	200	200	-	-	6,991	-	713	360	800	3,118	5,391
Korea	400	200	163	18	19	1,090	-	257	92	197	543	1,490
Philippines	400	163	148	44	45	8,112	-	130	1,257	3,246	3,479	8,712
Thailand	400	83	68	84	184	119	-	37	16	66	-	519
Viet-Nam	340	36	-	-	306	12	-	12	-	-	-	352
Other Asia	795	48	224	67	456	1,878	-	16	168	390	1,304	2,673
Near and Middle East (non-Africa)	4,266	1,162	1,513	368	1,221	64,147	-	993	1,207	4,179	37,768	48,411
Afghanistan	235	-	-	-	235	90	-	-	-	-	90	325
Iran (Persia)	400	200	172	14	14	7,249	-	201	172	821	6,355	7,649
Iraq	400	108	264	14	14	4,489	-	36	251	771	3,431	4,889
Israel	400	187	189	12	12	13,626	-	192	118	605	12,711	14,026
Jordan and Arab Palestine	800	180	402	109	109	10,116	-	107	257	846	8,906	10,816
Kuwait	335	-	-	-	335	180	-	-	-	-	180	515
Lebanon	400	156	177	33	34	3,624	-	140	150	472	2,662	3,824
Pakistan	400	192	91	58	59	1,316	-	224	45	479	568	1,716
Syria	400	133	188	39	40	3,454	-	91	204	649	2,710	3,854
Yemen	400	6	30	89	275	180	-	2	10	36	132	580
Other Near and Middle East	94	-	-	-	94	23	-	-	-	-	23	117
Africa	5,677	562	677	378	4,060	10,889	-	676	340	2,574	7,399	16,566
Ethiopia	85	24	6	-	55	10	-	8	2	-	-	95
Ghana	360	-	-	-	360	-	-	-	-	-	-	360
Libya	400	24	96	76	204	89	-	8	32	49	-	489
Morocco	400	70	169	80	81	2,245	-	26	102	686	1,431	2,645
South Africa	400	200	87	56	57	1,366	-	344	41	572	409	1,766
Tunisia	400	12	90	148	150	628	-	4	30	223	371	1,028
Other Africa	3,632	232	229	18	3,153	6,541	-	286	133	944	5,188	10,183
Oceania	1,313	402	507	142	267	3,984	-	926	415	965	1,678	5,297

EXHIBIT - E

89TH CONGRESS
1ST SESSION

S. 500

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 1965

MR. HART (for himself, Mr. Bartlett, Mr. Bayh, Mr. Brewster, Mr. Case, Mr. Clark, Mr. Dodd, Mr. Douglas, Mr. Fong, Mr. Gruening, Mr. Hartke, Mr. Inouye, Mr. Javits, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Kuchel, Mr. Lausche, Mr. Long of Missouri, Mr. McCarthy, Mr. McGee, Mr. McNamara, Mr. Mondale, Mr. Moss, Mr. Muskie, Mrs. Neuberger, Mr. Pastore, Mr. Pell, Mr. Proxmire, Mr. Ribicoff, Mr. Scott, Mr. Tydings, Mr. Williams of New Jersey, and Mr. Young of Ohio) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That section 201 (a) of the Immigration and Nationality
- 4 Act (66 Stat. 175, 8 U.S.C. 1151 (a)) be amended to read
- 5 as follows:
- 6 "SEC. 201. (a) The annual quota of any quota area
- 7 shall be the same as that which existed for that area upon

1 enactment of subsection (f) of this section: *Provided*, That
 2 the minimum quota for any quota area shall be two hundred:
 3 *Provided further*, That beginning with the first fiscal year
 4 commencing after the enactment of subsection (f) of this
 5 section and for each of the four succeeding fiscal years the
 6 annual quota of every quota area shall be reduced by twenty
 7 per centum of its present number for each such fiscal year.
 8 The quota numbers so deducted from quotas of quota areas
 9 shall be added to the quota reserve established by subsection
 10 (f) of this section and shall be available for distribution in
 11 accordance with the provisions thereof."

12 SEC. 2. Section 201 (b) of the Immigration and Na-
 13 tionality Act (66 Stat. 175; 8 U.S.C. 1151 (b)) is amended
 14 by substituting "section 202 (d)" for "section 202 (e)" after
 15 the words "provided for in".

