

# INDOCHINA REFUGEES

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## HEARINGS

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP,  
AND INTERNATIONAL LAW

OF THE

COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

INDOCHINA REFUGEES

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MAY 5 AND 7, 1975

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## INDOCHINA REFUGEES

MONDAY, MAY 5, 1975

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON IMMIGRATION,  
CITIZENSHIP, AND INTERNATIONAL LAW  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10:40 a.m., in room 2141, Rayburn House Office Building, Hon. Joshua Eilberg [chairman of the subcommittee]; presiding.

Present: Representatives Eilberg, Sarbanes, Holtzman, Dodd, Russo, Fish, and Cohen.

Also present: Representative Mazzoli.

Staff present: Garner J. Cline, counsel; Arthur P. Endres, Jr., assistant counsel; Alexander B. Cook, associate counsel; and Janice Zarro, assistant counsel.

Mr. EILBERG. The subcommittee will come to order.

In the past 10 days, the United States has conducted what may well be the greatest mass movement of refugees, over the longest distance, that we have ever witnessed.

The President has authorized the parole into the United States of over 130,000 Vietnamese and Cambodian refugees. These refugees come into the U.S. territory seeking, first, asylum, and in most instances, permanent resettlement as well. In fact, this is only the second time in the history of the United States that this country has become a country of first asylum.

Less than 10 years ago, the United States offered asylum to those Cubans who wanted to leave the Castro regime, and over 600,000 Cubans came to the United States for resettlement. The primary issues confronting us at this time are not whether the evacuation was proper and legal, nor whether the President has exceeded his authority in admitting refugees, but rather, what efforts should be made to resettle these refugees and what funds must be made available to meet this problem.

We must try to solve this problem at a time when the United States faces the highest rate of unemployment in 30 years. We are also faced with a shortage of housing, a high cost of living, and a growing apprehension about foreign aid.

The Congress is faced with a great dilemma—should the United States abandon its traditional role of offering asylum to the needy and to the persecuted? Can the United States ignore the convention and protocol on the status of refugees to which we are a signatory?

It has been suggested that the events of last week constituted the final chapter of the Vietnam conflict. In my mind, however, this final

chapter can only be written after we have decided what actions are to be taken for the unfortunate victims of that war, particularly for those who reach our shores and seek refuge here. We cannot underestimate the capacity of this country to respond to this serious problem.

At the same time, we must strive to insure that the presence of large numbers of refugees does not disadvantage the American people. In anticipation of this difficult dilemma, I took the floor of the House on April 16th and stated :

It is imperative that the President immediately present the Congress with detailed, long-range plans to resettle any Vietnamese who are able to depart from South Vietnam.

At my direction, members of the committee staff visited Camp Pendleton, Calif., over this past weekend to review and study the Vietnamese refugee situation there and observe processing procedures which have been established. Through the efficiency of the Marine Corps, particularly the base commander at Camp Pendleton—Gen. Paul Graham—facilities have been set up to accommodate some 18,000 refugees.

Notwithstanding the thoroughness of the Marine Corps, the staff report points out the urgent need to resettle the refugees rapidly. Although the health of the refugees appears to be good at this time, any protracted stay in this different climate and overcrowded conditions in reception centers could result in disaster.

Greater participation by the voluntary agencies in finding resettlement opportunities is also necessary. We must turn to the obvious questions. What is the responsibility of the United States to provide resettlement facilities and financial assistance? Has the State Department succeeded in seeking the agreement of the international community in offering resettlement opportunities?

These, and other important questions, have been presented to the officials of the executive branch during the course of three hearings, and numerous consultations with the committee. Unfortunately, the committee was unable to receive any comprehensive answers.

[A bill, H.R. 6755, was later introduced "to enable the United States to render assistance to, or in behalf of, certain migrants and refugees." A copy of the bill follows:]

94TH CONGRESS  
1ST SESSION

# H. R. 6755

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1975

Mr. ROYCE introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To enable the United States to render assistance to, or in behalf of, certain migrants and refugees.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That this Act may be cited as the "Indochina Migration  
4        and Refugee Assistance Act of 1975".

5        SEC. 2. (a) Subject to the provisions of subsection (b),  
6        there are hereby authorized to be appropriated, in addition  
7        to amounts otherwise available for such purposes, such sums  
8        as may be necessary for the performance of functions set  
9        forth in the Migration and Refugee Assistance Act of 1962  
10        (76 Stat. 121), as amended, with respect to aliens who

1 have fled from Cambodia or Vietnam, such sums to remain  
2 available until expended.

3 (b) None of the funds authorized to be appropriated by  
4 this Act shall be available for the performance of functions  
5 after June 30, 1976, other than carrying out the provisions  
6 of clauses (3), (4), (5), and (6) of section 2 (b) of the  
7 Migration and Refugee Assistance Act of 1962, as amended.  
8 None of such funds shall be available for obligation for any  
9 purpose after September 30, 1977.

10 SEC. 3. In carrying out functions utilizing the funds  
11 made available under this Act, the term "refugee" as de-  
12 fined in section 2 (b) (3) of the Migration and Refugee  
13 Assistance Act of 1962, as amended, shall be deemed to  
14 include aliens who (A) because of persecution or fear of  
15 persecution on account of race, religion, or political opinion,  
16 fled from Cambodia or Vietnam; (B) cannot return there  
17 because of fear of persecution on account of race, religion,  
18 or political opinion; and (C) are in urgent need of assistance  
19 for the essentials of life.

Mr. EILBERG. I trust today that our witness, Ambassador L. Dean Brown, Director of the special Interagency Task Force on Indochina, can provide this committee with a thorough, complete and comprehensive report on the Cambodian and Vietnamese refugee situation; the status of the resettlement plans; as well as concrete proposals for future action.

It is a pleasure to welcome you here today, Ambassador Brown, and we welcome your associates as well.

Ambassador BROWN. Thank you, sir.

Mr. EILBERG. And if my list is correct, we have, in addition to yourself, Mr. James M. Wilson, Deputy Director of the task force; Mr.



Frank G. Wisner, Special Assistant to the Director of the task force—which is he, Mr. Wisner?

Mr. Arthur Gardiner, Assistant Administrator, Bureau of the East Asia, AID; and Mr. Knute E. Malmborg, Assistant Legal Adviser for Management; Ms. Julia Vadala Taft, Deputy Assistant Secretary of HEW for Human Development; and, of course, General Chapman, Commissioner of the Immigration and Naturalization Service.

**TESTIMONY OF AMBASSADOR L. DEAN BROWN, DIRECTOR, INTER-AGENCY TASK FORCE, DEPARTMENT OF STATE, ACCOMPANIED BY JAMES M. WILSON, DEPUTY DIRECTOR, TASK FORCE; FRANK G. WISNER, SPECIAL ASSISTANT TO DIRECTOR, TASK FORCE; ARTHUR Z. GARDINER, ASSISTANT ADMINISTRATOR, BUREAU FOR EAST ASIA, AID; KNUTE E. MALMBORG, ASSISTANT LEGAL ADVISER FOR MANAGEMENT; JULIA VADALA TAFT, DEPUTY ASSISTANT SECRETARY OF HEW FOR HUMAN DEVELOPMENT; AND GEN. LEONARD F. CHAPMAN, JR., COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE**

Ambassador Brown. Mr. Chairman, during the last 2 weeks as Vietnam collapsed, the United States undertook a humanitarian mission of gigantic proportions. In response to the tragedy, the administration acted with speed and determination.

Specifically, we succeeded in evacuating about 40,000 Vietnamese through our airlift before the airport was closed. We also evacuated over 7,000 American citizens through fixed wing airlift and the final helicopter evacuation.

The number of Vietnamese has swelled beyond this number as a result of the thousands of Vietnamese picked up by our naval vessels in the South China Sea. We now estimate the total number of Vietnamese who have fled Vietnam to exceed 125,000.

We have had to make some very rapid decisions on how to receive such a large flow of people. As Clark Air Force Base and Subic Bay became congested during the initial phase, we quickly established staging areas in Guam and Wake. We also established three reception centers in the United States at Camp Pendleton, Camp Chaffee, and Eglin Air Force Base where the refugees could be moved from Guam for further processing.

