

87TH CONGRESS } HOUSE OF REPRESENTATIVES } REPORT
1st Session } } No. 1066

MIGRATION AND REFUGEE ASSISTANCE

AUGUST 29, 1961.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 8291]

The Committee on the Judiciary, to whom was referred the bill (H.R. 8291) to amend the act of July 14, 1960, enabling the United States to participate in the resettlement of certain refugees, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Migration and Refugee Assistance Act of 1961".

SEC. 2. (a) The President is hereby authorized to continue membership for the United States in the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are hereby authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incident to United States participation in the Committee;

(b) There are hereby authorized to be appropriated such amounts as may be necessary from time to time—

(1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or in behalf of whom he is exercising his good offices;

(2) for assistance to or in behalf of refugees in the United States whenever the President shall determine that such assistance would be in the interest of the United States: Provided, That the term "refugees" as herein used means aliens who (A) because of persecution or fear of persecution on account of race, religion, or political opinion, fled from a country of the Western Hemisphere; (B) cannot return thereto because of fear of persecution on account of race, religion, or political opinion; (C) have not been admitted for permanent residence under the Immigration and Nationality Act; and (D) are in urgent need of assistance for the essentials of life, or for education, or for transportation; and

MIGRATION AND REFUGEE ASSISTANCE

(3) for assistance to escapees from the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Lithuania, Latvia, and Estonia, or the Communist-dominated or Communist-occupied areas of Germany, or any Communist-dominated or Communist-occupied areas of Asia and any other countries absorbed by the Soviet Union, either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or in furtherance of the objectives of the foreign policy of the United States when the President determines that such assistance will contribute to the defense of the North Atlantic area or to the security of the United States.

Funds appropriated for the purposes of this subsection shall remain available until expended;

(c) Of the funds made available for use under section 451 of the Act for International Development of 1961, not to exceed \$10,000,000 may be used in any fiscal year in order to meet unexpected refugee and migration developments, when the President determines such use to be important to the national interest;

(d) The President shall keep the appropriate committees of Congress currently informed of the use of funds and the exercise of functions authorized in this Act;

(e) Unobligated and unexpended balances of funds made available under authority of the Mutual Security Act of 1954, as amended, and allocated or transferred for the purpose of providing assistance to or in behalf of refugees, migrants, escapees, and selected persons are hereby authorized to be continued available for the purposes of this section and may be consolidated with appropriations authorized by this section.

Sec. 3. (a) In carrying out the purpose of this Act, the President is authorized—

(1) to make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any individual, corporations, or other body of persons, government or government agency, whether within or without the United States, and international and inter-governmental organizations;

(2) to accept and use money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purposes;

(b) Whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951 (65 Stat. 7)), as amended, regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

Sec. 4. (a) Subject to the provisions of section 301 of title 3, United States Code, the President is authorized to designate the head of any department or agency in the executive branch, or any official thereof who is required to be appointed by the President by and with the advice and consent of the Senate, to perform any functions conferred upon the President by this Act. Any individual so designated by the President under this subsection shall prescribe such regulations as may be necessary to carry out such functions. If the President shall so specify, any individual so designated under this subsection is authorized to redelegate to any of his subordinates any functions authorized to be performed by him under this subsection, except the function of prescribing regulations or exercising any action or authority specified in section 3 of this Act.

(b) The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure for the purposes for which authorized in accordance with authority granted in this Act. Funds allocated or transferred pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

Sec. 5. (a) Funds made available for the purposes of this Act shall be available for—

(1) compensation, allowances, and travel of personnel, including Foreign Service personnel whose services are utilized primarily for the purpose of this Act, and without regard to the provisions of any other law, for printing and binding, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of Government funds as may be necessary to accomplish the purposes of this Act;

(2) employment or assignment of Foreign Service Reserve officers for the duration of operations under this Act;

MIGRATION AND REFUGEE ASSISTANCE

3

(3) exchange of funds without regard to section 3651 of the Revised Statutes (31 U.S.C. 543), and loss by exchanges;

(4) expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), not otherwise provided for;

(5) expenses authorized by the Act of August 1, 1956 (70 Stat. 890-892), as amended; and

(6) all other expenses determined by the President to be necessary to carry out the purposes of this Act.

(b) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements and other actions issued, undertaken or entered into under authority of any provision of law contained in the Mutual Security Act of 1954, as amended, whether repealed or not, shall continue in full force and effect until modified by appropriate authority.

SEC. 6. Subsections (a), (c), and (d) of section 405 of the Mutual Security Act of 1954, as amended, are hereby repealed.

Amend the title so as to read:

A bill to enable the United States to participate in the assistance rendered to certain migrants and refugees.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is—

1. to reenact three provisions of the Mutual Security Act of 1954, as amended, authorizing U.S. participation in, or operation by the United States, respectively, of existing programs of assistance to certain migrants and refugee-escapees, and authorize the appropriation of funds for such programs; and

2. to authorize the appropriation of funds to assist certain refugees from the Western Hemisphere who fled to the United States in fear of persecution (such assistance having been hitherto rendered by using the President's contingency funds for the benefit of refugees from Cuba).

PRESIDENT'S RECOMMENDATION

The enactment of this legislation was recommended by the President as follows:

THE WHITE HOUSE,
Washington, July 21, 1961.

HON. SAM RAYBURN,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: For a number of years the continuing refugee and migration programs in which the United States participates have been authorized and funded by the Congress through the mutual security program. The precise objectives of all but one of these programs are not consonant with the philosophy and purposes of the proposed new foreign aid legislation. For this reason they have been excluded from the proposed Act for International Development. The decision not to include these programs in the proposed aid legislation in no way detracts from their importance or the conviction of this administration that they should be continued. I believe, however, that the statutory structure for them can be simplified and consolidated into one law. Accordingly, I transmit therewith for consideration by the Congress a draft of a bill which is designed to centralize the authority to conduct and to appropriate funds to support U.S. programs of assistance to refugees, escapees, migrants, and selected persons.

4

MIGRATION AND REFUGEE ASSISTANCE

In transmitting the proposed legislation I should like to reemphasize the fact that refugee problems often develop initially as emergencies resulting from severe political or economic crises or from natural disasters. It is sound, therefore, to obtain a renewed and positive authorization from the Congress to support both the current programs now in operation, for which specific appropriation requests will be made, and such emergency programs as may be required in the future.

The proposed bill seeks authorization in support of the following principles:

1. The United States, consistent with the traditional humanitarian regard of the American people for the individual and for his right to a life of dignity and self-fulfillment, should continue to express in a practical way its concern and friendship for individuals in free world countries abroad who are uprooted and unsettled as the result of political conditions or military action.

2. The successful reestablishment of refugees, who for political, racial, religious or other reasons are unable or unwilling to return to their country of origin or of nationality under conditions of freedom, dignity, and self-respect, is importantly related to free world political objectives. These objectives are: (a) continuation of the provision of asylum and friendly assistance to the oppressed and persecuted; (b) the extension of hope and encouragement to the victims of communism and other forms of despotism, and the promotion of faith among the captive populations in the purposes and processes of freedom and democracy; (c) the exemplification by free citizens of free countries, through actions and sacrifices, of the fundamental humanitarianism which constitutes the basic difference between free and captive societies.

3. Some refugee problems are of such order of magnitude that they comprise an undue burden upon the economies of the countries harboring the refugees in the first instance, requiring international assistance to relieve such countries of these burdens.

4. It is important to assist in the movement of persons to developing countries in need of manpower--the most valuable asset of the free world. The contributions of the United States, together with other free nations, to international migration assistance programs, not only helps build and strengthen developing countries and thus the free world, but it enlarges the opportunities of individuals to live useful, productive lives.

Consistent with the four principles just enumerated, the proposed bill provides authorization for continuation of U.S. membership in and contributions to the Intergovernmental Committee for European Migration (ICEM) and for contributions to the Office of the United Nations High Commissioner for Refugees. It also includes a general authorization for the U.S. escapee program, the program for assisting Cuban refugees, and similar programs for refugees, escapees, and selected persons whom the President may determine from time to time should be helped in the interest of the United States. It does not make provision for assistance to such groups as refugees in Palestine, a program closely tied to problems of economic development in the Middle East, and for that reason included in the proposed foreign aid legislation.

MIGRATION AND REFUGEE ASSISTANCE

5

The bill intends that the extension of U.S. assistance shall be in a form designed to meet the varying needs of particular refugee problems at home and abroad, i.e., through cash in dollars or local currencies; through surplus commodities; through loans, grants or contracts; through international organizations, private voluntary organizations, or direct U.S. operations. It will be necessary to provide varying types of aid to meeting the varying needs which refugee situations present, including interim care, housing, welfare assistance, training, rehabilitation, job placement, local reestablishment, and oversea resettlement. Other technical provisions of the bill are designed to provide the necessary operational flexibility to meet the unusual and emergency features of refugee problems. There is also provision for a special emergency fund, subject to Presidential determination, to meet unexpected refugee and migration developments.

