

APPROVED
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THE WHITE HOUSE
WASHINGTON
October 2, 1976

ACTION
Last Day: October 9

Posted
10/9/76
archive
10/12/76

MEMORANDUM FOR
FROM:
SUBJECT:

THE PRESIDENT
JIM CANNON *for Quinn*

S. 3485 - Relief of Orlando Garzon
Sponsor: Sen. Mondale
→ H.R. 12831 - Relief of Mo Chong-Pu
Sponsor: Rep. St. Germain

Attached for your consideration are S. 3485 and H.R. 12831.

Each of the enrolled bills would authorize preferential treatment under the Immigration and Nationality Act for the admission of the beneficiaries into the United States for adoption purposes. In each case, the prospective adoptive parents are ineligible to petition on behalf of the child because they have already adopted two or more alien children.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg), NSC and I recommend approval of the enrolled bills.

RECOMMENDATION

That you sign S. 3485 at Tab B.

That you sign H.R. 12831 at Tab C.





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

OCT 1 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) S. 3485 - Relief of Orlando Garzon
Sponsor - Sen. Mondale (D) Minnesota
- (2) H.R. 12831 - Relief of Mo Chong-Pu
Sponsor - Rep. St. Germain (D) Rhode Island

Last Day for Action

October 9, 1976 - Saturday

Purpose

To authorize preferential treatment under the Immigration and Nationality Act for the admission of certain alien children into the United States for adoption purposes.

Agency Recommendations

Office of Management and Budget	Approval
Immigration and Naturalization Service	Approval
Department of State	No objection

Discussion

These bills facilitate the immigration of children to the U.S. for adoption purposes. In each case, the prospective adoptive parents are ineligible to petition on behalf of the child they would like to adopt because they already have adopted two or more alien children. The Immigration and Nationality Act normally limits the number of immediate relative immigration visa petitions for the adoption of alien children to two per petitioner.

The enrolled bills would authorize the classification of each alien child as an immediate relative child and permit the approval of immigration visa petitions filed by the adoptive parents. Upon approval of such petitions, the children would be admitted to the United States for permanent residence. In addition, the natural parents and siblings of the beneficiaries are declared ineligible for similar preferential treatment for immigration to the United States.

S. 3485 - Orlando Garzon

The beneficiary is a 4-year-old Colombian boy who is currently in the custody of the Foundation for the Adoption of Abandoned Children in Bogota. The whereabouts of his natural parents are unknown. Orlando is visually handicapped and suffers from post polio paralysis and currently receives no medical attention for these problems. His prospective parents, Mr. and Mrs. Arnold Lindgren of Olivia, Minnesota intend to have the beneficiary treated by the University of Minnesota Hospital and have been informed that with proper medical help the child will be able to recover his sight and the use of his legs. Mr. and Mrs. Lindgren have nine children, five of whom have been adopted. Since the Lindgrens have had two previous immediate relative visa petitions approved in behalf of two adopted alien daughters, they are ineligible to similarly seek an immigrant visa for Orlando.

H.R. 12831 - Mo Chong-Pu

The beneficiary is a 3-year-old Korean boy currently living in an orphanage there. His parentage and family background are unknown. Upon admission into the United States he will be adopted by Mr. and Mrs. Thomas Pitt, both U.S. citizens, residing in Little Compton, Rhode Island. Mr. and Mrs. Pitt have no natural children and have already adopted two alien children. Because the Pitts have had two immediate relative immigration visa petitions approved, they are ineligible to similarly petition on behalf of Mo Chong-Pu.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

To: J. Johnston
10-1-76
3:30 p.m.

OCT 1 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills

- (1) S. 3485 - Relief of Orlando Garzon
Sponsor - Sen. Mondale (D) Minnesota
- (2) H.R. 12831 - Relief of Mo Chong-Pu
Sponsor - Rep. St. Germain (D) Rhode Island

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To authorize preferential treatment under the Immigration and Nationality Act for the admission of certain alien children into the United States for adoption purposes.

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Office of Management and Budget	Approval
Immigration and Naturalization Service	Approval
Department of State	No objection

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These bills facilitate the immigration of children to the U.S. for adoption purposes. In each case, the prospective adoptive parents are ineligible to petition on behalf of the child they would like to adopt because they already have adopted two or more alien children. The Immigration and Nationality Act normally limits the number of immediate relative immigration visa petitions for the adoption of alien children to two per petitioner.

The enrolled bills would authorize the classification of each alien child as an immediate relative child and permit the approval of immigration visa petitions filed by the adoptive parents. Upon approval of such petitions, the children would be admitted to the United States for permanent residence. In addition, the natural parents and siblings of the beneficiaries are declared ineligible for similar preferential treatment for immigration to the United States.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
Washington 25, D.C.

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

AND REFER TO THIS FILE NO.

