



The National Organization of Portuguese Americans

Legislative Alert ©

May 6, 2010

As a part of NOPA's mission to empower Portuguese-Americans, this Legislative Alert is sent out every two weeks as pertinent developments occur in order to keep the community informed of legislative action at the national level. This objective, non-partisan report aims to educate those interested about action on Capitol Hill that may affect the Portuguese-American community at large.

If you have any questions about this or other legislation, please contact NOPA's Government Affairs Team at info@nopa-us.org or 703-389-3512.

Senate Democrats Unveil Framework for Comprehensive Immigration Reform

April 29th

Senate Majority Leader Harry Reid, D-Nev., was joined by fellow Senate Democrats Thursday in introducing a "framework" for an overhaul of immigration laws in light of Arizona's controversial new immigration law.

The legislation would call for a new process to admit temporary workers into the U.S., imposing tougher sanctions on employers who hire illegal immigrants, creating new identification cards for immigrant workers and making it easier for immigrants to become full-fledged U.S. citizens.

Arizona Immigration Law SB 1070

The new law recently signed by the governor of Arizona, SB 1070, makes it a state crime to violate some federal immigration statutes. While the law is extremely popular in the state, with 70 percent of Arizona voters approving of it and just 23 percent opposed, it has raised controversy. Below is a short analysis of SB 1070's major provisions.

- The new Arizona law mirrors federal law, which already requires aliens (non-citizens) to register and carry their documents with them (8 USC 1304(e) and 8 USC 1306(a)). The new Arizona law simply states that violating federal immigration law is now a state crime as well. Because illegal immigrants are by definition in violation of federal immigration laws, they can now be arrested by local law enforcement in Arizona.
- The law is designed to avoid the legal pitfall of "pre-emption," which means a state can't adopt laws that conflict with federal laws. By making what is a federal violation also a state violation, the Arizona law avoids this problem.
- The law only allows police to ask about immigration status in the normal course of "lawful contact" with a person, such as a traffic stop or if they have committed a crime.
- Estimates from the federal government indicate that more than 80 percent of illegal immigrants come from Latin America. Thus, there is concern that police may target only Hispanics for enforcement.
- Before asking a person about immigration status, law enforcement officials are required by the law to have



"reasonable suspicion" that a person is an illegal immigrant. The concept of "reasonable suspicion" is well established by court rulings. Since Arizona does not issue driver's licenses to illegal immigrants, having a valid license creates a presumption of legal status.

- The law specifically states that police, "may not solely consider race, color or national origin" when implementing SB 1070.
- When Arizona's governor signed the new law, she also issued an executive order requiring the Arizona Peace Officer Standards and Training Board to provide local police with additional training on what does and what does not constitute "reasonable suspicion."

Arizona Lawmakers Modifies Immigration Bill

April 30th

Gov. Jan Brewer on Friday signed a follow-on bill approved by Arizona legislators that make revisions to the state's sweeping law against illegal immigration -- changes she says should quell concerns that the measure will lead to racial profiling.

Now, no one can be asked about their immigration status unless they have already committed an offense that leads to officer stopping them. Officers can no longer ask someone for their status without some other offense happening first.

Congressional Legislation of Interest

April 29th

By Mrs. MALONEY (for herself and Ms. WATSON):

H.R. 5193. A bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States; to the Committee on the Judiciary.

Understanding the New Airline Passenger Protection Rules

Here are some details travelers should know:

Expect a response to complaints to airlines

The DOT requires airlines to acknowledge a customer complaint within 30 days and provide a response within 60 days that addresses the specifics of that complaint. Airlines must provide passengers with an e-mail address or online contact form, as well as a mailing address for filing complaints. The contact information must be available on carrier websites and e-ticket confirmations. Airlines don't have to listen to your complaints over the telephone.

International travelers may have to wait longer

The three-hour tarmac time limit applies only to domestic flights. On delayed international flights, the DOT will allow U.S. carriers to determine their own time limits. The airlines must define those limits and include them in tarmac delay contingency plans posted on their websites. The agency says that less frequent international service would mean more inconvenience to consumers should those flights be cancelled. Airlines' tarmac delay contingency plans for all flights must assure passengers working restrooms and "adequate food and potable water" within two hours of leaving the gate or touching down. The DOT said snacks such as pretzels and granola bars would be considered adequate. The airlines are also required to provide medical attention, if needed.



Safety, security, air traffic exceptions may apply

Exceptions to the tarmac delay limits may apply if the pilot sees a safety or security issue with returning passengers to the terminal. The DOT cites weather, air traffic control or a government agency directive as possible issues. Air traffic control may also override the rule if it determines that getting passengers off the plane would create a major disruption in airport operations.

Unrealistic scheduling and chronic delays prohibited

Large airlines can be penalized for unrealistic scheduling, which may include a frequently canceled flight or one that is considered "chronically delayed." The designation applies to flights that operate at least 10 times a month and arrive more than 30 minutes late more than half the time.

