

CONGRESS, WINDING UP WORK, VOTES SWEEPING ALIENS BILL; REAGAN EXPECTED TO SIGN IT

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Body

Congress today gave final approval to a landmark immigration bill as it moved toward adjournment.

By a vote of 63 to 24, the Senate agreed to the compromise bill, clearing the measure for action by President Reagan. The bill would prohibit the hiring of illegal aliens and offer legal status, or amnesty, to millions of illegal aliens who have lived in this country continuously since before Jan. 1, 1982.

The chief sponsor of the legislation, Senator Alan K. Simpson, Republican of Wyoming, said President Reagan "awaits this bill and has agreed to sign it." Mr. Reagan proposed similar legislation in 1981 to tighten control of the borders and to curtail the influx of illegal aliens.

Radical Change for Employers

The bill approved today, the Immigration Reform and Control Act of 1986, marks a historic change in American immigration policy. Under current law, illegal aliens may be deported, but it is generally not illegal for employers to hire them. Under the bill passed today, employers who hired illegal aliens would be subject to civil penalties ranging from \$250 to \$10,000 for each such alien.

Itching to leave for home and the off-year elections, Congress also approved the \$576 billion comprehensive appropriations bill for 1987, after the Senate resolved a deadlock over a plane built on Long Island. [Page 33.] Lawmakers said they hoped that the 99th Congress, which convened in January 1985, would adjourn Saturday.

The aliens bill, a product of nearly a decade of work in Congress, would make the biggest changes in immigration law in at least 20 years.

Earlier Versions Died

The Senate passed similar bills in 1982 and 1983, but they died in the days just before Congress adjourned.

In the Senate today, 34 Democrats and 29 Republicans voted for the bill. Against it were 16 Republicans and 8 Democrats.

The Senators from New York, New Jersey and Connecticut all voted in favor.

The House of Representatives approved the same bill, 238 to 173, on Wednesday.

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The Senate approved the measure today after several hours of speeches by opponents, who acknowledged that they had no real hope of blocking the legislation.

Senator Phil Gramm, Republican of Texas, led the opposition. He denounced the bill's amnesty for illegal aliens. In addition, he said it was "outrageous" that under one section, illegal aliens who had done only 90 days of agricultural work in this country could eventually become permanent residents.

"I want to do what the founding fathers envisioned the Senate would do," Mr. Gramm said. "I want to have a real debate on this."

The provisions granting legal status to foreign agricultural workers were drafted by Representative Charles E. Schumer, Democrat of Brooklyn. They were adopted by the House and accepted by a House-Senate conference committee. The provisions were part of a delicately balanced compromise that revived the bill after it was pronounced dead just three weeks ago.

The bill had broad bipartisan support. It was sponsored in the House by Representatives Peter W. Rodino Jr. of New Jersey and Romano L. Mazzoli of Kentucky, both Democrats.

Opposition on Both Sides

Liberals and conservatives also joined together in opposing the bill.

One opponent, Senator Edward M. Kennedy, Democrat of Massachusetts, said: "Whenever Congress enacts a measure with any potential for discrimination, the full potential is relentlessly realized and virulent discrimination results. This bill has that potential and will inevitably have that result. It is an undeserved slap at millions of Hispanic citizens."

The labor movement supported the bill. But the Chamber of Commerce of the United States opposed it, saying it would impose excessive burdens on employers and would subject them to "countless lawsuits" charging they had discriminated against legal aliens.

Senator Pete Wilson, Republican of California, said the bill was "a much needed step in the right direction." But he said it "will reduce illegal immigration at most by only 20 percent to 30 percent."

Ambivalent Views

Raul Yzaguirre, president of the National Council of La Raza, a Hispanic organization, said he could not endorse the bill, but he described it as "probably the best immigration legislation possible under current political conditions."

He said his group was particularly pleased with the "generous" amnesty for illegal aliens. He also said that the bill, "for the first time, provides full rights and protections for both foreign and domestic farm workers." Some growers of fruit and vegetables in California and other Western states have long depended on foreign workers to harvest their crops. The bill guarantees that the growers will have a steady supply of legal foreign workers if such workers are needed.

Despite his opposition to the measure, Senator Gramm said: "This immigration bill is not a response to a fear of foreigners. We are not symbolically tearing down the Statue of Liberty. It is not my intention ever to slam the door to America."

Gramm Cites Fear of Fraud

Mr. Gramm said he feared that illegal aliens would use fraudulent documents, such as rent receipts and pay stubs, in an effort to show that they had lived here long enough to obtain legal status. Senator Simpson said "document fraud is already a cottage industry in America," and he observed that the bill established new penalties for the use

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of fraudulent documents. An illegal alien who makes false statements in an application for legal status could be imprisoned for five years and fined \$2,000.

Senator Bill Bradley, Democrat of New Jersey, said the immigration bill was "the most important piece of legislation" that would emerge from the 99th Congress. He called it "a monumental accomplishment" by Senator Simpson.

