

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

EXECUTIVE

LE/IM

①

June 16, 1965
5:20 pm

LF

TO THE PRESIDENT

RE: IMMIGRATION BILL

Mike ^xFeighan has now assured the Speaker he will go along in Committee --- the Speaker has suggested to Mike this could be the Celler-Feighan Bill on the Floor --- I am sure this is not a definite committment on the part of the Speaker but it leaves us in good position at the moment.

LARRY O'BRIEN

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

EXECUTIVE
LE/IM

(4)

June 17, 1965
6:15 pm

TO THE PRESIDENT

RE: IMMIGRATION

Emmanuel *Michael A*
X Celler and Feighan had a love feast today --- Feighan stated
he would support the Celler Bill out of Committee with minor
amendments which apparently are acceptable to Celler.

X
An attempt was made to do this this afternoon --- Cong. Jack Gilbert
said he could not attend because it was his birthday --- Arch Moore
said he wouldn't be available tomorrow --- they are trying for Tuesday,
Wednesday or Thursday next week to report out the bill.

LARRY O'BRIEN

item 16

Revised as of
June 14, 1965

POSSIBLE AMENDMENTS
TO
ADMINISTRATION IMMIGRATION BILL
(H.R. 2580)

June 14, 1965

MEMORANDUM

Re: Changes in June 14 Revision of "Possible Amendments".

Amendments Nos. 2, 3, 8, and 20 are changed; substantial changes only in 3, 8, and 20; 20 is self-evident; 3 and 8 are as follows:

No. 3--subsec. (a):

Par. 5--insertion of dropdown;

Par. 7--clause (B)(ii), "are unable or unwilling to" instead of "cannot";

Par. 8--insertion on Labor Department screening;

Par. 9--rephrasing only;

Par. 10--technical changes only;

subsec. (b) and (c) transposed;

subsection (d) rephrasing only.

No. 8--subsec. (a):

Par. (27)--insert reference to Canal Zone, provisos on Labor Department screening;

subsec. (c)--proviso on orphans added.

Amendment No. 1

Amend section 1 to read as follows:

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

"SEC. 201. Exclusive of special immigrants defined in section 101(a)(27), the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence shall not in any fiscal year exceed 235,000 of which not more than 60,000 may be issued in each of the first three quarters of such fiscal year."

Amendment No. 2

Amend section 2 to read as follows:

SEC. 2. Section 202 of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1152) is amended to read as follows:

"No person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of his , race, sex, nationality, place of birth, or place of residence, except as specifically provided in section 101(a)(27) and in section 203: Provided, That the total number of immigrant visas available to natives of any single foreign state under paragraphs (2) through (8) of section 203(a) shall not exceed 20,000 in any fiscal year."

Amendment No. 3

Amend section 3 to read as follows:

SEC. 3. Section 203 of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1153) is amended to read as follows:

"SEC. 203. (a) Immigrant visas shall be allotted within the limits set by sec. 201 in each fiscal year as follows:

"(1) Without per centum limitation, immigrant visas shall be first made available to qualified immigrants who are the husbands, wives, children, unmarried sons or unmarried daughters of a citizen of the United States, or who are the fathers or mothers of a citizen of the United States, such citizen being over twenty-one years of age.

"(2) The first ten per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1) shall be made available for the issuance of immigrant visas to qualified immigrants who are members of the professions, or who because of their exceptional ability in the sciences or the arts will substantially benefit prospectively the national economy, cultural interests, or welfare of the United States.

"(3) The next twenty per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1), plus any visas not required for the classes specified in paragraph (2), shall be made available for the issuance of immigrant visas to qualified immigrants who are the husbands, wives, unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, or who are the fathers or mothers of an alien lawfully admitted for permanent residence, such alien being over twenty-one years of age.

"(4) The next twenty per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1), plus any visas not required for the classes specified in paragraphs (2) and (3), shall be made available to qualified immigrants who are the married sons or the married daughters of citizens of the United States.

"(5) The next twenty per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1), plus any visas not required for the classes specified in paragraphs (2) through (4), shall be made available to qualified immigrants who are the brothers or sisters of citizens of the United States.

"(6) The next twenty per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1) shall be made available to qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States.

"(7) The next ten per centum of the number of immigrant visas not required for the issuance of immigrant visas to the classes specified in paragraph (1) shall be made available to qualified immigrants, who satisfy an Immigration and Naturalization Service officer at an examination in any non-Communist or non-Communist dominated country, prior to visa issuance, (i) that, because of persecution or fear of persecution on account of race, religion, or political opinion they have fled (A) from any Communist or Communist-dominated country or area, or (B) from any country within the general area of the Middle East, (ii) that they are unable or unwilling to return to such country or area on account of race, religion, or political opinion, and (iii) that they are not nationals of the countries or areas in which their application for a visa is made. For the purpose of the foregoing the term 'general area of the Middle East' means the area between and including

(1) Libya on the west, (2) Turkey on the north, (3) Pakistan on the east, and (4) Saudia Arabia and Ethiopia on the south: Provided, That not more than one-half the number of immigrant visas specified in this paragraph may be made available to aliens who have been continuously physically present in the United States for a period of two years prior to application: Provided further, That in each of the first three fiscal years following the enactment of this Act any immigrant visas issued pursuant to the foregoing proviso shall not be counted for purposes of applying the numerical limitations imposed in section 201.

"(8) Any immigrant visas not required for issuance to the classes specified in paragraphs (1) through (7) shall be made available to other qualified immigrants strictly in the chronological order in which such immigrants are registered on waiting lists which shall be maintained in accordance with regulations prescribed by the Secretary of State. No immigrant visa shall be issued to a nonpreference immigrant under this paragraph until the consular officer is in receipt of a determination made by the Secretary of Labor that the provisions of section 212(a)(14) will not be invoked. The Secretary of Labor may make such determinations by classes or categories in accordance with regulations prescribed by him.

"(9) A spouse or child as defined in section 101(b)(1)(A), (B), (C), (D), or (E) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under paragraphs (1) through (8), be entitled to the same preference or nonpreference status, and the same order of consideration provided in subsection (b), if accompanying, or following to join, his spouse or parent.

"(10) During any of the first three fiscal years following the enactment of this section, the President may reserve up to the entire number of visas allocated to nonpreference immigrants under paragraph (8), and thereafter not exceeding fifty per centum of the number of such visas, for allocation to otherwise qualified immigrants (A) whose admission is determined by him to be necessary in order to avoid undue hardship resulting from the abolition of annual quotas and nonquota classes, and to be in the national interest, or (B) whose admission is determined by him to be required

to further the traditional policy of the United States of offering refuge to persons oppressed or persecuted, or threatened with oppression or persecution, because of their race, color, religion, national origins, adherence to democratic beliefs, or their opposition to totalitarianism or dictatorships, or (C) who have been uprooted by natural calamity or military operations and are unable to return to their usual place of abode: Provided, That the proviso of section 202 shall not limit the President's authority under this paragraph.

"(b) In considering applications for immigrant visas under subsection (a) consideration shall be given first to applicants under paragraph (1) and consideration shall be given to other applicants in the order in which the classes of which they are members are listed in subsection (a).

"(c) Immigrant visas issued pursuant to paragraphs (2) and (6) of subsection (a) shall be issued to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General as provided in section 204. Immigrant visas issued pursuant to paragraphs (1), (3), (4), and (5) of subsection (a) shall be issued to eligible immigrants strictly in the chronological order in which such immigrants are registered on waiting lists which shall be maintained in accordance with regulations prescribed by the Secretary of State.

"(d) Every immigrant shall be presumed to be a non-preference immigrant until he establishes to the satisfaction of the consular officer and the immigration officer that he is entitled to a preference status under paragraphs (1) through (7) of subsection (a), or to a special immigrant status under section 101(a)(27). In the case of any alien claiming in his application for an immigrant visa to be entitled to preference immigrant status under paragraphs (1) through (7) of subsection (a), the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

"(e) For the purposes of carrying out his responsibilities in the orderly administration of this section, the Secretary of State is authorized to make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories of subsection (a), and to rely upon such estimates in authorizing the issuance of such visas. If in reliance upon such estimates the Secretary shall authorize in any fiscal year the issuance of visas that result in admission of more immigrants than are authorized for that fiscal year, the Secretary shall make an appropriate adjustment in the issuance of visas in the following fiscal year."

Amendment No. 4

Amend section 4 to read as follows:

SEC. 4. Section 204 of the Immigration and Nationality Act (66 Stat. 176, 8 U.S.C. 1154) is amended to read as follows:

"SEC. 204. (a) Any citizen of the United States claiming that an alien is entitled to a preference status by reason of the relationships described in paragraphs (1), (4), or (5) of section 203(a), or any alien lawfully admitted for permanent residence claiming that an alien is entitled to a preference status by reason of the relationship described in section 203(a)(3), or any alien desiring to be classified as a preference immigrant under section 203(a)(2) (or any person on behalf of such an alien), or any person desiring and intending to employ within the United States an alien entitled to classification as a preference immigrant under section 203(a)(6), may file a petition with the Attorney General for such classification. The petition shall be in such form as the Attorney General may by regulations prescribe and shall contain such information and be supported by such documentary evidence as the Attorney General may require. 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 the United States, administered by a consular officer.

"(b) After an investigation of the facts in each case, and after consultation with the Secretary of Labor with respect to petitions to accord a status under section 203(a)(2) or (6), the Attorney General shall, if he determines that the facts stated in the petition are true and that the alien in behalf of whom the petition is made is eligible for a preference status under section 203(a), 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 the preference status.

"(c) Notwithstanding the provisions of subsection (b) no more than two petitions may be approved for one petitioner in behalf of a child as defined in section 101(b)(1)(E) or (F) unless necessary to prevent the separation of brothers and sisters and no petition shall be approved if the alien has previously been accorded a nonquota or preference status as the spouse of a citizen of the United States or the spouse of an alien lawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws.

"(d) The Attorney General shall forward to the Congress a report on each approved petition for immigrant status under sections 203(a)(2) or 203(a)(6) 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.

"(e) Nothing in this section shall be construed to entitle an immigrant, in behalf of whom a petition under this section is approved, to enter the United States as a preference immigrant under section 203(a) if upon his arrival at a port of entry in the United States he is found not to be entitled to such classification."

Amendment No. 5

Amend section 5 to read as follows:

"SEC. 5. Section 205 of the Immigration and Nationality Act (66 Stat. 176, 8 U.S.C. 1155) is amended to read as follows:

"Section 205. The Attorney General may, at any time, for what he deems to be good and sufficient cause, revoke the approval of any petition approved by him under section 204. Such revocation shall be effective as of the date of approval of any such petition. In no case, however, shall such revocation have effect unless there is mailed to the petitioner's last known address a notice of the revocation and unless notice of the revocation is communicated through the Secretary of State to the beneficiary of the petition before such beneficiary commences his journey to the United States. If notice of revocation is not so given, and the beneficiary applies for admission to the United States, his admissibility shall be determined in the manner provided for by sections 235 and 236."

Amendment No. 6

Amend section 6 to read as follows:

"SEC. 6. Section 206 of the Immigration and Nationality Act (66 Stat. 181, 8 U.S.C. 1156) is amended to read as follows:

"Section 206. If an immigrant having an immigrant visa is excluded from admission to the United States and deported, or does not apply for admission before the expiration of the validity of his visa, or if an alien having an immigrant visa issued to him as a preference immigrant is found not to be a preference immigrant, an immigrant visa or a preference immigrant visa, as the case may be, may be issued in lieu thereof to another qualified alien."

Amendment No. 7

Amend section 7 to read as follows:

"SEC. 7. Section 207 of the Immigration and Nationality Act (66 Stat. 181, 8 U.S.C. 1157) is repealed."

Amendment No. 8

Amend section 8 to read as follows:

SEC. 8. Section 101 of the Immigration and Nationality Act (66 Stat. 166, 8 U.S.C. 1101) is amended as follows:

"(a) Paragraph (27) of subsection (a) is amended to read as follows:

"(27) The term 'special immigrant' means --

(A) an immigrant who was born in any independent foreign country of the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying or following to join him: Provided, That no immigrant visa shall be issued pursuant to clause (A) of this paragraph until the consular officer is in receipt of a determination made by the Secretary of Labor that the provisions of section 212(a)(14) will not be invoked, and, Provided further, That the Secretary of Labor may make such determinations by classes or categories in accordance with regulations prescribed by him;

(B) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

(C) an immigrant who was a citizen of the United States and may, under section 324(a) or 327 of

title III, apply for reacquisition of citizenship;
(D)(i) an immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of carrying on the vocation of minister of a religious denomination, and whose services are needed by such religious denomination having a bona fide organization in the United States; and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him; or
(E) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: Provided, That the principal officer of a Foreign Service establishment, in his discretion, shall have recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status."

(b) Paragraph (32) of subsection (a) is amended to read as follows:

"(32) The term 'profession' shall include but not be limited to architects, engineers, lawyers,

physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries."

(c) Subparagraph (1)(F) of subsection (b) is amended to read as follows:

"(F) a child, under the age of fourteen at the time a petition is filed in his behalf to accord a preference classification under section 203(a)(1), who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care which will be provided the child if admitted to the United States and who has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and his spouse who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a United States citizen and spouse who have complied with the preadoption requirements, if any, of the child's proposed residence: Provided, That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act."

