

**LEGISLATIVE COUNSEL
FILE COPY**

ENABLING THE UNITED STATES TO RENDER ASSIST-
ANCE TO, OR IN BEHALF OF, CERTAIN MIGRANTS AND
REFUGEES

MAY 9, 1975.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 6755]

The Committee on the Judiciary, to whom was referred the bill
(H.R. 6755) to enable the United States to render assistance to, or
in behalf of, certain migrants and refugees, having considered the
same, report favorably thereon with an amendment and recommend
that the bill as amended do pass.

The amendment is as follows:

On page 2 at the end of the bill insert the following new section 4
to read as follows:

“SEC. 4. The President shall keep the Committee on the
Judiciary of the House of Representatives and the Committee
on Foreign Relations of the Senate currently informed of the
use of funds and the exercise of functions authorized in this
Act.”

PURPOSE OF BILL

The purpose of this legislation is to authorize emergency assistance
for the transportation, temporary maintenance, and resettlement of
Cambodian and Vietnamese refugees. The assistance would be provided
under the framework of the Migration and Refugee Assistance Act of
1962 utilizing established procedures and administrative machinery
with which the voluntary agencies and the state and local governments
are familiar.

PURPOSE OF THE AMENDMENT

The purpose of the amendment is to require the President to report on a regular and current basis to the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations of the Senate as to the operation of this legislation and the expenditure of funds which are authorized.

COMMITTEE ACTION

Since March 31, 1975 when an urgent situation arose with respect to the emigration of orphans from South Vietnam who were in the final stages of adoption by U.S. citizens, the Subcommittee on Immigration, Citizenship, and International Law has closely followed the developments in South Vietnam as well as in Cambodia.

During the month of April, the Subcommittee received numerous briefings from the Departments of State, Justice, and Defense on the various problems associated with the Indochina conflict. The Subcommittee also held three days of public and executive session hearings on April 8, 9, and 14. Likewise, senior members of the Committee were consulted on numerous occasions regarding the use of parole for bringing Cambodian and Vietnamese refugees into the United States.

On April 28, 1975 Camp Pendleton was designated by the Department of Defense pursuant to instructions from the Interagency Task Force on Indochina as the first refugee reception center. During the weekend of May 3 and 4 the Subcommittee staff, at the direction of the Chairmen of the Subcommittee and full Committee, observed the processing procedures and conditions at Camp Pendleton.

In addition, when it became apparent that the monies available under the Foreign Assistance Act of 1961, as amended, would be insufficient to meet the needs of the war victims, the Subcommittee scheduled an immediate hearing on Monday, May 5, to receive testimony from Ambassador L. Dean Brown, the President's Special Representative and Director of the Special Interagency Task Force on Indochina, with respect to the need for an emergency authorization of funds for transporting and resettling the Cambodian and Vietnamese refugees.

By this time, several bills amending, or patterned after, the Migration and Refugee Assistance Act of 1962 had been introduced and referred to the Committee.

On Tuesday, May 6, the President addressed a letter to the Speaker of the House calling on the Congress for immediate action. This Executive Communication was accompanied by draft legislation which was introduced by the Chairman of the full Committee, the Honorable Peter W. Rodino, Jr., on Wednesday, May 7, in the form of H.R. 6755.

A full day of additional hearings was held on May 7 at which time the Subcommittee received extensive testimony from various representatives of the Indochina Task Force including: Mr. James M. Wilson and Mr. Frank G. Wisner, Indochina Task Force; Ms. Julia Vadala Taft and Mr. Michael Sterman, Department of Health, Education, and Welfare; Mr. James F. Greene, Deputy Commissioner, Immigration and Naturalization Service; Mr. Lawrence A. Marinelli,

Agency for International Development; Mr. James Michel and Mr. Knute Malmberg, Department of State; Mr. Frank McLaughlin and Colonel Eugene M. Poe, Department of Defense.

Following the hearing, the Subcommittee immediately proceeded into a mark-up of H.R. 6755 and favorably reported this legislation with a Subcommittee amendment to the full Committee on May 7 by a unanimous voice vote.

Committee Vote

The full Committee on the Judiciary considered this legislation in open session on May 8 and ordered the bill H.R. 6755, as amended, favorably reported to the House by a roll call vote of 30 ayes, 4 nays.