16 SEC. 3. Section 201 of the Immigration and Nationality
 17 Act (66 Stat. 175; 8 U.S.C. 1151) is amended by adding
 18 the following additional subsection:

19 "(f) Quota numbers made available at the commence-
 20 ment of any fiscal year as a result of the reduction of the
 21 annual quota of any quota areas pursuant to subsection (a)
 22 of this section, together with quota numbers not issued or
 23 otherwise used during the previous fiscal year, shall then
 24 be made available (1) during the five fiscal years follow-
 25 ing the enactment of this subsection, to quota immigrants,

1 if otherwise admissible under the provisions of this Act,
 2 who are unable to obtain prompt issuance of visas due to
 3 oversubscription of their quotas or subquotas as determined
 4 by the Secretary of State, and (2), thereafter, to quota im-
 5 migrants if otherwise admissible under the provisions of this
 6 Act. These quota numbers shall be allocated within the
 7 percentage limitations and in the order of priority specified
 8 in section 203 without regard to the quota to which the alien
 9 is chargeable: *Provided, however*, That the combined num-
 10 ber of quota numbers issued to any quota area in any year,
 11 under the provisions of this subsection and subsection (a)
 12 of this section, shall not exceed 10 per centum of the total
 13 quota numbers authorized for that year: *Provided further*,
 14 That in no case shall this limitation operate to reduce any
 15 quota in any of the five fiscal years following the enactment
 16 of this Act by more than the 20 per centum specified
 17 in subsection (a) of this section: *Provided further*, That
 18 the President may, after consultation with the Immigration
 19 Board, reserve—

20 (1) not to exceed 30 per centum of such numbers
 21 for allocation to quota immigrants, if otherwise admissi-
 22 ble under the provisions of this Act, whose admission is
 23 determined by him to be required (A) to avoid undue
 24 hardship, resulting from the reduction of annual quotas
 25 pursuant to subsection (a) of this section, which is not

1 otherwise avoided under the provisions of this subsection,
 2 and (B) in the national security interest of the United
 3 States: *Provided*, That the limitation on immigration
 4 from any single quota area in any year included in the
 5 first proviso to this subsection shall not apply to visas
 6 issued under this clause; and

7 (2) not to exceed 10 per centum of such numbers
 8 for allocation to quota immigrants, if otherwise admissi-
 9 ble under the provisions of this Act, whose admissions
 10 will further the traditional policy of the United States
 11 of offering asylum and refuge to persons oppressed or
 12 persecuted, or threatened with oppression or persecution,
 13 because of their race, color, religion, national origin,
 14 adherence to democratic beliefs, or their opposition to
 15 totalitarianism or dictatorship, and to persons uprooted
 16 by natural calamity or military operations who are un-
 17 able to return to their usual place of abode. After
 18 consultation with the Attorney General, the Secretary of
 19 State shall establish by regulation the requirements for
 20 qualification within this class, with reference to current
 21 world conditions.

22 In no case shall the authority to reserve such numbers, or
 23 the limitation on the combined number of quota numbers
 24 to be issued to any quota area in any year, operate so as to
 25 require that authorized quota numbers be unused."

1 SEC. 4. Section 201 (c) of the Immigration and Na-
 2 tionality Act (66 Stat. 176; 8 U.S.C. 1151 (c)) is
 3 amended to read as follows:

4 "There shall be made available for the issuance of im-
 5 migrant visas to quota immigrants (1) in any fiscal year
 6 no more quota numbers than the total quota for such year,
 7 and (2) in any calendar month of any fiscal year, no more
 8 quota numbers than 10 per centum of the total quota for
 9 such year in addition to that portion of the quota authorized
 10 for issuance but not issued during any preceding calendar
 11 month or months of the same fiscal year; except that during
 12 the last two months of any fiscal year immigrant visas may
 13 be issued without regard to the 10 per centum limitation
 14 contained herein."

15 SEC. 5. Section 201 (d) of the Immigration and Na-
 16 tionality Act (66 Stat. 175; 8 U.S.C. 1151 (d)) is
 17 amended to read as follows:

18 "A quota immigrant visa shall not be issued to any
 19 alien who is eligible for a nonquota immigrant visa."

20 SEC. 6. (a) Section 202 (a) of the Immigration and
 21 Nationality Act (66 Stat. 176; 8 U.S.C. 1152 (a)) is
 22 amended by deleting paragraph (5) thereof.

23 (b) Section 202 (b) of the Immigration and Nationality
 24 Act (66 Stat. 177; 8 U.S.C. 1152 (b)) is repealed.