I am sure that the Congress shares with me and with the people of America our pride in the generous and successful efforts of the United States in helping the homeless and stateless victims of war and political oppression to live again as freemen. The leadership which the United States has given to this great humane task has helped to generate wide participation by private citizens and governments in voluntary and international programs in behalf of the uprooted. It is altogether fitting that the United States should do this. From the earliest days of our history, this land has been a refuge for the oppressed and it is proper that we now, as descendants of refugees and immigrants, continue our long humanitarian tradition of helping those who are forced to flee to maintain their lives as individual, self-sufficient human beings in freedom, self-respect, dignity, and health. It is, moreover, decidedly to the political interests of the United States that we maintain and continue to enhance our prestige and leadership in this respect.

Great strides have been made in alleviating many of the world's refugee and migration problems. Through the efforts of the free world in its continued support of international assistance programs, with the added impetus of the World Refugee Year and of the improving European economy, many of the refugee camps in Europe have been closed and much has been done to improve the lot of thousands of other refugees in Europe who have been living in substandard conditions.

Yet millions of refugees are still in desperate want in many parts of the world and the foreboding atmosphere of political conditions and the oppression of communism gives continuing warning of more refugees to come. The United States must be prepared at all times to act promptly and effectively to help these new refugee groups as they emerge and to show our humanitarian concern for those who seek freedom as the unwilling and unfortunate victims of war and violence.

With the enactment by the Congress of the requisite authorization and appropriation legislation for these programs, the Department of State will continue its responsibilities for oversea refugee activities and the assistance programs for Cuban refugees in the United States will continue to be a responsibility of the Department of Health, Education, and Welfare.

I am confident that these proposals will be given the full and sympathetic support of the Congress. This country has always served

6

MIGRATION AND REFUGEE ASSISTANCE

as a lantern in the dark for those who love freedom but are persecuted, in misery, or in need. We must and will continue to show the friendship of the United States by doing our share in the compassionate task of helping those who are refugees today as were so many of our forefathers in the years past.

Sincerely,

JOHN F. KENNEDY.

RECOMMENDATION BY THE SECRETARY OF STATE

The Secretary of State recommended the enactment of this legislation in a letter which reads as follows:

THE SECRETARY OF STATE,
Washington, August 2, 1961.

HON. FRANCIS E. WALTER,
*Chairman, Subcommittee No. 1,
Committee on the Judiciary,
House of Representatives.*

DEAR MR. WALTER: Thank you for your letter of July 24 with which you enclosed a copy of H.R. 8291 introduced by you in the House at the President's request. I am personally most grateful to you for this action.

I also appreciate your invitation to appear before your committee at the hearing scheduled August 3, 1961. I sincerely regret that I shall be unable to appear in person. However, Mr. Roger Jones, Deputy Under Secretary for Administration, plans to attend, accompanied by other senior officers of the Department familiar with the extremely important refugee and migration problems.

I consider the legislation under review to be of utmost importance to permit continuation of U.S. leadership in this significant field. I am confident that with your support the Congress will move rapidly and sympathetically to enact the necessary authorizing legislation and to support the appropriation requests which will be submitted at the appropriate time.

Thank you again for your interest and support.

Sincerely yours,

DEAN RUSK.

ASSISTANCE PROGRAMS UNDER THE BILL

I. INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION
(ICEM)

(Sec. 2(a))

1. *Congressional action.*—A series of studies conducted in Europe by the Committee on the Judiciary of the House of Representatives in 1949-50, and reports submitted to the House pursuant thereto, led to recognition by the Congress that certain humanitarian actions undertaken by several countries of the Western World in the aftermath of World War II in attempting to cope with the problem of millions of persons dislocated in the course of hostilities and persecutions practiced by Nazi and Communist regimes, should be continued on a different, broader, and more permanent basis.

MIGRATION AND REFUGEE ASSISTANCE

7

An amendment by Mr. Walter to the Economic Cooperation Act passed by the 81st Congress and a subsequent amendment by Mrs. Kelly of New York, to the Mutual Security Act of 1951 served to implement this committee's finding that there exists a close relationship between surplus manpower and overpopulation in Western Europe and elsewhere on the one hand, and the existence of undeveloped areas in South America, Africa, and Australia on the other, such relationship vitally affecting the welfare, the security, and the pursuance of the foreign policy objectives of the United States.

In taking this action the Congress clearly indicated that if any internationally concerted efforts in the field of migration should be undertaken, such endeavors should remain outside of any international organization in which any Communist, Communist-dominated, or Communist-controlled country is a member. The conference report on the 1951 Mutual Security Act stated as follows:

The committee of conference wishes to make clear its intent that none of the funds made available pursuant to the proviso should be allocated to any international organization which has in its membership any Communist, Communist-dominated, or Communist-controlled country, to any subsidiary thereof or to any agency created by or stemming from any such organization. It is vital to the security of the United States and to the success of the surplus-manpower-emigration program that no international body with Communist influence receive any U.S. assistance for the purpose of such program * * * (H. Rept. 1090, 82d Cong., p. 21).

In the same conference report, same page, it is stated:

* * * It is the expectation of the committee of conference that steps will be taken as quickly as possible to get the program moving and that the funds made available will be used * * *.

2. *The Brussels Conference and PICMME.*—In implementation of the above-cited enactments and expressions of congressional intent, the Department of State, acting upon the initiative of Mr. Walter, invited the Government of Belgium to convene a national conference on migration. The conference met at Brussels, Belgium, on November 26, 1951, and after 2 weeks of deliberation agreed to establish a provisional intergovernmental organization—outside the framework of the United Nations—for the purpose of assuring the emigration of refugees and excess population from Western Europe. It was stipulated by the Brussels Conference that the facilities of the new organization will be available only to “those migrants who could not otherwise be moved” to new homes and offered opportunities for resettlement. The U.S. congressional delegation at the Brussels Conference was as follows: Chairman Francis E. Walter of the Subcommittee on Immigration and Nationality of the Committee on the Judiciary, together with Representatives Chauncey W. Reed (Illinois), Michael A. Feighan (Ohio), Clifford P. Case (New Jersey), Frank Chelf (Kentucky), and Angier L. Goodwin (Massachusetts) and the Committee's legislative assistant, Walter M. Besterman, as staff director.

The new organization was established under the name "Provisional Intergovernmental Committee for the Movement of Migrants from Europe" (PICMME). The basic resolution, subscribed to by—

Australia	Germany
Austria	Greece
Belgium	Italy
Brazil	Luxembourg
Canada	Netherlands
Chile	Switzerland
France	United States

expressed their conviction that—

the existing volume of migration from Europe was insufficient to meet the needs of emigration countries and to use all available possibilities offered by immigration countries.

It was held by the 1951 Brussels Conference that—

the concerted international effort and sound international financing of European migration could contribute not only to the solution of the problem of surplus population in Europe but would also stimulate the creation of new economic opportunities in countries where manpower was lacking.

PICMME established its headquarters in Geneva, Switzerland, and began operations on February 1, 1952, taking over and immediately expanding the operations of the then expiring International Refugee Organization.

3. *ICEM*.—In October 1952, the then 15 members of PICMME decided to prepare a preliminary draft of bylaws to govern their activities and simultaneously changed the name of the organization to "Intergovernmental Committee for European Migration."

ICEM's constitution was drafted by a special international committee presided over by the late Representative Chauncey W. Reed, the then chairman of this committee, and approved on October 19, 1953, in the course of ICEM Council's session held in Venice, Italy.

Under the constitution ICEM's activities are:

* * * The transport of migrants for whom existing facilities are inadequate and who could not otherwise be moved, from European countries having surplus population to countries overseas which offer opportunities for orderly immigration (ch. I, 1, (a)) and the promotion of an increase of the volume of migration from Europe by providing, at the request of and in agreement with the Governments concerned, services in the processing, reception, first placement and settlement of migrants which other international organizations are not in a position to supply, and such other assistance to this purpose as is in accord with the aims of the Committee (ch. I, 1, (b)).

* * * Arrangements for the movement of refugees may be made between the Committee and the governments of the countries concerned, including those undertaking to receive them (ch. I, 3).