Amendment No. 9

Amend section 9 to read as follows:

SEC. 9. Section 211 of the Immigration and Nationality Act (66 Stat. 181,8 U.S.C. 1181) is amended to read as follows:

"SEC. 211. (a) Except as provided in subsection (b) no immigrant shall be admitted into the United States unless at the time of application for admission he (1) has a valid unexpired immigrant visa or was born subsequent to the issuance of such visa of the accompanying parent, and (2) presents a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General.

"(b) Notwithstanding the provisions of section 212(a)(20) of this Act in such cases or in such classes of cases and under such conditions as may be by regulations prescribed, returning resident immigrants, defined in section 101(a)(27)(B), who are otherwise admissible may be readmitted to the United States by the Attorney General in his discretion without being required to obtain a passport, immigrant visa, reentry permit or other documentation."

Amendment No. 10

Amend section 10 to read as follows:

SEC. 10. Section 212(a) of the Immigration and Nationality Act (66 Stat. 182; 8 U.S.C. 1182) is amended as follows:

(a) The last sentence of paragraph (14) is amended to read as follows: "The exclusion of aliens under this paragraph shall apply only to special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence) and to non-preference immigrant aliens described in section 203(a)(8);".

(b) Paragraph (20) is amended by deleting the letter "(e)" and substituting therefor the letter "(a)".

(c) Paragraph (21) is amended by deleting the word "quota".

(d) Paragraph (24) is amended by deleting the language within the parentheses and substituting therefor the following: "other than aliens described in section 101(a)(27)(A) and (B)."

* Explanatory Note: Subsections (a) and (b) of section 4 of the "selective" immigration bill have been omitted in this amendment because the substance of these subsections remains in section 17 of the Administration bill.

Amendment No. 11

Amend section 11 to read as follows:

SEC. 11. The Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1151) is amended to read as follows:

(a) Section 221(a) is amended by deleting the words "the quota, if any, to which the immigrant is charged, the immigrant's particular status under such quota, the particular non-quota category in which the immigrant is classified, if a non-quota immigrant," and substituting in lieu thereof the words "the preference, non-preference, or special immigration classification to which the alien is charged."

(b) The fourth sentence of subsection 221(c) is amended by deleting the word "quota" preceding the word "number;" the word "quota" preceding the word "year;" and the word "quota" preceding the word "immigrant," and substituting in lieu thereof the word "an."

(c) Section 222(a) is amended by deleting the words "quota or a nonquota" and substituting in lieu thereof the words "preference or a special."

(d) Section 224 is amended to read as follows:
"A consular officer may, subject to the limitations provided in section 221, issue an immigrant visa to a special immigrant as such upon satisfactory proof, under regulations prescribed under this Act, that

the applicant is entitled to a special immigrant status."

(e) Section 241(a)(10) is amended by substituting for the words "Section 101(a)(27)(C)" the words "Section 101(a)(27)(A)."

(f) Section 243(h) is amended by deleting the word "physical."

Amendment No. 12

Amend section 12 to read as follows:

SEC. 12. Section 244 of the Immigration and Nationality Act (66 Stat. 214, 8 U.S.C. 1254) is amended as follows:

(a) Subsection (d) is amended to read as follows:

"(d) Upon the cancellation of deportation in the case of any alien under this section, the Attorney General shall record the alien's lawful admission for permanent residence as of the date the cancellation of deportation of such alien is made, and unless the alien is entitled to a special immigrant classification under section 101(a)(27)(A), the Secretary of State shall reduce by one the number of nonpreference immigrant visas authorized to be issued under section 203(a)(8) for the fiscal year then current."

(b) Subsection (f) is repealed.

Amendment No. 13

Amend section 13 to read as follows:

SEC. 13. Section 245 of the Immigration and Nationality Act (66 Stat. 217, 8 U.S.C. 1255) is amended as follows:

(a) Subsection (a) is amended by deleting the words "other than an alien crewman."

(b) Subsection (b) is amended to read:

"(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference or nonpreference visas authorized to be issued under section 203(a) within the class to which the alien is chargeable, for the fiscal year then current."

(c) Subsection (c) is amended to read:

"(c) The provisions of this section shall not be applicable to any alien who is of the class described in section 101(a)(27)(A)."

Amendment No. 14

Amend section 14 to read as follows:

SEC. 14. Section 249 of the Immigration and Nationality Act (66 Stat. 219, 8 U.S.C. 1259) is amended by changing the words "June 28, 1940" to read "December 24, 1952" and by adding at the end thereof the following: "Upon approval of the creation of a record of lawful admission for permanent residence, unless the alien is entitled to a special immigrant classification under section 101(a)(27)(A), the Secretary of State shall, except in each of the first two fiscal years following the enactment of this section, reduce by one the number of nonpreference immigrant visas authorized to be issued under section 203(a)(8) for the fiscal year then current."

Amendment No. 15

Amend section 15 to read as follows:

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

(a) Immediately after "SEC. 281." insert "(a)";

(b) 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 section 204;"

(c) Paragraph (6) is amended to read as follows:

"(6) For filing with the Attorney General of each petition under section 204 and section 214(c), \$10; and";

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

"(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, shall be prescribed by the Secretary of State."; and

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

Amendment No. 16

Amend section 16 by deleting the word "quota" on line 15.

Amendment No. 17

Amend Section 17(b) by changing lines 1 and 2 on p. 14
to read as follows:

"(4) is amended by deleting the word 'epilepsy'
and substituting in lieu thereof the words 'sexual
deviation.'"

Amendment No. 18

Amend section 18 to read as follows:

SEC. 18. Sections 1, 2, and 11 of the Act of July 14, 1960 (74 Stat. 504-505), as amended by section 6 of the Act of June 28, 1962 (76 Stat. 124), are repealed.

Amendment No. 19

Amend section 20 by inserting after the words "psycho-
pathic personality" on line 20 the words "or with
sexual deviation."

Amendment No. 20

Add a new section 21 to read as follows:

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

5201
MEMORANDUM

THE WHITE HOUSE
WASHINGTON

EXECUTIVE

LF/EM

200
July 29, 1965

12:10 P. M.

Mr. Valenti:

Cong. Jack Brooks called to give the status of the Immigration Bill.

Said they have about 30 minutes more work to do on it. Will meet again Tuesday morning and they anticipate it will pass then without fail.

Since you were away when he called, he asked me to inform Mr. Watson of this also in case the President wanted a report on it meantime.

H. Colle

CC: Marvin Watson 8/2/65

RECEIVED
JUL 30 1965
CENTRAL FILES

extra

midsummer 1965

1. In section 1 of the bill, change the last sentence of section 201(b) by substituting "shall" for "may" and inserting a comma after "as such." (p. 2, lines 11 and 12.)
2. Also in section 1 of the bill, change the third sentence of section 201(d) by deleting the word "preference" before "visa." (p. 3, l. 8.)
3. In section 2 of the bill, change section 202 by adding a new subsection (d) as follows:

"(d) In the case of any change in the territorial limits of foreign states, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all diplomatic and consular offices."
4. In section 3 of the bill, change the last sentence of section 203(a)(7) by deleting the words "such visas" at the end thereof and substituting the words "adjustment of status." (p. 9, l. 2.)
5. Also, in section 3 of the bill, change the first sentence of section 203(d) by substituting "(6)" in lieu of "(7)." (p. 10, l. 12.)
6. Also, in section 3 of the bill, change section 203(e) by adding at the end thereof the following sentence (which now appears in quotations in section 15 of the bill):

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

Strike the present section 15 of the bill and renumber the subsequent sections accordingly.
7. In section 8 of the bill, change "immediated" to "immediate" on p. 18, l. 1.
8. In section 14 of the bill, delete subsection (b) (p. 23, l. 21 through p. 24, l. 2) and redesignate remaining subsections.

extra

Pool - Helen - rough - May 1911

I if no 20,000 limit on pool but pool
only for pref., Italy gets

113,737 in 3 years
(34,000 1st yr, 39,648 2dy, and 3rd year)

II if 20,000 limit applies, Italy
would get none in new - 4th &
5th prefs in any year of 3.

^{Italy}
In 1st year, would get 4722 imp, 2834

Worldwide, in 2d year, less than 10,000
of 50,000 in pool would be
used at all. Third year
would be about the same,
first year, entire 56,000
would be used.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

2
EXHIBITIVE
LE/IM
IM

Tuesday, July 27, 1965
2:55 p.m.

FOR THE PRESIDENT

From: Larry O'Brien

Exposed X
I talked to Manny Celler immediately upon completion of his Committee session at noon today -- he said things went awfully well and he assured me the Immigration Bill would be reported out of Committee Thursday morning.

The Committee will meet at 9:30 a.m. Thursday -- the report will be ready and can be circulated within 10 minutes after the Bill is out. I have checked all this carefully with Nick Katzenbach as we must convince Celler that he file his 21-day rule petition immediately.

7-21-65
10
RLS:jcc

cc: Mr. Schlei
Mr. Saloschin ✓
Mrs. Copeland

Robert A. Schlei
Assistant Attorney General
Office of Legal Counsel

July 20, 1965

Robert L. Saloschin

Attached copy of AFL-CIO letter of July 8, 1965
proposing amendments to H.R. 2580 pertaining to
administration of occupational preferences and
entry of temporary agricultural workers, with
accompanying draft amendments.

In general, these draft amendments would accomplish
what the AFL-CIO's letter says they would. However, the
amendments would not give the Secretary of Labor full
"decisional authority" on applications for occupational
preferences as the letter indicates, but only a veto power
on granting such applications--which may be all the AFL-CIO
is interested in. Also, the amendment which the letter
says is designed to bar entry of temporary agricultural
workers would, in addition, give the Secretary of Labor a
veto power over entry of other temporary workers.

Additional comments have been noted in the margin
of the draft amendments.

Attachment

GEORGE HEALY

WALTER C. BENTLEY
WILLIAM C. BISHAMPT
FRANK J. McDONALD
JAMES E. CURTAN
JOSEPH D. KLEMAN
RICHARD E. WALSH
JAMES A. SUFFERIDGE
PAUL L. PHILLIPS
PAUL HALL

YUL F. SHNITELMAN

GEORGE M. HARRISON
JAMES D. CARY
CHAS. BEVE
MAURICE A. MITCHESON
JAMES S. POTTSKY
LEE M. HINTON
D. A. KNIGHT
JOHN T. SCHROEDMAN
HERMAN D. KELIN

HARRY G. PATES
DAVID DUDINSKY
WM. L. McETRIGGS
A. J. HAYES
A. PHILIP RANDOLPH
JOSEPH A. DEIRNE
KARL F. FELLER
L. M. RAFTERY
JOHN L. CROGAN

EXECUTIVE COMMITTEE

GEORGE HEAFY
WALTER F. RUTHER
GEORGE M. HARRISON
JAMES D. CASEY
HARRY C. BATES
DAVID J. McDONALD
DAVID DUBINSKY
WM. J. SCHNITZER

July 8, 1965

Dear Mr. Feighan:

In testimony before Subcommittee No. 1 of the House Judiciary Committee on May 27, 1965, the AFL-CIO strongly urged that Congress explicitly vest decisional authority with respect to first and fourth preference quota immigration under H.R. 2500 and temporary non-immigrants under Section 101(a)(15)(H) of the Immigration and Nationality Act in the hands of the Secretary of Labor. We testified on May 27, before the Subcommittee:

"To assure protection of the American labor force, we strongly recommend that the bill should provide that the ultimate responsibility and authority to make decisions as to the existence of skill needs and labor shortages in particular fields should be vested in the Secretary of Labor who has the data and expertise in this field."

Under existing law the Secretary of Labor has little more than a consultative function with respect to these decisions except in instances where the Attorney General, in his discretion, has delegated to the Department of Labor certain determinations. H.R. 2500 actually lessens the Secretary's authority by putting the Immigration Board, which the bill creates, between the Secretary and the Attorney General in the administration of first and fourth preference quota immigration.

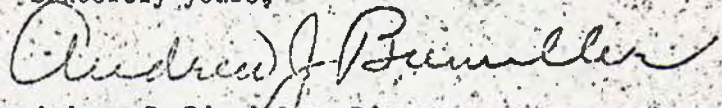
The attached proposed amendments to H.R. 2580 would, we feel, correct this situation by vesting in the Secretary of Labor the authority to determine skill needs and labor shortages and the eligibility of prospective first and fourth preference quota immigrants and Section 101(a)(15)(H) nonimmigrants to fill these needs and shortages.

Honorable Michael A. Feighan, July 8, 1965, Page 2.

We also recommended that Public Law 414 be amended to prohibit the importation of foreign farm labor. You will note on the attached amendments the proposed proviso which we would add to Section 214(c) of the Immigration and Nationality Act. This proviso would accomplish the result which we seek.

Let me reiterate our firm support of the primary thrust of H.R. 2580, namely, the elimination of the national origins quota system. Additionally, we urge your support of the recommendations which we made before Subcommittee No. 1 and which I now submit to you as substantive proposals in the form of amendments to H.R. 2580 which we deem necessary to protect the domestic labor force.

Sincerely yours,


Andrew J. Bicmillier, Director
DEPARTMENT OF LEGISLATION

Enclosure

ATTACHMENT

Amendments to H.R. 2500

*Immigration
Board's functions
on occupational
preferences*

On page 16, strike out lines 6 through 16.

On page 16, line 17, redesignate subsection (5) as subsection (4).

On page 16, line 21, redesignate subsection (6) as subsection (5).