A massive effort was required to put the staging areas and the processing centers into operation. Our military services responded magnificently to the emergency, and we owe them a great deal of thanks. And they quickly moved to make the facilities ready to receive the large flow of refugees.

The civilian arms of Government were also mobilized and teams of INS, HEW, State, and AID were dispatched to the staging areas and the centers in the United States to assist in the effort. Also, and perhaps most importantly, the voluntary agencies have acted positively to the emergency. They are sending, or have sent, representatives to all of the centers in the United States.

After consulting with Congress and the President, the Attorney General, on April 25, extended parole to four generalized categories

of Indochina war victims. These categories represented the best estimate we had of the evacuation problem. We could not then define, with any precision, the numbers of Vietnamese who would flee their country by their own means, or would be stranded abroad.

Now that Vietnam has fallen, we have a clearer understanding of the evacuation problem. It has four basic components to it. We planned an evacuation of certain specific categories of Vietnamese, and estimated the total would not exceed 130,000. The plan was formalized in the Attorney General's parole after consultation with Congress.

In fact, through our planned air and sealfit evacuation, we succeeded in moving almost 55,000 Vietnamese. With the exception of a few, they appear after initial screening to fit the criteria specified by the Attorney General. They will be accepted into the United States unless any wish to emigrate to third countries or return to their native land. As you know, we have a small group on Guam of 45 who said that they did not want to be evacuated; I have sent very firm instructions that these people are to be turned over immediately to the United Nations High Commissioner for Refugees who will have a representative on Guam, and they will be returned through his good auspices to wherever they want to go. We are not forcing anybody into our process. And any that we find later, as people are interviewed, if they want to go back, we will send them back through the United Nations.

The second category includes those who received American assistance in their flight. About 69,000 Vietnamese were picked up either by U.S. vessels, or are presently sailing on Vietnamese vessels. These are men, women, and children without a country. The choice we have before us is to force them to return to their own country, which they fled from for fear of persecution, to leave them at sea, or to accept responsibility for them. We propose to accept responsibility for them.

The third category includes about 3,000 Vietnamese and Cambodians who, since the fall of their governments, fled to third countries—some of which are presently threatening to return them to Vietnam or Cambodia. These include Vietnamese and Cambodians who fled using air and navy craft furnished under the U.S. military assistance programs—valuable equipment we plan to reclaim.

We propose to require that they seek asylum in these countries where they are, and, if refused, ask for resettlement assistance from the appropriate international organizations before considering them for parole on a case-by-case or class-by-class basis.

The President just received a letter from 145 Cambodians, which I would like to insert for the record; people who fled, who are not in any present category, and who say in very pathetic language what fate they fear lies before them if they are returned involuntarily to Cambodia. These are soldiers who brought out equipment.

Mr. EILBERG. Where are they?

Ambassador BROWN. In Thailand.

Mr. EILBERG. Without objection, that letter will be made a part of the record.

[The information referred to follows:]

U TAPAO AFB, TENT CITY,  
Thailand, April 29, 1975.

Mr. GERALD R. FORD,  
President of the United States of America,  
The White House, Washington, D.C.

DEAR MR. PRESIDENT: We, the undersigned on the adjoining list, personnel of the Khmer National Armed Forces, have the honor to present you this request with a view to obtaining political asylum in the United States of America.

After five years of terrible struggle in the cause of ideals of the free world, against the Indochinese Communists, invaders of the Khmer Republic, we are now, by force of circumstances, refugees at U Tapao, Thailand, preferring liberty to Communist domination. We refused to leave when the occasion was favorable to do so, preferring instead to stay and fight, which we did, until the last minutes of the republic life. When we did leave, under fire, and we did so in good order, we brought out with us all the U.S. provided military equipment we possibly could so that it could be returned to the proper authorities.

We see in the United States, our erstwhile benefactors, the only possible adoptive country, in consonance with our ideals and aspirations, in which we could start a new life in Democracy and Liberty.

Moreover, we have learned with profound emotion that the American State Department, with the approval of the Senate, has authorized the immigration of 132,000 South Vietnamese and Khmer refugees to the United States, which reaffirms our confidence in our future.

However, certain of our Khmer compatriots, employed by the American Embassy in Phnom Penh benefit from a special treatment on the part of the American Government; that is to say, they were offered the opportunity to be evacuated from Phnom Penh with the U.S. Mission, and have been assured of immigration to, and employment in, the United States.

We, military men who were not so fortunate and only escaped with our lives at the last minute, would hope that comparable treatment will be accorded us, in consideration of the tireless service we, and any who may follow us, rendered in good faith to our country and the cause of free men everywhere.

In the hope of obtaining a favorable response to this request and, as soon as possible, since we have been allowed only a short transit period in Thailand, we offer you, Mr. President, our very best wishes and deepest gratitude.

Attached is a list of Khmer military personnel and their families who are requesting political asylum in the United States.

125 KHMER ARMED FORCES MILITARY PERSONNEL.

Ambassador BROWN. With regard to these Vietnamese and the Cambodians who reached Thailand, we know they will not be able to stay, and we will have to take charge of them.

The outcome of the Vietnam war has left other Vietnamese stranded in third countries. This last category includes Vietnamese diplomats and their families—the Ambassador and his staff, for instance—students, travelers, and businessmen. We do not know how many Vietnamese fall into this category, but we believe many of them will make arrangements to settle abroad.

Others will enjoy the protection signatory powers of the United Nations Protocol and Convention on the Status of Refugees. Some—and we do not yet know how many—may not be able to find safe haven, and may turn to the United States for help. We intend to ask international organizations to take responsibility. Only where we fail will we consider entry into the United States. As soon as we have a clearer estimate of the numbers involved here, we will communicate our findings to the Congress.

Based on this four-part assessment of the evacuation problem, we are asking the Attorney General to extend parole on a contingency basis to an additional 20,000 individuals and to liberalize the present limitations on categories. While we do not expect to extend parole to 150,000, we need to have the standby authority which a new determination could provide. Only in this way can we be equipped to care for those Vietnamese and Cambodians who are not able to find homes elsewhere.

We intend to press the international community to accept refugees and we have moved energetically to enlist its cooperation. Specifically, we have been in frequent contact with international agencies, principally the United Nations and the United Nations High Commissioner for Refugees and the Inter-Governmental Committee for European Migration.

I am sorry to report that the United Nations High Commissioner for Refugees has not moved as rapidly as we would have wished, but I can assure you we will continue to press them to assume those responsibilities for which they are mandated, and I will be meeting this afternoon with the U.N. HCR people. I have asked them to fly down to Washington to see what we can hammer out together to move them a little more quickly to accept their basic responsibilities that they have.

I would like, however, to extend my thanks to the Inter-Governmental Committee for European Migration—ICEM. We have had John Thomas, the head of that, who is an American, in the office over the weekend; he has a team out on Guam, and he himself is arriving in Pendleton about now en route to Guam and Wake. The International Committee of the Red Cross is sending a delegate to Guam to issue travel documents which will facilitate the movement of refugees to third countries.

Now, on our own part, bilaterally, we launched a diplomatic initiative to bring our concerns on the plight of the Indochina refugees to governments around the world. I sent a message to every Ambassador and Chargé in every country and said, take this up on the highest level. And we are beginning to get those responses. We have asked for their help and an expression of willingness to accept some refugees into their own lands. The reaction thus far is incomplete and mixed.

We have received some preliminary positive responses from certain countries from French-speaking Africa, Europe and Latin America. Canada has publicly declared its willingness to take at least 3,000 people, and the Canadian immigration service has now established offices at Guam and Pendleton. France is receiving many who have special ties to that country.

At this point I cannot predict how many will find homes in third countries, but we will continue to make a maximum effort to bring our concern, which is humanitarian, to the attention of the world community.

For those Vietnamese and Cambodians who do not find homes abroad, and are accepted into the United States, it is vital that we provide them with essential reception facilities, health care, clothing, education, vocational training and resettlement assistance which they will require if they are to settle quickly and become productive members of our society.