[See the Bureau of Transportation Statistics' list of chronically delayed flights](#)

Carriers with flights that are chronically delayed for more than four consecutive 30-day periods would be subject to penalties. Beginning at the end of July, large airlines will have to provide flight delay information on their websites for all domestic flights early in the purchasing process.

Customer service and compliance required

The DOT also requires airlines to develop customer service plans to address situations not covered in their contracts with passengers. Airlines are expected to audit their compliance and report the results to the DOT.

How rules are enforced, penalties determined

Civil penalties of up to \$27,500 per passenger would be paid to the government, not to passengers. That amount is the maximum civil penalty for large airlines for violating any aviation consumer rule.

For more information, search for docket dot-ost-2007-0022 on www.regulations.gov.

Mention of Interest - Portugal Loses AAA Rating

A SOVEREIGN DEBT CRISIS? -- (House of Representatives - April 29, 2010)

[Page: H3018] GPO's PDF

http://frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?dbname=2010_record&page=H3018&position=all

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Too often, the Congress focuses on problems of the past, not dangers to come. Last month, the Greek Government lost its AAA credit rating. On May 19, Greece will have to pay \$10 billion in loans that it does not have the money to cover. The market will only lend now at a 24 percent interest rate. Estimates are that an IMF Greek bailout will cost \$100 billion.

On Monday, **Portugal** lost its AAA rating, and this news triggered a sudden loss in our own stock market. Yesterday, Spain lost its credit rating, and the Spanish problem is five times the size of the Greek problem. Italy and



Ireland may be next. We may soon face a sovereign debt crisis.

CRS reports that the IMF has \$268 billion to lend, an amount that could quickly be exceeded by a European debt crisis. The IMF may not have the resources to handle this crisis, and the Fed and the U.S. taxpayer may be called on to bail out these irresponsible governments. Few in Congress even know of this danger to our economy and to our family incomes.

Events of Interest

The Heritage Foundation - Discussion

04/29/2010

The Heritage Foundation held a discussion on Europe's "sluggish economic growth, high unemployment, an addiction to expensive social welfare entitlements, and a dwindling birth-rate of native Europeans."

Participants: Bruce Thornton, professor of classics and humanities at the California State University, Fresno; and Joseph Postell, assistant director of the B. Kenneth Simon Center for American Studies at the Heritage Foundation

Contact: 202675-1752, lectures.seminars@heritage.org

The Organization of American States (OAS) - Discussion

05/04/2010

The Organization of American States (OAS) held a discussion on "The European Union and the Americas: The Challenges of Multilateralism."

Highlights: Irene Klinger, director of the Department of International Affairs at OAS, delivers welcoming remarks

Aurea Molto, assistant director of the magazine, delivers remarks during a presentation of *Politica Exterior* magazine

Contact: 202-458-6824; <http://www.oas.org>

The Johns Hopkins University Paul H. Nitze School of Advanced International Studies (SAIS) - Discussion

05/04/2010

The Johns Hopkins University Paul H. Nitze School of Advanced International Studies (SAIS) held a discussion on "Currency Without a Country: Death Throes or Growing Pains of the Euro?"

Participants: Uri Dadush, senior associate and director of the International Economics Program at the Carnegie Endowment for International Peace; Steve Hanke, professor of applied economics at Johns Hopkins University; Antonio de Lecea, minister and principal adviser for economic and financial affairs for the European Union Delegation to the United States; Georges Pineau, permanent representative of the European Central Bank to the



United States; and Claire Waysand, assistant director of the International Monetary Fund's European Department

Contact: Felisa Neuringer Klubes, 202-663-5626, fkлубes@jhu.edu

Donate Now - Madeira Credit Card Donation Account

NOPA has opened a specific account to take credit card donations for our Portuguese brothers and sisters trying to rebuild their lives in Madeira. If you still have not donated yet and desire a more convenient process than making a bank wire transfer, you can send your contribution by going to the NOPA website, www.nopa-us.org, and click the donation button to proceed and use your credit card. All donations will be sent to the Cruz Vermelha Portuguesa (Portuguese Red Cross). Those still wishing to make a donation via bank transfer can find the account information on our site as well.

The source for all Congressional legislation information on this report was the THOMAS system from The Library of Congress (<http://thomas.loc.gov/>). Links for each of the bills listed above direct readers to the THOMAS web page specific to the bill.

You can find a PDF file of this and other alerts at NOPA's [website](http://www.nopa-us.org). If you have any questions about this or other legislation, please contact NOPA's Government Affairs Team at info@nopa-us.org or 703-389-3512.

The National Organization of Portuguese-Americans is a national non-profit, tax exempt organization that supports and works with communities and organizations to advocate for and empower Portuguese-Americans. If you feel inspired to join our mission, please send your tax deductible contribution to:

**NOPA, Inc.
PO Box 2652
Falls Church, VA 22042**