GENERAL INFORMATION

Background

On April 11, 1975, communist forces in Cambodia overran the defense perimeter of Phnom Penh, necessitating an emergency evacuation of American citizens in the Cambodian capital. In that evacuation, 159 Cambodian nationals whose lives would have been in jeopardy had they remained were removed with the American evacuees. Approximately 1200 additional Cambodians were evacuated in the weeks immediately preceding the fall of Phnom Penh and an additional 1200 were able to escape by a variety of means following the April 11 take-over.

On April 29, communist rocket attacks on Tan Son Nhut airfield in Saigon necessitated an emergency evacuation of Americans in South Vietnam. In this operation approximately 5,595 endangered South Vietnamese nationals were also evacuated. In the preceding weeks, thousands of other South Vietnamese had fled the country by commercial transportation facilities or were evacuated by aircraft operated or chartered by the United States Department of Defense. Thousands of other South Vietnamese fled the country by whatever means were available, including small boats and fishing craft, and were rescued at sea by commercial and military vessels of the United States and other countries.

At this time approximately 113,850 refugees from Indochina are under American protection. Of this total, more than 75,000 remain afloat in vessels or are at safe havens and restaging areas in the Pacific. More than 37,000 have entered the continental United States and are either at reception centers which have been established at military installations in California, Arkansas and Florida, or have been released under private American sponsorship. The Executive Branch estimates that as many as 130,000 Indochinese refugees may enter the United States and an additional 20,000 will be resettled in third countries.

At this early stage in the screening and resettlement process, it is still too early to provide a detailed analysis of the refugee population. Preliminary statistics developed by the Department of Labor at Camp Pendleton indicate that the great majority of the first refugees arriving are professionals, skilled and clerical workers and businessmen. Two percent are journalists and 3% military officers and enlisted men. The refugee population appears to be young—almost 60% are under

the age of 21. The Committee was advised that there will be no more than 30,000 to 35,000 new entrants into the job market.

The principal responsibility for resettlement lies with the following nine voluntary agencies: U.S. Catholic Conference, American Fund for Czechoslovak Refugees, Church World Service, Lutheran Immigration & Refugee Service, United HIAS Service, Inc., Tolstoy Foundation, Inc., International Rescue Committee, American Council for Nationalities Service, Traveler's Aid-International Social Services. Voluntary agencies have assisted in the resettlement of hundreds of thousands of refugees from Western Europe and the Americas over the past thirty years. Basically, the voluntary agencies which are represented in the three reception centers identify sponsors, geographically distributed across the country.

The Committee was assured that voluntary agencies, working together with the Department of State and the Department of Health, Education, and Welfare, will avoid settling Vietnamese and Cambodian in economically hard-pressed areas and that every effort would be made to disperse them throughout the United States. Sponsors for refugees include individuals, families, parishes and community organizations. These sponsors assume a moral obligation to receive and to find housing as well as receive employment and educational opportunities for refugees and their families. Voluntary agencies are under contract to the Department of State and are reimbursed at the rate of about \$600 for each refugee resettled. In addition to working in the reception centers, the voluntary agencies have a permanent liaison officer in the Department of State. That liaison officer is in daily contact with officials of the Departments of State and Health, Education and Welfare. The Director of the President's Special Task Force and his staff are in daily liaison with the national headquarters of each of the principal resettlement agencies.

The Committee has and will continue to urge the Executive Branch to conduct a vigorous international campaign to obtain the assistance of the world community in dealing with Indochinese refugees. The Committee is somewhat distressed by the inactivity of the United Nations High Commissioner for Refugees and the failure of the international community to respond adequately to this problem.

On the other hand, the Intergovernmental Committee for European Migration (ICEM) has been in contact with its 32 member nations and it is to be commended for acting in such an immediate and decisive manner. ICEM, together with UNHCR, has sent representatives to Guam to screen refugees for resettlement in third countries.

Furthermore, the Executive Branch reports that it has approached some 100 nations in the world community directly. The most positive responses so far include Canada, Australia and France. In addition, according to Administration officials, two African nations have expressed interest and several Latin American nations may offer resettlement possibilities. Canadian and Australian immigration officials have joined American officials in Guam and at Camp Pendleton. The Committee has been informed that approximately 15 percent of the refugees will be able to find new homes and jobs in third countries.