* * * Membership (in ICEM) is restricted to governments with a demonstrated interest in the principle of free movement of persons which undertake to make a financial

MIGRATION AND REFUGEE ASSISTANCE

9

contribution at least to the administrative requirements of the Committee, the amount of which will be agreed to by the Council and by the government concerned, subject to a two-thirds majority vote of the Council and upon acceptance (of the) constitution (ch. II, 2, (b)).

* * * The governing body (of ICEM) is the Council, composed of one representative of each member government and such alternates and advisers as it may deem necessary (ch. IV, 7, 2). Each member government (has) one vote in the Council (art. 7, 3). (Normally) meeting twice a year, the Council may decide by a two-thirds majority vote that only one session is necessary in any given year (art. 8, 1). Special sessions may be called at the request of (a) one-third of its members; (b) the executive committee; (c) the Director, in urgent circumstances (art. 8, 2)

* * * In addition to determin(ing) the policies of the Committee, the Council review(s) the reports and approve(s) and direct(s) the activities of the executive committee and the Director; review(s) and approve(s) the budget, the plan of expenditure and accounts of the Committee; and take(s) appropriate action to further the purpose of the Committee (art. 6 (a), (b), (c), (d), and (e)).

ICEM's present membership is as follows:

Argentina	Israel
Australia	Italy
Austria	Luxembourg
Belgium	Netherlands
Bolivia	New Zealand
Brazil	Norway
Canada	Panama
Chile	Paraguay
Colombia	Spain
Costa Rica	Sweden
Denmark	Switzerland
Ecuador	Union of South Africa
France	United Kingdom
Germany	United States of America
Greece	Venezuela

Since the beginning of operations on February 1, 1952, until June 30, 1961, ICEM has moved 1,108,183 migrants of whom 621,995 are classified as immigrants seeking new homes and employment opportunities outside of the country of their nationality and 486,188 are classified as refugees. The largest number of persons moved by ICEM left Italy (301,194) with West Germany (226,735), Austria (156,560), Netherlands (95,565), Greece (72,477) and Spain (51,569) following. In addition, over 16,000 European refugees were moved by ICEM out of Hong Kong under a special program. Australia leads in the number of migrants admitted (330,447) followed by the United States (191,958), Canada (158,991), Argentina (108,618), Brazil (94,095), Israel (77,871), Venezuela (51,813), and so forth.

It is estimated for calendar year 1962 and the following years that movements of migrants arranged by ICEM will remain at or near

100,000 annual rate with increasing numbers of skilled workers destined for resettlement in South America.

4. *ICEM's future task.* -- With the diminishing flow of refugees it is recognized that ICEM's program must be reshaped within the next 2 or 3 years. In a report to the House on ICEM activities in 1960, Mr. Walter stated the following:

* * * Having established its place in the international working rather than talking community, ICEM is, at the present time, engaged in the much needed reassessment of its activities with a view toward modifying its ways and means, but not its basic concept, and bringing its operation in accord with the current aspects of the free world's economic picture.

* * * I wish to express my sincere belief that our own, as well as other governments' money, could be spent much more productively if it were used so as to develop ICEM's resources for the purpose of improving the quality and augmenting the quantity of emigrants from Europe by offering services, planning, contacts with international financial institutions, and exploring the ways and means of supplying the underdeveloped countries with the desired type of a new agricultural settler or an industrial worker.

With the diminishing number of resettlable or, as they call them in Geneva "emigrable" refugees, the percentage of refugee movements as compared with the movements of migrants in the category of agricultural and industrial workers, is rapidly diminishing.

* * * Obviously, ICEM's activities must necessarily become geared to the manpower needs of countries who need immigrants instead of relying on movements generated by humanitarian factors in the immigration policy of the overseas countries. At least two South American countries, Argentina and Brazil, have now openly stated their desire to duplicate the magnificent efforts of Australia and Canada, who since the end of the last war have succeeded in bolstering and developing their economies through the planned integration of immigrants.

Argentina is ready to open the wide spaces of its interior for a planned colonization effort which could permit the resettlement of 300,000 European immigrants. Brazil is faced with the urgent necessity of increasing its agricultural production while building a new capital and developing industries. Both countries represent potentialities which I hope will not be overlooked or neglected by ICEM and the international banking institutions.

There is a job cut out for ICEM. There is the most important task of working out lending methods for the establishment of new settlements and assisting the interested governments in obtaining sound financing. It is precisely in these areas of planning and supplying expert services where ICEM could emerge as a stimulant and broker, a role we envisaged for it when its foundations were fashioned in Brussels in 1951 and its constitution written in Venice in 1953.

MIGRATION AND REFUGEE ASSISTANCE

11

Those of us who have the continuous opportunity to watch ICEM at work, recommend that the Department of State use the powerful instrumentality of our financial contribution to ICEM so as to steer the committee in that direction, a truly rewarding task.

Mr. Roger W. Jones, Deputy Under Secretary of State for Administration, testifying before a subcommittee of this committee, summed up the U.S. position in regard to ICEM's future activities as follows:

Readjustment is necessary in order to build up the services for the benefit of the Latin American countries to help them to secure the numbers and the quality of migrants needed for their economic development. The United States also has an interest in encouraging developments through ICEM in which governments, irrespective of their relative economic position, are finding that they are dependent on each other and have a common interest in developing a cooperative international institution in the field of migration as a useful agency in a functioning free world. It is important to assist in the movement of persons to developing countries in need of manpower—the most valuable asset of the free world. The contributions of the United States, together with other free nations, to international migration assistance programs help build and strengthen developing countries, and thus the free world. It also enlarges the opportunities of individuals to live useful, productive lives, an idea of American democracy to which we are firmly committed and which bears testimony to the importance of the individual in free societies.

In 1962 and the following years it is expected that movement will remain at or near the 100,000 annual rate, with increasing numbers of skilled workers being resettled in South America. In this period it is expected that the financial participation of other governments will increase, that migrant participation will increase, and that the United States can decrease its contribution until it reaches a level of 33 percent of all Government contributions to operations, and possibly lower.

5. *Statutory authority for U.S. membership.*—Statutory authority for the United States to accept and continue membership in the Intergovernmental Committee for European Migration is contained in section 405(a) of the Mutual Security Act of 1954, as amended. The said section reads as follows:

SEC. 405. MIGRANTS, REFUGEES, AND ESCAPEES.—(a) The President is hereby authorized to continue membership for the United States on the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953. For the purpose of assisting in the movement of migrants, there is hereby authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incident to United States participation in the Committee.

12

MIGRATION AND REFUGEE ASSISTANCE

The language proposed in the instant bill does not differ from section 405(a), supra, as far as authorization of membership and appropriation of funds is concerned. The language has been, however, modified so as to stress ICEM's new aims stemming from the evolving economic and social conditions of the countries participating in the activities of that organization.

Intergovernmental Committee for European Migration—Relationship of U.S. contributions to the contributions of other governments

ADMINISTRATIVE

	1955	1956	1957	1958	1959	1960	1961 ¹	1962 ¹
United States.....	\$634,525	\$771,647	\$775,807	\$944,705	\$863,632	\$854,686	\$701,532	\$824,247
Other govern- ments.....	1,422,415	1,772,052	1,838,702	2,229,707	2,043,236	2,026,922	1,866,230	1,940,753
Total.....	2,056,940	2,543,699	2,614,509	3,174,412	2,906,868	2,881,608	2,657,762	2,765,000

OPERATIONAL

United States.....	\$8,974,218	\$10,834,656	\$14,792,955	\$7,817,827	\$3,886,769	\$0,829,706	\$8,260,000	\$6,175,753
Other govern- ments.....	11,501,264	12,982,078	20,200,238	9,985,575	11,446,411	12,701,710	13,530,640	13,814,071
Total.....	20,565,482	23,816,729	34,993,193	17,603,402	20,333,180	22,591,425	21,790,640	19,989,824

TOTAL

United States.....	\$9,608,743	\$11,666,303	\$15,588,702	\$8,562,532	\$9,780,401	\$10,684,392	\$9,051,532	\$7,000,000
Other govern- ments.....	13,013,679	14,764,125	22,038,940	12,215,282	13,489,647	14,788,641	15,389,870	15,754,824
Total.....	22,622,422	26,360,428	37,607,702	20,777,814	23,240,048	25,473,033	24,448,402	22,754,824

¹ Estimates.

Source: Department of State.

II. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

(Sec. 2(b)(1))

1. *General information.*—The Office of the United Nations High Commissioner for Refugees (UNHCR) was established by the United Nations General Assembly in 1951 to provide for the legal and political protection of refugees. His mandate was developed with the problem of European refugees primarily in mind, and has been administered on that basis. The United States took leadership in the establishment of the UNHCR, consistent with its strong political and humanitarian interest in stabilizing the status of refugees from communism and other forms of persecution. The United States has contributed, through the regular United Nations budget, 32.51 percent of the administrative expenses of the UNHCR Office. Most of the free countries of Europe and many other countries have ratified the 1951 convention relating to the status of refugees, which is the effective instrument for realizing the objectives of the UNHCR Office.