We must extend to them the same warmth of welcome that hundreds of thousands of other refugees have received in the United States in

the postwar period. We know that we must at all costs avoid additional charges to financially hard-pressed State and local governments. And we have to be ready to contribute to international resettlement efforts. The bill which the President is submitting this afternoon meets these requirements.

With regard to resettlement in the United States, we are working very closely with nine voluntary agencies who specialize in refugee relocation. We have agreed with them that the new arrivals should be dispersed as evenly and equitably as possible through the United States, avoiding in particular, resettlement in economically hard-pressed areas.

I am impressed by the competence, cooperation, and ability of the voluntary agencies and believe they are capable of finding new homes and making new lives for the majority of those Vietnamese and Cambodians who come to this country without American relatives or sponsors. We also have the full cooperation of HEW, DOD, Labor, and Interior in studying alternative resettlement possibilities for those refugees voluntary agencies cannot help.

I am aware of the public concern over the reception of Vietnamese and Cambodian refugees in the United States at this time of economic difficulty. I am confident, however, of our ability to carry out a successful resettlement program. The numbers are not too large, and more importantly, the Vietnamese and Cambodians arriving here in America have suffered deeply, and are deserving of our help and hospitality.

It is part of our tradition to respond rapidly and generously to people in need.

Thank you, Mr. Chairman.

Mr. EILBERG. Thank you, Mr. Ambassador.

Mr. Ambassador, you referred to a bill that is being submitted this afternoon. I believe it would be proper for us to discuss the major thrust of that bill, and the background of it, if we may at this time.

Could you tell us something about the bill?

Ambassador BROWN. Yes, sir.

This is a draft statutory authorization for a temporary program of relief and resettlement in the United States. It is a program which would not extend beyond fiscal year 1977, and the moneys appropriated to it would be contained in the Migration and Refugee Assistance Act of 1962, as amended.

Inasmuch as we are not asking for a permanent authority, we are putting this forward in a separate law, rather than as an amendment to the 1962 act. The authorization, sir, basically anticipates the expenditure of \$507 million in new funds. And to make sure we understand fully what we are talking about in the way of moneys, we must remember also that we have already obligated, or have available for obligation, \$98 million in AID money that we have transferred, and \$5 million in refugee money that we have already used.

So this would be, sir, an authority for \$507 million in new money.

Mr. EILBERG. Now we realize that we are just a little bit early, perhaps, in breaking that figure of \$507 million down, but would you give the subcommittee a tentative breakdown of that figure?

Ambassador BROWN. Yes, sir.

To DOD for sealift, \$30 million; for airlift, \$132 million. For the establishment of staging areas, and the expenses of opening the proc-

essing centers, \$35 million. A figure payable to DOD, once again, for the maintenance of people at the processing centers, medical care, food, utilities, all other expenses, \$185 million.

Resettlement costs, which would go to the Office of Refugees and Migration, and then go to the voluntary agencies, \$78 million.

For HEW, for subsequent welfare and medical expenses, \$125 million. And for the movement of 20,000 refugees to third countries for resettlement, \$20 million.

This comes to \$605 million, sir. That comes to \$605 million, less the \$98 million, comes to the figure of \$507 million new appropriation, sir.

If we are going to break it down by agency, then we are talking about Defense, \$382 million; State, \$98 million; and HEW \$125 million.

Mr. EILBERG. Thank you for that.

Mr. Ambassador, are you aware of any effort on the parts of the individual States to gear up their social services machinery to assist the refugees temporarily or permanently, housed in their States?

Ambassador BROWN. May I ask Julia to speak to this? Julia, from HEW, has been dealing with just this problem, sir.

Ms. TAFT. HEW is prepared to respond to the influx of the Cambodians and the Vietnamese refugees much the same way as it did with the Cuban refugees. As you are quite familiar with that program, the main role here is the Federal Government reimbursing State and local agencies for the costs that they incur.

We have been working—and as you know, this has worked very quickly, but during the past week we have sent some guidance out to the States indicating the kinds of things that we hope we will have the authority to be reimbursing. Basically, in the area of any kind of medicaid costs, welfare costs, and social services.

Now the important thing that I think we must all keep in mind is that the voluntary agencies are going to make every effort to insure a wide distribution of the refugees throughout the United States. So we do not anticipate a high concentration in any area. Obviously, if there is a high concentration, we are going to have to work with the State and local agencies to develop the specific kinds of social service programs which might be helpful.

Basically we are working on bilingual education packages that would be helpful, both at the reception sites and after the resettlement. Social services, such as day care, homemaker-home services, that kind of thing, will be provided by State and local agencies. This is not unlike the Cuban program; it is not unlike what the State and local agencies do for the millions of people who are eligible for the current services.

So we do not anticipate any special high impact, and we will be working alongside with them as soon as the resettlement really starts to flow.

Mr. EILBERG. All these services are contingent upon Federal funding however?

Ms. TAFT. We feel it is appropriate for the Federal Government to pick up the expenses for the duration of the authorizing legislation, as we have done with the Cuban program. What we do not want to do is to assert the Federal leadership for a long period of time, until

we really know where the people are going to be residing. And as I say, we do not anticipate an impact in any one locality.

But to relieve any potential fiscal burden on the State and local officials for the next couple of fiscal years, we will be proposing that HEW does reimburse 100 percent of those kinds of costs.

Mr. EILBERG. Are there enough funds currently available to enable the States to give the temporary necessary assistance?

Ms. TAFT. There is not now.

However, anyone who enters this country legally, as these people are entering, are eligible for the same kinds of social services and income maintenance and health programs as other people in this country who are in need. And then we reimburse the State and local agencies for whatever proportion of the Federal matching is required.

Instead of setting up matching rates here, we will be planning 100 percent reimbursement.

Mr. EILBERG. Under what authority did HEW notify the State and local governments last week that they would receive 100 percent reimbursement?

Ms. TAFT. We need that legislation which would be forwarded that Ambassador Brown discussed.

Mr. EILBERG. Will that be in the draft bill that is being presented by the administration?

Ambassador BROWN. Yes, sir.

In this connection, sir, on May 3 I sent a telegram to the Governors of all 50 States, and, among other things, it was basically a description of the program of what we are doing, which I will be glad to insert in the record. But we did tell the Governors at that time, State and local authorities will suffer no direct fiscal hardship and little indirect hardship from influxes. The Federal Government is seeking authorization and funding from the Congress on an urgent basis to provide resettlement health income maintenance and social service funds to reimburse 100 percent of the costs incurred for these services. Backup Federal funding authority exists for any residual problems which individual cases may present. HEW is also prepared to provide full assistance for destitute repatriots and their dependents as soon as Congress makes funds available.

[The information referred to follows:]

**TEXT OF A TELEGRAM SENT MAY 3, 1975 TO THE GOVERNORS OF ALL 50 STATES BY L. DEAN BROWN, SPECIAL REPRESENTATIVE AND DIRECTOR OF THE INTER-AGENCY TASK FORCE FOR THE PRESIDENT**

As a result of the tragedy in Vietnam the President has authorized the admission to the United States of up to 130,000 Vietnamese citizens. The largest percentage of these unfortunate people are relatives of American citizens or of permanent residents. The others, as many as 52,000 are those we call high risk, meaning their lives would be in danger if they had remained in Viet-Nam.

In this cable I would like to give you a picture of what we are doing to make the resettlement of Vietnamese as humane and decent as possible and to avoid hardship to communities where they will live. It is a task in which I hope all Americans will participate.

We currently estimate that over 100,000 Vietnamese have left their country to date through the American air and seairlift and by their own means. Now that we have begun movements to reception centers, we expect 5,000 a day to arrive in the United States at designated reception centers.

We have two problems: (a) reuniting Vietnamese with their American families and sponsors; (b) finding permanent homes for the high risk Vietnamese (estimated 50,000). We believe the social and economic impact will be minimal.