*(Balance of this page and all of next page amends sec. 11 of the bill, which
rewrites sec. 204 of the Act,
which prescribes
petition procedures.)*

On pages 9, strike out lines 3 through the period on line 13 and
insert in lieu thereof the following:

"(3). Subsection (c) is redesignated (e) ^{was (d) in bill} and is amended to
read as follows:

*(e) 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 ^F (minister)
immigrant status under section 101(a)(27)(~~1~~)(i),
section 203 (a)(1)(A) or the last clause of section
203(a)(4) and subject to the approval of the
Secretary of Labor with respect to petition for
the alien seeking eligibility for an immigrant
status under 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."

Strike out line 23 on page 9 through line 2 on page 10 and
insert in lieu thereof the following:

*Comment: The immigration
laws as now written are
administered by two separate
departments, State and Justice.
This proposal would
inject a third, Labor, and
would make the whole
system increasingly
cumbersome.*

was (e) in bill; otherwise unchanged

"(4) Subsection (d) is redesignated (f) 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).'"

On page 10, between lines 2 and 3 insert the following:

"(5) the following new subsection is inserted after subsection (b):

this shifts emphasis from the bill's "especially advantageous" test to needs

"(c) The Secretary of Labor shall establish such criteria for the 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, and shall determine such skill needs and labor shortages as exist in the United States 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."

Comment:

This is partly implied by language on previous page. Under present law and the bill, the AG must consult with "appropriate" government agencies, which includes Labor Dept. The Secretary of Labor can "establish criteria" and "determine needs" in aid of formulating his recommendations to the A.G. He also has certain exclusionary powers under § 212(a)(14). If this provision calls for binding criteria, it is unsound, and if it calls for guidance criteria it is unnecessary.

On page 10, strike out lines 3 and 4 and insert in lieu thereof the following:

"(6) The following new subsection is inserted after new

Subsection (c):

was (b) in bill; otherwise same

On page 10, line 5 strike "(c)" and insert in lieu thereof "(d)".

On page 14, at the end thereof, add the following new section
and renumber the subsequent sections accordingly:

"Sec. 18. Section 214(c) of the Immigration and Nationality

Act is amended to read as follows:

"(c) The question of importing any alien as a non-immigrant under section 101(a)(15)(H) of this title in any specific case or specific cases shall be determined by the Attorney General subject to the approval of the Secretary of Labor after consultation with appropriate agencies of the Government, upon petition of the importing employer. Such petition shall be made and approved before the visa is granted. The petition shall be in such form and contain such information as the Attorney General shall prescribe. The approval of such petition shall not, of itself, be construed as establishing that the alien is a nonimmigrant: Provided, that nothing in this section shall be construed as authorizing the importation of any alien as a nonimmigrant under section 101(a)(15)(H) for the purpose of employing the alien in the production of agricultural commodities and products."

temporary
workers;
trainees;
also,
persons
"of
disting-
guished
merit"
are in-
cluded,
probably
inadvertently

Comment: Since the end of the bracero program, § 214(c) is the only authority for bringing in temporary agricultural workers. The AG now uses 214(c) to bring in agricultural workers from various countries with the concurrence of Labor Dept. The proposed changes would deprive the government of the power to do this even in a harvest emergency. In addition, it would give the Labor Dept. veto power over the entry of non-agricultural temporary workers and trainees, and even persons of distinguished and exceptional talent coming to use their talents temporarily, altho this last effect is probably due to inadvertently broad drafting

Will you give me some guidance on attached.

is not new ---- is a week old now and
has called only Celler and Brooks.

my recommendations ~~XXXXXXXXXXXX~~ ?

jd
1 29/1965

THE WHITE HOUSE
WASHINGTONJuly 22, 1965
Thursday---6:30 p.m.35 (5)
EXECUTIVE
LE/IM
FG 135

MR. PRESIDENT:

Today the Judiciary sub-committee on Immigration voted out the immigration bill.

Feighan got back on track after putting in an amendment to put a ceiling on the Western Hemisphere, totally unacceptable to us. But we got it out -- and then Feighan stayed hitched.

Rodino performed like a soldier after innumerable conversations. Jack Brooks was a true hero of this thing -- as was Norb Schlei of Justice who shepherded this bill through the entire tangle.

It goes now to the full committee and we think it will win on the floor. Right now the bill is one we can live with -- Katzenbach judges that if it were passed in its present form it would be all right.

I suggest you might want to call:

Michael A. Feighan
Emmanuel Celler

- to thank him for getting it through.
- so that you can congratulate both Feighan and Celler. Celler ought to be lauded for finally getting his life's dream ready to be passed.

Jack Brooks
Peter W. Rodino

- for his good work.
- only because I worked on him pretty hard.

Put on
my desk

Jack Valenti

orig sent to Man Toritto

THE WHITE HOUSE
WASHINGTONFile July 16, 1965
5:15 p.m. Friday

MEMORANDUM FOR THE PRESIDENT

It may be that finally at long last we will be able to get the Immigration Bill out of the sub-committee.

I have had interminable conversations with Pete Rodino^x and Mike Feighan^x - with Norb^x Schlei of Justice - with Jack^x Brooks - with Congressman Bill^x Cahill - and have coordinated my activities with Larry O'Brien's office.

At 10 a.m. on Monday morning, Feighan's sub-committee will meet to consider a committee print of the Immigration Bill. Its main provisions will include:

1. Repeal of the national origins within three years.
2. No ceiling on Western hemisphere immigration.
3. No ceilings on parents, spouses, and children of citizens.
4. 170,000 limitation on all the so-called quota countries.
5. No more than 20,000 from any one country during any one year.
6. Repeal of Asia-Pacific triangle.

I leaned heavily on Pete Rodino. He was playing footsie with Republican Archie^x Moore and I simply told him we were counting on him in a very vital way and he simply could not let us down. He agreed to go along.

Unless something goes wrong, sometime next week the Immigration Bill should be reported to the full committee.

Jack Valenti

extra

July 14th Suggested Labor Changes in Possible Amendments.

Substitute for the last two sentences in paragraph 7 of section 203(a) (p. 4 of Amendment No. 3, July 13th.

Revision) the following:

"No immigrant visa shall be issued by a consular officer to an immigrant under this paragraph seeking to enter the United States to perform skilled or unskilled labor if the Secretary of Labor has determined and certified to the Secretary of State that (A) sufficient workers in the United States are able, willing, qualified and available to perform such labor at the time of application for a visa and at the applicant's intended destination in the United States, or (B) the employment of such aliens to perform such skilled or unskilled labor will adversely affect the wages and working conditions of the workers in the United States similarly employed."

Also, in Amendment No. 3, in paragraph (27) of section 101(a), delete both provisos and substitute therefor the above quotation.

Extra

Further Suggested Technical Changes in
July 15 Committee Print of H.R. 2580 (7-20-65)

Section 1. In subsection (d), shorten the third sentence by putting a period after "Secretary of State" and striking the rest of the sentence.

In subsection (e), add the following sentence:

On or before June 30, 1968 no quota visa and thereafter no visa subject to the numerical limitations of subsection (a) of this section shall be issued to a special immigrant or an immigrant who is an immediate relative specified in subsection (b) of this section.

Section 2. In subsection (a), change the reference to "section 201(b)" to read "section 201", and reword the second proviso (previously suggested on the July 15 list of technical changes) to read as follows:

"; and Provided, further, That the foregoing proviso shall not operate to reduce the number of immigrants who may be admitted under the quota of any quota area before June 30, 1968."

Section 3. In the second proviso in paragraph 6 of subsection (a), change "issued" to "made available", and at the end of

paragraph 6 add a third proviso, as follows:

"; and Provided, further, That a conditional admission under this clause shall not be deemed an admission to the United States for other purposes under this Act except for the purpose of the numerical limitations specified in section 201(a)."

Section 14. In the phrase "following the enactment of this section", change "section" to "sentence".

Section 18. Change the phrase "Sections 1, 2, and 11 . . ." to read "Sections 1 and 2 . . .".

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

July 14, 1965
2:20 pm

EXECUTIVE

LE/IM
IM

TO THE PRESIDENT

The Immigration Subcommittee had a productive meeting this morning --- back in session at 2:30 pm -- hope to devote two additional hours this afternoon depending upon Floor activity -- if so could have a clean bill to consider tomorrow.

LARRY O'BRIEN

Department of Justice
Washington

JUL 14 1965

IM (3)
C043
C0190
C01 (Western Hemisphere)
FG 135

MEMORANDUM FOR THE HONORABLE JACK VALENTI
Special Assistant to the President

The figures you requested are as follows:

	<u>Canada</u>	<u>Mexico</u>	<u>Western Hemisphere</u>
10-year average	30,645	43,257	113,364
5-year average	33,496	43,565	125,014
year ending June 30, 1964	38,074	32,967	139,284

About 25 percent of the above immigrants were people who would qualify for non-quota status regardless of their country of origin because of their close relationship to a U.S. citizen; that is, they were spouses, children or parents of American citizens. A somewhat higher proportion of Mexican immigrants were close relatives -- about one third.

Norbert A. Schlei

Norbert A. Schlei
Assistant Attorney General
Office of Legal Counsel

gal
MEMORANDUM

THE WHITE HOUSE
WASHINGTON

Thursday, July 8, 1965, 10:37 am

EXECUTIVE

26/511

IM

MR. VALENTI

Immigration

x
I talked to Norb Schlei at 9:00 last night. He said that the President told them in their meeting that a world-wide ceiling seemed to make sense but that it was acceptable to him only if Rusk could buy it.

Norb subsequently talked to Rusk who said he absolutely could not live with a numerical ceiling of any kind on the Western Hemisphere. That is now the official position.

The problem has taken this form. Feighan will say we ought to have a numerical ceiling on immigration from countries outside the Western Hemisphere. Rodino then says you can't treat parents of Italo-Americans differently from parents of our citizens who have immigrated from the Western Hemisphere. The Republicans then gleefully join in with, "You're right Congressman Rodino, we need a number limitation for all immigration."

Norb says the vote yesterday was the result of confusion. The Speaker talked to one of the Democrats we lost -- Henry Wilson talked to the other. Schlei will have seen both Feighan and Rodino before the committee meets today.

Perry Barber

2/28/65
DRAFT - RLS - 6/25/65

MEMORANDUM

Re: Rodino Immigration Bill, H.R. 9312
-- Tentative Summary

The Rodino bill in general resembles the Moore bill (H.R. 9136) more than the Celler bill (H.R. 2580). It resembles the Moore bill in fixing a permanent quota of 200,000 plus existing nonquota categories, in providing a 3-year transition, and in several other important respects: no presidential reserve provisions, paroling in 10,000 refugees a year under a not-too-clear substitute for the Fair Share Refugee Law, no provision for waivers for mentally afflicted relatives, and no self-petitioning for high-skill preferences.

The method for reduction of the national quotas is more like the Celler bill, with annual 33 1/3 percent transfers to a quota reserve, but with provision that a national quota during this interim period cannot be cut below the country's average immigration level for the 3 years before the bill's enactment; presumably this is to avoid the need for a NATO-type presidential reserve.

The 200,000 annual limit apparently would not become fully effective until after the end of the 3 year period, although this delayed effect is far less clear than in the Moore bill. Under Section 4 of this bill, the "not [to] exceed two hundred thousand" would in terms be effective immediately, but under subsection (f)(2) of section 201 (section 3 of the bill), immigrants must apparently be charged to national quotas or to the interim quota reserve until the three years have expired, and it is not wholly clear that the total of the national quotas plus the quota reserve would be as much as 200,000 in all three transitional years, even with inclusion of unused numbers of the prior year.

The Rodino bill has essentially the same preference structure as the Celler bill, but first preference types would continue "urgently needed" rather than "especially advantageous."

The bill contains references to "this Act" which should refer to the bill as enacted rather than the I.&N.Act being amended (p.2, l.17; p3, l.4 of first print, which contains printing as well as drafting errors).

Note: After completing the above, I received a somewhat more detailed analysis of this bill from Jim Hines, copy attached.

July 6, 1965

Dear Mr. Errigo:

The President has asked me to respond to your telegram expressing the support of the Sons of Italy for basic amendments in the immigration laws.

We are hopeful that legislation effecting these important changes will be brought before the House at an early date, and thereafter will receive the ready approval of the Senate. Your support is very much valued by us, and we appreciate your writing to us.

Sincerely,

6/ Lee C. White
Special Counsel to the President

Mr. Joseph A. L. Errigo
Chairman
National Committee on Immigration
Order of the Sons of Italy
1300 King Street
Wilmington, Delaware

The White House
Washington

1955 JUN 28 PM 1 03

WA028 PD 6 EXTRA

WILMINGTON DEL 28 1140A EDT

THE PRESIDENT

THE WHITE HOUSE

THE ORDER SONS OF ITALY IN AMERICA GIVE ENTHUSIASTIC ENDORSEMENT
TO YOUR SUGGESTED CHANGES IN THE IMMIGRATION LAWS OF OUR NATION.
WE AGREE WITH YOU THAT THE NATIONAL ORIGINS AND THE QUOTA SYSTEM
FEATURES OF THE IMMIGRATION ACT OF 1952 SHOULD BE ABOLISHED
AS SOON AS POSSIBLE AND THAT PREFERENCE SHOULD BE GIVEN TO
REUNITING FAMILIES AND OBTAINING SKILLED WORKMEN TO BOLSTER

OUR ECONOMY

JOSEPH A L ERRIGO CHAIRMAN NATIONAL COMMITTEE ON IMMIGRATION

1300 KING ST WILMINGTON DEL.

THE WHITE HOUSE
WASHINGTON

MR. VALENTI

Larry O'Brien called to say that you
need to call Addabbo, N.Y.

Giaimo, Connecticut
Daddario, Connecticut

on the Housing Bill. It will come to
a vote sometime after noon today.

Larry will be in the Speaker's office
if you need him.