James A. McClure, a conservative Republican from Idaho who opposed the bill, said, "I agree with Hispanic organizations that say that this bill and its enforcement will ultimately be racist."

Senator Pete V. Domenici, a New Mexico Republican, said the bill would "create an administrative nightmare" for employers, who must ask all job applicants for documents to verify that they are eligible to work in the United States. The bill, he said, is "an invitation to fraud and abuse, an invitation to disaster." "It just won't work," he said.

Total Is Matter of Conjecture

The number of illegal aliens in the United States is not known. In debate on the immigration bill, members of Congress consistently used higher estimates than those made by the Census Bureau.

Jeffrey S. Passel, a demographer at the Census Bureau, said in an interview that the bureau estimated there were 2.5 million to 3.5 million illegal aliens who had their usual residence in the United States at the time of the last census, in 1980. The bureau estimates that the number of illegal aliens has grown since then by 100,000 to 300,000 a year, so the total now probably stands at three million to five million, he said.

These figures do not include the thousands of illegal aliens who go back and forth across the border, working here but returning to permanent residences in Mexico or other countries.

The bill is a milestone in the history of American immigration policy. In colonial times, immigration was generally encouraged. The first Federal restriction on immigration was not adopted until 1875, when Congress barred the admission of prostitutes and convicted criminals.

The measure approved today ranks in importance with the Quota Act of 1921, which established the first numerical restrictions on immigration, and the Immigration and Nationality Act of 1952, the McCarran-Walter Act, which listed dozens of ideological and other reasons for excluding aliens.

Under the bill, aliens in this country illegally could apply for legal status in the one-year period starting six months after the bill becomes law. Then, after 18 months as lawful temporary residents, the aliens could apply for status as permanent residents, and after another five years they could apply for citizenship. If the illegal aliens did not seek legal status, they would remain subject to deportation.

Members of Congress and lobbyists said that two factors added impetus to the drive for a comprehensive immigration bill this year. First, they said, liberals feared that any such bill adopted by the next Congress would be more restrictive and less generous to illegal aliens.

In addition, in the last few months, the Reagan Administration has argued that the bill was needed to help combat drug smuggling. Immigration officials said that many illegal aliens and smugglers of aliens were involved in illicit drug traffic.

Main Provisions of Bill

These are the main provisions of the immigration bill:

* Employers would be forbidden to hire illegal aliens. The ban would apply to all employers, even those with just a few employees. For a first offense, the employer would be subject to a civil penalty of \$250 to \$2,000 for each

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illegal alien hired. For subsequent offenses, the employer would be subject to civil penalties as high as \$10,000 for each.

* For a "pattern or practice" of violations, the employer would be subject to criminal penalties, up to a \$3,000 fine and six months' imprisonment.

* Employers would have to ask all job applicants for documents, such as a passport or a birth certificate and driver's license, to confirm that they were either citizens or aliens authorized to work in the United States. The employer is not required to check the authenticity of the documents. The bill says it does not authorize issuance or use of national identification cards.

* The Government would offer legal status to aliens who entered the United States illegally before Jan. 1, 1982, and have resided here continuously since then. For five years, they would be ineligible for welfare, food stamps and most other Federal benefits, with some exceptions.

* The Federal Government will set aside \$1 billion a year for four years to reimburse state governments for providing public assistance, health care and education to illegal aliens who gain legal status.

* Under a special program, illegal aliens who worked in American agriculture for at least 90 days in the period from May 1, 1985, to May 1, 1986, could become lawful temporary residents of the United States. After two years in that status, they could become permanent residents, eligible for American citizenship after five years more.

* If there is a shortage of seasonal farm workers, the Government could admit additional aliens in the fiscal years 1990 through 1993. They would have to work in agriculture and, after three years as temporary residents, could become permanent residents.

* Immigration officers could not enter a farm without a search warrant or the owner's permission if they wanted to question a person believed to be an alien.

* Employers would be forbidden to discriminate against legal aliens because of their national origin or citizenship status. A new office would be established in the Justice Department to investigate complaints of such discrimination.

* States would generally have to verify, through records of the Immigration and Naturalization Service, the legal status of aliens seeking welfare benefits, Medicaid, unemployment compensation, food stamps, housing assistance or college aid under Federal programs.

* To improve enforcement, the Immigration and Naturalization Service would receive \$422 million more in the current fiscal year and \$419 million extra next year. The agency's budget last year was \$593.8 million, of which \$379.7 million was for enforcement.

The bill also envisions a 50 percent increase in Border Patrol personnel, although there is no guarantee Congress would actually provide money for the increase. At present, the Border Patrol has 3,694 officers.

Graphic

Photo of Sens. alan K. Simpson and Edward M. Kennedy conferring as the Senate took up immigration bill (NYT/Jose R. Lopez)

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