In 1955 the UNHCR developed a regular assistance program for refugees under his mandate known as the United Nations Refugees Emergency Fund (UNREF), with the objective of providing permanent solution for the older group of Soviet-bloc refugees. This program

MIGRATION AND REFUGEE ASSISTANCE

13

was carried out from 1955 through 1958, with total contributions from governments of \$16 million of which the United States contributed \$5,333,333. A 25-nation executive committee supervised the execution of the UNREF program, and continues this function with the UNHCR regular assistance program which supplanted the UNREF program in 1959. The United States has contributed approximately \$3,600,000 to the regular UNHCR program. During World Refugee Year the UNHCR program received substantial additional contributions from governmental and private sources, which enabled it to make marked progress in reducing the refugee problem in Europe, specially in the clearance of camps. The total UNHCR budget during World Refugee Year was \$12 million.

The present UNHCR program provides rehabilitation assistance including a large percentage of handicapped cases to European refugees in Europe and the Near East, to Jewish refugees in Europe from the United Arab Republic and to European refugees from Communist China exiting through Hong Kong. In addition, the UNHCR in conjunction with the League of Red Cross Societies provides relief to 300,000 Algerian refugees in Morocco and Tunisia.

Together, the UNREF and UNHCR programs have furnished major aid to 81,505 refugees in Europe including 46,151 who have been firmly settled directly through UNHCR assistance, and 17,762 who are in course of settlement. Approximately 17,500 additional refugees have benefited from minor supplementary aid or vocational training. Within the overall program the camp clearance program in Europe has resulted in the firm settlement of 21,122 refugees from camps, and the Department believes that all official camps probably can be cleared within the next year.

The UNHCR is now concentrating on camp clearance programs in Europe, with particular emphasis on handicapped cases, including the needy out-of-camp population. The program is also expending residual funds from the World Refugee Year, chiefly in the field of housing for refugees. The total U.S. contribution of \$8,933,000 to the UNHCR regular and UNREF programs together with the other contribution from other sources have enabled the UNHCR to expend or commit over \$31 million. This action in turn, has been instrumental in attracting supporting contributions of over \$41 million for specific projects from the asylum countries. The total of aid from all sources for refugees under the UNREF and UNHCR programs is thus over \$72 million.

The UNHCR program in behalf of Algerian refugees is carried out under the mandate of special United Nations General Assembly resolutions on this subject. In addition, pertinent United Nations General Assembly resolutions have charged the High Commissioner with exercising his good offices in behalf of Chinese refugees in Hong Kong and of other refugees throughout the world who are not the immediate concern of the United Nations. Under these resolutions the High Commissioner has developed substantial funds for refugees in Hong Kong, Cambodia, and Europe, and has taken under advisement the request of the Secretary General to assume the overall coordination of the relief effort in behalf of refugees in the Congo from Angola.

In fiscal year 1961 the United States contributed \$800,000 to the UNHCR regular program and \$500,000 to the UNHCR program for Algerian refugees.

With the continuing development of sound economic conditions in European countries, it is anticipated for the future that the UNHCR assistance program in Europe will progressively decline in scope and that the High Commissioner will devote increasing attention to his legal and political protection function for refugees under his mandate. With the development of new refugee problems arising from troubled conditions throughout the world, the High Commissioner is expected in the future to expand the implementation of his good offices function through which he seeks to attract international co-operation and financial contributions and by which he facilitates solutions for refugee problems.

2. *Mandate of the High Commissioner.*—The refugees who are within the mandate of the United Nations High Commissioner for Refugees are in general those persons who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, or political opinion, are outside of their country of origin and are unable, or owing to such fear unwilling, to avail themselves of the protection of that country.

The mandate extends to only those refugees who do not have the rights and obligations of nationals in the country in which they reside and who do not receive assistance under other refugee programs conducted by other organs or agencies of the United Nations. The mandate of the United Nations High Commissioner for Refugees is contained in chapter 2 of the statute of the Office of the United Nations High Commissioner for Refugees which was adopted by the General Assembly of the United Nations at its 325th plenary meeting on December 14, 1950 (Resolution No. 428-V). The portion of that statute, commonly referred to as the mandate of the United Nations High Commissioner for Refugees, reads as follows:

6. The competence of the High Commissioner shall extend to:

A. (i) Any person who has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization:

(ii) Any person who, as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it.

Decisions as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfill the conditions of the present paragraph;

MIGRATION AND REFUGEE ASSISTANCE

The competence of the High Commissioner shall cease to apply to any person defined in section A above if:

(a) He has voluntarily reavailed himself of the protection of the country of his nationality; or

(b) Having lost his nationality, he has voluntarily reacquired it; or

(c) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(d) He has voluntarily reestablished himself in the country which he left or outside which he remained owing to fear of persecution; or

(e) He can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, claim grounds other than those of personal convenience for continuing to refuse to avail himself of the protection of the country of his nationality. Reasons of a purely economic character may not be invoked; or

(f) Being a person who has no nationality, he can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist and he is able to return to the country of his former habitual residence, claim grounds other than those of personal convenience for continuing to refuse to return to that country;

B. Any other person who is outside the country of his nationality or, if he has no nationality, the country of his former habitual residence, because he has or had well-founded fear of persecution by reason of his race, religion, nationality or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality, or, if he has no nationality, to return to the country of his former habitual residence.

In the course of a hearing held by a subcommittee of this committee, representatives of the Department of State indicated that the anticipated appropriation for the U.S. contribution to UNHCR program for fiscal year 1962 will be in the amount of \$1,200,000, of which sum 50 percent would be allocated to the High Commissioner's regular program and 50 percent to his special programs, above outlined.

U.S. contributions to the United Nations High Commissioner for Refugees

[In thousands]

	1956	1957	1958	1959	1960	1961	Total
United Nations Refugee Fund (UNREF)	\$1,200	\$1,000	\$2,233				\$5,333
United Nations High Commissioner for Refugees program (UNHCR program) ¹				\$1,200	\$1,100	\$1,300	3,600
Total	1,200	1,000	2,233	1,200	1,100	1,300	8,933

¹ Material assistance from international sources for refugees within the mandate of the High Commissioner has been administered by the UNHCR program since the termination of UNREF.

Source: Department of State.

MIGRATION AND REFUGEE ASSISTANCE

III. CUBAN REFUGEES IN THE UNITED STATES

(Sec. 2(b)(2))

1. *United States—country of "first asylum"*—In his opening statement prefacing the hearing held on the instant bill, Mr. Walter, chairman of Subcommittee No. 1 of this committee, stated as follows:

* * * One aspect of this legislation represents a novel matter, namely, assistance to refugees from Cuba. It is important to keep in mind in that respect that for the first time the United States has become a country of "first asylum." Having since the end of World War II admitted close to 1 million refugees and escapees from countries of "first asylum," this country has now not only opened its doors but assumed heavy responsibilities in behalf of escapees from Cuba coming across the extension of the Iron Curtain established by international communism in the Western Hemisphere.

Mr. Ribicoff, the Secretary of Health, Education, and Welfare, explained the problem as follows:

* * * Late last year it became evident that a serious situation was developing in south Florida because of the great influx of refugees from Cuba. Emergency steps were taken to identify the problem and to assist in coping with it.

Soon after taking office, President Kennedy assigned to me the responsibility for the development and supervision of a Cuban refugee program. Accordingly, in late January, along with some of my aids, I made an on-the-spot survey in Florida. What we saw and learned confirmed that indeed there was a serious situation, that the city of Miami and south Florida generally were doing a heroic job in trying to cope with it. We also learned that Cubans were fleeing from the Communist regime of Fidel Castro in ever-increasing numbers and the situation could get out of hand. It was also clear that the resources of the south Florida communities and particularly of the city of Miami were strained to the breaking point and that Federal help was needed to assist both the community itself and the refugees.

Accordingly, a comprehensive program of aid was recommended to the President which he approved. For this program the President allocated \$4 million under the Mutual Security Act, in addition to the \$1 million previously allocated last year. Beyond satisfying our obligation to assist these victims of Castro's brand of communism we have sought also by this program to demonstrate to the world the humanitarianism which constitutes the basic difference between free and captive societies.

* * * We have received maximum cooperation from the State of Florida, particularly from its departments of welfare, health, and public education. The city of Miami and Dade County have responded with understanding and generosity to the situation both before and after the Federal Government came into the picture.