25 (c) Section 202 (c) of the Immigration and Nationality

1 Act (66 Stat. 177; 8 U.S.C. 1152 (c)) is redesignated sec-
 2 tion 202 (b) and is amended to read as follows:

3 "Any immigrant born in a colony or other component
 4 or dependent area of a governing country for which no
 5 separate or specific quota has been established, unless a non-
 6 quota immigrant as provided in section 101 (a) (27) of this
 7 Act, shall be chargeable to the quota of the governing coun-
 8 try, except that no more persons born in any such colony
 9 or other component or dependent area overseas from the
 10 governing country shall be chargeable to the quota of its
 11 governing country in any one year than a number which
 12 bears the same relation to the quota of its governing country
 13 as the number two hundred bears to the quota of the govern-
 14 ing country prior to the enactment of this Act."

15 (d) Section 202 (d) of the Immigration and Nationality
 16 Act (66 Stat. 178; 8 U.S.C. 1152 (d)) is redesignated sec-
 17 tion 202 (c).

18 (e) Section 202 (e) of the Immigration and Nationality
 19 Act (66 Stat. 178), as amended (75 Stat. 654), (8 U.S.C.
 20 1152 (e)) is redesignated section 202 (d) and is further
 21 amended by substituting "section 202 (b)" for "section 202
 22 (c) (1)" after the words "issued under."

23 SEC. 7. Section 207 of the Immigration and Nationality
 24 Act (66 Stat. 181; 8 U.S.C. 1157) is amended by deleting
 25 the words "no immigrant visa shall be issued in lieu thereof

1 to any other immigrant" and inserting in lieu thereof the
 2 words "an immigrant visa may be issued in lieu thereof to
 3 any other immigrant".

4 SEC. 8. Paragraph (27) (A) of section 101 (a) of the
 5 Immigration and Nationality Act (66 Stat. 169; 8 U.S.C.
 6 1101 (a) (27) (A)) is amended to read as follows:

7 "(A) An immigrant who is the child, spouse, or
 8 parent of a citizen of the United States;"

9 SEC. 9. Paragraph (27) (C) of section 101 (a) of the
 10 Immigration and Nationality Act (66 Stat. 169; 8 U.S.C.
 11 1101 (a) (27) (C)) is amended to read as follows:

12 "(C) An immigrant who was born in any inde-
 13 pendent foreign country of North, Central, or South
 14 America, or in any independent island country adjacent
 15 thereto, or in the Canal Zone, and the spouse and chil-
 16 dren of any such immigrant, if accompanying or follow-
 17 ing to join him;"

18 SEC. 10. (a) Section 203 (a) (1) of the Immigration
 19 and Nationality Act (66 Stat. 178; 8 U.S.C. 1153 (a) (1))
 20 is amended by deleting the words "needed urgently in"
 21 and substituting the words "especially advantageous to".

22 (b) Section 203 (a) (2) of the Immigration and
 23 Nationality Act (66 Stat. 178), as amended (73 Stat. 644;
 24 8 U.S.C. 1153 (a) (2)), is amended by deleting the words

1 "parents of citizens of the United States, such citizens being
2 at least twenty-one years of age or who are the".

3 (c) Section 203 (a) (4) of the Immigration and Na-
4 tionality Act (66 Stat. 178), as amended (73 Stat. 644),
5 (8 U.S.C. 1153 (a) (4)) is amended by—

6 (1) inserting after the words "married daughters
7 of citizens of the United States" a comma, followed by
8 the words "or parents of aliens lawfully admitted for
9 permanent residence," and

10 (2) adding at the end thereof the following: "Quali-
11 fied quota immigrants capable of performing specified
12 functions for which a shortage of employable and will-
13 ing persons exists in the United States shall be entitled
14 to a preference not to exceed 50 per centum of the im-
15 migrant visas remaining available for issuance under this
16 paragraph after the preference to the named relatives
17 of United States citizens and resident aliens is satisfied or
18 exhausted."

19 SEC. 11. Section 204 of the Immigration and Nation-
20 ality Act (66 Stat. 179; 8 U.S.C. 1154) is amended as
21 follows:

22 (1) Subsection (a) is amended by deleting the
23 words "or section 203 (a) (1) (A)" and substituting a
24 comma, followed by the words "section 203 (a) (1) (A)
25 or the last clause of section 203 (a) (4)."

1 (2) Subsection (b) is amended (A) by deleting
2 the words "section 203 (a) (1) (A)" and substituting
3 the words "the last clause of section 203 (a) (4)" and
4 (B) by inserting after the words "required by the
5 Attorney General" the words "after consultation with
6 the Immigration Board."

