

FOR THE RELIEF OF ALEXANDRE MALOFIENKO, OLGA
MATSKO, AND THEIR SON, VLADIMIR MALOFIENKO

OCTOBER 11, 2000.—Referred to the Private Calendar and ordered to be printed

Mr. SMITH of Texas, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany S. 199]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (S. 199) for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

To allow the beneficiaries to be admitted lawfully to the United States for permanent residence.

BACKGROUND AND NEED FOR THE LEGISLATION

Vladimir (Vova) Malofienko was exposed to radiation from the Chernobyl nuclear reactor disaster and developed leukemia. In 1990, Vova was brought to the United States for leukemia treatment by the Children of Chernobyl Foundation. Within a month,

his mother arrived, and 2 years later, his father followed. Until recently, the family was continually granted voluntary departure on a yearly basis. Now that Vova is in remission, the family faces the threat of removal from the United States.

Many of the most dangerous radionucleides released by the reactor in Chernobyl are still present in the environment. Chernihiv, where the Malofienkos resided, is directly in the path of prevailing winds from Chernobyl, and because there is an extremely short supply of housing, it is virtually impossible for the Malofienkos to relocate to somewhere else in Ukraine.

The hospitals in northern Ukraine currently do not have the technology to monitor Vova's condition or to prevent a relapse. According to testimonials supplied to the Subcommittee from medical experts in Ukraine and the United States, should Vova have a relapse, the hospitals in Ukraine would be ill-equipped to restore his health. In fact, all of the children who came to the United States with Vova have returned to the Ukraine after going into remission and have subsequently died from a relapse.

COMMITTEE CONSIDERATION

On October 11, 2000, the Committee on the Judiciary met in open session and ordered reported favorably the bill S. 199 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 S. 199. That Congressional Budget Office cost estimate follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 11, 2000.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed 11 private relief acts, which were ordered reported by the House Committee on the Judiciary on October 11, 2000. CBO estimates that their enactment would have no significant impact on the federal budget. These acts could have a very small effect on fees collected by the Immigration and Naturalization Service and on benefits paid under certain federal entitlement programs. Because these fees and expenditures are classified as direct spending, pay-as-you-go procedures would apply. The act reviewed is:

- S. 199, an act for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko;

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. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Sincerely,

DAN L. CRIPPEN, *Director.*

cc: Honorable John Conyers Jr.
Ranking Democratic Member

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 comments of the Immigration and Naturalization Service on S. 199 are as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, May 25, 1999.

Hon. LAMAR SMITH, *Chairman,*
Subcommittee on Immigration and Claims,
Committee on the Judiciary,
United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in reference to your request for a report relative to H.R. 429, for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko. These beneficiaries are also beneficiaries of S. 199.

The bill would grant the beneficiaries permanent residence in the United States as of the date of enactment, upon payment of the required application fee. The bill would also direct the proper visa number deduction.

The beneficiaries, native and citizens of Ukraine, were admitted to the United States as non-immigrant visitors. The family has re-

ceived yearly extensions of voluntary departure and employment authorization until January 28, 2000.

Sincerely,

ALLEN ERENBAUM, *Director,*
Congressional Relations.

Enclosure

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, April 30, 1999.

MEMORANDUM FOR: Jerry Hardy, HQDDP

FROM: SA Rick von Ohlen
Newark Investigations

SUBJECT: H.R. 429

I am sending you a copy of my original report for S.1460. Updated F.B.I., state and local criminal checks for the beneficiaries were negative as of April 12, 1999. HQINTEL reported on April 19, 1999 that CIA checks for beneficiaries were negative.

On April 26, 1999, I interviewed Alexandre MALOFIENKO. Mr. MALOFIENKO is still employed as a maintenance mechanic with the same company and earned approximately \$50,000 last year in salary and overtime. His wife Olga MATSKO is still employed as an accountant but with a new company. She earned approximately \$32,000 last year. Their financial situation remains essentially the same. Mr. MALOFIENKO's labor certificate is still pending. In February 1999, the family received another extension of voluntary departure and employment authorization until January 28, 2000.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE: S. 1460

The beneficiary, Alexandre MALOFIENKO, a native and citizen of the Ukraine, was born December 25, 1957 in the Ukraine. He resides with his spouse, beneficiary Olga MATSKO, and their minor child, beneficiary Vladimir MALOFIENKO, in Short Hills, New Jersey. He received a degree in mechanical engineering from the Kiev Polytechnic Institute, Kiev, Ukraine in 1984 and was employed in the Ukraine and Russia in various engineering positions. He was a member of the Communist party in Chernigiv, Ukraine from 1984 to 1990 and claims membership in the party was mandatory in order to maintain his employment. Since his arrival in the United States he has been employed as an electrician and a maintenance mechanic. He is currently employed by a major corporation as a maintenance mechanic and earns \$40,000 a year. He and his spouse claim \$52,000 in home equity, and \$25,800 in credit union, money market and checking accounts. They also receive \$1,300 a month income from the rental of their home. No significant liabilities are claimed.

Beneficiary Olga MATSKO, a native and citizen of the Ukraine, was born September 29, 1959 in the Ukraine. She received a bachelor degree in accounting from Kiev University of Trade and Economics, Kiev, Ukraine in June 1986. She was employed in the Ukraine by the government as a financial auditor. Since her arrival in the United States she has been employed as a cashier and is

currently employed as an accountant in a certified public accounting firm earning \$21,000 per year. She received a Associate degree in Accounting from Essex County College, Newark, N.J. in August 1997.

Minor beneficiary Vladimir MALOFIENKO, an native and citizen of Ukraine, was born June 29, 1984 in the Ukraine. He is presently a student in the 7th grade. He was exposed to radiation as a result of the nuclear reactor disaster in Chernobyl, Ukraine in 1986 and subsequently developed leukemia. He has been treated for his leukemia in the United States and it is currently in remission.

Beneficiary Alexandre MALOFIENKO was admitted into the United States on April 14, 1992 as a non-immigrant visitor. He has a labor certificate pending with the New Jersey Department of Labor since June 1997. Beneficiary Olga MATSKO was admitted to the United States on September 15, 1990 as a non-immigrant visitor. Beneficiary Vladimir MALOFIENKO was admitted to the United States on August 7, 1990 as a non-immigrant visitor. The family has received yearly extensions of voluntary departure and employment authorization until March 20, 1998.