MIGRATION AND REFUGEE ASSISTANCE

17

* * * 2. *Cuban refugees.*—There are now about 130,000 nonnaturalized Cubans in the United States of whom about one-half are in south Florida, meaning primarily Dade County. Therefore, the bulk of the services we provide are given to Cuban refugees residing in Dade County, Fla. We have registered as "refugees" in our "center" in Miami approximately 50,000 persons.

* * * On the whole, the refugees are a well-educated group. Over one-third belong to the professional, semi-professional, or managerial categories. Only a small fraction have no special skills. Three-fourths are between the ages of 20 and 50.

* * * To relieve pressure on the overburdened community of Miami, we have placed stress on resettlement in other parts of the country. For those who find resettlement impractical and for those for whom we have not as yet been able to find a suitable resettlement opportunity, we have made provision for supplying the necessities of life. The level of help in the various categories is similar to that provided our own nationals in Florida who find themselves in similar economic circumstances.

In the past 6 months financial assistance and other welfare services have been provided to those needing them. In this period some 24,000 persons have been helped with cash assistance in the amount of \$2.5 million; about 40,000 have been given medical attention and care in varying degrees. Surplus food has been made available to many thousands as well as summer recreational opportunities to children.

We have resettled in virtually every State of the Union and in Puerto Rico approximately 6,000 persons at a cost of about \$600,000. In practically each case, a suitable job has been found.

We have cared for nearly 700 children who are unaccompanied by parents or other responsible persons at a cost of about \$500,000.

An education program, largely developed by the Office of Education and the public school system of Dade County, has provided schooling for about 5,000 Cuban youngsters. We have contributed something over \$1 million to Dade County's school budget. We have made loans in the amount of \$108,000 to nearly 400 Cuban students attending 51 colleges in 22 States. We have arranged, largely at Federal expense, for a variety of courses for adults, mainly in language training and in subjects which enable these people to equip themselves for gainful employment and adapt themselves more readily to our way of life. We have made arrangements with the University of Miami to provide professional training for Cuban doctors and lawyers, to establish a roster of Cuban professors, and to establish research projects which can usefully occupy the talents of Cuban scholars.

The Employment Service of the U.S. Department of Labor has provided services to assist the refugees in seeking and obtaining employment. With due regard for the sensitive problems involved, registers of personnel and skills are

used locally and nationally in locating and developing employment opportunities for the refugees. This work and these services are coordinated closely with the resettlement service of the voluntary agencies to the end that effective and satisfying resettlements can be brought about. Total expenditures for the program as a whole from its beginning in December 1960 to June 30, 1961, amounted to about \$4 million. Expenditures in July 1961 have been about \$1.1 million. Direct Federal expense in the administration of this program has been held to 4 percent of total expenditures.

* * * Circumstances * * * lead us to the practical necessity of developing future programs that will enable our Cuban friends to carve out new lives for themselves which, as they might choose, could be adjusted either to an indefinite stay or to permanent residence in the United States.

We propose to accomplish this by programs which will enable the refugees to become self-supporting and to accommodate themselves to our way of life. Education and employment are the keystones of the program which we envision for the future. Our educational plans include language training as a fundamental need for all those who come to us with an inadequate knowledge of English.

* * * Until such time as resettlement becomes a practical possibility for a refugee we, of course, would propose, as we have in the past, to accept our responsibility for furnishing the necessities of life.

* * * The refugee center established in Miami last February would, of course, be continued. This center serves as the focal point for registration, resettlement, and relief activities and for the coordination of federally supported services with those provided under other auspices.

* * * We hope * * * that we will be able to work out plans that will enable refugees leaving Cuba to go immediately to reception points other than those in the Florida area. This would enable us to accommodate them more readily and more satisfactorily.

Our educational programs should be expanded substantially. These people, properly prepared and trained, can be a tremendous asset to the United States and to a free Cuba in the future. By the same token, they are a tremendous loss to Castro's dictatorship. For those whose professional education has been interrupted, as well as those with qualifications and desire to enter the professions, we must provide the help that will enable them to make their full contribution in their respective fields of endeavor. We would propose to do this by contributing to both education and maintenance costs.

* * * there is clear evidence of a continuing and consistently growing need of a federally supported program of aid for Cuban refugees. The program to date has met with grateful appreciation on the part of the refugees and acceptance and commendation by the public. The problem we are dealing with is one of substantial size and may continue for an indefinite period. It is not one that can or should be

MIGRATION AND REFUGEE ASSISTANCE

19

dealt with through the use of temporary expedients or half measures. Moreover, our country must maintain our tradition, to quote the President " * * * as a humanitarian sanctuary" where many times, "it has extended its hand and material help to those 'who are exiles for conscience sake.' " The authority for our program provided in H.R. 8291 if acted upon favorably will be an expression of this country's determination to assure protection and hospitality to those less fortunate than we * * *.

3. *Administrative operations.*—A subcommittee of this committee has extensively reviewed administrative and security operations conducted by the Departments of State and Justice (Immigration and Naturalization Service) in connection with the entry of Cuban refugees into the United States and their remaining in this country pursuant to the applicable provisions of the Immigration and Nationality Act.

The committee is satisfied that considering the realities and the circumstances under which the Cuban refugees leave their native island and reach the United States, the agencies involved exercise a satisfactory degree of diligence and watchfulness designed to protect the security of the United States. The committee wishes strongly to recommend that the applicable procedures be maintained and constantly reviewed with a view toward sustaining the imperatively necessary degree of vigilance.

IV. U.S. ESCAPEE PROGRAM

(Sec. 2(b)(3))

1. *Statutory authority.*—The basic authority for the creation and operations of the U.S. escapee program originated with section 101(a)(1) of the Mutual Security Act of 1951 (Public Law 165, 82d Cong.). The amendatory language to that section is generally referred to as the "Kersten amendment" (offered by Mr. Charles J. Kersten, former Representative from Wisconsin).

The pertinent section of the law is quoted below with the language of the Kersten amendment printed in italic.

SECTION 101. (a) In order to support the freedom of Europe through assistance which will further the carrying out of the plans for defense of the North Atlantic area, while at the same time maintaining the economic stability of the countries of the area so that they may meet their responsibilities for defense, and to further encourage the economic unification and the political federation of Europe, there are hereby authorized to be appropriated to the President for the fiscal year 1952 for carrying out the provisions and accomplishing the policies and purpose of this Act—

(1) not to exceed \$5,028,000,000 for assistance pursuant to the provisions of the Mutual Defense Assistance Act of 1949, as amended (22 U.S.C. 1571-1604), for countries which are parties to the North Atlantic Treaty, for Spain, and for any country of Europe (other than a country covered by another title of this Act), which the President determines to be of direct importance to the

MIGRATION AND REFUGEE ASSISTANCE

defense of the North Atlantic area and whose increased ability to defend itself the President determines is important to the preservation of the peace and security of the North Atlantic area and to the security of the United States (any such determination to be reported forthwith to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Armed Services of the Senate and of the House of Representatives), and not to exceed \$100,000,000 of such appropriation for any selected persons who are residing in or escapees from the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Lithuania, Latvia, and Estonia, or the Communist-dominated or Communist-occupied areas of Germany and Austria, and any other countries absorbed by the Soviet Union either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or for other purposes, when it is similarly determined by the President that such assistance will contribute to the defense of the North Atlantic area and to the security of the United States. In addition, unexpended balances of appropriations heretofore made for carrying out the purposes of the Mutual Defense Assistance Act of 1949, as amended, through assistance to any of the countries covered by this paragraph are hereby authorized to be continued available through June 30, 1952, and to be consolidated with the appropriation authorized by this paragraph. Section 408(c) of the Mutual Defense Assistance Act of 1949, as amended (22 U.S.C. 1579), is hereby repealed. There is hereby authorized to be appropriated to the President for the fiscal year 1953 not to exceed \$3,415,614,750, for assistance pursuant to the provisions of the Mutual Defense Assistance Act of 1949, as amended (22 U.S.C. 1571-1604) to countries eligible for assistance under this paragraph; and in addition unexpended balances of any appropriations heretofore made pursuant to this paragraph are authorized to be continued available for their original purposes through June 30, 1953, and to be consolidated with the appropriation hereby authorized.

The Kersten amendment was subsequently amended by section 703 of the Mutual Security Act of 1953 which reads as follows:

SECTION 703. ESCAPEES. --Paragraph 101(a)(1) of title I (relating to Europe) of the Mutual Security Act of 1951, as amended, is amended (1) by deleting "similarly" before the word "determined", (2) by inserting "or any Communist-dominated or Communist-occupied areas of Asia" immediately after "Austria", and before "any other countries absorbed by the Soviet Union", and (3) by striking out "and to the security of the United States" and inserting in lieu thereof "or to the security of the United States".