7 (3) Subsection (c) is redesignated (d) and is
8 amended to read as follows:

9 "(d) After an investigation of the facts in each case,
10 and after consultation with appropriate agencies of the Gov-
11 ernment, the Attorney General shall, if he determines
12 that the facts stated in the petition are true and that the
13 alien in respect of whom the petition is made is eligible
14 for an immigrant status under section 101 (a) (27) (F)
15 (i), section 203 (a) (1) (A) or the last clause of section
16 203 (a) (4), approve the petition and forward one copy
17 thereof to the Department of State. The Secretary of State
18 shall then authorize the consular officer concerned to grant
19 such immigrant status. The Attorney General shall forward
20 to the Congress a report on each approved petition for immi-
21 grant status under section 203 (a) (1) stating the basis for
22 his approval and such facts as were by him deemed to be
23 pertinent in establishing the beneficiary's qualifications for
24 the preferential status. Such reports shall be submitted to

1 the Congress on the first and fifteenth day of each calendar
2 month in which the Congress is in session.”

3 (4) Subsection (d) is redesignated (e) and is
4 amended by deleting the words “or section 203 (a) (1)
5 (A),” and substituting a comma, followed by the words
6 “section 203 (a) (1) (A) or the last clause of section
7 203 (a) (4).”

8 (5) The following new subsection is inserted after
9 subsection (b) :

10 “(c) Any immigrant claiming in his application to be
11 entitled to an immigrant visa under section 203 (a) (1) (A)
12 of the Act shall file a petition with the Attorney General.
13 The petition shall be in such form as the Attorney General
14 may by regulations prescribe and shall contain such addi-
15 tional information and be supported by such documentary
16 evidence as may be required by the Attorney General. The
17 petition shall be made under oath administered by any
18 individual having authority to administer oaths, if executed
19 in the United States, but, if executed outside of the United
20 States, administered by a consular officer.”

21 SEC. 12. The first sentence of section 205 (b) of the
22 Immigration and Nationality Act (66 Stat. 180), as
23 amended (73 Stat. 644; 8 U.S.C. 1155 (b)) is amended to
24 read as follows:

25 “(b) Any citizen of the United States claiming that

1 any immigrant is his spouse, child, or parent, and that such
2 immigrant is entitled to a nonquota immigrant status under
3 section 101 (a) (27) (A) of this Act, or any citizen of the
4 United States claiming that any immigrant is his unmarried
5 son or unmarried daughter and that such immigrant is en-
6 titled to a quota immigrant status under section 203 (a) (2)
7 of this Act, or any alien lawfully admitted for permanent
8 residence claiming that any immigrant is his spouse or his
9 unmarried son or unmarried daughter and that such im-
10 migrant is entitled to a quota immigrant status under sec-
11 tion 203 (a) (3) of this Act, or any citizen of the United
12 States claiming that any immigrant is his brother or sister
13 or his married son or his married daughter and that such
14 immigrant is entitled to a preference under section 203 (a)
15 (4) of this Act, or any alien lawfully admitted for per-
16 manent residence claiming that any immigrant is his parent
17 and that such immigrant is entitled to a preference under
18 section 203 (a) (4) of this Act, may file a petition with the
19 Attorney General.”

20 SEC. 13. Section 1 of the Act of July 14, 1960 (74
21 Stat. 504), is amended to read as follows:

22 “That (a) under the terms of section 212 (d) (5) of
23 the Immigration and Nationality Act the Attorney General
24 may parole into the United States, pursuant to such regu-
25 lations as he may prescribe, an alien refugee-escapee de-

1 fined in subsection (b) of this section, if such alien (1)
 2 applies for parole while physically present within the limits
 3 of any country which is not Communist, Communist domi-
 4 nated, or Communist occupied, and (2) is not a national
 5 of the area in which the application is made.

6 “(b) For the purposes of subsection (a), the term
 7 ‘refugee-escapee’ means any alien who, because of persecu-
 8 tion or fear of persecution on account of race, religion, or
 9 political opinion has fled or shall flee (A) from any Com-
 10 munist, Communist-dominated, or Communist-occupied area,
 11 or (B) from any country within the general area of the Mid-
 12 dle East, and who cannot return to such area, or to such
 13 country, on account of race, religion, or political opinion.
 14 The expression ‘general area of the Middle East’ means the
 15 area between and including (1) Morocco on the west, (2)
 16 Turkey on the north, (3) Pakistan on the east, and (4)
 17 Saudi Arabia and Ethiopia on the south.”