Those Americans with Vietnamese dependents are widely dispersed. For those coming without sponsors, our policy is to share the responsibility equitably among all regions of the United States. The Vietnamese coming to the United States are predominately a skilled group; many have English capability.

Resettlement will be the responsibility of voluntary agencies who have traditionally been most effective in settling refugees from abroad—Hungarians and Ugandan Asians. In addition these agencies identify sponsors who provide housing, jobs, counseling and education. Many agencies report charges will not become financial burdens to state and local governments. The voluntary agencies believe all refugees we are presently planning for can be expeditiously resettled. Voluntary agencies will avoid resettlement in economically hard-hit areas and will not concentrate the refugees in specific localities. The voluntary agencies engaged in resettlement efforts include the following:

U.S. Catholic Conference,  
Migration and Refugee Services,  
1312 Massachusetts Avenue, NW.,  
Washington, D.C.

American Fund for Czechoslovak Refugees,  
1709 Broadway, Room 1316,  
New York, New York

Church World Service,  
Immigration & Refugee Program,  
475 Riverside Drive,  
New York, New York

Lutheran Immigration & Refugee Service,  
315 Park Avenue South,  
New York, New York

United Hlas Service, Inc.,  
200 Park Avenue South,  
New York, New York

International Rescue Committee,  
386 Park Avenue South,  
New York, New York

American Council for Nationalities Service,  
20 West 40th Street,  
New York, New York

Travelers Aid-International Social Services,  
345 East 40th Street,  
New York, New York

Private contributions in money or offers in resettlement should be referred directly to the agencies concerned.

We have strong indications of support in resettlement and job identification from other groups including the AFL-CIO. We have been deluged with offers of private assistance.

Strenuous international efforts are underway. France, Canada and Australia have indicated they will take Vietnamese refugees. There are Latin American nations and countries in Asia and Francophone Africa interested.

To facilitate the health and immigration entry into the U.S., we have set up our staging areas in Guam and Wake. Our health verification system is rigorous. The Army Medical Corps together with HEW (Public Health Service—Center for Disease Control physicians and other health personnel) are strongly represented on Guam. The refugees are in good health and pose no more of a problem to the health of the American public than thousands of other travelers who enter this country annually from Southeast Asia. (Of 29,000 refugees on April 30 in Guam, only about 80 have been hospitalized due to such conditions as measles, mild diarrhea, maternity and pneumonia but no serious disease or communicable disease.) At this time, there are no unusual health problems present and we are maintaining expert (Center for Disease Control) surveillance. The nutritional status of the refugees is surprisingly good. Further health and curative treatment and preventive measures will take place in reception centers. Local health authorities will be alerted for any appropriate follow on, should individual cases require it.



State and local authorities will suffer no direct fiscal hardship and little indirect hardship from the influx. The Federal Government is seeking authorization and funding from the Congress on an urgent basis to provide: resettlement, health, income maintenance, and social service funds to reimburse 100 percent of the costs incurred for these services. Backup Federal funding authority exists for any residual problems which individual cases may present. HEW is also prepared to provide full assistance for destitute repatriates and their dependents as soon as Congress makes funds available. Also additional moneys for voluntary agency resettlement and transportation support and reception center costs.

Three reception centers have been designated to receive those arriving—Camp Pendleton (California), Camp Chaffee (Arkansas), Eglin Air Force Base (Florida). We and the voluntary agencies anticipate being able to process those arriving quickly. Screening and counseling services for families whose sponsors are ready to receive them should take less than a week. Other families should be on their way to new homes and jobs within a reasonable period of time, many of them in a few weeks.

J. DEAN BROWN,  
*Special Representative and Director of the  
Inter-Agency Task Force for the President.*

Mr. EILBERG. After a minimal amount of processing, can you give the committee some indication of the types of services required for the Vietnamese refugees who will be resettled in the United States?

Ambassador BROWN. I think the types of services that would be required were described in a sense by Julia. That is, the type of services that we provide for American citizens, generally, plus one or two others which are quite important. And among that is the bilingual training program which HEW hopes to establish and work on quickly so that these people can enter into productive capacities.

We have found, by the way, a very interesting—in a survey we ran on heads of households in Guam and that a great majority of the heads of households speak English—either excellent English or a good English; 70 percent of them.

Mr. EILBERG. A very important question, Mr. Brown.

You referred—as I did in my statement—to the economic situation, the unemployment situation, in this country. Would you attempt to describe for the committee how many jobs might be needed by these refugees, assuming that 150,000 refugees come to this country.

Ambassador BROWN. Yes, sir.

I think the one thing we are finding with the refugees is that there are large numbers of women and children that have come along. I would say that of 150,000 entering, we are talking probably about 30,000 heads of households; 30,000 jobs, sir.

Mr. EILBERG. Now is it not true that many of the refugees entering are financially able or competent, or else are parts of families that would be very well able to take care of themselves?

I would like to get—as far as possible at this time—to a tentative maximum figure, based upon all the considerations as to what the impact on the job market will be in the United States.

Ambassador BROWN. Yes, sir.

You are quite right, Mr. Chairman. What we are seeing in the arrivals at Chaffee, Eglin, and Pendleton, is a large number of professional people coming through. These are doctors, lawyers, trained people, who should be able to move very quickly into the job market.

Another factor, as you mentioned very well, is that large numbers of these people are related to Americans, or to permanently admitted

aliens, here in the United States. These people are moving very quickly out of the camps to their relatives homes and will be taken care of.

The other thing that is interesting is that the church groups will be placing large numbers—the voluntary agencies and church groups have had tens of thousands of offers of homes, placements, and jobs come through to them. I think the great majority of these people will fit in rather easily, that they will be productive citizens in a year or so, contributing to our tax base.

Mr. EILBERG. You referred briefly to efforts made with other countries, and we have been struggling—I think, valiantly—during the last few weeks to try to find out what contacts, and the effects of those contacts—and this subcommittee has somewhat despaired of learning either the facts or what the results of those efforts are, so I wonder if you could—

Ambassador BROWN. Right. Yes. I will try my best on that sir, but if I may refer to your earlier question, the AFL-CIO Community Action Organization has been very helpful and supportive of all of our efforts in the problem of finding jobs for people, and they are playing a role with the voluntary agencies at this time.

Now we look at what we did in the interational field. We went two paths: One is to go to the international agencies that have responsibilities in the field. And the second one was to go to the countries bilaterally. So we have gone both ways.

As I mentioned earlier, we do have ICEM working hard right now on Guam, planning the movement of those people who are there who want to go to third countries. And there are Vietnamese who say, no; I don't want to go to the United States, I want to go to Australia; I want to go to France, I want to go elsewhere, and ICEM is working on that.

Now ICEM has also undertaken a quick swing through Latin America. John Thomas went down to Latin America because he, over the last decade, has been moving people from Europe to Latin America in fairly substantial numbers. The Latin Americans have certain skill requirements they want, and what he will be doing on Guam is matching up those skill requirements with the people that are there.

Mr. EILBERG. May I just interject—

Ambassador BROWN. Yes, sir?

Mr. EILBERG. It strikes me as odd, if not inconsistent, that at the very time you are calling upon John Thomas and ICEM, that frankly, the administration is cutting the budget of ICEM, or the contribution to ICEM.

Would you have any comment on that?

Ambassador BROWN. If you will notice in our proposal for authority and appropriation, there is a sum in there for movement to third countries. We would expect that ICEM would largely carry this out.

Mr. EILBERG. So that funds would be added, or be made available to ICEM?

Ambassador BROWN. That is right, sir.

Mr. RUSSO. Excuse me, Mr. Chairman.

Mr. EILBERG. I will yield to Mr. Russo.

Mr. RUSSO. I have to appear before the Public Works Committee at 11:30, but at the request of Chairman Rodino and also of Chairman

Eilberg, I have recently returned from the ICEM Conference in Geneva, and I would like to share some of my feelings with you Mr. Ambassador. The feedback that I received from the people with whom I discussed this problem is that it is America's problem, entirely, and America had better get itself out of it because there will be limited if any resettlement in foreign countries—according to the members of the ICEM nations that I talked to.