Need for Legislation

The transportation and initial care of the refugees under United States protection have been provided by the Department of Defense at the request of the President's specially designated Task Force.

Testimony before the Committee indicated that the funds necessary for the services being provided have been made available under authority of section 801 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2431). The full \$98 million unobligated balance of appropriations under that authority has been transferred by the Agency for International Development to the Department of State for the purpose of providing for the basic human needs of the refugees under United States protection.

The Department of Defense has spent almost \$90 million of the \$98 million made available under the Foreign Assistance Act and is incurring additional expenses at a current rate of approximately \$2.7 million per day.

The only other funds available for assistance to the Indochinese refugees under existing law are those which have been made available under the Migration and Refugee Assistance Act of 1962, as amended.

The Department of State/USIA Authorization Act, Fiscal Year 1975 (Public Law 93-475) authorized the appropriation of \$9,420,000 for all migration and refugee programs of the Department of State for the current fiscal year. An appropriation of \$8,420,000 under this authorization was contained in the Foreign Assistance and Related Programs Appropriation Act, 1975 (Public Law 94-11). In addition, \$10 million in funds made available under the Foreign Assistance Act has been transferred to the Migration and Refugee Assistance account as authorized by section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601). All except \$5 million of the funds thus appropriated or transferred were committed to existing refugee programs prior to the evacuations from Cambodia and South Vietnam. Of the \$5 million remaining, the Department of State has committed approximately \$2.9 million for the voluntary agencies and international agencies involved with refugees from Indochina, primarily from Cambodia. An additional \$190,000 has been obligated to the Office of Refugee and Migration Affairs, Department of State, to cover some of their administrative costs. The balance of \$1.9 million is currently unobligated and will be earmarked in the near future for international programs.

It is clear that the funds currently available for refugee programs will be exhausted within the next few days and that immediate action by the Congress is required in order to continue efforts to transport and resettle the refugees as rapidly as possible.

In addition to the need for authorization of additional appropriations, new substantive authority is required to provide assistance with respect to refugees who have entered the United States.

The authority of the Migration and Refugee Assistance Act for certain assistance to or in behalf of refugees located in the United States is applicable only to those refugees who have fled from a nation or area in the Western Hemisphere. An extension of the authorities contained

in the 1962 Act to refugees from Indochina is necessary in order to permit assistance to state and local public agencies providing services to substantial number of refugees, for transportation to and resettlement in other areas of the United States of refugees presently at reception centers, and for vocational training to facilitate the assimilation of the refugees in the United States into our society.

H.R. 6755 meets the need for additional authorization of appropriations and substantive authority by authorizing the appropriation of funds for a temporary program of relief and resettlement for Indochinese refugees under the authorities contained in the Migration and Refugee Assistance Act of 1962.

The proposed legislation has been endorsed in principle by the AFL-CIO Executive Council, the American Jewish Congress, the American Jewish Committee, by Americans for Democratic Action, and the Catholic Bishops Conference.

Parole and Asylum

In order to qualify for admission to the United States as a lawful permanent resident, an alien must present an immigrant visa and satisfy the immigration officer at the port of entry that he is not a criminal or a subversive or a member of any of the other excludable classes. Notwithstanding this requirement, Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) authorizes the Attorney General in his discretion to parole any alien into the United States temporarily for emergent reasons or for reasons deemed strictly in the public interest. The parole authority may be exercised only in the case of an applicant for admission. However, by the express language of the statute, parole of an alien into the United States is not an admission. In contemplation of law, an alien under parole is deemed to be standing at the waters edge although he is allowed to be physically present within the United States. (*Ma v. Barber*, 357 U.S. 185 (1958)). When the purpose of parole has been served, the alien must return or be returned to the custody of the Immigration and Naturalization Service and his case is then dealt with in the same manner as that of any other applicant for admission.

The parole authority may be exercised in a variety of situations, e.g., for emergency medical treatment when an accident occurs just beyond the border and the nearest hospital on the American side is just minutes away. Parole has been used extensively for refugees, notably the Hungarians in 1956, the Cubans in the 1960's and now the Vietnamese. It is also used in the cases of persons found eligible for asylum.