18 SEC. 14. Section 2 of the Act of July 14, 1960 (74
 19 Stat. 504), as amended (76 Stat. 124), is amended by
 20 deleting (1) the letter “(a)” immediately following the
 21 words “SEC. 2.,” and (2) subsection (b) thereof.

22 SEC. 15. Section 281 of the Immigration and National-
 23 ity Act (66 Stat. 230; 8 U.S.C. 1351) is amended as
 24 follows:

25 (1) Immediately after “SEC. 281.” insert “(a)”.

1 (2) Paragraph (2) is amended to read as follows:

2 “(2) For the issuance of each immigrant visa, \$20;
 3 except that such fee shall be \$10 in the case of any alien who
 4 is the beneficiary of a petition required under section 204 (b)
 5 or 205 (b).”

6 (3) The following is inserted after paragraph (7), and
 7 is designated subsection (b):

8 “The time and manner of payment of the fees specified
 9 in paragraphs (1) and (2) of subsection (a) of this section,
 10 including but not limited to partial deposit or prepayment at
 11 the time of registration, or postponement for an appropriate
 12 period, shall be prescribed by the Secretary of State.”

13 (4) The paragraph beginning with the words “The
 14 fees * * *” is designated subsection (c).

15 SEC. 16. Section 203 (c) of the Immigration and Nation-
 16 ality Act (66 Stat. 179; 8 U.S.C. 1153 (c)) is amended by
 17 adding at the end thereof the following: “The Secretary of
 18 State, in his discretion, may terminate the registration on a
 19 quota waiting list of any alien who fails to evidence his con-
 20 tinued intention to apply for a visa in such manner as may be
 21 by regulation prescribed.”

22 SEC. 17. (a) Paragraph (1) of section 212 (a) of the
 23 Immigration and Nationality Act (66 Stat. 182; 8 U.S.C.
 24 1182 (a) (1)) is amended by deleting the language “feeble-

1 minded" and inserting the language "mentally retarded"
2 in its place.

3 (b) Paragraph (4) of section 212 (a) of the Immigra-
4 tion and Nationality Act (66 Stat. 182; 8 U.S.C. 1182 (a)
5 (4)) is amended by deleting the word "epilepsy" and the
6 commas before and after it.

7 (c) Section 212 (f), (g), and (h) of the Immigration
8 and Nationality Act, as added by the Act of September 26,
9 1961 (75 Stat. 654, 655; 8 U.S.C. 1182) are hereby desig-
10 nated sections 212 (g), (h), and (i), respectively, and sec-
11 tion 212 (g) as so redesignated is amended to read as follows:

12 "Any alien who is excludable from the United States
13 under paragraphs (1), (2), (3), or (4) of subsection (a)
14 of this section, and any alien afflicted with tuberculosis in
15 any form, who (A) is the spouse or the unmarried son or
16 daughter, or the minor unmarried lawfully adopted child,
17 of a United States citizen, or of an alien lawfully admitted
18 for permanent residence, or of an alien who has been issued
19 an immigrant visa, or (B) has a son or daughter who is a
20 United States citizen, or an alien lawfully admitted for
21 permanent residence, or an alien who has been issued an im-
22 migrant visa, may, if otherwise admissible, be issued a visa
23 and admitted to the United States for permanent residence in
24 accordance with such terms, conditions, and controls, includ-
25 ing the giving of a bond, as the Attorney General, in his dis-

1 cretion, may by regulations prescribe, after consultation
2 with the Surgeon General of the United States Public Health
3 Service."

4 SEC. 18. (a) There is hereby established the Immigra-
5 tion Board (hereafter referred to as the "Board") to be
6 composed of seven members. The President of the United
7 States shall appoint the Chairman of the Board and two
8 other members. The President of the Senate, with the ap-
9 proval of the majority and minority leaders of the Senate,
10 shall appoint two members from the membership of the
11 Senate. The Speaker of the House of Representatives, with
12 the approval of the majority and minority leaders of the
13 House, shall appoint two members from the membership of
14 the House. The members of the Board shall be selected by
15 virtue of their high personal integrity, their capabilities, and
16 their experience in and expert knowledge of immigration
17 laws and international migration problems. A vacancy in
18 the membership of the Board shall be filled in the same
19 manner as the original designation and appointment.