I also was interested in the fact that they had a conference in Dublin. The European Common Market countries had a conference in Dublin where they set their policy, so to speak, that they were not going to accept many South Vietnamese refugees. In their opinion, it was America's problem.

While in Geneva, I stressed the point that America is doing its fair share, and all I asked, and all that the Congress asked, and this country asks, is that they contribute their fair share. Frankly, my feeling was that they have little intention of assuming any responsibility regarding this matter.

Thank you, Mr. Chairman.

Mr. EILBERG. Do you have any comment on that?

Ambassador BROWN. Yes, sir.

I think that Congressman Russo has probably hit certain things rather well. We were very disappointed in the response of the EEC countries, or the EEC as a body. We have gone back since then on an individual basis to each one of those countries and said, now let us talk bilaterally about this; that we bilaterally—the United States—thinks that you should take on a share of these people. I think we will get some of it from some of the countries in Western Europe, but we will not get the large numbers that I would like to see them take.

Now we are going to be talking to Mr. Whitlam who is coming here this week, and saying that we think that Australia should take a large number of these people. We have been fairly successful so far with the Canadians. Now the Latin Americans, the indications are—did you talk to some of the Latin Americans, because there is an indication that the Brazilians, the Uruguayians, in their search for qualified people, will be moving in the right direction. I hope they will.

And I would just add one more point. We do have the foreign ministers of the Latin American countries in Washington next week, and we will be hitting them again individually and collectively on the issue.

Mr. Russo. I hope the response provided to you is much better than the one I received.

Ambassador BROWN. I hope so too, sir.

Mr. EILBERG. Mr. Brown, why are we having so much trouble with the U.N. High Commissioner for Refugees? It seems to me that he could not care less as far as this problem is concerned. This is the net conclusion that I come to.

Ambassador BROWN. I am not sure, sir.

There seems to be a delay factor built into their response techniques.

Mr. EILBERG. You are being very, very polite.

Ambassador BROWN. And all I can do is pound on them and say to them, look, we have been one of the principal supporters of UNHCR in the past; we are one of the principal supporters of the United

Nations; this is a United Nations responsibility to take on: we do have a convention of which the United States is a signatory, and unfortunately, not enough countries around the world are signatories about refugees, and ask them to take on their responsibilities, both of the signatories and nonsignatories. What I want from the UNHCR is a good solid public statement that refugees that take refuge in third countries are not to be driven back to the countries from which they fled, which is part of the convention.

Mr. EILBERG. You stated a few moments ago you were hopeful of the cooperation of the U.N. in assisting some of these refugees. Do you really mean it, Mr. Brown?

Ambassador BROWN. All I can do is hope, sir.

We finally persuaded them to send two people out to Guam, and they are on their way: A Canadian and someone else. We will talk to them out there. And as I said I am talking to Dyale, who is the deputy, this afternoon; I have asked him to come down and bring his people down. All I can do is pound the table as hard as possible—and you can be assured it will happen.

Mr. EILBERG. We certainly wish you great success in that area.

Ambassador BROWN. You tell me to pound it harder, and I will do it.

Mr. EILBERG. Please do.

Ambassador BROWN. I will sir, and I will tell them that.

Mr. EILBERG. Mr. Fish?

Mr. FISHER. Thank you, Mr. Chairman.

Ambassador Brown, I welcome you, and at the outset, I would like to say that I certainly hope that the United States will adhere to its traditional role of welcoming these refugees, and being generous about it. I am very sorry that news accounts in the past few days seem to indicate that some Americans, at least, do not share that feeling, and are not rolling out the welcome mat for Vietnamese.

So I think it would be helpful if we can put this matter in some perspective. And your mentioning the fact that only 30,000, who would be heads of households, are seeking employment in the United States, I think is a very good point.

Is it not also true that of the 40,000 Vietnamese, in the first paragraph of your prepared statement, that were airlifted out of Saigon, that many of these would be in the category of parolees that we approved? It would be families of American citizens and families of Vietnamese in the United States legally, here for permanent residence?

Ambassador BROWN. That is correct, sir. Absolutely.

Mr. FISHER. So can we not expect that the families that petitioned for their parents and brothers and sisters to come to the United States would share a responsibility for their maintenance?

Ambassador BROWN. Yes, sir. We expect that, and we have already processed into the United States about 11,000 people, all of whom have sponsors. And we think they will never become a public charge.

Mr. FISHER. Is that not part of the assumption, when an American citizen—the person here of permanent residence—petitions for his or her parents and brothers and sisters to come to the United States, which is a normal process I understand, that there is an obligation to see that the people coming into the country would not become a public charge?

Ambassador BROWN. Yes, sir. That is a moral obligation.

Mr. FISHER. There is no waiver of that in this case, is there?

Ambassador BROWN. No; that is not waived, sir.

As a matter of fact, let me just check with General Chapman, but I think last year we took in 400,000 immigrants into the United States. Is that right, sir?

General CHAPMAN. That is right.

Ambassador BROWN. 400,000 people came into the United States through the ordinary process and have settled here, and no one has even noticed it.

Mr. FISHER. That is the next point I wanted to make. I think it was Ms. Taft who mentioned that the resettlement in the United States would be scattered throughout the country to avoid any concentration. If my arithmetic is right, if we have 130,000 Vietnamese coming into the United States, that would be one Vietnamese for every 1,610 Americans. Is that true? Is that your rough arithmetic?

Ms. TAFT. Your guess is as good as mine.

Mr. FISHER. In other words, they would not be very noticeable, would they, Mr. Brown?

Ambassador BROWN. No, sir.

Mr. FISHER. I wonder if one of you could tell the subcommittee more about the role of the voluntary agencies. When we had our last meeting, Ambassador Kellogg said he was very anxious for the voluntary agencies to assume responsibility at the staging areas in the United States, and I wonder how that is proceeding and what the function of the agencies are.

Ambassador BROWN. I think the way I like to look at it is, it is really a flow process. What we have is somebody coming out of Vietnam with the American Government involved, and the American Government has now moved them through the Pacific, and he is in the staging area in the United States. He is then processed by the health authorities to make sure he is healthy, by INS to make sure he meets the criteria. He is given a security clearance and then this man moves sort of down the row of tents and he hits the voluntary agencies. And they are there physically in the camps.

We have had enormous problems getting going with this program because we had to move so quickly. It is moving, honestly, better in Chaffee than at Pendleton, because we were able to get a few days advance in Pendleton and get people there before the flow started.

But there they are—the voluntary agencies are there with their representatives with telephones, dealing with their constituencies, that is, the church groups around the country. Let us take the Catholics, for instance; they are dealing with the bishops, the bishops are dealing down with the churches which are making offers to take people—saying, we can take, in this parish we can take six families, or two families, or three. And we will work this out, this flow through to the voluntary agency man at the camp. And he can make a determination then, using a lot of telephones, a lot of cables, and eventually move someone on directly to the sponsor.

It is a constant flow that way, sir. And you know, these voluntary agencies have had a lot of experience doing this, and we have nine of them out there working with us. And there are other people that have started to get into the game as well—the International Rescue Committee, the Red Cross is being helpful. And I expect the community action organization of AFL-CIO to move into this pretty quickly.

Mr. FISH. Could I interrupt for a moment? Do you have any breakdown of the religious affiliation of these people?

Ambassador BROWN. No, sir. Well, we do know, for instance, that the churches themselves, the American churches, which have missionary efforts in Vietnam made considerable efforts to make sure that at least their leaders were moved out, so we will have a large number of the people who will be—well, we have Catholics, we have some Mormon groups, we have the Church Missionary Alliance, some of their people. These are Vietnamese who are members of these faiths.

Mr. FISH. Then you are getting the cooperation of the affiliated churches in the United States?

Ambassador BROWN. Absolutely. Every church group in the United States is with us.

Mr. FISH. That is marvelous.

I wonder if I could turn to Ms. Taft again because I do not want to monopolize the time again, but I wonder Ms. Taft if you want to address yourself to the public health problems, and just give us an account of the way things are at these staging areas.