The term "asylum" does not appear anywhere in the Immigration and Nationality Act. Asylum is a nonstatutory process inherent in but not mandated by the Protocol Relating to the Status of Refugees (TIAS 6577). It is the granting by the United States Government of refuge for an indefinite period, usually under the parole authority set forth in section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) to an alien who establishes to the satisfaction of the Immigration and Naturalization Service that he would be subject to persecution or fear of persecution if he is returned to his country. The basic directive, setting forth asylum procedures, is the Secretary of State's notice of February 1, 1972 which was published in the Federal Register on February 16, 1972 (37 F.R. 3447). Asylum

can be claimed both in and out of the United States as well as on the high seas. Essentially, responsibility for granting or denying asylum rests with the District Director of the Immigration and Naturalization Service, who is required to consult the Department of State before making his decision.

To summarize, parole is the statutory authority by which an applicant for admission, who does not qualify for entry, may be allowed temporarily into the United States instead of being detained in Immigration custody. Under the emergent and public interest criteria for the exercise of the parole authority, parole would be exercised in the case of aliens found eligible for asylum.

Since the United States has recognized the plight of the refugees from Vietnam by instituting a special evacuation program to save them from persecution they are considered to be eligible for parole as emergent cases deemed to be in the public interest.

Processing Procedures

With respect to the processing procedures being followed at the various reception centers the following information and letter from the Immigration and Naturalization Service was submitted to the Committee:

On the arrival of a refugee at Guam or Wake Island he is identified to the Immigration and Naturalization Service and a Form I-94 (Arrival/Departure Record) is executed for him. This form contains biographical data pertaining to the refugee. He is then sent to the INS officer who determines whether the alien is a close relative of a United States citizen or lawful permanent resident alien, whether he is a "high risk" refugee (one who might be subject to reprisal because of his employment by the United States Government or because of his employment by the Vietnamese government or for some similar reason). Those who are not within the "relative" or "high risk" categories are mostly those who have come to Guam or are enroute to Guam from Saigon on United States or Vietnamese vessels.

After the refugees are airlifted to the United States at Camp Pendleton, Fort Chaffee or Eglin AFB, the Immigration and Naturalization Service prepares a form which is directed to all of the security agencies of the United States. This form contains biographical data to enable the security agencies to check their records to see whether they have any information that the alien may be a criminal, prostitute or narcotic trafficker or the like, or whether the refugee may be a security risk to our country. An affidavit will be executed by each refugee as to whether he is within any of the excludable classes other than those relating to documents, labor certification and public charge.

Each refugee also will be required to sign a statement under oath or affirmation to the effect that he has not participated in the persecution of any person because of race, religion or political opinion; a person who refuses to sign such statement will not be eligible for parole as a refugee. A false statement under oath is a criminal offense and conviction therefor is a ground for exclusion.

An alien who is convicted for filing a false "Report of International Transportation of Currency or Monetary Instruments" on Treasury Form 4790 would be ineligible for adjustment of status to permanent resident and if adjusted his status could be rescinded. If such person were naturalized, a recommendation would be made to the U.S. Attorney by the Immigration and Naturalization Service to institute proceedings to revoke the naturalization.

Refugees will remain at the camps until the results of the security checks have been received except for spouses, parents and children of United States citizens and lawful permanent resident aliens. The other refugees will not be released from the camps until negative security reports are received. However, in no case will an alien, including a relative, be released until a responsible voluntary agency has furnished assurances of housing and employment or care and support. If a positive security check is received on a refugee he will be interrogated by an immigration officer to determine whether the report relates. If it is determined that the report does relate a determination would then be made as to the appropriate action to be taken in the light of all the pertinent facts.

When a refugee is released from camp he will be instructed to report to the Immigration office nearest the place of his destination. The district director or officer in charge will complete the final step in the processing by authorizing the alien's parole as a refugee.

OFFICE OF THE COMMISSIONER,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington D.C., May 9, 1975.

HON. JOSHUA EILBERG,
Chairman, Subcommittee on Immigration, Citizenship, and International Law, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to testimony given before your subcommittee by Deputy Commissioner Greene concerning assurances that Vietnamese and Cambodian refugees will be required to swear that they did not engage in activities which are not cognizable under the present exclusion laws.

