

FOR THE RELIEF OF CERTAIN PERSIAN GULF EVACUEES

APRIL 13, 2000.—Referred to the Private Calendar and ordered to be printed

Mr. HYDE, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 3646]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3646) for the relief of certain Persian Gulf evacuees, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 3646, for the relief of certain Persian Gulf evacuees would allow certain individuals who were evacuated from Kuwait during the Persian Gulf War to file for permanent resident status.

BACKGROUND AND NEED FOR THE LEGISLATION

As Interpreter Releases reports:¹

[F]rom September 2, 1990, to December 14, 1990, the U.S. airlifted from Kuwait thousands of persons who either had U.S. citizen children or who secretly protected U.S. citizens during the Iraqi invasion and occupation of Kuwait. A total of 2,227 persons were evacuated . . . the majority were Palestinian. . . . The evacuees were initially paroled into the U.S. and given temporary work authorization. Parole was eventually extended until December 31, 1991. . . . [A]n INS official informed the evacuees that the INS would not renew their parole beyond December 31. Their situation was worsened by the Kuwaiti government's refusal to allow many of the evacuees, especially Palestinians, to return to Kuwait, arguing that they had been disloyal during the Iraqi occupation.

On November 1, 1991, several members, including the Subcommittee on International Law, Immigration and Refugees chairman and ranking member, sent a letter to Attorney General Barr urging him to:

grant [temporary protected status] to the approximately 1,500 persons of Palestinian background airlifted into the United States from Kuwait during the fall of 1990. We strongly believe that extraordinary conditions exist for these 1,500 persons. . . . Our government evacuated these families because of their close ties to the United States and because of the fear that they would be endangered by the Iraqi Army. Many of the children are American citizens. The Government of Kuwait refuses to let these families return and their permission to stay and work in the United States expires on December 31, 1991. Based on the foregoing, we urge you to grant TPS to these Palestinian families for an initial period of one year while we await developments in Kuwait.

On November 14, 1991, President Bush directed the Attorney General to grant the Persian Gulf Evacuees ("PGEs") a deferral of enforced departure until January 1, 1996, and employment authorization for that period. President Clinton later extended the deadline until January 1 of 1997. The INS decided that no further extensions would be granted.²

The American-Arab Anti-Discrimination Committee ("AAADC") informed the subcommittee that the majority of the 2,000+ original PGEs have already been able to become permanent residents through employer-sponsored visas and other means. Remaining are 54 families containing a few hundred individuals who probably do not have any means to adjust their status.

Representative Rahall's bill would grant the PGEs permanent resident status. It was originally written as a public bill, not a private bill. Pursuant to an agreement between the Judiciary Committee and the Immigration and Naturalization Service (INS), upon a vote of the subcommittee to request a report from I.N.S. any depor-

¹November 18, 1991.

²Senators Kennedy and Abraham wrote Janet Reno on April 3, 1997, urging that the deferred enforced departure be further extended.

tation of the individual or individuals named in the bill will be stayed until the Congress has made a decision on action. The chairman of the subcommittee requested that the bill be introduced as a private bill so that the subcommittee could vote to request INS comment and stay the deportation of these individuals while proceeding with caution and investigating the merits of each PGE's case. Also, because of the documentary requirements of a private bill, the subcommittee was provided with detailed information on each of the beneficiaries, and confirmed that all administrative and judicial remedies had been pursued.

The remaining PGEs are primarily Palestinian. They have Jordanian passports and can be deported to Jordan. However, this does not necessarily mean they have ever resided in Jordan (which gives passports to all Palestinians). Based on information given to the committee by the AAADC, most were either born in Kuwait or have spent the last few decades of their lives there. The few non-Palestinians are Indian, Filipino, Pakistani and Egyptian. They also are reported to have been born in Kuwait or have been there for at least a decade. Many of the PGEs have American-born children.

COMMITTEE CONSIDERATION

On March 1, 2000, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill H.R. 3646, without amendment by voice vote, a quorum being present.

On March 30, 2000, the Committee on the Judiciary met in open session and ordered reported favorably the bill H.R. 3646 without amendment by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the committee believes that the bill would have no significant impact on the Federal budget. This is

based on the Congressional Budget Office cost estimate on H.R. 3646. That Congressional Budget Office cost estimate follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 12, 2000.

Hon. HENRY J. HYDE, *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3646, a bill for the relief of certain Persian Gulf evacuees.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable John Conyers Jr.
Ranking Democratic Member

H.R. 3646—A bill for the relief of certain Persian Gulf evacuees.

H.R. 3646 would grant permanent United States residence to 150 individuals who were evacuated from Kuwait during the Persian Gulf war; these people have resided in the United States since 1990. CBO estimates that enacting this legislation would have no significant impact on the federal budget. H.R. 3646 could have a small effect on fees collected by the Immigration and Naturalization Service, which are classified as direct spending, so pay-as-you-go procedures would apply.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to rule XI, clause 2(1)(4) of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article 1, Section 8, Clause 4 of the Constitution.

AGENCY VIEWS

The Immigration and Naturalization Service provided reports to the committee on each of the 150 individuals listed in H.R. 3646. The reports have been placed in the legislative file on the bill.