20 (b) The duties of the Board shall be—

21 (1) to promulgate, after consultation with the At-
22 torney General, such regulations as are necessary to
23 insure its efficient functioning under the provisions of
24 this Act;

25 (2) to make a continuous study of such condi-

1 tions within and without the United States, which, in
2 the opinion of the Board, might have any bearing on
3 the immigration policy of the United States;

4 (3) to consider, after consultation with the Sec-
5 retary of State, to recommend to the President, such
6 allocation of quota immigrant visas, under section 201
7 (f) of the Immigration and Nationality Act, as will best
8 fulfill the purposes of that section;

9 (4) to consider, and after consultation with the
10 Secretaries of Labor, State, and Defense, to recommend
11 to the Attorney General such criteria for admission of
12 immigrants under section 203 (a) (1) (A) of the Immi-
13 gration and Nationality Act, as amended, and the last
14 clause of section 203 (a) (4), as amended, as will fur-
15 ther the policy of the United States to secure the
16 immigration of persons of high skill, education, or train-
17 ing, or who are capable of performing specified func-
18 tions for which a shortage of employable, willing per-
19 sons exists in the United States;

20 (5) to study such other aspects of the Immigra-
21 tion and Nationality Act as the President shall assign
22 to the Board for study, and make recommendations with
23 respect thereto;

24 (6) to conduct such investigations and to hold such
25 public and executive hearings in such places within and

1 without the United States and at such times as the Board
2 deems necessary.

3 (c) All Federal agencies shall cooperate fully with the
4 Board to the end that it may effectively carry out its duties.

5 (d) Each member of the Board who is not otherwise
6 in the service of the Government of the United States shall
7 receive the sum of \$75 for each day spent in the work of the
8 Board, shall be paid actual travel expenses, and per diem in
9 lieu of subsistence expenses, when away from his usual place
10 of residence, in accordance with section 5 of the Adminis-
11 trative Expenses Act of 1946, as amended.

12 (e) Each member of the Board who is otherwise in the
13 service of the Government of the United States shall serve
14 without compensation in addition to that received for such
15 other service, but while engaged in the work of the Board
16 shall be paid actual travel expenses, and per diem in lieu
17 of subsistence expenses, when away from his usual place of
18 residence, in accordance with the Administrative Expenses
19 Act of 1946, as amended.

20 (f) There is authorized to be appropriated, out of any
21 money in the Treasury not otherwise appropriated, so much
22 as may be necessary to carry out the provisions of this
23 section.

24 SEC. 19. Section 221 (g) of the Immigration and Na-
25 tionality Act (66 Stat. 192; 8 U.S.C. 1201 (g)) is amended

1 by deleting the period at the end thereof and adding the
 2 following: “: *Provided further*, That a visa may be issued
 3 to an alien defined in section 101 (a) (15) (B) or (F),
 4 if such alien is otherwise entitled to receive a visa, upon
 5 receipt of a notice by the consular officer from the Attorney
 6 General of the giving of a bond with sufficient surety in
 7 such sum and containing such conditions as the consular
 8 officer shall prescribe, to insure that at the expiration of the
 9 time for which such alien has been admitted by the Attor-
 10 ney General, as provided in section 214 (a), or upon failure
 11 to maintain the status under which he was admitted, or to
 12 maintain any status subsequently acquired under section 248
 13 of the Act, such alien will depart from the United States.”

14 SEC. 20. So much of section 272 (a) of the Immigra-
 15 tion and Nationality Act (66 Stat. 226; 8 U.S.C. 1322 (a))
 16 as precedes the words “shall pay to the collector of customs”
 17 is amended to read as follows:

18 “SEC. 272. (a) Any person who shall bring to the
 19 United States an alien (other than an alien crewman) who
 20 is (1) mentally retarded, (2) insane, (3) afflicted with
 21 psychopathic personality, (4) a chronic alcoholic, (5)
 22 afflicted with any dangerous contagious disease, or (6) a
 23 narcotic drug addict,”.

A BILL

2200

A BILL

To amend the Immigration and Nationality Act, and for other purposes.

By Mr. HART, Mr. BARTLETT, Mr. BAYH, Mr. BREWSTER, Mr. CASE, Mr. CLARK, Mr. DODD, Mr. DOUGLAS, Mr. FONG, Mr. GRUENING, Mr. HARTKE, Mr. INOUE, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. KUCHEL, Mr. LAUSCHE, Mr. LONG of Missouri, Mr. MCCARTHY, Mr. MCGEE, Mr. McNAMARA, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. PROXMIRE, Mr. RIBICOFF, Mr. SCOTT, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio.

JANUARY 15, 1965

Read twice and referred to the Committee on the Judiciary