MIGRATION AND REFUGEE ASSISTANCE

21

In the Mutual Security Act of 1954, as amended, the Kersten amendment appears in section 451 (22 U.S.C. 1951) which reads as follows (emphasis supplied):

SEC. 451. PRESIDENT'S SPECIAL AUTHORITY AND CONTINGENCY FUND.—(a) Of the funds made available for use under this Act, not to exceed \$150,000,000, in addition to the funds authorized for use under this subsection by subsection (b) of this section, may be used in any fiscal year, without regard to the requirements of this Act or any other Act for which funds are authorized by this Act or any Act appropriating funds for use under this Act, in furtherance of any of the purposes of such Acts, *when the President determines that such use is important to the security of the United States*. Not to exceed \$100,000,000 of the funds available under this subsection may be expended for any selected persons who are residing in or escapees from the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Lithuania, Latvia, and Estonia, or the Communist-dominated or Communist-occupied areas of Germany, or any Communist-dominated or Communist-occupied areas of Asia and any other countries absorbed by the Soviet Union, either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or for other purposes when the President determines that such assistance will contribute to the defense of the North Atlantic area or to the security of the United States. Certification by the President that he has expended amounts under this Act not in excess of \$50,000,000, and that it is inadvisable to specify the nature of such expenditures, shall be deemed a sufficient voucher for such amounts. Not more than \$30,000,000 of the funds available under this subsection may be allocated to any one nation in any fiscal year.

The successive Mutual Security Acts of 1956, 1957, 1958, and 1959 have continued the authorization without amendment except for changes in fiscal year designation and amounts authorized each year.

The escapee program actually came into being when President Truman on March 22, 1952, in a letter to Mr. Harriman, Director for Mutual Security, determined that \$4,300,000 of mutual security funds should be made available to implement the program under section 101(a)(1) of the Mutual Security Act of 1951. On the same date, the President notified the chairman of the House Foreign Affairs and Armed Services Committees and of the Senate Foreign Relations and Armed Services Committees of his determination. Text of the letters follow:

MARCH 22, 1952.

MY DEAR MR. CHAIRMAN: In compliance with section 101(a)(1) of the Mutual Security Act of 1951, I hereby notify you that I have today determined that it will contribute to the defense of the North Atlantic area and to the security of the United States to initiate a program to improve the reception and treatment and to secure the resettlement of qualified people who escape from the Iron Curtain area. This program will supplement, but in no sense supersede, the efforts now being made by the countries bordering on the Iron Curtain

22

MIGRATION AND REFUGEE ASSISTANCE

area which carry the main responsibility for taking care of these people.

This program has been recommended to me by the Director for Mutual Security with the concurrence of the agencies concerned. It is their estimate that approximately \$4,300,000 of funds appropriated under title I of the Mutual Security Act will be required for the calendar year 1952 to fund this program, which together with \$2,900,000 planned to be obtained from other sources including counterpart and privately contributed funds, will make possible the carrying out of this program.

Representatives of the executive branch are prepared, at your convenience, to provide you and your committee colleagues personally with further information about this program if desired.

Sincerely yours,

(Signed) HARRY S. TRUMAN.

The above letter was sent to the following:

Hon. James P. Richards, chairman, House Foreign Affairs Committee.

Hon. Tom Connally, chairman, Senate Foreign Relations Committee.

Hon. Richard D. Russell, chairman, Senate Armed Services Committee.

Hon. Carl Vinson, chairman, House Armed Services Committee.

MARCH 20, 1952.

THE PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: As you know, section 101(a)(1) of the Mutual Security Act of 1951 provides a maximum of \$100 million for possible use in connection with assistance to certain selected escapees from the Iron Curtain area when it is determined by you that such assistance will contribute to the defense of the North Atlantic area and to the security of the United States.

The departments concerned have approved a program toward accomplishment of the objectives desired by the Congress. This program is designed to improve the reception and treatment and secure the resettlement of qualified people who escape from the Iron Curtain countries and will supplement, but in no sense supersede, the efforts of the governments bordering on the Iron Curtain areas which carry the main responsibility for taking care of these people. It is estimated that a maximum of \$7,200,000 will be required for this supplementary program during the calendar year 1952, of which \$4,300,000 is to be allocated from funds appropriated under authority of section 101(a)(1) of title I of the Mutual Security Act. The balance of \$2,900,000 is planned to be obtained from other sources, including counterpart and privately contributed funds.

It is the unanimous opinion of the Departments concerned that this program is of immediate and utmost importance. I concur in this opinion and recommend that you determine the assistance planned will contribute to the defense of the North Atlantic area and to the security of the United States.

Sincerely yours,

(Signed) W. A. HARRIMAN.

MIGRATION AND REFUGEE ASSISTANCE

23

MARCH 22, 1952.

Hon. W. AVERELL HARRIMAN,
Director for Mutual Security.

MY DEAR MR. HARRIMAN: In your letter to me dated March 20, 1952, you advised that the departments concerned have recommended a program to implement the provisions of section 101(a)(1) of the Mutual Security Act of 1951. This program is designed to improve the reception and treatment and secure the resettlement of qualified people who escape from the Iron Curtain countries, and will supplement but in no sense supersede the efforts now being made by the governments of the countries bordering on the Iron Curtain area which carry the main responsibility for taking care of these people. You stated that all interested agencies have agreed that this program is one of importance and urgency, and that you concur in their opinion.

In view of these recommendations, I hereby determine as required by section 101(a)(1) of the Mutual Security Act of 1951, that such assistance will contribute to the defense of the North Atlantic area and to the security of the United States, and that not to exceed \$4,300,000 of funds appropriated for said act should be made available to implement this program.

Sincerely yours,

(Signed) HARRY S. TRUMAN.

2. *USEP operations.*—Mr. Roger W. Jones, the Deputy Under Secretary of State for Administration, presented the U.S. escapee program to a subcommittee of this committee as follows:

* * * The U.S. escapee program (USEP) established in 1952, provides reception, interim care and maintenance, resettlement and local integration assistance to recent escapees from the Soviet Union and satellite countries in Europe and to selected escapee groups or individuals in other areas of the world including the Far East. The purpose of this unilateral effort is to serve the U.S. interests by demonstrating the concern of the West for those who escape Communist oppression and seek asylum in the free countries of the world.

Operating primarily through contracts with the nonprofit voluntary agencies, the U.S. escapee program reimburses these agencies for actual expenses incurred under individually approved projects that implement escapee program policy objectives and are in keeping with the humanitarian objectives of the agencies themselves. All projects, closely supervised by the USEP staff, are developed with an eye to the overall operational objective of establishing the escapees as useful and self-sustaining citizens of the free world community.

By effecting the resettlement of escapees from the countries bordering the Iron Curtain, the escapee program helps to alleviate the serious economic and political impact of the escapees on the countries in which they seek asylum. Thus the program has helped to promote the initiation or retention of liberal asylum policies for those who continue to seek haven.

MIGRATION AND REFUGEE ASSISTANCE

The escapee program in the Far East centered in Hong Kong and operating as the Far East refugee program (FERP) serves the same national objectives as does USEP elsewhere. Moreover, through its assistance to selected Chinese refugees, the Far East refugee program repudiates Communist propaganda allegations that U.S. policy discriminates against non-European peoples, strengthens the anti-Communist resolve of the refugee leaders, and plays a considerable role in stimulating the local authorities toward providing increasing mass relief and rehabilitation measures.

Considerable progress has been made in reducing the number of escapees in need of assistance since the U.S. escapee program was established in 1952 despite a large backlog accumulated since and before 1948 and the fact that tens of thousands—over 200,000 Hungarians in 1956-57 alone—have escaped during this period. From 1952 through March 31, 1961, 143,544 escapees have been resettled in other countries from Europe and the Near East while 34,554 have been integrated in first asylum countries. During the same period, the Far East refugee program has resettled 23,556 escapees from Hong Kong and has provided local integration and other assistance to 413,043 others. Overall, the U.S. escapee program has assisted more than 660,000 individual escapees.

By the end of 1961, it is estimated that USEP will have approximately 6,000 escapees on the caseload (exclusive of the Far East) with some 8,000 escapees in Europe and the Near East added during 1962. By the end of 1962, it is expected that over 8,000 of these escapees will have been reestablished due to program services and efforts during the year. In 1955 the administration established a policy that all escapees eligible for USEP assistance who were registered by the voluntary agencies must be resettled or firmly integrated within a period of 3 years from the date of their registration. This procedure has accrued priority attention on the USEP caseload by the agencies. The procedure has also assured a USEP caseload of recently arrived escapees upon whose permanent solution the agencies could devote current and active efforts. In the Far East, program projects will continue to place emphasis, on a selective basis, upon the rehabilitation of professional, intellectual, and other leadership elements by resettlement in other countries where possible, or by integration within Hong Kong. Development of local medical facilities and the provision for education and orientation of the youth among the Chinese refugees will continue to receive FERP priority consideration. The continuing distribution of U.S. surplus commodities under provisions of Public Law 480 will complement the various types of U.S. and international assistance rendered the Chinese refugees.