You also need to call Pete Rodino about
the Immigration Bill. The only thing
holding the bill up is Rodino--he wants
to be the author of the bill and he is
making the other members of the subcommittee
mad.

Tues
June 29, 1965
10:25 am

Perry Barber

RECEIVED
JUL 2 1965
CENTRAL FILE

June 23, 1965

TO: JACK VALENTI
FROM: LARRY O'BRIEN
SUBJECT: Housing Bill

This bill will be scheduled in the House - Monday, June 28th.

As you know, Rent Supplements (Section 101) is controversial
--- the opposition will center on this section of the bill.

Attached are House Members from your assigned back-up list
who should be contacted in each instance where it is feasible
for you to do so. I will appreciate a report by 5:00 pm - Friday,
June 25th.

A fact sheet is enclosed for your use.

attachments

VALENTI

Daddario, Conn.

Clark, Pa.

Addabbo, N.Y.

Vigorito, Pa.

THE WHITE HOUSE
WASHINGTON

MR. VALENTI

Short Form Talk Sheet

Liberals -- this merely supplements public housing. There are 500,000 families who can't get any public housing.

Conservatives -- the supplement program will merely stimulate private home construction for this market. All the housing construction people are for it.

Tues
June 29, 1965
10:30 am

Perry Barber

Rent Supplements

Under this proposal (Section 101 of the general housing bill, H. R. 7984) rent supplements would be used to pay part of the rent for low income families unable to afford decent private housing. Here is how it would work:

- a. The housing would be rental and cooperative housing built under FHA-Section 221(d)(3). The sponsors would be limited to nonprofit and limited dividend corporations or cooperatives.
- b. The mortgages would bear market interest rates and the housing would be privately financed thereby substantially reducing the impact on the Federal Budget.
- c. The families to be aided would be low income families who cannot afford decent private housing by paying one-fourth of their income.
- d. The income ceilings would be set individually for each community to reflect different cost levels and would differ by size of family.
- e. In addition to being low income, the family would have to be either elderly or handicapped, displaced by government action, or now living in substandard housing.
- f. The family would pay one-fourth of its income for rent and the rent supplement would make up the difference between that amount and the fair market rental of the unit. When a family's income rose to the point where one-fourth of its income would cover the rent, the supplement payments would stop.
- g. Appropriation not to exceed \$50 million annually prior to July 1, 1966; \$100 million for FY 1967; \$150 million for FY 1968; \$200 million for FY 1969.
- h. Beneficiaries: Program is primarily aimed at persons in the \$4,000 to \$6,000 annual income range. It is expected the rent supplement program will encourage the private construction of up to 500,000 units over the next 4 years to meet the needs of lower income families.
- i. The need: 8 Million American families live in substandard housing, many of whom cannot afford decent housing; of these, half are elderly or handicapped. 300,000 families will be displaced by government action over the next 4 years.

"The most crucial new instrument in our effort to improve the American city is the rent supplement."

--President Johnson, 3/2/65

June 18, 1965

Dear Hugh:

I find myself at the White House nowadays and I have been asked by the President to prepare a reply to your letter supporting S. 500 and H. R. 2580, the Administration's Immigration Bill. A number of people are working to iron out differences on the Immigration Bill and come up with a bill that can get substantial support in the Congress this year. Those who know most about it seem to be rather confident that such a bill can be obtained. My judgment is it will be very near the bill submitted by the Administration.

It is grand to write you in your new capacity as President of the National Association for Foreign Student Affairs. Congratulations to you!

Sincerely,

Harry C. McPherson, Jr.

Mr. Hugh M. Jenkins
President, National Association
for Foreign Student Affairs
809 United Nations Plaza
New York, N. Y. 10017

NATIONAL ASSOCIATION FOR FOREIGN STUDENT AFFAIRS

Formerly National Association of Foreign Student Adherers

809 UNITED NATIONS PLAZA, NEW YORK, NEW YORK 10017 • 212 OR7090 7-1215

June 9, 1965

The President
The White House
Washington, D. C.

My dear Mr. President:

It is my privilege and responsibility to convey to you the attached resolution of the National Association for Foreign Student Affairs made at its annual meeting during the 17th National Conference held in Philadelphia on April 30, 1965.

The National Association for Foreign Student Affairs is the professional organization for those who work with participants in international educational exchanges. Its membership, now totalling more than 1600, includes foreign student advisers, Fulbright Program Advisers, teachers of English as a foreign language, and foreign student admissions officers from universities and colleges across the USA together with the staff of government, community and private agencies related to the exchange of persons.

Respectfully,

Hugh M. Jenkins
President

17th ANNUAL CONFERENCE - APRIL 27-30, 1965 - PHILADELPHIA

BE IT RESOLVED at the Annual Business Meeting of the National Association for Foreign Student Affairs that the Association support the President's Immigration Bill S500 and HR2380.

As a national organization that is dealing with people from every country of the world we feel it particularly appropriate to support a Bill designed to correct the grave inequities inherent in the national origins quota system.

Further be it resolved that the President of this Association be instructed to transmit this resolution to the President of the United States and to the Chairmen of the appropriate committees of the House and the Senate.

MAJORITY LEADER: -

Original 31, 1965
EXECUTIVE (2)
FS-400/MC
LE/INH
Hansfield, Mike

The President again congratulated us on the action of the Senate Subcommittee on Immigration in reporting the Immigration bill. We told him that we have every reason to expect the Judiciary Committee to report the bill quickly.

The House has done its part. It's now up to the Senate to take the final step to erase the unjust, inhumane national origins system and replace it with a bill which serves the vital interests of our Nation.

We also told the President that we expect prompt committee action on the Higher Education Bill. We assured him that the Senate will do its part to unlock the key to the future for millions of Americans by providing this educational aid.

* * *

Yellow Nat in files 5/24/66
LB

United States Senate

Item
29

MEMORANDUM

Nob -

362

This is my only copy.
If you have any
comments I would
appreciate having
them by 10 a.m.
tomorrow.

Bill W.

Draft-RLS-9/7/65

Comments on Draft Senate Report on Imm. Bill

1. On p. 11, line 3, adjustment of refugees' status is not limited to "Western Hemisphere" refugees.
2. On p. 11, lines 4-7, mental waiver provisions are not limited to "close relatives of U.S. citizens." (However, the report describes this provision correctly at midpage 18 and top of p. 25.)
3. On p. 13, the sentence just below midpage at end of paragraph should probably say "two [not one] out of every three immigrants..." ; if so, change "has" to "have" immediately after.
4. On p. 14, the sentence just below midpage at end of paragraph seems tantamount to saying that labor controls will result in 50,000 unused numbers a year! However, there was a similar statement on p. 13 of the House Report.
5. On p. 17, bottom, the justification for the Ervin amendment may be unnecessarily strong.
6. On p. 24, description of § 10 inserts phrase "in individual cases" after "Secretary of Labor." This insertion was not in House Report.
7. On p. 26, the report records Attorney General's willingness to study certain (Davis) proposals — this seems unobjectionable.

In addition, the draft report contains various typographical errors, some of which are noted in the copy (see, e.g., pp. 1, 2, 3, 6). Careful proofreading would probably disclose more such errors.

House Debate on Immigration Bill, Cong. Rec. citations

Tuesday, August 24, 1965	pp. 20773-20799
Wednesday, August 25, 1965	pp. 20948-21013

Senate Debate on Immigration Bill, Cong. Rec. citations

Thursday, September 16, 1965	pp. 23270-23273
Friday, September 17, 1965	pp. 23345, 23349-23365
Monday, September 20, 1965	pp. 23551-23554
	23557-23611
	23613-23617
Tuesday, September 21, 1965	pp. 23653-23667
	23671-23674
Wednesday, September 22, 1965	pp. 23851-23852
(debate ended, passed, conferees appointed)	23858-23898

*to daily issues
- pagination
different in bound
volumes*

*111 Cong. Rec.
Sept. 20, 65, p. 24498*

EXECUTIVE
LE/IM

Immigration law amendments

<u>Bill No.</u>	<u>Sponsor</u>	<u>Status</u>
S. 500 H.R. 2580	Hart and 33 others Celler	Sen SubCte concluded 8/3/65 Rule repta 8/19; Floor 8/24/65

This long overdue legislation would liberalize and modernize the immigration laws. Most notably it would eliminate the discriminatory national origins quota system, under which countries outside the Western Hemisphere are assigned quotas based on the national origins of the population of the United States in 1920. Instead, admission would be based on a set of preferences designed to aid in reuniting families and to facilitate the immigration of aliens with skills needed in this country, and visas would be issued generally on a first-come, first-served basis.

Filed
8/27/65

Wednesday, August 25, 1965
4:50
EXECUTIVE

MR. PRESIDENT:

The Attorney General just this afternoon handed Senator Dirksen language which the Attorney General feels will get the Immigration Bill out of Committee.

The new language contains a limitation on Western Hemisphere immigration. The Attorney General says this is all right with the State Department as a last resort.

The main thinking as far as the Attorney General is concerned is that the new language be played as a Committee sponsored thing -- not as something the Administration has consented to.

The language is attached.

Jack Valenti

RECEIVED
AUG 26 1965
L FILES

Nothing else sent to
Central Files as of 10/6/65

CONGRESSIONAL

August 25, 1965

EXECUTIVE

LEGISLATIVE

FG 412

Pucinski, Roman
Rosenthal, Jacob
FG 135

Dear Mr. Speaker:

As you suggested I write you, more fully and formally, the view I expressed in our conversations earlier yesterday and today.

There is no piece of legislation before the Congress that in terms of decency and equity is more demanding of passage than the Immigration bill. Four Presidents have urged this kind of legislation. Four decades have been witness to this kind of need. Countless Americans with ties of family and heritage reaching beyond the seas have cried out for this kind of action.

Our present restrictions say that Italians, Greeks, Spaniards, all the Southern European countries in particular, are not as desirable as others. What a shameful declaration.

By what distorted principle do we assert that Enrico Fermi, or Conrad Huber, or David Sarnoff, or Marconi, or George Christopher of I. M. Pei, Benjamin Cardozo, John Phillips Sousa or Senators Fong and Pastore, and Congressman Mink, Brademas, Pucinski have not added to the culture and achievement of our land? All these men and women, and millions more whose forebears were immigrants, are stained by a national commitment to restriction, isolation and indifference.

You and I, Mr. Speaker, and the great majority of the Congress know this is wrong. The vast majority of our fellow citizens know this is wrong.

I hope the Congress will act speedily on the Immigration bill as reported by the House Committee, free of any crippling amendments.

Sincerely,

The Speaker
The House of Representatives
Washington, D. C.

RECEIVED
AUG 30 1965
CENTRAL FILES

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

Wednesday, September 1, 1965
12:15

MR. PRESIDENT:

I have located the source of the Pucinski insertion in our Immigration letter.

Mr. Rosenthal -- the Public Affairs Officer at the Justice Department -- dictated a draft letter and then made an insertion in which he gave names to be put in the letter.

Attached are:

- (a) A memo from Joe Califano's secretary in which she transcribes the Rosenthal dictation and
- (b) The draft letter that Rosenthal sent over earlier.

It was from this basic material that your letter to Speaker McCormack was fashioned.

Jack Valenti

Mr. Califano:

After Mr. Rosenthal dictated the letter, the Attorney General and the President spoke and the President had a specific thought he also wanted covered. The following paragraphs should be inserted between the 3rd and 4th paragraphs:

We have set up these barriers at our own great cost. The contribution of the immigrant is immeasurable from Conrad Huber -- a Slavic immigrant -- who gave us the flashlight to Enrico Fermi -- a son of Italy -- who helped give us the atomic bomb, our history is one of immigrants.

Who can question the outpouring of talent and toil given us by men of foreign birth in the arts -- like Toscanini; or in industry -- like David Sarnoff; or in politics -- like Senators Fong and Pastore and Representatives Brademas, Mink, and Pucinsky among others?

Who can say how many we have kept from our country who might have made like contributions? If the national origins quota system had been in force before 1924, we would not for example have had a Douglas Dillon or a Barry Goldwater, whose forbears -- in this century -- were immigrants.

THE WHITE HOUSE
WASHINGTON

FAMOUS PORTUGUESE AMERICANS

Benjamin Cardozo - Justice of the Supreme Court

John Phillip Sousa

John Dos Passos - author

Hurrah for the
Portuguese!

PB

Mc Cormack



DEPARTMENT OF STATE
WASHINGTON

August 25, 1965

IN REPLY REFER TO:
S/S # 13444

MEMORANDUM FOR MR. JACK VALENTI
THE WHITE HOUSE

Subject: Portugese-Americans

Mr. Perry Barber has asked us to furnish you with the following information:

1. John Phillips Sousa was born in Washington, D. C., of Portugese grandparents who had been driyen from Portugal to Spain by the revolution of 1822. Sousa's father was born in Spain, and emigrated to the U.S. in 1840. (Dictionary of American Biography, Vol. XVII, page 407)

2. Benjamin Cardozo's Portugese ancestry is less certain. He was born in New York City in 1870. Both his parents were descended from Sephardic Jews who were connected with the Spanish and Portugese Synagogue in New York from before the Revolution. (Dictionary of American Biography, Supplement Two, Vol. XXII, page 93)

3. John dos Passos was born in Chicago in 1896. His paternal grandparents were natives of Funchal, Madeira, Portugal. (National Cyclopedia of American Biography, Vol. F (1939-1942), page 442)

D. H. Read
Benjamin H. Read
Executive Secretary

D

Dear Mr. Speaker:

I write to give you, more fully and formally, the view I expressed in our conversations earlier today: There is no piece of legislation still pending before the Congress to which I am more firmly committed than the Immigration Reform Bill. There is no piece of legislation to which I am more devoted. There is no piece of legislation whose passage is more imperative in terms of fairness, justice, and our national interest.