28 SEP 1976

A22 175 115

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H. R. 12831 ; Office of Management
and Budget request dated September 27, 1976

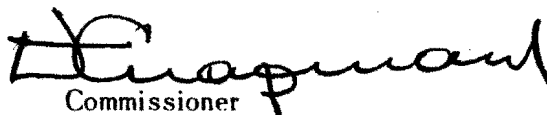
Beneficiary or Beneficiaries Mo Chong-Pu

Pursuant to your request for the views of the Department of Justice on the subject bill, a review has been made of the facsimile of the bill, the relating Congressional Committee report or reports, and all pertinent information in the files of the Immigration and Naturalization Service

On the basis of this review the Immigration and Naturalization Service, on behalf of the Department of Justice:

- Recommends approval of the bill
- Interposes no objection to approval of the bill

Sincerely,


Commissioner

STATE

SEP 29 1976

Dear Mr. Lynn:

Reference is made to Mr. Frey's communication of September 27, 1976, transmitting for comment enrolled bills, H.R. 4583, "For the relief of Rosina C. Beltran", and H.R. 12831, "For the relief of Mo Chong-Pu".

This Department's files contain no information identifiable with the above cited bills, and in the absence of any derogatory information, this Department has no objection to the enactment of these bills.

Sincerely yours,

(S)

Kempton B. Jenkins
Acting Assistant Secretary
for Congressional Relations

The Honorable
James T. Lynn,
Director,
Office of Management
and Budget

OFFICE OF MANAGEMENT
AND BUDGET

SEP 29 10:28 AM '76

RECEIVED

MO CHONG-PU

SEPTEMBER 14, 1976.—Committed to the Committee of the Whole House and ordered to be printed

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

REPORT

[To accompany H.R. 12831]

The Committee on the Judiciary, to whom was referred the bill (H.R. 12831) for the relief of Mo Chong-Pu, having considered the same, report favorably thereon with amendment and recommend that the bill as amended do pass.

The amendment is as follows:

On page 1, line 10, strike out "case." and insert in lieu thereof the following:

case: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to facilitate the admission into the United States of the prospective adoptive child of citizens of the United States. The bill has been amended in accordance with established precedents.

GENERAL INFORMATION

The beneficiary of this bill is a 3-year-old native and citizen of Korea who resides there in an orphanage. His prospective adoptive parents have complied with the preadoption requirements of the State of Rhode Island but are unable to petition for immediate relative status for the beneficiary because they have already adopted two alien children.

The pertinent facts in this case are contained in a letter dated June 25, 1976 from the Commissioner of Immigration and Naturalization to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D.C., June 25, 1976.

A22-175-115.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 12831) for the relief of Mo Chong-Pu, there is attached a memorandum of information concerning the beneficiary.

The bill would confer immediate relative status upon the three-year-old beneficiary upon the approval of a visa petition to be filed by Mr. and Mrs. Thomas Pitt, citizens of the United States, who intend to adopt the child. The bill further provides that the provision of the Immigration and Nationality Act which limits the number of petitions that may be approved for adopted children shall not be applicable in this case.

Absent enactment of the bill, the beneficiary, a native of Korea, would be chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

LEONARD F. CHAPMAN, JR.,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 12831

Information concerning the beneficiary was furnished by Thomas Pitt, prospective adoptive parent of the beneficiary.

The beneficiary is a native and citizen of Korea who was given the birth date of December 28, 1972. He was found on September 25, 1974 in the village of Uichong Pu, Korea, and is presently residing in the Star of Sea Children's Home, Inchon, Korea. His parentage and family background are unknown.

Thomas Pitt was born on August 6, 1943 in Baldwin, New York. He resides with his wife, Karen, and two adopted children, Heather, age 5, a native of Korea and citizen of the United States by naturalization, and Dorian, age 2, a native and citizen of South Vietnam and a lawful permanent resident of the United States. Mr. Pitt graduated from the State University of New York in Buffalo in 1967. He received his Master of Arts degree from the University of Connecticut in 1968 and is a candidate for a Doctorate from that same University. He is employed by the Rhode Island Department of Education as a staff assistant at a salary of \$14,500. He also derives an annual income of \$800 as a tutor in Newport, Rhode Island and receives rent from property amounting to

\$90 a month. With his wife he owns real estate with an equity of \$85,000 and personal property valued at \$25,000.

Karen Elizabeth Pitt was born on July 31, 1942 in Passaic, New Jersey. She graduated from Glassboro State College in 1967 and received a Master of Arts degree from the University of Connecticut in 1969. She is employed as a school teacher in Little Compton, Rhode Island, and receives a salary of \$14,000. Mr. and Mrs. Pitt have stated they wish to adopt the beneficiary and give him a home because of their desire to have a son.

A home study furnished by the Children's Friend and Service of Rhode Island, an agency recognized by the State, has declared that the preadoption requirements of the State have been met in this case.

On June 4, 1976 the Department of State submitted a report on this legislation which reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., June 4, 1976.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Mo Chong-Pu, beneficiary of H.R. 12831, 94th Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American Embassy at Seoul, Korea where the beneficiary resides.

The bill would provide for the beneficiary's classification as a child and for granting of immediate relative status upon approval of a petition filed by Mr. and Mrs. Thomas Pitt, American citizens.

The bill also waives the provision of section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved on behalf of orphans.