It has been noted that considerable progress has been made in reducing the total number of escapees on the USEP caseload in Europe and the Near East and that many Far East refugees have been assisted. However, experience has

MIGRATION AND REFUGEE ASSISTANCE

25

shown that the refugee problem is anything but static. It is continually changing in its nature, in its dimensions and in its location. It is constant only in one respect, it will continue to exist as long as conditions exist which create it—political tyranny, international conflicts, and tensions. It is not, therefore, a problem which can be defined at once for all time nor met by establishing a program for a specified number of years with a specified amount of money. * * *

The expenditures of the U.S. escapee program for the last 5 years were as follows:

1957-----	\$6,000,000
1958-----	5,500,000
1959-----	8,600,000
1960-----	¹ 4,632,000
1961-----	¹ 3,350,000

¹ In 1960 and 1961, Congress also authorized the availability of unobligated prior year funds which came to \$568,000 and \$166,000, respectively.

Total number of escapees receiving assistance under the U.S. escapee program in Europe and the Near East for the last 5 years and the current year is as follows:

1956-----	47,582
1957-----	70,262
1958-----	75,674
1959-----	64,451
1960-----	39,395
1961 ¹ -----	20,433

¹ Estimate.

The extent of funds allocated by USEP to private voluntary agencies under contracts in the course of the last 2 fiscal years is indicated by the following tables submitted by the Department of State:

1960 contracts with voluntary agencies

Voluntary agency:	Total amount of contracts
Catholic Relief Services-National Catholic Welfare Conference-----	\$1,359,698.02
International Rescue Committee-----	219,310.00
Lutheran World Federation-----	147,240.00
Church World Service-----	68,270.00
Catholic Foreign Mission Society of America-----	80,000.00
Care-----	31,000.00
World Council of Churches-----	695,312.00
International Social Service-----	55,800.00
American Foundation for Oversea Blind-----	20,290.00
Aid for Refugee Chinese Intellectuals-----	6,447.36
Free China Relief Association-----	89,000.00
Jami at al Islam-----	4,000.00
World Alliance of Young Men's Christian Association-----	18,519.00
Polish American Immigration and Relief Committee-----	28,550.00
United Ukrainian American Relief Committee-----	26,000.00
Tolstoy Foundation-----	160,607.00
American Fund for Czechoslovak Refugees-----	27,450.00
Grand total-----	3,037,493.38

MIGRATION AND REFUGEE ASSISTANCE

1961 contracts with voluntary agencies

Voluntary agency:	<i>Total amount of contracts</i>
International Rescue Committee.....	\$180,447.50
Catholic Relief Services/National Catholic Welfare Conference.....	606,538.00
Church World Service.....	34,950.00
American Friends of Russian Freedom.....	40,000.00
World's YMCA/YWCA.....	5,760.00
Tolstoy Foundation, Inc.....	128,970.00
Polish American Immigration and Relief Committee.....	59,050.00
American Fund for Czechoslovak Refugees.....	30,800.00
United Ukrainian American Relief Committee.....	9,750.00
Intergovernmental Committee for European Migration.....	500,000.00
International Social Service.....	48,900.00
American Foundation for Oversea Blind.....	10,300.00
Catholic Foreign Mission Society of America.....	50,000.00
Lutheran World Relief.....	60,000.00
Lutheran World Federation.....	20,000.00
World Council of Churches.....	45,000.00
Grand total.....	1,830,460.50

3. *Recommendations.*—The committee agreed to continue in effect, with minor modifications, the language of the “Kersten amendment” in order to stress and uphold the political and defense aspects of the U.S. escapee program.

In so providing in the bill the committee wishes urgently to recommend that the President, possibly with the assistance of the Secretaries of State and Defense, undertake a full and complete review of the policies and operations of the U.S. escapee program as hitherto developed and applied and that he, himself determine the extent, the nature, and the objectives of USEP’s future activities authorized in this legislation.

Numerous studies undertaken by this committee lead to the conclusion that what was originally conceived to serve primarily the national interest of the United States—specifically, the defense and foreign policy aspects thereof—has gradually evolved into a welfare program, possibly meritorious in itself, but not envisaged in the 1951 enactment, generally known as the Kersten amendment.

Extensive use of the services of private voluntary agencies under a multitude of almost globally spread contractual arrangements appears to have contributed to the vitiation of the intent of the 1951 law and its successive modifications. The preponderance of welfare elements and attitudes in the operations of the U.S. escapee program has resulted in the inclusion into its framework of a sizable number of refugees who do not fit into the term “political refugee” or “escapee” as generally applied in international usage and in related U.S. legislation. In fact, a considerable number of persons assisted by USEP in Europe and elsewhere are what is commonly described as “economic refugees,” persons seeking economic betterment outside of the country which they decide to abandon rather than political exiles fleeing persecution on account of their race, creed, or political opinion.

The committee believes that economic assistance considerations increasingly evident in the operations of USEP in the course of the last 6 or 7 years have by far outweighed the political and defense considerations inherent in the basic enactment and its intent, clearly indicated by the Congress.

The inclusion into the contracts entered into between USEP and the private voluntary agency of clauses relating to employment of personnel for the purpose of assisting, counseling, and generally providing care for and guidance to the escapees, similarly needs review and revision from the standpoint of defense and security aspects of the old and the new law.

Persons—many of whom are aliens—employed by voluntary agencies and paid out of appropriated Federal funds are not subject to Federal standards of employee qualifications and applicable screening procedures. Similarly, U.S. citizens employed by the various private voluntary agencies under contract with USEP are not subject to such standards. There appears here—as well as elsewhere—to exist a rather obvious conflict between USEP's contractual arrangements with private voluntary agencies and the mandatorily required compliance with the requirements of the statute to the effect that the program shall serve the security of the United States (sec. 451 of the Mutual Security Act of 1954, as amended).

In order to insure a more efficient administration of the U.S. escapee program and with a view toward contributing to the development of a policy fully consistent with the aims and purposes of this legislation, the committee has, in section 4 of the instant bill, provided for personnel and agency arrangements which should permit the President immediately to place the supervisory and contracting authority of the program on a higher, more responsible level of administration.

ANALYSIS OF ADMINISTRATIVE PROVISIONS

1. Section 2 (c) and (d)

Section 451 of H.R. 8400, a bill providing for the enactment of the Act for International Development of 1961 (passed by the House on August 18, 1961), authorizes not to exceed \$300 million for fiscal year 1962 to be appropriated for a contingency fund to be used for purposes of economic assistance when the President determines it to be important to the national interest.

According to House Report No. 851 accompanying H.R. 8400, the above cited section 451—

provides funds to meet requirements which are either completely unforeseen or which are identified but without enough precision to warrant inclusion in one of the other categories.

House Report No. 851 further states that a—

provision establishing a contingency fund available to the President with broad discretion as to its use is contained in the former Mutual Security Act (sec. 451(b)) which was available for both military and economic assistance.

Section 2(c) of the instant bill authorizes the use of not to exceed \$10 million of the funds made available under the Act for International Development of 1961 for the use of the President in order to meet

unexpected refugee and migration developments, when the President determines such use to be important to the national interest.

Subsection (d) of the said section 2 requires that the President keep the appropriate committees of Congress currently informed of the use of funds and the exercise of all functions authorized in the bill. This requirement is not contained in the existing law.

2. Section 2(e)

Subsection (e) of section 2 of the bill authorizes that unobligated and unexpended balances of fiscal year 1961 funds allocated for refugee, migrant, and escapee programs may be continued available in fiscal year 1962 for the general purposes for which appropriated and to be consolidated with the appropriation authorized by section 2 of the bill. The funds so allocated were made available pursuant to sections 405(a), 405(c), 405(d), and 451 of the Mutual Security Act of 1954, as amended, now proposed to be repealed. This provision reflects the continuing nature of the refugee and escapee programs, the operations of which do not coincide with the end of the fiscal year. Without this provision, and appropriation action, unobligated funds would revert to the Treasury.

3. Section 3(a)

Section 3(a) of the bill authorizes the President, in carrying out the purposes of the bill, to make contracts and agreements and otherwise cooperate with U.S. Government agencies, international organizations, foreign governments, private nonprofit organizations, and other private organizations, individuals, and firms. Thus, this provision provides statutory authority for necessary flexibility and exempts the assistance programs from the more narrow and limiting authorities generally covering Government contracts.