Ms. TAFT. I am glad you asked that because this is one of the areas that we have been quite pleased with the high level of health in Guam, in Wake, and at these staging areas here. We have a center for disease control specialist at each of the reception centers and the staging sites that are providing around-the-clock health surveillance, looking into issues of communicable disease and general health care.

To date, we have found no serious health problems whatsoever. As a matter of fact, these people seem to be healthier than the normal average American cluster of people 30,000 or 40,000 large. There have been about 90 hospitalizations at any one time on Guam, and those are primarily for maternity cases. There have been about six babies born, mild inflammation of the eyes, and digestive tract problems, but there have been no serious illnesses whatsoever, and we are quite pleased at the sanitary conditions.

We are concerned, of course, with the crowding, and for this reason, we are trying to move as expeditiously as possible to bring the people stateside and out. We are immunizing all children ages 1 through 5 for all of the typical immunizations: pertussis, rubella, mumps, that kind of thing.

Actually, we are quite confident by the time all children get out of the reception sites here, they will be immunized, which is better than the American public at large.

Mr. FISH. So immunized, they might be sick from that.

Ms. TAFT. No; we are very pleased with the health condition and Public Health Service is working very closely with the military medical corps that are at all of the staging sites, and we feel that there is no problem. Emergency medical cases that cannot be treated at the hospitals, at the staging sites, will be handled at Public Health Service hospitals or clinics, and as soon as people leave the reception centers, and if they find a job obviously they can enroll in the health care plan of whatever employer they have.

Or second, if they are unable to pay for medical expenses, this is the kind of costs that HEW would be picking up, pursuant to legislation.

Mr. FISH. Thank you very much. Thank you, Mr. Chairman.

Mr. EILBERG. Thank you, Mr. Fish.

Mr. Sarbanes?

Mr. SARBANES. Mr. Ambassador, I would like to get a little clearer picture on the numbers. I take it the numbers that we are talking about are set out on pages 3 and 4 of your statement, is that correct?

Ambassador BROWN. Yes, sir.

Mr. SARBANES. Now, the 55,000 in the first categories essentially come within the previous categories of parole authority issued by the Attorney General, is that correct?

Ambassador BROWN. Yes, sir.

Mr. SARBANES. That does not apply to the 69,000, or is it that it may or may not apply to the 69,000?

Ambassador BROWN. It may or may not, sir.

Mr. SARBANES. Do you have any estimate with respect to the 69,000? How many would be covered under the existing categories provided for parole authority?

Ambassador BROWN. Sir, I can give you no firm estimate on that until we land those people and have our preliminary process. They are all still at sea.

Now, I would assume that large numbers of them will fit under the various categories, particularly those fleeing because they feel their lives are threatened. Otherwise, they would not be on the high seas.

Mr. SARBANES. Is there any profile of the refugee population in terms of age, sex, skills, language abilities?

Ambassador BROWN. Yes, sir, we have that. As a matter of fact, what this is here is something we tried this time perhaps for the first time in a thing like this. This is everyone we have had in Guam is now here in the computer, 44,000. We are refining this data all the time.

First of all, it gives us a name check. It gives us an age, nationality, and what we are trying to get into, this is a skill code as well, and hand this to the voluntary agencies. It will be the first time that we have really given them a working document of this nature that they can handle in a better way than just dealing with individuals.

Now, this has been basically done by U.S. facilities. IBM is moving into it. IBM on a voluntary basis is going to take over and help us run the computer facilities.

Mr. SARBANES. Do you have a summary sheet with respect to that situation which gives us any general information?

Ambassador BROWN. Yes; let me give you an analysis that we did. We ran some soundings on the bases in Guam. There are five camps in Guam. This is 500 households. Twenty-eight percent of them already have U.S. sponsors; 34 percent of them have relatives in the United States; 10 percent wanted to go to third countries; 10 percent had no particular ties in the United States; 18 percent are U.S. Government employees; 10 percent were employees of U.S. firms, agencies, political leaders in the threatened category, military, and others; 30 percent spoke excellent English; 40 percent fair English; 40 percent are male; 60 percent female; 60 percent children.

Breaking it down a little further—

Mr. SARBANES. What was that—40 percent were male and what was the next figure?

Ambassador BROWN. Forty percent of the adults were male, 60 percent female, and then 60 percent of the mass are children.

Mr. SARBANES. I see.

Ambassador BROWN. From the computer, of the 44,000 people on Guam—this was a survey—but running through the computer, we get this: Of the 44,000, 48.9 male, 51.1 female of 44,000 people; under 10 years, 25 percent; 10 to 17, 20 percent; 18 to 24, 15 percent; 25 to 55, 34 percent; over 55, 5 percent, and I will be glad to put this in rather than have you—I will be glad to put this into the record, these figures.

Mr. EILBERG. We will be glad to make that part of the record.  
[The material referred to follows:]

INFORMATION EXTRACTED FROM GUAM DATA BASE

	Number	Percent
<b>Number of military personnel:</b>		
Enlisted.....	546	
Officers.....	801	
<b>Total.....</b>	<b>1,347</b>	
<b>By sex:</b>		
Male.....	21,575	48.9
Female.....	22,512	51.1
<b>Total.....</b>	<b>44,087</b>	<b>100.0</b>
<b>By age:</b>		
Under 10.....	11,406	25.9
10 to 17.....	9,024	20.5
18 to 24.....	6,606	15.0
25 to 55.....	14,960	33.9
Over 55.....	2,091	4.7
<b>Total.....</b>	<b>44,087</b>	<b>100.0</b>
<b>By nationality:</b>		
United States.....	2,244	5.1
Vietnam.....	40,965	92.9
Other.....	878	1.9
<b>Total.....</b>	<b>44,087</b>	<b>100.0</b>

Mr. SARBANES. Is there any report on how unified or broken up are the families that are moving? I notice that 60 percent of those figures, or close to 60 percent, are under 24 years of age.

Ambassador BROWN. Yes, sir, that is right.

Mr. SARBANES. I am wondering, are we dealing essentially with family units, or have they been totally fragmented? Are we dealing with a lot of isolated persons, either children or adults, detached from their family units?

Ambassador BROWN. I think the great majority are family units. Now, in many cases part of the family did not come, but the Vietnamese have, like so many people, very close family ties, and the household is often an extended one, and we find in the camps that the people sort themselves out by families very quickly, but there is certainly no way we were able to guarantee for instance that a family of threatened individual, the entire family got out. We will find in need some isolated people.

I think in the groups that will be coming in on ships, we may find more isolated groups that have lost their families. We are not quite sure of the makeup of the ships or even the total numbers. It is rather strange. We thought we had a count on some of the U.S. Navy ships at one time. We thought there were 32,000. It turns out we had 39,000 on



the ships. They could not even count them aboard. It is too difficult, too crowded, too confusing.

Mr. SARBANES. Now, on page 6, you indicate that Canada has declared its willingness to take a certain number of refugees and that France is receiving those with special ties.

Ambassador BROWN. Yes, sir.

Mr. SARBANES. Does this affect the refugee figures that you were talking about, or is there another stream of refugees that is being absorbed directly by other countries?

Ambassador BROWN. Well, I think the Canadian one will be within our stream. That is to say, the Canadians are in our camps looking for people. They are not taking any separately. Now, the French of course have large numbers of Vietnamese at any time in France. That has always been a cultural center for France. They are dealing with them and their refugees.

Now, the French of course have stayed behind, and that would be a separate stream as far as the French were concerned. Now, of the let us say French-speaking African countries where there are large Vietnamese populations, West Africa—there are no Chinese restaurants, although they call themselves Chinese restaurants. They are all Vietnamese restaurants, and this is left over from the French ties to Vietnam in the past, and they will be looking for their relatives, through us, through the French, in any way they can.

The Australians have special ties. As do the New Zealanders, having served in Vietnam at one time, and they will be looking for people that are of concern to them through us and perhaps separately as well, but I think in most cases primarily through us.

Mr. SARBANES. Now, it is not quite clear to me why on page 5 of your statement you are requesting additional parole authority?