As you know, reform legislation similar to that proposed by the pending bill has been urged by four Presidents. It has been urged by countless Americans with ties of family or heritage reaching across the seas. This measure has achieved such support because it is needed.

For more than 40 years, the face we have turned to the world has been a face of hypocrisy. Because of the national origins quota system, which this bill would strike down, we have laid ourselves open, daily, to the charge that our professions of equality and justice are sham. We have told those who seek the promise of America, wait, you are welcome only if you are of certain stock, of selected nationality, of fortuitous birth.

The bill now under consideration by the Congress is not designed to open flood gates to streams of new citizens. It is designed only to apply to prospective immigrants the same precepts of equality and justice for which we believe our nation exists. I said to the Congress, when I sent this legislation to you last January, that 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.

I strongly reiterate that message today. We cannot undo decades of discrimination. We can stop it. Forty years of injustice is long enough. This legislation must be enacted.

Sincerely,

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

(File)

*must say peoples since the Chinese people
quota is all persons of Chinese ~~birth~~ birth
no matter where they live

~~The four countries~~

These peoples*will benefit most immediately
from the new Immigration Bill--Italians, Chinese, Greeks,
and ~~Portuguese~~ Portuguese.

Table

<u>Country</u>	<u>New x Quota</u>	<u>Old Quota</u>	<u>Net Increase</u>
Italy	20,000	5,666	14,334
Chinese People	8,119	100	8,019
Greece	4,913	308	3,885
Portugal	3,863	438	4,425

The most famous Italian immigrant, Fermi. ~~Then~~ Another, Marconi.
(pay)

The most famous of Chinese birth, I.M. Pei, the architect of the
Kennedy Library. The late William Helis, of New Orleans, a successful
oil man, and Spiros Skouras, motion picture producer, are the best
examples of contributions by g Greek immigrants. Other Greeks,
Elia Kazan, movie producer, George Christopher, former Mayor
of San Francisco, Judge John Pappas and Tom Pappas his brother, both x
of Boston.

For a Portuguese, the following were unavailable:

Abba Schwartz Ben Read
Mich Cieplinski Portuguese Desk Officer

The Duty Officer at State will get the name of one or 2 two famous
Portuguese to the Sit Room tonight--and they'll get it up to you

pb 9:00 pm

2.

31.
THE WHITE HOUSE
WASHINGTON

EXECUTIVE
LE/IM

Tuesday, August 24, 1965
8:10 p.m.

FOR THE PRESIDENT

From: Larry O'Brien

Re Immigration -- it is clear some sort of compromise involving a worldwide quota may be necessary to spring a bill from the Senate Judiciary Committee -- Katzenbach and I have discussed this -- he has talked to Tom Mann who is consulting with Rusk -- the Senate Committee will meet Thursday morning -- hopefully we will have our House Bill out in good shape by then.

Ervin
EXECUTIVE

LE/IM
IM.

August 20, 1965

MEMORANDUM FOR LARRY O'BRIEN

FROM: Mike Manatos

My meeting with Senator Ervin developed the following information:

1. He assured me he will begin mark-up on the Immigration bill next Tuesday, August 24.
2. On Monday, he plans to introduce his own version of an Immigration bill, which he feels is so close to the House bill that it should be possible to reach an early agreement.
3. He would impose a world-wide quota of 300,000 per year, which in effect approximates the present Immigration quota plus the number of immigrants who are presently entering this country from Latin-America. He apparently feels strongly about placing the Western Hemisphere on a quota footing as is the rest of the world.
4. He would eliminate completely the non-quota preference category. I believe the House bill also eliminates this category.
5. He would permit families to be reunited in this country on a first-preference quota basis in the same manner as the House bill.
6. He provides, as does the House bill, for special quota preference for skilled individuals.
7. His bill would permit the utilization of quotas by any nation, but he would place a 20,000 ceiling on any one country in any single year.
8. He would prohibit the admission of unskilled labor except when the Secretary of Labor certifies need in the best interest of the country.

Nothing else sent to
Central Files as of 7/11/67

The most encouraging aspect of Senator Ervin's attitude is that he realizes he does not have enough strength to defeat a revision of the Immigration law, or to hold on to the concept of the McCarran-Walters Act. He states that except for the Department of State no one is really concerned about a world-wide quota. He assures me that if we accept his approach which he feels is only "slightly different" from the House bill, he could get unanimous action not only out of the subcommittee but out of the full Judiciary Committee.

1965
Eastland
③
EXECUTIVE
LE/IM
IM
August 16, 1965

MEMORANDUM FOR LARRY O'BRIEN

FROM: Mike Manatos
James

When I saw Senator Eastland in his office Friday morning he told me that Ted Kennedy "is in charge of Immigration" and that when Ted suggested to him last Tuesday that he would like to move into mark-up as soon as possible Eastland offered to meet the next morning. Unfortunately, Ted had plans to leave town so the mark-up will not begin now until this coming Wednesday.

Eastland told me that he realizes he will have to "give in" to the Immigration bill. I received the definite impression that he will be guided by Ted Kennedy's wishes in the matter.

mm/ncza

Item 26
(RIS 1st draft Tuesday night)
DRAFT 8/24/65

Suggested Amendment to H.R. 2580 Creating Study Commission
on Western Hemisphere Immigration

Renumber sections 19, 20, and 21 as sections 20, 21, and 22 respectively and insert a new section 19 to read as follows:

SEC. 19(a) There is hereby created the Study Commission on Western Hemisphere Immigration (hereinafter referred to as the "Commission") to be composed of fifteen members. The President shall appoint the Chairman of the Commission and eight other Commissioners. The President of the Senate, with the approval of the majority and minority leaders of the Senate, shall appoint three Commissioners 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 three Commissioners from the membership of the House. The Commissioners shall be selected by virtue of their high personal integrity, their capabilities, and their experience in and expert knowledge of Western Hemisphere economic, political, social, demographic, and security matters, and of immigration laws and problems. A vacancy in the membership of the Commission shall be filled in the same manner as the original designation and appointment.

(b) For the purposes of advancing the general welfare of all Western Hemisphere republics, including the United States, of maintaining the traditionally friendly and cooperative relations which should exist among such republics, of affording protection against unemployment and other adverse economic conditions, and of assuring that our immigration laws will continue to operate in a sound and equitable manner, the Commission shall, ~~study~~ ^{(as provided in subsection (c) of this section)} with a view to filing a Report to Congress containing the findings and recommendations of the Commission, including recommendations for legislation, ^{study} the following matters:

(i) Prevailing and projected demographic, technological and economic trends, particularly as they pertain to Western Hemisphere nations;

(ii) Present and projected unemployment in the United States, by occupations, industries, geographic areas and other factors, in relation to immigration from the Western Hemisphere;

~~(iii)~~ (iii) The interrelationships between immigration, present and future, and existing and contemplated national and international programs and projects of Western Hemisphere nations, including programs and projects for economic and social development;

(iv) The implications of the foregoing with respect to the security and international relations of Western Hemisphere nations; and

(v) Any other matters which the Commission believes may be pertinent to the purposes set forth above.

(c) The findings and recommendations of the Commission shall be reported to the Congress on January 15, 1968, at which time the existence of the Commission shall terminate. If legislation enacted prior to July 1, 1958, shall not otherwise have provided, the number of special immigrants within the meaning of Section 101(a)(27)(A) of the Immigration and Nationality Act, as amended, exclusive of special immigrants who are immediate relatives within the meaning of Section 201(b) of that Act, shall not in any fiscal year after June 30, 1958, exceed a total of 115,000.

(d) All federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its duties.

(e) Each Commissioner who is not otherwise in the service of the Government of the United States shall receive the

sum of ^{\$100}~~\$75~~ for each day spent in the work of the Commission, 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. Each member of the Commission 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 Commission 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.

A. Commission - name, composition, appointment

B. Subjects they study

C. Dates to start, stop - by report

D. Housekeeping (Imm. Bd)

E If — after receiving ^{report on things to look to}
— the report of the

Comm., which shall be 1st order of bus,

Congr. takes no action,

— then effective to the rate of imm of natives of Ind. countries ("spec") except imm rel.

shall not exceed 115,000 in any FY

① unemployment in US - current & prospective by skills & areas, in relation to W.H. imm of partic. skills & where they come to

② Demographic, economic & technological trends in US & W.H.

③ Int. relations - political & security factors in W.H. affecting

④ Relation of imm to current & planning programs of all nations involved.

AUGUST 3, 1965

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT
UPON PASSAGE OF THE IMMIGRATION
BILL BY THE HOUSE JUDICIARY
COMMITTEE

Today, the House Judiciary Committee in an act of justice reported out the Immigration Bill. It is a breakthrough for reason, a triumph for fair play,

Since my first weeks as President, I have labored to bring realism and understanding to the immigration procedures of this nation. Today, the House Judiciary Committee in enthusiastic bipartisan concert determined to redeem the pledge of this nation to posterity -- that free men have no fear of justice, and proud men have no taste for bias.

Families can now be united; skillful artisans whose trades are depleted here can now fill those voids -- and we need no longer turn away from what is just to accept what has been alien to the American dream.

This bill does not signify that the floodgates are open. But it does say, without doubts, that the national origins procedure, which has since 1924 shamefully governed immigration in this country, will be forever abandoned. Now the country of a man's birth does not need to disbar him from our society.

Walt Whitman once sang his American saga in these words: "These states are the amplest poem; here is not merely a nation but a teeming nation of nations." This new immigration bill sings the same kind of melody.

I congratulate the House Judiciary Committee, Democrats and Republicans alike. I urge the prompt consideration of this reported bill by the House. I hope the Senate will report this bill swiftly and that both Houses of the Congress will wash away a stain on our national conscience and in its place engrave the mark of a just and hopeful country.

#

July 21, 1965

Bill:

Irving Crespi (Gallup) called with the results of our immigration poll. He said they will be published next week and that he would appreciate it if we would treat them confidentially until that time.

1. What is the most important criteria for admitting new immigrants to the U.S. ?

Occupational skills	71%
Relatives in the U.S.	55%
Country in which born	33%

2. Should U.S. policy have a provision for admitting people who have escaped from Communism?

Should	65%
Should not	22%
No opinion	13%

3. The U.S. currently has a quota system based on the country of origin. Should this policy be changed to one of occupational skills rather than the country in which the immigrant was born?

Should change	50%
Should not change	33%
No Opinion	17%

4. Should immigration be kept at the present level?

Yes	40%
Increase	7%
Decrease	32%
Don't know	20%

He said this is much better than the earlier Harris results and indicates a clear mandate for a policy based on occupational skills. He further pointed out that the 33% in question no. 1, the 33% in question no. 3, and the 32% in question no. 4 are clearly related and represent a hard core 1/3 of the population who desire very restrictive immigration policies.

Hayes

cc: Mike Manatos

EXECUTIVE
LE/IM
IM

Today, the House Judiciary Committee in an act of justice reported out the Immigration Bill, 26-4. It is a breakthrough for reason, a triumph for fair play.

Since my first weeks as President, I have labored to bring realism and understanding to the immigration procedures of this nation. Today, the House Judiciary Committee in enthusiastic bi-partisan concert determined to redeem the pledge of this nation to posterity -- that free men have no fear of justice, and proud men have no taste for bias.

Families can now be united; skillful artisans whose trades are depleted here can now fill those voids -- and we need no longer turn away from what is just to accept what has been alien to the American dream.

This bill does not signify that the floodgates are open. But it does say, without doubts, that the national origins procedure, which has since 1924 shamefully governed immigration in this country, will be forever abandoned. Now the country of a man's birth need not disbar him from our society.

Walt Whitman once sang his American saga in these words:
"These states are the amplest poem, here is not merely a nation

RECEIVED
AUG 4 1965
CENTRAL FILES

2.

but a teeming nation of nations." This new immigration bill sings the same kind of melody.

I congratulate the House Judiciary Committee, Democrats and Republicans alike. I urge ^{the} prompt consideration of this reported bill by the House. I ^{hope} know the Senate will report this bill swiftly and together both houses of the Congress will wash away a stain on our national conscience and in its place engrave the mark of a just and hopeful country.

OUTGOING TELEGRAM Department of State

INDICATE: ☐ collect
☐ CHARGE TO

UNCLASSIFIED

AUG 3 5 57 PM '65

87
Origin
SCA
Info:

ACTION: CIRCULAR 160 PRIORITY

L
H
AF
ARA
EUR
FE
NEA
P
USIA
ORM
VO
INS

Department's CA-7779.

House Judiciary Committee reported out today Immigration Bill H.R. 2530 which incorporates all major reforms sought by the Administration. It provides for: 1) immediate repeal of Asia Pacific Triangle; 2) nonquota status for natives of all independent Western Hemisphere countries including Jamaica, Trinidad and Tobago, and those obtaining independence in future; 3) nonquota status for parents of Amcits; 4) authority for consuls to require departure bond in marginal visitor and student cases; 5) and abolition national origins quota system with three year transition period during which present quotas are retained and unused quota numbers from fiscal years sixty-five, sixty-six and sixty-seven are transferred to pool annually for allocation to preference categories only,

CA needs subject overall ceiling of 170,000 (from quota and pool) 00 copies and foreign state ceiling of 20,000, except for quotas now

Drafted by: SCA:APSchwartz:cmh 8-3-65	Telegraphic transmission and classification approved by: SCA - Abba P. Schwartz
--	---

~~100-100000-100000~~
~~100-100000-100000~~
~~100-100000-100000~~

UNCLASSIFIED

REPRODUCTION FROM THIS COPY IS
PROHIBITED UNLESS "UNCLASSIFIED"

UNCLASSIFIED
Classification

in excess 20,000. (Germany and Great Britain). General rule of chargeability is based on foreign state of birth.