Particular reference was made to activities which related to the persecution of persons because of their race, religion, or political opinion. It was also agreed that if such a refugee was located the conditions of his parole would be appropriate to the extent of his participation in such activities. If a refugee were to swear falsely on his application he would be subject to the criminal penalties applicable to perjury and administrative penalties under the Immigration and Nationality Act.

At this moment we are revising the refugee forms to provide for this oath and you are assured that it will be strictly applied.

Respectfully,

L. F. CHAPMAN, JR.,
Commissioner.

ANALYSIS OF PROVISIONS OF THE BILL

Title

Section 1 of the bill identifies this Act as the "Indochina Migration and Refugee Assistance Act of 1975". This title associates the legislation with the Migration and Refugee Assistance Act of 1962, while also emphasizing it is a separate Act for a temporary program.

Authorization

Section 2(a) of the bill authorizes the appropriation of funds for assistance to and in behalf of Cambodian and Vietnamese refugees. The assistance will be provided under the Migration and Refugee Assistance Act of 1962, as amended, utilizing established procedures and administrative machinery.

This section authorizes the appropriation of such sums as may be necessary for the purpose of performing the functions set forth in the 1962 Act, in addition to amounts otherwise available for those purposes. The Committee did not feel that sufficiently precise information was available at this time to permit a reliable estimate of the costs of the program. Accordingly, the Committee did not agree to include an authorization ceiling in the bill. The Committee recognizes that the Executive Branch will have the responsibility of justifying to the Appropriations Committees its requests for specific funds necessary to carry out this Act.

The reference in section 2(a) to "amounts otherwise available" does not purport to authorize the use of previously appropriated funds for additional purposes. This reference is intended only to make clear that the enactment of appropriations under this section will not affect the legality of the use of the funds previously made available under the Foreign Assistance Act or under the Migration and Refugee Assistance Act which were already available for assistance to or in behalf of refugees from Indochina.

During the next fourteen months, the Executive Branch has estimated that appropriations in the amount of \$507,000,000 will be required to carry out a program for the resettlement in the United States and third countries of approximately 150,000 refugees. This program includes the transportation of refugees to reception centers in the United States and their maintenance while they are enroute to or located at those centers, onward transportation to other areas of the United States for resettlement under the auspices of voluntary agencies and private American sponsors, vocational training, and reimbursement to State and local governments which incur costs for services provided to the refugees after they are resettled. The proposed program also includes funds for international agencies for the transportation and resettlement of refugees in third countries. Additional costs for assistance to refugees in the United States will be incurred in fiscal year 1977, after which the program will terminate.

Because this program spans slightly more than two fiscal years, section 2(a) authorizes the appropriations to remain available until expended. However, the authorization is subject to the provisions of section 2(b) which expressly limits the duration of the program.

In authorizing appropriations for the performance of functions set forth in the Migration and Refugee Assistance Act of 1962, this sec-

tion incorporates all of the authorities and limitations of authority contained in the 1962 Act. It is the Committee's intention that the procedures and criteria which are applicable to other categories of refugees under the 1962 legislation shall be applicable in providing assistance to or in behalf of refugees from Indochina.

It is noted that in order to qualify as a refugee under both the 1962 legislation and the instant bill, a person must be "in urgent need of assistance for the essentials of life".

At the same time under section 2(b)(4) of the 1962 Act, state and local governments are permitted to utilize their own standards with respect to providing health, educational and employment services in the event they are less rigid than the federal standard of "urgent need of assistance for the essentials of life".

Likewise, under section 2(b)(5) and (6) of the Migration and Refugee Assistance Act of 1962 the financial resources of the refugee shall be considered in determining eligibility for "transportation to, and resettlement in, other areas of the United States" as well as eligibility for "employment or refresher professional training".

With respect to the arrangements between the federal government and state and local governments regarding social services, an official of HEW advised the Committee that for the duration of the proposed legislation which would be through the end of Fiscal Year 1977, HEW would be prepared to pay 100 per cent of the health, social service and income maintenance costs. Consequently if the resettled refugees become public charges, HEW would reimburse state and local governments for any expenditures in their behalf.

The Committee was further advised that HEW was establishing a reporting system at the various reception centers in order to enable them to communicate with state and local governments concerning those refugees who may be coming into their state or locality and may later require some form of public assistance.