4. Section 3(b)

The authorization contained in section 3(b) of the bill would permit the President, when he determines it to be in furtherance of the purposes of the bill, to waive provisions of the law (other than the Renegotiation Act of 1951, as amended) regulating the making, performance, amendment or modification of contracts and the expenditure of Government funds. This provision is the same as contained in section 533 of the Mutual Security Act of 1954, as amended, pursuant to which laws requiring advertising for bids, prohibiting advance payments under contracts and establishing other requirements were waived by Executive Order No. 10784.

5. Section 4

For the purposes stated elsewhere in this report (cf. "U.S. escapee program"; part 3, recommendations), the provisions relating to the delegation of authority vested in the President under the instant bill are subjected to the general provisions of section 301 of title 3, United States Code, which reads as follows:

§ 301. General authorization to delegate functions; publication of delegations.

The President of the United States is authorized to designate and empower the head of any department or agency in the executive branch, or any official thereof who is required

to be appointed by and with the advice and consent of the Senate, to perform without approval, ratification, or other action by the President (1) any function which is vested in the President by law, or (2) any function which such officer is required or authorized by law to perform only with or subject to the approval, ratification, or other action of the President: *Provided*, That nothing contained herein shall relieve the President of his responsibility in office for the acts of any such head or other official designated by him to perform such functions. Such designation and authorization shall be in writing, shall be published in the Federal Register, shall be subject to such terms, conditions, and limitations as the President may deem advisable, and shall be revocable at any time by the President in whole or in part.

Further limitation upon the delegation of authority provided for in connection with functions specified in section 3 of the bill affects the making of financial arrangements and contracts. This limitation is designed further to implement the recommendations made by the committee in this report, as above indicated.

Under subsection (b) of section 4 the President is authorized to carry out the purposes of the bill through any agency of the U.S. Government. These provisions permit funds available for the purposes of the bill to be allocated to any Government agency in connection with activities under the bill. Funds so allocated could be spent in accordance with authority governing the activities of the agency to which the funds were allocated. Thus, the Department of Defense, the International Cooperation Administration, etc., could be requested to carry out certain functions. Also, the President could, under this provision, transfer all refugee activities to an agency other than the Department of State, if he deemed it advisable. In case of transfer of funds to another agency, the funds must be utilized for their original purpose, i.e., for assistance to refugees, but the actual expenditures may be made in accordance with the provisions of the bill or under authorities normally available to the agency concerned. The last sentence of section 4(b) is permissive. In case of large sums to be transferred to another agency, an account can be set up in the Treasury against which the agency may draw, thus obviating excessive bookkeeping transfers between agencies.

The provisions relating to the allocation or transfer of funds are the same as the provisions of section 522(a) of the Mutual Security Act of 1954, as amended, with appropriate modifications.

6. Section 5

The provisions of section 5(a) relating to compensation allowances and travel of personnel are substantially the same as heretofore included in section 411(c) of the Mutual Security Act of 1954, as amended, and do not vary from similar provisions contained in comparable legislation affecting governmental activities abroad.

Similarly, provisions relating to personnel services abroad, exchange of funds, and expenses authorized by the Foreign Service Act of 1946, as amended, are derived from the existing law, namely, section 537 (a), (3), (7), and (17) of the Mutual Security Act of 1954, as amended.

Subsection (b) of section 5 serves the same purpose as section 543 (a) of the Mutual Security Act of 1954, as amended. It is designed to

permit, except as may be expressly provided to the contrary in the bill, continuity of operations and programs by preserving, until modified by appropriate authority, organizational, administrative, fiscal, and other actions initiated under authority of the Mutual Security Act of 1954, as amended, with respect to refugee, migrant and escapee programs.

7. *Section 6*

Section 624 of H.R. 8400 in proposing to repeal, with certain exceptions, the Mutual Security Act of 1954, as amended, includes the repeal of section 451 of the said act for which section 2(b)(3) of this bill is designed to be the substitute.

Inasmuch as subsections (a), (c), and (d) of section 405 of the Mutual Security Act of 1954, as amended, are not proposed to be repealed by the Act for International Development of 1961 (H.R. 8400), they are repealed by the instant bill which provides the substitute in section 2(a), (b)(1) and (b)(3).

COMMITTEE RECOMMENDATION

Upon the consideration of all the facts involved in this problem and having carefully evaluated the merits of this legislation, the committee recommends that the bill H.R. 8291, as amended, do pass.

CHANGES IN EXISTING LAW

In compliance with paragraph 2 of clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (new matter is printed in italic, matter proposed to be omitted is printed in black brackets, existing law in which no change is proposed is printed in roman):

SECTION 405 OF THE MUTUAL SECURITY ACT OF 1954, AS AMENDED

[SEC. 405. MIGRANTS, REFUGEES, AND ESCAPEES.—] *Sec. 2. (a)* The President is hereby authorized to continue membership for the United States **[on]** in the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953. For the purpose of assisting in the movement of *refugees and migrants***[,]** *and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower,* there **[is]** are hereby authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incident to United States participation in the Committee**[.]** ;

MIGRATION AND REFUGEE ASSISTANCE

31

PROPOSED LAW

OLD LAW

(b) *There are hereby authorized to be appropriated such amounts as may be necessary from time to time—*

(1) *for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or in behalf of whom he is exercising his good offices;*

(2) *for assistance to or in behalf of refugees in the United States whenever the President shall determine that such assistance would be in the interest of the United States: Provided, That the term "refugees" as herein used means aliens who (A) because of persecution or fear of persecution on account of race, religion, or political opinion, fled from a country of the Western Hemisphere; (B) cannot return thereto because of fear of persecution on account of race, religion, or political opinion; (C) have not been admitted for permanent residence under the Immigration and Nationality Act; and (D) are in urgent need of assistance for the essentials of life, or for education, or for transportation; and*

(3) *for assistance to escapees from the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Lithuania, Latvia, and Estonia, or the Communist-dominated or Communist-occupied areas of Germany, or any Communist-dominated or Communist-occupied areas of Asia and any other countries absorbed by the Soviet Union, either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or in furtherance of the objectives of the foreign policy of the United States when the President determines that such assistance will contribute to the defense of the North Atlantic area or to the security of the United States.*

SEC. 405(c) and (d) of the Mutual Security Act of 1954, as amended.

[(c) There is hereby authorized to be appropriated for the fiscal year 1961 not to exceed \$1,300,000 for contributions to the program of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate.

[(d) There is hereby authorized to be appropriated to the President for the fiscal year 1961 not to exceed \$3,500,000 for continuation of activities, including care, training, and resettlement, which have been undertaken for selected escapees under section 451 of this Act.]

PROPOSED LAW

OLD LAW

Funds appropriated for the purposes of this subsection shall remain available until expended;

(c) Of the funds made available for use under section 451 of the Act for International Development of 1961, not to exceed \$10,000,000 may be used in any fiscal year in order to meet unexpected refugee and migration developments, when the President determines such use as to be important to the national interest;

(d) The President shall keep the appropriate committees of Congress currently informed of the use of funds specified in this section;

For purposes of reference, section 451(a) of the Mutual Security Act of 1954, as amended, which section is proposed to be repealed by H.R. 8400 (passed by the House of Representatives on August 18, 1961) is printed below.

SEC. 451. PRESIDENT'S SPECIAL AUTHORITY AND CONTINGENCY FUND. --(a) Of the funds made available for use under this Act, not to exceed \$150,000,000, in addition to the funds authorized for use under this subsection by subsection (b) of this section, may be used in any fiscal year, without regard to the requirements of this Act or any other Act for which funds are authorized by this Act or any Act appropriating funds for use under this Act, in furtherance of any of the purposes of such Acts, when the President determines that such use is important to the security of the United States. Not to exceed \$100,000,000 of the funds available under this subsection may be expended for any selected persons who are residing in or escapees from the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Lithuania, Latvia, and Estonia, or the Communist-dominated or Communist-occupied areas of Germany, or any Communist-dominated or Communist-occupied areas of Asia and any other countries absorbed by the Soviet Union, either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or for other purposes when the President determines that such assistance will contribute to the defense of the North Atlantic area or to the security of the United States. Certification by the President that he has expended amounts under this Act not in excess of \$50,000,000, and that it is inadvisable to specify the nature of such expenditures, shall be deemed a sufficient voucher for such amounts. Not more than \$30,000,000 of the funds available under this subsection may be allocated to any one nation in any fiscal year.

The remainder of the bill is proposed new law.