During transition period and thereafter, preference visas will be issued in chronological order in which petitions are filed, and nonpreference in chronological order in which applicants qualify repeat qualify (designed to eliminate insurance registrations and reduce unnecessary workloads).

National origin quotas and pool terminate June 30, 1968 after to qualified applicants which visas will be issued/up to 20,000 ceiling per foreign state ~~XXXXXXXXXXXXXXXXXXXX~~ in accordance with priorities within the preference and nonpreference categories.

During transition period and thereafter the quota immigration ceiling is fixed at 170,000. Subquota areas are limited to 1% of maximum authorized per governing foreign state so that during transition period each British subquota rises to 650 and thereafter is reduced to 200.

Following seven preference categories established by Bill:

- 1) 20% unmarried sons and daughters Ansits; 2) 20% spouses, unmarried sons and daughters of residents; 3) 10% members professions such as teachers, engineers, physicians, and others of exceptional

CIRCULAR

UNCLASSIFIED
Classification

ability in arts and sciences; 4) 10% married sons and daughters of Amcits; 5) 24% brothers and sisters Amcits; 6) 10% short-supply labor; 7) 6% refugees (classified "conditional entries") to be examined by INS officers abroad under procedure similar to present parole system. Unused numbers in the seven preference categories are available for nonpreference.

Preference ceilings are applied on world-wide basis and not country-wide.

Individual Seclabor certification under revised section 212(a)(14) is required in nonpreference and Western Hemisphere cases with present Western Hemisphere exceptions.

Section 245 adjustments are prohibited for Western Hemisphere natives.

Persons entitled nonquota status will not be issued quota visas.

~~W~~ With regard to refugees (7th preference) A) 6% of ceiling totals 10,200, of which 5,100 may be used to adjust status of refugees already in US, including Chinese parolees if necessary, but excluding "Fair Share" parolees, who will be adjusted under Sections 3 and 4 of "Fair Share" law (Act of July 14, 1960) which will continue in force (other sections are repealed). B) Definition

UNCLASSIFIED
Classification

UNCLASSIFIED
Classification

"refugee" substantially same as now applicable under "Fair Share" law and includes refugees from Communism and Middle East. C) 10,200 refugees are not only charged to overall ceiling but also to each 20,000 foreign state ceiling.

Department estimates existing oversubscriptions in preference categories, except Italian brothers and sisters, will be satisfied first year. During second and third transition years new preference applicants and Italian brothers and sisters and 6% allotted refugees will practically exhaust immigration pool.

Although authorized quota immigration is fixed at 170,000, Department estimates that during transition period actual quota visa issuances may not exceed present authorized 158,561. The present pattern quota immigration (approximately 100,000 annually) likely to continue so this figure plus unused numbers in pool (56,000 for first year) will probably not reach 170,000 ceiling.

Hopeful passage by House August and Senate prior adjournment with no major changes. Effective date likely November first.

CA follows.

END

RUSK

To: ALL AMERICAN DIPLOMATIC AND CONSULAR POSTS (EXCEPT POLAD CINCPAC)

By Pouch: BUCHAREST
BUDAPEST
MOSCOW
POZNAN

PRAGUE
SOFIA
WARSAW

UNCLASSIFIED
Classification

Department of Justice
Washington

EXECUTIVE (2)
LE/IM
IM
FGHII/J*
FG135

MEMORANDUM TO JACK J. VALENTI
Special Assistant to the President

Re: Administration's Immigration Bill (H.R. 2580)
as reported by the House Judiciary Committee.

The main purpose of this bill is to bring the national origins system of immigration to an end.

Under present law, immigrants from Western Hemisphere countries and immigrants who are the spouses or unmarried minor children of American citizens are admitted to the United States without limitation. Other immigrants are subject to a quota system based on their national origin. Under that system, visas for admission to the United States for permanent residence are allocated to countries outside the Western Hemisphere in ratios determined by the number of persons in the United States in 1920 whose ancestry stemmed from such countries. This system results in a distribution of about 70% of the total of 158,500 annual quota immigrant visas to the countries with the three highest quotas--the United Kingdom (65,361), Ireland (17,756), and Germany (25,814).

In practice, the countries with the highest quotas use them only partially and about 50,000 visas a year are thus

left open. However, under present law the unused portion of one country's quota cannot be transferred to a country whose quota is oversubscribed. The result is the annual waste of 50,000 visas on the one hand and the existence of long waiting lists in numerous countries on the other.

H.R. 2580 will abolish this discriminatory system, which makes admission depend largely on place of birth. Under the bill, natives of Western Hemisphere countries and spouses and unmarried minor children of American citizens remain free of a numerical limitation. In addition, parents of United States citizens are placed in this unrestricted category. The annual total of other immigrants is fixed at 170,000, effective with the passage of the bill. To prevent disproportionate benefits to the natives of any single foreign country, no more than 20,000 of this number will be admitted from any such country.

The bill will abolish the national quota system effective July 1, 1968. In the intervening three-year period, however, the quota numbers now going to waste will be transferred to a pool to be devoted to the reduction of the present backlog of applications for admissions from countries with low quotas.

Admissions from the pool will not be made under the present quota system but will be granted to applicants in the order of their appearance on waiting lists. Otherwise, the existing quota system will operate during the three-year period. It is expected that about 150,000 visas in all will be available from the pool during the three years and that they will eliminate or greatly reduce the present waiting lists.

Beginning July 1, 1968, all 170,000 admissions will be granted on a first come, first served basis subject to the limitation of 20,000 per country, but without regard to national origins. The chief purpose of the bill will then be fully achieved.

Present law sets up preferences for certain categories of aliens grounded on family relationships (other than that of a spouse or child of a citizen) and on occupational qualifications. H.R. 2580 will rearrange this preference structure into six instead of four classes and will place greater emphasis on the reunion of families. Moreover, it will add a seventh category of persons into the preference structure: refugees from Communist or other political persecution. They will be

authorized to enter, subject to approval by the Attorney General, in numbers not exceeding 10,200 per year.

Two occupational groups are included within the preference structure. One consists of members of the professions, scientists and artists and the other of skilled or unskilled persons capable of filling labor shortages in this country. However, these aliens, as well as non-preference and Western Hemisphere immigrants, will be authorized to enter the United States only if the Secretary of Labor determines that they will not replace workers in this country or adversely affect the wages and working conditions of our workers similarly employed.

Another significant aspect of the bill is the repeal of the widely criticized Asia-Pacific Triangle provision of the present law, which requires that persons of Asian stock be charged to a quota not by the place of their birth, if outside the Triangle, but according to their racial ancestry.

In sum, the bill will create a fair, reasonable and non-discriminatory system of immigration to the United States for permanent residence and will provide for the continuance of a reasonable limit on the number of immigrants. The authorized

amount of immigration subject to a numerical ceiling is lifted slightly from approximately 158,000 to 170,000. Of this 12,000 increase, 10,200 is accounted for by the new refugee classification.

Actual total immigration will increase by some 50,000 annually during the next year or two, as the unused visas in the immigration pool are made available to waiting applicants. Assuming that the 170,000 ceiling is reached each year thereafter and that the inflow of Western Hemisphere immigrants and spouses, children and parents of American citizens remains at about the present levels, the net result will probably be an annual total of about 350,000, as compared with the present level of about 300,000.



Norbert A. Schlei
Assistant Attorney General
Office of Legal Counsel

8/11/65
SPEAKER

The President was greatly pleased that his Immigration Bill was reported out of subcommittee last week. We told him that it will be on the floor of the House soon and that we expect prompt and favorable House action.

The Voting Rights Conference Report will be before the House this afternoon. We told the President that the House will do its part to insure that the franchise -- the most vital of the privileges of citizenship -- is freely available to all our citizens.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

Friday, July 30, 1965
9:45 a.m.

FOR THE PRESIDENT

From: Larry O'Brien

RE: Immigration Bill

As you know, the full Committee failed to report the Bill yesterday and will meet again next Tuesday.

Congressman ^{Jacob} Gilbert has an amendment which he insists be considered -- this delayed final action Thursday.

We urged Gilbert not to press for this amendment when we learned of it Wednesday evening and we also made a plea to him as the Committee convened yesterday morning. Katzenbach spoke directly to him also and Gilbert told all of us he would think about it.

Following the meeting, Katzenbach contacted Gilbert who, at that time, told him he was moving on behalf of labor.

I talked to Andy ^x Biemiller and told him:

1. Gilbert's action could very well cost us the Bill for this year because we could not now take advantage of the 21-day rule to have floor action by August 23.
2. I had not heard of the amendment until the evening before the meeting and was not aware of labor's behind-the-scene's activity until Gilbert's admission to Katzenbach. Biemiller said that labor felt very strongly that without the amendment, they could not support the Immigration Bill -- that the purpose of the amendment is to give the authority to the Secretary of Labor rather than the Attorney General to make decisions in the area of imported farm labor -- "the arbitrary decision of the Attorney General earlier this year overruling Wirtz was intolerable." We agreed to discuss the matter further.

Frankly, while I did not admit it to Andy, I feel that in view of the growing Republican support for the Bill in the full Committee, we should have a chance to secure a rule. We will, of course, vigorously pursue getting the Bill reported next Tuesday.

Nothing else sent to
Central Files as of 10/22/65

EXECUTIVE

AF/EM

FG/35

FG/100

LAS

grt
DRAFT RLS-7-29-65

Out 7/30

Fogarty Amendment to Immigration Bill (H.R. 2580)--
First (Narrow) Version.

Amend Section 16 of the bill (July 26, 1965 Committee Print) by adding thereto a new subsection (c) after line 6 on page 25 to read as follows:

"(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 section 212 (g), (h), and (i), respectively, and section 212(g) as so redesignated is amended by inserting before the words 'Any alien afflicted with tuberculosis in any form' the words 'Any mentally retarded alien who is the child or unmarried son or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, or'."

Explanation: This would provide some hope of humanitarian relief to prevent separation of families by permitting the Surgeon General and the Attorney General to grant waivers of exclusion of mentally retarded children under proper safeguards of the public purse and public safety. It is much narrower than the waiver provisions of the original Administration bill, which covered close relatives with all types of exclusionary mental afflictions. It is identical to the waiver provisions previously enacted by Congress for close relatives excludable for tuberculosis.

Fogarty Amendment to Immigration Bill (H.R. 7500)--
Second (Broader) Version.

Amend Section 16 of the bill (July 26, 1965 Committee Print) by adding thereto a new subsection (c) after line 6 on p. 25 to read as follows:

"(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 section 212 (g), (h), and (i), respectively, and section 212 (g) as so redesignated is amended by inserting before the words 'Any alien afflicted with tuberculosis in any form' the following: 'Any mentally retarded alien who is the child or unmarried son or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, or' and by adding at the end of such subsection the following sentence: 'Any alien excludable under paragraph (3) of subsection (a) of this section because of past history of mental illness whom the Surgeon General of the United States Public Health Service finds to have been free of such illness for a period of time sufficient in the light of such history to demonstrate recovery shall be eligible for a visa in accordance with the terms of this subsection provided such alien has one of the same family relationships as are prescribed in this subsection for aliens afflicted with tuberculosis.'"

Explanation: This would provide some hope of humanitarian relief to prevent separation of families by permitting the Surgeon General and the Attorney General to grant waivers of exclusion of mentally retarded children and relatives with a past history of mental illness who have been cured under proper safeguards of the public purse and public safety. It is much narrower than the waiver provisions of the original Administration bill, which covered close relatives with all types of exclusionary mental afflictions. It is identical to the waiver provisions previously enacted by Congress for close relatives excludable for tuberculosis.

extra

D R A F T - RLS - 7/30/65

Suggested Remarks Concerning the Poff
Amendment to the Immigration Bill,
H.R. 2580, for the expatriation and
denaturalization of persons leaving
the country to avoid military service

The Poff Amendment is in substance the same as H.R. 135, a bill introduced by Rep. Poff in the present Congress, and H.R. 4679, which he introduced in the 88th Congress. The proposed amendment reflects wholesome and commendably patriotic sentiments, but as a piece of legislation it is unsatisfactory. It suffers from grave constitutional defects, it is unnecessary, and it could set a dangerous precedent.

The amendment is obviously designed to correct the constitutional defect which led the Supreme Court to declare Section 349(a)(10) of the Immigration and Nationality Act unconstitutional in its present form in Kennedy v. Mendoza-Martinez, 372 U.S. 144 (1963). In that case, the Court said a punishment like loss of citizenship could not be inflicted without trial and conviction. The proposed amendment would add a requirement for conviction before a person could be deprived of citizenship under the provision in question, but the elements of the offense required for a conviction would

not necessarily be the same as those prescribed for loss of citizenship. For instance, a person would have to have been outside the country to lose citizenship under the proposed amendment, but the required conviction would not depend on such a sojourn abroad. It is somewhat as if loss of citizenship were to be imposed for contributing money to a foreign political party, upon conviction of joining a foreign political party.

