



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

March 12, 2002
(House)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 1885 - Section 245(i) Extension Act

The Administration strongly supports House passage of H.R.1885 as expected to be considered on the House floor. H.R. 1885 would extend the window created under section 245(i) of the Immigration and Nationality Act during which qualified immigrants may obtain legal residence in the United States without being forced to first leave the country and their families for as long as several years. This legislation reflects the Administration's philosophy that government policies should recognize the importance of families and help to strengthen them.

Improving border security is one of the Administration's top priorities in securing the Nation's homeland and the Administration understands that the bill as it will be considered on the House floor will address this issue. This amendment would require personal identification documents to be more tamper-resistant and secure, enhance the alien applicant screening process to help eliminate entry of unwanted individuals, and require monitoring of foreign students and exchange visitors to ensure they maintain their status. The Administration believes these provisions will contribute to the Nation's security as foreign guests are welcomed into the Nation. Although some of the implementing time requirements in the bill are very short, the Administration believes they are appropriate considering the important security improvements involved.

The Administration notes that the Executive Branch must construe Section 2(5) of the legislation, which purports to require the President to act through the Assistant to the President for Homeland Security in carrying out the President's duties under the legislation, in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and take care that the laws be faithfully executed, which cannot be made subject to legislation that requires him to carry out his duties through a particular subordinate on the White House staff. Moreover the Assistant to the President for Homeland Security is an immediate advisor to the President, with coordination and consultation functions, but who does not and should not have operational responsibilities.

* * * * *