Ambassador BROWN. Yes. Let me put it this way: What we ask for in what we call the endangered group was 50,000 people, and we asked for a parole authority that totaled in all of the categories of Vietnamese and Cambodians up to 130,000. What we are finding is the composition of the group is changing because of this sea rescue. In other words, we will have larger numbers in the endangered group than in the close relatives group as we had originally anticipated. Perhaps not as many relatives—

Mr. SARBANES. Well, you asked for two things, as I understand it, and that is, first an increase in numbers.

Ambassador BROWN. Yes, sir.

Mr. SARBANES. And also the lifting or the easing of the limitations on the categories.

Ambassador BROWN. That is right, greater flexibility, sir.

Mr. SARBANES. I understand that request. I do not understand the first request.

Ambassador BROWN. The first request is for an additional—this is because we are simply not sure, sir, what numbers there are in third countries or still floating around the seas that are going to get picked up one way or another, and we are taking this on a contingency basis in case we need it.

Mr. SARBANES. Do you think your ability to request or in fact urge other countries to absorb part of the refugee problem will be helped

or hindered as the total number we are committed to exceeds the total refugee population?

Ambassador BROWN. I think you put a question that agonized us, too, sir—that is to say, the mere fact that you announce that you are going to do something tends to take the pressure off of others, and yet at the same time, you cannot let people drift around on the seas. The idea of 40,000 drifting somewhere between the Philippines and Guam in makeshift Vietnamese naval vessels and freighters was too much, so I thought we had to move on and bite that bullet.

Mr. SARBANES. I understand that, but I thought the numbers already authorized were sufficient to cover that problem—although not the categories problem. I understand the problems with the categories, but I understood that the numbers already authorized were sufficient to cover the numbers problem; but as I understood your answer, just a moment ago, you tied the additional numbers to the problem of Vietnamese present in third countries who might encounter difficulties in remaining there.

Ambassador BROWN. No; I think we would have to add to that those that are maybe still floating around the seas or ending up in the hands of countries that will not take them. To be precise, sir, you know, there are some ships, for instance, going into places like Thailand. These are ships with Vietnamese who escaped one way or another. The Thais are not going to take them.

Mr. SARBANES. At what point in time do you think we would be able to have absolutely hard figures, really, on the number of refugees, and some facts on their composition?

Ambassador BROWN. Well, I think we would be able to get the composition once we get these people off the ships and get them into the processing process. We will have a better idea who and what we are talking about.

I wish I could be more precise now, but we did not try to do that on the ships because we thought it would be just too confusing for our people on the ships to do that. Once we do that, we will have the figures, and we will have them cold, and now the question of timing—I do not think we want an open-ended situation that goes on indefinitely into the future. At some time, once these large numbers are in our centers or are taken care of elsewhere, we should then revert to normal practice and say these things will be handled on the case-by-case basis rather than in any categories, so the idea of a time limit is one which I have a certain sympathy for. We will have to work out a cutoff.

And also I want to get out of this job sometime, and I thought they might combine.

Mr. SARBANES. Thank you.

Mr. EILBERG. Mr. Cohen.

Mr. COHEN. Thank you. Mr. Chairman.

Mr. BROWN, I think you indicated earlier that 400,000 refugees or people immigrated to this country last year, and no one even noticed. I would just point out that General Chapman has been testifying for several weeks now that we have one-half million people who entered this country illegally who are contributing substantially to our economic problems.

Ambassador BROWN. That is right, sir.

Mr. COHEN. I suppose that one could logically, but I suppose erroneously, conclude, that when they enter illegally, they are a problem, but when they enter legally, they are not a problem.

I am concerned about the run-throughs or your computer. It is my information that Mr. Habib testified before Senator Kennedy's committee in the Senate that they needed approximately \$300 million for a 6-month period, or roughly the same amount of money for a yearly period for about half as many refugees, and I am wondering now that we have doubled the number of refugees, why you are asking the same amount of money.

Was Mr. Habib underestimating and you overestimating?

Ambassador BROWN. I hope I am not overestimating, sir.

No, we are not asking for the same amount of money. We are asking for what is almost double.

Mr. COHEN. I believe he testified on a 6-month period, and you are asking for 1 year.

Ambassador BROWN. Yes.

Mr. COHEN. Does that not amount to the same amount of money?

Ambassador BROWN. Oh, no. I see what you mean. I think the bulk of the money, you see, is spent almost immediately. The large amounts of this money are for transportation and care and feeding of people before they move into the economy.

Mr. COHEN. I am sorry. I did not get that comment.

Mr. GARDINER. I happen to have been there when the Secretary was testifying.

Mr. COHEN. Perhaps you could elaborate on it.

Mr. GARDINER. We did at that point give a preliminary estimate based on the then-estimated preliminary figures of refugees, which has indeed increased since. Secretary Habib did give a guess of a possible total cost in the neighborhood of one-half billion dollars for the whole problem.

Mr. COHEN. For half as many refugees.

Mr. GARDINER. Well, yes, but that was over the longer period of time, yes.

Mr. COHEN. But that was for a 6-month period.

Mr. GARDINER. The numbers that we in fact used were closer to \$300 million for a 6-month period. When pressed, Phil guessed that for the total cost for the entire program, it would be close to one-half billion dollars.

Mr. COHEN. For a 6-month period?

Mr. GARDINER. No, sir, for the total.

Mr. COHEN. But it comes back to the same point—one-half billion —

Mr. GARDINER. This is a more refined estimate now.

Mr. COHEN. It is one-half billion dollars—the same amount of money for twice as many refugees.

Mr. GARDINER. That is correct.

Mr. COHEN. I am a little bit concerned about the guesswork that has been going on. Several weeks ago, 2 or 3 weeks ago—I am glad you mention Mr. Thomas from ICEM who testified before this subcommittee—the gentleman from New York, Mr. Fish, was asking Mr. Thomas—who was in a good position to have some feel at least for

the amount of cooperation by our allies or those who are concerned with international agencies—Mr. Fish asked the question, do you think that we would anticipate taking 100,000 or possibly 200,000 into this country?

And the response was, I do not think it is going to be anything like that at all. A certain number of people who have worked closely with us should be received in this country. He would place the figure in the neighborhood of 10,000 to 15,000 this country would have to accept. That was less than 3 weeks ago.

Have things changed so drastically with our international relations that we no longer have the type of cooperation, that other countries can bear their share?

Ambassador BROWN. That is a very good question. I think it is one we are going to have to analyze over the next 2 weeks or so as to what our relations are with certain other countries.

Mr. COHEN. Well, when you say that, what kind of pressures can be brought on other countries to bear some measure of responsibility? For example, would it be appropriate for this committee or this Congress or this administration to consider the reduction of the amount of people coming into this country next year? For example, if we take an additional 150,000 this year over and above those we normally put through our immigration process, would it be appropriate to consider a reduction in a future year?

Ambassador BROWN. I would not want to answer that because I am not sure of the exact makeup of the people who come in at the present time under the normal program, but as I understand it, they are generally rather high preference, are they not, General Chapman?

General CHAPMAN. The 400,000?

Ambassador BROWN. Yes. Could the general speak to that?

General CHAPMAN. The 400,000, of course, enter under the auspices of the immigration laws. They are either relatives or sponsored by their relatives, or they have a labor certification for work in this country.

Mr. COHEN. I understand that, but I am suggesting that this year we will have approximately 550,000 as opposed to 400,000.

General CHAPMAN. Immigrants?

Mr. COHEN. Yes, sir; immigrants and refugees.

General CHAPMAN. Well, the number of immigrants is about 400,000 each year and has been.

Mr. COHEN. We are talking about another 150,000 coming in though. What response have you received from the States you have written to, Mr. Brown?

Ambassador BROWN. I am sorry?

Mr. COHEN. What response have you received from the States you have written to?

Ambassador BROWN. Well, I have talked to a lot of people on the phone as well. It varies, and I think in the beginning there was a lot of hesitation, a lot of fear that large numbers of people were going to be dumped on one community or another without any planning. If you remember, there were headlines in the California papers that 1 million people were suddenly going to arrive in California.