But even if identical elements were prescribed for the loss of citizenship and for the conviction, the case of Trop v. Dulles, 356 U.S. 86 (1958), suggests other constitutional defects. In that case, the Supreme Court held that statutory expatriation was unconstitutional as applied to a person convicted of wartime desertion, and while the majority of the Court did not agree on the reasons, four justices held that deprivation of citizenship as a punishment for crime is a "cruel and unusual" punishment under the 8th Amendment. Such reasoning could easily be used again, especially if the punishment were applied to a native-born citizen who could not be deported and who presumably would become in some sense a stateless person or permanent outcast.

Moreover, the Poff Amendment is not shown to be necessary. There is no evidence that the United States suffers from many cases of draft-dodgers who flee the country in time of war or national peril and yet seek to retain the benefits of our citizenship. If such evidence is available, it should be produced and considered in connection with H.R. 135, not the pending bill.

Finally, the amendment may be a dangerous precedent. If citizenship is to be taken away for breach of a citizen's military duties, through travel abroad, such a punishment might logically be used for other defaults of citizenship -- the tax dodger might follow the draft dodger, and the citizen who evades jury service might be next. It is better public policy to enforce the duties of citizenship with traditional punishments, where punishment is necessary, than to try to expel the offender from our society in the manner of the banishments of ancient times.

filed 7/14/66

A BILL

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

Be it enacted by the Senate and House of Representa-
tives 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 succeed-
ing 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."

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".

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."

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."

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."

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."

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".

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;"

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;"

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. "

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 by the Attorney General" the words "after consultation with the Immigration Board. "

(3) Subsection (c) is redesignated (d) ^b 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 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."

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."

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."

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.

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):

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

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."

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.

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."

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,".

SECTION-BY-SECTION ANALYSIS

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.

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.

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.

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.

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.

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.

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.

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 nonquota status to parents of United States citizens as well.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Non-Quota

LE/IM
IM

Immigrants from Western Hemisphere countries (except Jamaica and Trinidad-Tobago) and immigrants who are spouses or unmarried minor children of American Citizens are admitted without limitation.

National Origins System

Other immigrants are subject to a quota system based on their national origin. Under this system each country outside the Western Hemisphere is allotted a specific number of immigrants who may be admitted to the United States each year. The allocation is based on a proportion of a total equal to the proportion of the population in the United States in 1920 whose national origins, including ancestry, could be attributed to that particular country.

This system results in a distribution of about 70 per cent of the total of 158, 561 annual quota immigrant visas to the three countries with the highest quotas:

United Kingdom	65,361
Ireland	17,756
Germany	25,814

In practice the countries with the highest quotas use them only partially. Although about 50,000 visas a year are thus left open, under present law the unused portion of one country's quota cannot be transferred to a country whose quota is oversubscribed. The result is the annual waste of 50,000 visas while long waiting lists exist in numerous countries.

Asia - Pacific Triangle

Persons of Asian stock are charged to a quota not by the place of their birth but according to their racial ancestry.

Take the case of young Colombian man whose wife is also a native and citizen of Colombia. The wife, however, has a Chinese father. The young man is eligible to come here freely on a non-quota basis because Colombia is an independent Western Hemisphere country. His wife--because of the accident of her Asian ancestry--must be considered half Chinese. She is admissible only under the quota for Chinese persons (105).

This does not mean she cannot come to the United States. It only means that if her husband chose to come ahead, he would have to wait for his wife. If he became a citizen, she could come 5 years later. If he did not, her turn on the Chinese quota would come in the year 2,048--83 years.

Western Hemisphere

Exempts from quotas persons born in Western Hemisphere countries which were independent when the law was enacted. By accident of timing, this provision discriminates against two new nations of the Western Hemisphere--Jamaica and Trinidad-Tobago--which gained their independence after the law was passed.

THE NEW BILL

Non-Quota

Natives of independent Western Hemisphere countries including Jamaica and Trinidad-Tobago (and those attaining independence in the future) and parents, spouses and unmarried minor children of American citizens are admitted free of numerical limitation.

Quota Immigration

Total quota immigration set at 170,000, with maximum of 20,000 from one country. Immediate repeal of the Asian-Pacific Triangle. Abolition of the national quota system effective July 1, 1968. During the three-year transition the existing quota system will operate with important exceptions. In this intervening period, the unused quota numbers will be transferred to a pool devoted to the reduction of the present backlog of applications for admissions from countries with low quotas. Admissions from the pool will be granted to applicants in the order of their appearance on waiting lists.

We expect that about 150,000 visas will be available from the pool during the 3-year period and that they will eliminate or greatly reduce the present waiting lists.

In July 1, 1968 the 170,000 admissions (subject to the limitation of 20,000 per country) will be granted on a first come, first served basis without regard to national origins.

~~Seven preference categories:~~

Seven preference categories:

1. Unmarried sons and daughters of American citizens
2. Spouses, unmarried sons and daughters of residents
3. Members of professions such as teachers, engineers, physicians, and others of exceptional ability in arts and sciences
4. Married sons and daughters of American citizens
5. Brothers and sisters of American citizens
6. Short supply labor
7. Refugees

Actual Immigration

Although authorized quota immigration is fixed at 170,000, the State Department estimates that during the transition period actual quota visa issuances may not exceed the present authorized 158,561. The present pattern of quota immigration (100,000 annually) plus the unused numbers in the pool (approximately 56,000 for the first year) will not reach the present authorized level much less the 170,000 ceiling.

PB:sb

Jim/jm

Statement issued by the Attorney General:

②
EXECUTIVE
LE/IM
FG 135
IM

The passage last night by an overwhelming majority of the House of Representatives of the Immigration Bill and the prompt action taken today by the Senate Subcommittee go a long way toward effectively abolishing the national origins quota system before Congress adjourns.

I regret however that the Subcommittee inserted language, over the Administration's objections, which may in the future result in limitations on Western Hemisphere immigration. In all other respects, the bill approved by the Subcommittee is an effective one.

Bill was signed 10/3/65

DRAFT

Suggested Amendment to H.R. 2580 Creating Select Commission
on Western Hemisphere Immigration

- (a) Renumber sections 19, 20, and 21 as sections 20, 21, and 22, respectively, and insert a new section 19 to read as follows:

SEC. 19. (a) There is hereby established a Select Commission on Western Hemisphere Immigration (hereinafter referred to as the "Commission") to be composed of fifteen members. The President shall appoint the Chairman of the Commission and eight other members thereof. The President of the Senate, with the approval of the majority and minority leaders of the Senate, shall appoint three 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 three members from the membership of the House. A vacancy in the membership of the Commission shall be filled in the same manner as the original designation and appointment.

- (b) The Commission shall study the following matters:

(1) Prevailing and projected demographic, technological and economic trends, particularly as they pertain to Western Hemisphere nations;

(2) Present and projected unemployment in the United States, by occupations, industries, geographic areas and other factors, in relation to immigration from the Western Hemisphere;

(3) The interrelationships between immigration, present and future, and existing and contemplated national and international programs and projects of Western Hemisphere nations, including programs and projects for economic and social development;

(4) The operation of the immigration laws of the United States as they pertain to Western Hemisphere nations, with emphasis on the adequacy of such laws from the standpoint of fairness and from the standpoint of the impact of such laws on employment and working conditions within the United States;

(5) The implications of the foregoing with respect to the security and international relations of Western Hemisphere nations; and

(6) Any other matters which the Commission believes to be germane to the purposes for which it was established.

(c) On or before January 15, 1968, the Commission shall make a report to the President and the Congress. Such report shall include the recommendations of the Commission as to what changes, if any, are needed in the immigration laws in the light of its study. The Commission's recommendations shall include, but shall not be limited to, recommendations as to whether, and if so how, numerical limitations should be imposed upon immigration to the United States from the nations of the Western Hemisphere. In formulating its recommendations on the latter subject, the Commission shall give particular attention to the impact of such immigration on employment and working conditions within the United States and to the necessity of preserving the special relationship of the United States with its sister republics of the Western Hemisphere.

(d) The life of the Commission shall expire upon the filing of its report, except that the Commission may continue to function for up to 60 days thereafter for the purpose of winding up its affairs.

(e) Unless legislation inconsistent herewith is enacted on or before June 30, 1968, in response to recommendations of the Commission or otherwise, the number of special immigrants within the meaning of Section 101(a)(27)(A) of the Immigration and Nationality Act, as amended, exclusive of special immigrants who are immediate relatives of United States citizens as described in Section 201(b) of that Act, shall not, in the fiscal year beginning July 1, 1968, or in any fiscal year thereafter, exceed a total of 125,000.

(f) All federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its duties.

(g) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of \$100 for each day spent in the work of the Commission, 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. Each member of the Commission 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 Commission shall be paid actual travel expenses, when away from his usual place of residence, in accordance with the Administrative Expenses Act of 1946, as amended.

(h) 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.

(b) Amend section 11(d) by deleting the last sentence of the amendment of section 224 of the Immigration and Nationality Act.

September 18, 1965

Dear Mr. Bonilla:

President Johnson has asked me to reply to your recent letter concerning the immigrant bill now being debated in the Senate.

You have expressed your opposition to the amendment imposing a ceiling on the number of immigrants to this country from the Western Hemisphere. Attorney General Katzenbach expressed the Administration's opposition to this amendment during hearings on the bill.

We hope to see a fair and progressive bill emerge from the Congress within a week or so.

Sincerely,

Harry C. McPherson, Jr.
Special Assistant to the President

Mr. William D. Bonilla
Attorney at Law
Bonilla, De Pena, Read & Bonilla
Wilson Building - Suite 203
Corpus Christi, Texas 78403

HCM/crm

LAW OFFICE

OF

BONILLA, DE PEÑA, READ & BONILLA

SUITE 203 04-05

WILSON BUILDING

CORPUS CHRISTI, TEXAS 78403

WILLIAM DAVID BONILLA
HECTOR DE PEÑA
MOLAN K. READ
TONY BONILLA
PEDRO M. GARCIA
L. TAYLOR ZIMMERMAN

P. O. BOX 907
TELEPHONE YU. 2-8387

August 27, 1965

ROMELIA GUERRA, PRES. REC.

The President
The White House
Washington, D. C.

Dear Mr. President:

I am advised that Senator Ervin of North Carolina has proposed an Amendment to the Immigration Bill pending before the Senate that would limit the number of immigrants from the Latin American Countries into the U. S. A.

I am strongly opposed to this proposed amendment and would urge you to lead the opposition to the same. Adoption of this amendment would damage our relationship with our Latin American Countries, whose friendship is so vital during these times.

Yours very truly

William D. Bonilla
Immediate Past National President of
the League of United Latin American
Citizens

E/V
MEMORANDUM

7
THE WHITE HOUSE
WASHINGTON

EXECUTIVE

IM

Kennedy, Edward

(2)

2

Monday, September 20, 1965
11:10 a.m.

11:25 am

FOR THE PRESIDENT

From: Larry O'Brien

Concerning the news story that Senator Robert ^xKennedy would move to eliminate the western hemisphere quota, we have checked this out carefully and the Attorney General has talked to Bobby, as well as Teddy, and we are assured this will not occur.

Nothing else sent to
Central Files as of 9/30/65

Senate OKs Immigration Bill, Conference Battle Expected

By CECIL HOLLAND
Star Staff Writer

A new immigration bill abolishing quotas based on national origin and establishing for the first time a limitation on immigration from Western Hemisphere countries today was near final congressional action.

By a one-sided vote of 76-18 the Senate late yesterday approved the bill. The roll-call vote came after three days of debate and a spirited floor exchange just before final passage.

The bill now goes into conference to iron out differences between separate versions passed by the Senate and the House.

Protest Expected

A vigorous House protest, if not a battle, was expected over the Senate amendment imposing an over-all quota of 120,000, excluding families, on immigration from Canada, Mexico and other Western Hemisphere countries.

While the administration strongly supported a new immigration bill as a top priority, it went along only reluctantly with the Western Hemisphere provision as the surest way of getting action on the legislation at this time.

Leaders expected the Senate version would prevail in view of the administration's position. Also, it was said, the Senate amendment had aroused no strong protest from Western Hemisphere countries.

Fifty-three Democrats and 23 Republicans voted for the bill. Against it were 15 Democrats,

mostly from the South and three Republicans.

Among the 15 Democratic opponents were Virginia's Sens. Harry F. Byrd and A. Willis Robertson. Supporting it were Maryland's Democratic Sens. Daniel Brewster and Joseph D. Tydings.

The three Republicans who voted against it were Sens. John Sherman Cooper of Kentucky, Norris Cotton of New Hampshire and Strom Thurmond of South Carolina.

Principal Provisions

Principal features of the bill include:

1. Elimination during the next three years of the national origins quota system, established in 1924, and designed then to reflect the country's 1920 ethnic balance.

2. Establishes for countries outside the Western Hemisphere an over-all quota of 170,000 a year with no country receiving more than 20,000.

3. Replaces the present law which has no numerical limit on Western Hemisphere immigration, with the 120,000 quota starting July 1, 1968. No limitation is placed on a country.

4. Establishes a commission to study Western Hemisphere immigration under a mandate to report its findings by July 1, 1967.

Several of those supporting the bill said they hoped the commission's study would lead to the elimination of the Western Hemisphere quota provision.

Under the new legislation, it is estimated, 335,000 immigrants a year will be admitted to the United States. This is about 60,000 more than the average annual number over the last ten years.

The liveliest discussion on the bill came in the closing hour of debate when Sen. Spessard L.

Holland, D-Fla., assailed what he called a "radical" change in the country's immigration policy. He scored the abandonment of the system that favored nations with close ethnic ties with this country.