Sincerely yours,

ROBERT J. McCLOSKEY,
Assistant Secretary for
Congressional Relations.

Enclosure: Memorandum of information.

MEMORANDUM OF INFORMATION CONCERNING H.R. 12831 FOR THE RELIEF
FOR THE RELIEF OF MO CHONG PU, SUBMITTED BY THE AMERICAN EM-
BASSY AT SEOUL, KOREA

The beneficiary is a foundling whose birthdate and birthplace are unknown. He was found September 20, 1974 in the town of Uijongbu, South Korea, and taken to the Star of the Sea Orphanage at Inchon where he is still residing. The head of the orphanage gave him the name of MO, Chong Pu and designated December 28, 1972 as his birth date. Nothing is known of his parentage.

Mr. and Mrs. Thomas H. Pitt of Donovan Way, Little Compton, Rhode Island, 02837, are in the process of adopting this child. As they

have already adopted two alien children, they are prohibited by Section 204(c) of the Immigration and Nationality Act from filing a third petition conferring immediate relative status to the child.

This child is chargeable to the foreign state limitation for Korea. Since an immediate relative petition cannot be filed in his behalf he would qualify only under the non-preference category. As there are at present no numbers available under this category, the child would have an indeterminate wait before reaching his return for processing.

The beneficiary underwent a medical examination May 17, 1976 and was found to be in good health.

STATEMENT OF CONGRESSMAN FERNAND J. ST GERMAIN, BEFORE THE
SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP AND INTERNATIONAL
LAW OF THE COMMITTEE ON THE JUDICIARY, SEPTEMBER 1, 1976

Mr. Chairman, may I begin by thanking you and the Members who serve on your Subcommittee for the opportunity to testify in support of H.R. 12831, a bill which I have introduced, and to share with you the reasons for which I believe this legislation warrants congressional consideration.

The Korean orphan for whom this bill is sponsored is named Mo Chung-Pu. He was first introduced to me in February when Mr. and Mrs. Thomas Pitt of Little Compton, Rhode Island, wrote to me. At that time, my constituents informed me of their growing attachment to the young Korean who was located and referred to them by a close friend who is employed by the U.S. Government and assigned to service in Korea.

Mo Chung-Pu is approximately three years old and apparently of full Korean descent. He was found in the backyard of an orphanage in the town of Uichong-pu on September 20, 1974. The next day he was taken to the Star of the Sea Children's Home in Inchon, malnourished and in very poor health. Today, Mo Chung-Pu is in good health and cleared for adoption by Korean authorities.

The reason for the necessity of a private bill is proof in itself of the rewarding and enriching family life in store for this child. The Pitts presently have two children, both adopted and both from Asia. The family has, therefore, used the two I-600 visas which can be issued to an American family by the Immigration and Naturalization Service. It is the adopted children, however, who have convinced me that legislation to provide for the relief of Mo Chung-Pu is warranted for I have met the Pitt family and have witnessed the mutual love and attachment between parent and child which I know awaits the Korean child upon his arrival in Rhode Island.

It is my understanding, should the bill not be approved, that the Pitts may apply for a nonpreference visa and can proceed toward adoption in this manner. At stake, however, are two years of lengthy and frustrating delays. Thus, for the following reasons, I submit that further delays cannot be allowed to occur.

The first is the real possibility that Mo Chung-Pu may not be able to remain at the orphanage to await the recertification process which must take place if the adoption was to continue under the provisions of a nonpreference visa. Understandably, all concerned social service

agencies involved are anxious to have this young child securely placed in a stable environment and may not be able to delay longer.

Secondly, an important consideration is the concerns of my constituents. They have patiently endured the legislative process which has taken us to this point and have continued their hope, placing their confidence in the wisdom of this Subcommittee. Mo Chung-Pu is their son. I have personally seen the pride with which they speak of the new addition to their family and in the many months that they have had his picture and prepared for his arrival, it is quite understandable that, at least in spirit, their family has grown. Any additional delay would result in the same frustration and sense of loss which you or I would experience for the absence of a member of our families.

Yet, of all the reasons which exist to warrant the approval of this legislation, one consideration remains primary. That is, of course, the safety and well being of the child himself. Although healthy and alert, the institutionalization of any child produces anxieties which should be calmed as soon as possible. The love which the Pitts wish to share with Mo Chung-Pu will, I am sure, provide the remedy which will assure the child of a full and productive life as a member of our Rhode Island community. Additional separation will only complicate and endanger the smooth transition of cultural and family ties.

The preliminary clearances have now all been completed and officials of social agencies on both sides of the world await the decision which is to be made on the merits of this legislation. As I believe is evident from this testimony, I hope to meet Mo Chung-Pu in the near future in his new home in Little Compton, Rhode Island. To be able to do this, a deserving family needs your assistance. I strongly urge that you favorably consider H.R. 12381.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATIONS

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 12831, amended, should be enacted and accordingly recommends that the bill do pass.

○

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

For the relief of Mo Chong-Pu.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mo Chong-Pu may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Thomas Pitt, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.*

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*