The HEW official further stated:

Our \$30 million that we are asking for would not allow across-the-board, per pupil expenditures for every student in every school system, every Vietnamese youngster that enters the school system. This is unlike what happened with the Cuban refugee program, where we have been paying impact aid to Dade County for the schooling of the Cuban children. We will have to reassess this as soon as we see where the resettlement takes place. If there are only a couple or ten children in one school system, we do not feel that that would require a special per pupil impact aid provision. However, if there are high concentrations in localities in this country, we should be working out, and hopefully will have the flexibility to be working out, with those state and local education agencies for some kinds of provisions for a reimbursement.

The Committee anticipates that HEW will develop procedures to insure that local communities will not be adversely affected by the resettlement of refugees.

Duration of Program

Section 2(b) of the bill limits the time during which the funds authorized by this Act will be available. Except for the functions with respect to refugees in the United States, which are performed by or through the Department of Health, Education and Welfare, no obligations may be incurred under this authorization after June 30, 1976. With respect to the HEW activities in the United States, obligations may be incurred through the end of fiscal year 1977. It is expected that expenses during fiscal year 1977 will consist primarily of reimbursement to State and local governments providing services to refugees. After the expiration of this temporary program, any need for additional funds would be met through the normal authorization and appropriation process under the Migration and Refugee Assistance Act of 1962, and, with respect to any refugees continuing to need assistance within the United States, through existing federal, State and local programs.

Definition of Refugee

Section 3 provides the substantive authority needed to provide to Indochina refugees in the United States the services performed by the Department of Health, Education and Welfare for refugees from within the Western Hemisphere. This section extends to refugees who have fled from Cambodia and Vietnam the authorities in the Migration and Refugee Assistance Act which are applicable to refugees who have fled to the United States from within the Western Hemisphere.

These authorities include assistance to state and local public agencies, transportation of refugees to other areas within the United States, and training for employment. Programs under the authority of this section will be available only to those refugees who meet the requirements of "financial need" and other criteria applicable to refugees assisted under the 1962 Act and will terminate no later than the end of the fiscal year 1977, upon the expiration of the authorization contained in section 2 of the bill.

ANALYSIS OF COMMITTEE AMENDMENT

The Committee amendment, which directs the President to report on a regular and current basis as to the administration of this legislation and the expenditure of funds, was unanimously adopted by the Committee.

This requirement has been imposed in order to enable the Committee to fully discharge its oversight responsibilities required by the Rules of the House. Specifically, the Committee expects to be fully informed on all matters relating to this legislation including but not limited to the following: the number of refugees affected by the legislation, a detailed breakdown of expenditures by activity (i.e., amounts expended in reimbursing state and local governments, amounts expended pursuant to contracts with voluntary agencies, amounts expended to transport refugees to the continental United States) as well as a breakdown for each Executive Department and Agency.

The Committee intends to vigorously pursue its authorization and oversight functions and in order to accomplish this objective, it expects the full cooperation of the Executive Branch.

SUMMARY OF THE MIGRATION AND REFUGEE ASSISTANCE ACT OF 1962

H.R. 6755 authorizes the appropriation of such sums as may be necessary for the performance of functions set forth in the Migration and Refugee Assistance Act of 1962 with respect to aliens who have fled from Cambodia or Vietnam. The following is a brief summary of the functions, duties, and authorities set forth in the 1962 Act.

The Migration and Refugee Assistance Act was originally an Administration bill designed, in the words of President Kennedy, "to centralize the authority to conduct and to appropriate funds to support U.S. programs of assistance to refugees, escapees, migrants, and selected persons". Its basic purpose as introduced and enacted was to reenact with modification in a separate statute the authority for U.S. participation in three refugee and migration assistance programs previously authorized by the Mutual Security Act of 1954 and to authorize the appropriation of funds for assistance to Cuban refugees.

Authority for Refugee Programs (Sec. 2)

The Migration and Refugee Assistance Act authorizes the President to continue membership in the Intergovernmental Committee for European Migration (ICEM). Specifically, section 2(a) authorizes the appropriation of such amounts as may be necessary from time to time for U.S. contributions to ICEM "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,"—the primary objectives of ICEM.

The Act also authorizes the appropriation of such amounts as may be necessary from time to time for contributions to the activities of the United Nations High Commissioner for Refugees (UNHCR) for "assistance to refugees under his mandate, or in behalf of whom he is exercising his good offices" (sec. 2(b)(1)).