Sens. Edward M. Kennedy, D-Mass., floor manager of the bill; his brother, Robert M. Kennedy, D-N.Y., and John O. Pastore, D-R.I., were among those spiritedly defending the bill. They emphasized that it would place individual worth as the controlling factor in admitting immigrants.

Emphasizes Family

Unlike the present law, which gave first preference to those having skills needed in this country, the legislation will emphasize family relations. The 170,000 number from all countries outside the Western Hemisphere, with no distinction in African or Asiatic or any other place of origin, would be on the basis in this order:

Twenty percent, or 34,000 quota numbers, to unmarried sons and daughters of U.S. citizens.

Twenty percent, or 34,000, to spouses and unmarried children of permanent resident aliens.

Ten percent, or 17,000 numbers, for persons who can qualify as professionals or people of ability in the arts or sciences "who will substantially benefit the United States."

Ten percent, or 17,000, to the married sons and daughters of American citizens.

Twenty-four percent, or 40,800 numbers, to the brothers and sisters of American citizens.

Ten percent, or 17,000, to qualified persons capable of performing permanent labor for which there is a shortage of employable and willing persons.

Six percent, or 10,200 numbers, for refugees.

Department of Justice
Washington

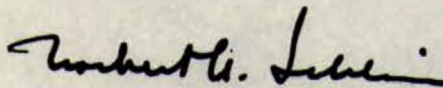
September 28, 1965

Dear Fellow Citizen:

Thank you for your recent "Opinion Ballot" letter to the President concerning the Administration's immigration reform bill. Your interest as a citizen in this subject is welcomed, for we appreciate fully the value of receiving all viewpoints on major legislation. The laws that are enacted serve our country best when they are the result of active discussion, both in the halls of government and throughout the nation, especially if such discussion is well-informed.

The effort to achieve immigration reform has been hampered by the fact that a number of misconceptions about the pending bill have gained currency. Because of your concern with the bill, you may be interested in the attached material. It is designed to correct some of the mistaken notions which have been circulated about the bill. I hope you will find this material useful, and I am grateful for your having taken the time and trouble to write on this subject.

Sincerely,



Norbert A. Schlei
Assistant Attorney General
Office of Legal Counsel

Attachment

Common Misapprehensions About the Administration's 1965
Immigration Bill, H. R. 2580

I.

CLAIM: The bill would bring in an excessive number of immigrants and aggravate the population explosion.

THE FACTS: The effect of the bill on our population would be quite insignificant. Our population is now increasing at the rate of about 2,500,000 a year. The bill would result in an estimated increase in immigration of less than 50,000 a year, or only about 2 percent of the present natural increase in our population. Moreover, the authorized volume of annual immigration under the bill will be only 2,000 more than the volume which has been authorized for many years. The estimated actual increase of 50,000 will result chiefly from the fact that parts of present quotas which are unused will become available for use under the bill. This small increase in immigration can have little practical effect on population growth.

The old days of large-scale immigration to this country are a half-century past, and no one has suggested any legislation to bring them back. The present bill is not designed to increase immigration but to establish a system for selecting those who will be admitted that is fair and in the nation's best interests. If at some future time the amount of immigration were to become a real problem from the standpoint of our population or anything else, Congress always has the power to curtail immigration further, and undoubtedly would do so.

II.

CLAIM: The bill would let in hordes of Africans and Asiatics.

THE FACTS: The bill would not let in hordes from anywhere at all. Persons from Africa and Asia would continue to be, in effect, quota immigrants, as they are under present law, but would be treated like everyone else. With the ending of discrimination by place of birth, there will be some shift of immigration to countries other than the ones in Northern Europe which are now favored by the national origins system, but immigrants will have to compete and to qualify to get in, and immigration will not be predominantly from Asia and Africa. This is because there are many factors besides quotas that limit immigration, factors that the bill will not change. Actually, many countries in Africa do not use their present quotas of 100.

The simple fact is that nations differ greatly in the number of their people who have the occupational attainments, or the family ties in the United States, to obtain a preference. There are also marked differences in wealth, earning power and education, which have a determining effect

upon the numbers of people who could prove they would not be a public charge if they came here, and who could meet the other prescribed tests for admission. Indeed, very few people from certain areas could even pay the cost of tickets to come here. In addition, each country will be limited by the bill to a maximum of 20,000 immigrants a year, so that no country could take up an excessive share of the overall quota. Very few countries, of course, will even approach this 20,000 limit. The conclusion is plain -- there would not be any horde or flood of immigrants from any country, any continent, or from all of them put together.

III.

CLAIM: The immigration bill would result in the admission of Communists, other subversives, or other undesirables.

THE FACTS: The bill makes no change whatsoever in the safeguards of our present immigration laws which prohibit the admission of Communists, other subversives, security risks, narcotics addicts, persons with criminal records, illiterates, and other undesirables. Persons with mental afflictions also will continue to be generally excluded, except that certain afflicted persons who are close relatives of a family that can guarantee safe care here, without public expense, to the satisfaction of the Public Health Service and of the Attorney General, may be admissible. This is true under present law for relatives excludable for tuberculosis if adequate safeguards and guarantees are provided. Admissions of this kind are based on the humane policy of favoring family unity, provided the public is fully protected.

IV.

CLAIM: Passage of the Administration's immigration bill will lead to an increase in unemployment and in welfare rolls.

THE FACTS: There is no real evidence to support this claim, and there is much evidence to disprove it. First, the number of additional workers who would enter under the bill is microscopic in relation to the United States work force -- about 24,000 a year, as against our present work force of over 77,000,000, or about one to each three thousand workers. Second, for each additional worker admitted, the national economy will benefit from the admission of other persons who are consumers but not workers (elderly parents, women, children), in a ratio of workers to consumers that is as good or better than the ratio in our country today; the needs of these consumers will create new jobs. Third,

the bill strengthens the provisions of the present law under which the Secretary of Labor has the authority to keep out immigrants who would take work from Americans or depress wages or working conditions here. The Secretary of Labor has testified that enactment of the bill will not increase unemployment. Fourth, every immigrant under the bill will have to satisfy the "public charge" test of present law before he can get a visa. This test was proven, during the depression, to be effective in keeping out those likely to become public charges and it will continue to keep out persons who will be unable to get jobs or will be prospects for welfare rolls. Finally, the improved preference structure of the bill will facilitate the immigration of persons with outstanding talents--people who can fill personnel shortages and thereby make possible business expansion and the creation of far more jobs than they fill. Our history is full of men like Steinmetz, the electrical genius; Giannini, the banker; Sikorski, the inventor; Fermi, the atomic pioneer--immigrants whose skills helped to create whole new industries.

* * * *

The foregoing material covers the principal mistaken claims against the bill, but it does not give a specific explanation of the positive reasons in favor of the bill. In his Special Message of January 13, 1965, sending the bill to Congress, President Johnson noted that four Presidents have called attention to serious defects in our immigration laws that cry out for reform. He went on to state the reasons for the proposed bill as follows:

1. The worst defect in existing law is the national origins quota system, which is incompatible with our basic American tradition. Our tradition is to judge people on their personal qualities, not on their place of birth. The national origins system disparages the ancestors of millions of our fellow Americans, and it needlessly impedes the success of our foreign policy. It also arbitrarily denies us outstanding immigrants with sorely needed talents. And thousands of our citizens are needlessly separated from their parents or other close relatives.

2. Passage of the bill will mean an improved system of selecting the immigrants whom we admit within the limits established by law, without changing the many safeguards in present law against excessive immigration, against undesirables, and against unemployment. In general, the basis of selection will be ties of family relationships to our people and ability to make a real contribution to this country, instead of selection according to the accident of birthplace.

Extra *(Prepared in D/N-OLC)*
October 6, 1965

THE NEW IMMIGRATION LAW:
SUMMARY OF PRINCIPAL FEATURES

The new law* is a modified version of the immigration reform proposal sent to Congress by President Johnson on January 13, 1965. Known as H.R. 2580 until it was signed by the President on October 3, 1965, the new law makes a number of significant changes in the previous immigration law, as follows:

1. National Origins System Abolished in 3 Years:

The national origins system for allocating quota immigration among nations of the eastern hemisphere is abolished as of July 1, 1968. This system, in effect for the past 40 years, assigned a quota to each nation in proportion to the 1920 population of the United States attributable by origin to such nation. The result has been large quotas for the nations of northern and western Europe that are partly unused, and small quotas for other nations of Europe, many of which built up long waiting lists. Nations in Africa and Asia generally received token quotas of 100 a year.

Under the new law, selection among otherwise qualified immigrants who have been subject to the national origins

*Public Law 89-236, 89th Congress, 1st Session, 79 Stat. 911

system will be governed by a preference structure reflecting family relationships to U. S. citizens or resident aliens and occupational qualifications. Within a given preference category, immigrants will be admitted on a first come, first served basis regardless of country of birth.

The new law provides for a 3-year interim period of transition before final termination of national quotas. During each year of this interim period, the unused portion of national quotas of the previous year, a total of about 50,000, will go into a "pool" to be available to preference immigrants from oversubscribed countries. (Sec. 1)

2. "Asia-Pacific Triangle" Provisions Abolished Immediately:

The new law rewrites section 202 of the Immigration and Nationality Act (I. & N. Act) so as to drop these provisions, under which an alien with 50 percent or more Asiatic ancestry was classified not by his nation of birth, as is true of all other aliens, but by his Asiatic ancestry. (Sec. 2)

3. Western Hemisphere Immigration Limited to 120,000 in 1968 Unless Study Leads to Other Legislation:

Effective July 1, 1968, immigration of persons born in independent Western Hemisphere nations will for the first time

become subject to a numerical limitation. On that date a ceiling of 120,000 per year will come into effect as to Western Hemisphere immigrants other than spouses, children, or parents of U. S. citizens. A Select Commission to study Western Hemisphere immigration is established to report to Congress before the onset of the ceiling in 1968, but it will nevertheless become effective in the absence of further legislative action. (Sec. 21)

4. Volume of Eastern Hemisphere Immigration Fixed at 170,000 Annually, with 20,000 Limit for Each Country:

The 170,000 limit compares with about 158,000 authorized under previous law, but includes 10,200 refugees that would generally not be counted in national quotas.

Both the 170,000 and the 20,000 limits are effective immediately. However, until national quotas terminate on July 1, 1968, the 20,000 limit will not operate to reduce national quotas larger than that, i.e., those of England and Germany.

Neither the 20,000 limit nor the 170,000 limit apply to "immediate relatives" of the United States citizens -- children, spouses, and parents. Under the previous law, the parents of United States citizens did not enjoy a nonquota status.

5. Preference Structure Revised in Favor of Relatives:

The preference structure, which becomes more important with the end of the national origins system, is considerably revised, with seven preference categories plus a residual non-preference category instead of the previous four, and with much greater emphasis on family relationships to U. S. citizens or aliens lawfully admitted for permanent residence than on occupational qualifications. The previous preference structure gave a 50% first preference to the highly skilled, although a much smaller percentage was actually used. Under the new law, the highly skilled (professionals, etc.) get a 10% third preference of the 170,000 total, and those with needed lesser skills, a new category, will get a 10% sixth preference. First, second, fourth and fifth preferences aggregating 74% will go to various kinds of relatives who are not close enough to qualify for "immediate relative," i.e., nonquota, status. These are: 20% first preference (34,000 a year) for unmarried sons or daughters (over 21) of U. S. citizens; 20% second preference for spouses and unmarried sons or daughters of resident aliens; 10% fourth preference for married sons or daughters of U. S. citizens; 24% fifth preference for brothers and sisters of U. S. citizens. (Sec.3)

6. Treatment of Refugees Regularized:

A seventh preference of up to 6%, or 10,200 refugees a year, is provided for defined refugees from Communism, the Middle East, and natural disasters, in lieu of the previous program under the Fair Share Refugee Act. (Sec. 3)

7. Waivers of Exclusion Authorized for Certain Mentally Afflicted Relatives:

Certain close relatives of U. S. citizens or resident aliens who are excludable because of mental retardation or past history of mental illness may be admitted under waiver procedures similar to those previously prescribed for admission of relatives with tuberculosis. (Sec. 15)

8. Labor Safeguards Strengthened Against Immigration Impairing American Employment Conditions:

Under section 212(a)(14) of the I. & N. Act in its previous form, the Secretary of Labor had the power to exclude immigrants from either hemisphere, except for certain relatives and others, if such immigrants would seek jobs so as adversely to affect American workers. However, under the previous law, the Labor Department was not always in a position to exercise these powers. The new law will change this situation by requiring affirmative clearances by the Labor Department for

certain immigrants: those with an occupational preference, those with no preference, and Western Hemisphere immigrants other than the spouses, children, and parents of U. S. citizens or resident aliens. (Sec. 10)

* * * * *

In addition, the new law:

(a) Makes alien crewmen who entered the United States on or before June 30, 1964 eligible for adjustment to immigrant status under § 244 of the I. & N. Act. (Sec. 12)

(b) Updates from June 28, 1940 to June 30, 1948 the cutoff entry date for creating a record of lawful admission under § 249 of the I. & N. Act. (Sec. 19)

(c) Gives the newly independent nations of Jamaica and Trinidad-and-Tobago the same status under the immigration laws as other Western Hemisphere nations. (Sec. 8)

(d) Deletes epilepsy and inserts sexual deviation as a ground of exclusion. (Sec. 15)

(e) Makes various technical and administrative changes in the I. & N. Act.

See, on History of
Imm Reform legis.

Chapter 6 of

"The Open Society"

by Abba P. Schwartz

Wm Morrow Co, N.Y. 1968

D/S Library # 6455
, S38

(interesting, not
wholly objective)