The Act further authorizes general assistance to or in behalf of refugees abroad designated by the President when he determines such assistance will contribute to the defense, security, or foreign policy interests of the United States (sec. 2(b)(2)). This is the authority for the U.S. Escapee Program (USEP), now redesignated the U.S. Refugee Program (USRP), a unilateral U.S. assistance program which operates primarily through contracts with nonprofit voluntary agencies. Its purpose is to assist in the reception and resettlement of refugees escaping from Communist-dominated countries.

The Migration and Refugee Assistance Act, in section 2(b)(3)-(6), is the legislative basis for the Cuban Refugee Program, although the Act does not designate the program as such. Appropriations are authorized for assisting refugees in the United States when the President determines it is in the best interest of the country. The term "refugee" for the purpose of this section of the Act is an alien who, because of persecution or the fear of such, due to race, religion or political opinion fled from a nation or area of the Western Hemi-

sphere and cannot return because of the fear of persecution, and is in urgent need of assistance for the essentials of life. Specific authorization is provided for assistance to or in behalf of these refugees, including assistance to state and local public agencies providing services such as health and education to substantial numbers of refugees and transportation, resettlement, and employment programs.

The Act also provides the authority for the President to use up to \$10 million in any fiscal year of funds made available under the Foreign Assistance Act of 1961, in order to meet unexpected and urgent refugee and migration needs when he determines it to be in the national interest.

The Act in section 2(d) requires the President to keep "the appropriate committees of Congress currently informed of the use of funds and the exercise of functions authorized in this Act". Section 2(e) provided for the continued availability for the purposes of this section of unexpended balances which had been appropriated under the authority of statutes repealed by section 6 of the 1962 Act.

EXECUTIVE COMMUNICATION

A letter from the President of the United States, transmitting a draft of proposed legislation to enable the United States to render assistance to, or in behalf of, certain migrants and refugees, was addressed to the Honorable Carl Albert, Speaker of the House of Representatives, on May 6.

The letter follows:

THE WHITE HOUSE,
Washington, D.C., May 6, 1975.

The Honorable, the SPEAKER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby transmit draft legislation authorizing the provision of relief and relocation assistance to refugees from South Vietnam and Cambodia.

I urge the Congress' immediate consideration and enactment of this proposed legislation.

Sincerely,

GERALD R. FORD.

STATEMENT REQUIRED BY CLAUSE 2(1)(3) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

Pursuant to clause 2(1)(3) of Rule XI of the Rules of the House of Representatives, the following statements are made:

(A) Oversight findings and recommendations.—Because this is emergency legislation no specific recommendations were made. However, the Subcommittee on Immigration, Citizenship, and International Law which has been charged with the responsibility of overseeing the admission of refugees into the United States and the programs to resettle refugees will continue to review the administration of this legislation. In order to accomplish the objective the Com-

mittee adopted an amendment requiring the President to keep it fully informed as to the operation of, and expenditures authorized by, this legislation.

(B) Congressional Budget Act section 308(a) requirement.—This measure provides an open-ended authorization of funds and will be subject to the normal appropriation process.

(C) Congressional Budget Office estimate and comparison.—No estimate and comparison prepared by the Director of Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been received by the Committee.

(D) Committee on Government Operations summary.—No oversight findings and recommendations have been received which relate to this measure from the Committee on Government Operations.

ESTIMATE OF COST

Pursuant to clause 7 of Rule XIII of the Rules of the House of Representatives the Committee is unable to estimate the cost of this legislation. Any figure is necessarily speculative since estimates of the total number of refugees fluctuate daily and it has not been determined with any degree of accuracy the number of such refugees who will be transported to, and resettled in, the United States.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of Rule XI of the Rules of the House of Representatives, the Committee notes this legislation provides a temporary program of relief for the Cambodian and South Vietnamese refugees and has no specifically identifiable inflationary impact.

COMMITTEE RECOMMENDATION

The Committee, after careful and detailed consideration of all the facts and circumstances involved in this legislation, is of the opinion that this bill should be enacted and accordingly recommends that H.R. 6755, as amended, do pass.

CHANGES IN EXISTING LAW

The instant legislation does not provide for any change in existing law.

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