We have had, I think a change in attitude, a very good change in attitude, as we have seen at both Chaffee and Eglin, the local com-

munities are there; the Governors are there. Governor Pryor of Arkansas handed out to each Vietnamese as he arrived a personal greeting in Vietnamese. There has been an attitude of acceptance which I think is completely in the tradition of the American people.

Always in the beginning I think you find this attitude, gee, let us not face the problem, and then later cooperation.

Mr. EILBERG. Would the gentleman yield at that point?

Mr. COHEN. Yes.

Mr. EILBERG. Following that, we know with the Cuban refugees situation that they practically all settled in Miami. Ambassador Brown, I ask you to look in the crystal ball and tell us what you see as far as the spread of these Vietnamese refugees around the country?

Ambassador BROWN. Well, at this time I am not sure. We have something like 16,000 Vietnamese living in the country now, 16,000 or 18,000, and if we looked at that, they are spread all over the country as it is. These are people that have entered in previous years. Many of them have already gone in and become American citizens, or others are in the process, and they are spread across the country.

Mr. EILBERG. What about the rest that are coming in?

Ambassador BROWN. I think the same pattern will hold, and that, of course, is exactly what HEW on its part and the volunteer agencies have assumed as a major responsibility, is to spread this out and not create just what you said, a settlement area or a series of settlement areas where we create whole new ethnic communities in the United States.

Mr. COHEN. I believe Ms. Taft has suggested that the refugees coming into this country are far healthier than anyone anticipated, and I assume that is because they are coming from the middle- and upper-middle-class of the Vietnamese society. Is that not so?

Ms. TAFT. Partially, it is so, but Saigon and South Vietnam are not areas where there is high contagious diseases anyway, so they came from a healthy environment too.

Mr. COHEN. And from what you said, they tend to be professional and those who are in the upper brackets of Vietnamese society, as far as income is concerned, and occupations.

Ambassador BROWN. Yes, very often. That is to say, the ones that are coming here with relatives—I mean, these are relatives that made it. They are in a social class where the relative came here, got a job, and worked, so they are all educated in the family.

As I was saying, that sample of English is an indication that that is what they are.

Mr. COHEN. I understand that point. I would like to ask two questions pertaining to that. How many of those who are coming into this country have friends or relatives who would be able, would be in a position, to provide them with some financial assistance and other assistance to alleviate the burden placed upon the taxpayer, and how many of those have significant assets of their own who could contribute to their own resettlement here in this country?

Ambassador BROWN. Well, assets of their own—they all—not all, but most of them seem to be traveling with something. These are the savings that they had for this purpose, what they call their runaway money if necessary.

Mr. COHEN. Well, is there any inquiry being made into exactly how much runaway money is involved?

Ambassador BROWN. No, no, not as such.

Mr. COHEN. Why not?

Ambassador BROWN. Because that would—oh, I am sorry.

Ms. TAFT. We have representatives at three reception sites here from Social Rehabilitation Services that are going through identifying assets and trying to make assumptions based on the information they get on how many of these people may eventually end up on public assistance rolls, and from the sample that we have had are primarily the ones that do have sponsors now or do have their own assets that are coming through, so I cannot give you a judgment, but by and large, these people are prepared to enter into the mainstream of society with their professions and with their assets.

Mr. EILBERG. Would the gentleman yield for a moment to Mr. Sarbanes?

Mr. COHEN. Yes, I yield.

Mr. SARBANES. Just to follow up on a question that Congressman Cohen asked, are the figures you are giving us based on the sample pertaining to those Vietnamese who are part of the U.S. evacuation plan, are they not?

Ambassador BROWN. That is right, sir.

Mr. SARBANES. And, it is, I guess, reasonable to assume that those being picked up at sea that were not part of an evacuation plan may in fact—I mean, we do not know, but they may in fact give you a very different refugee profile. Is that right?

Ambassador BROWN. That is right. I would say, as I said earlier, the profile was 34 percent that had relatives in the United States. I expect in the total program to see that drop, that as these other people come in that that percentage will go down.

Mr. COHEN. Just one final point, if I may, Mr. Chairman. I was interested in your comment that 70 percent of those people, heads of households, are bilingual. Yet apparently you are going to request funds for substantial amounts of money for bilingual aid, I assume in other words you are going to give them all bilingual education, the children as well, and I am pleased to hear that because I have been requesting additional funding for some time from the same administration for bilingual education, and it has not been forthcoming.

That is all I have, Mr. Chairman.

Mr. EILBERG. Ms. Holtzman?

Ms. HOLTZMAN. Thank you, Mr. Chairman.

What does your sample show with respect to those who come and have assets with them?

Ms. TAFT. I do not have a figure right now. As you know, the reception centers are where this processing has been going through, and they have only been doing it for the past four days, but we will be collecting some specific data on all kinds of demographic characteristics and income characteristics, and I will be able to—

Ms. HOLTZMAN. Well, I am asking about assets. Are they specifically asking at these centers what assets people have? Is that question being asked?

Ms. TAFT. It is my understanding that this question is being asked.

Ambassador BROWN. This is in the centers in the United States.

Ms. TAFT. Right.

Ms. HOLTZMAN. Do you anticipate that the Government is going to pay for the transportation, resettlement, acculturation of persons who come here with great personal wealth?

Ambassador BROWN. No, not at all.

Ms. HOLTZMAN. Are you taking that into account in these figures you have submitted?

Ambassador BROWN. Yes.

Ms. TAFT. Yes.

Ms. HOLTZMAN. Well then, if you are taking that into account, do you have any breakdown of the persons who come here with personal wealth?

Ms. TAFT. Yes, one of the things—and I am glad you raised this question because I think the experience with the Cuban refugee program which had built into it a potential for income testing—in other words, you would not have to pick up the financial costs for the services if people did have their own assets to cover these expenses. That was never invoked in the Cuban refugee program because of the high concentration of people in one State.

Now, what we are doing here and in building our budget estimates for HEW, we are going to, depending on the outcome of the legislation, we will be means testing the services for reimbursement, so it would be very much the same way as our existing system is, and by looking at the budget, you can see one of the largest costs is in the welfare, social services, and medical assistance, and what we are doing is basing the maximum exposure, being 65,000 cases per month at any one time.

We think this is—

Ms. HOLTZMAN. Well, perhaps you have not understood my question. What assumption are you making as to the number of people who will come here destitute and the number who will come here able to pay their own way? Do your figures make any assumption with respect to that, or do they assume everyone is going to be destitute?

Ms. TAFT. The assumption we are making from our standpoint based on about 130,000 people is that at some point during their experience here that half of those people will be on public assistance for some period of time.

Mr. COHEN. Will the gentlelady yield?

Ms. HOLTZMAN. I would like to get this question answered.

Mr. Ambassador, do you have any plan to ask persons who have been evacuated at Government expense to reimburse the Government if they have the means to do so?

Ambassador BROWN. No; I have no plan at this time to ask those who were evacuated at Government expense, that is from Saigon on, at this time.

Ms. HOLTZMAN. Did you not just answer me that you would not expect the taxpayers to bear the expense of people who came here with great personal wealth?

Ambassador BROWN. I thought you were talking about resettlement itself, Ms. Holtzman.

Ms. HOLTZMAN. I am talking about both.

Ambassador BROWN. No. At this time, we have no plans; we have not developed any plan of trying to tap back into the total cost and factor it out, and a plan to bill people.

Ms. HOLTZMAN. Is that 16 tons of gold available to—

Ambassador BROWN. It never got out.

Ms. HOLTZMAN. Oh, it never got out.

Mr. EILBERG. Would the gentlelady yield to Mr. Cohen?

Ms. HOLTZMAN. I will be happy to yield to him now.

Mr. COHEN. I just wanted to follow up on your line of questioning. It seems that a lot of information that we have received during the past 2 or 3 weeks has been based upon guestimates from the 15,000 that Dr. Thomas said we have to handle in this country to now in excess of 100,000. And I was just wondering from your point of view how much time is going to be necessary before you will have something more than guesswork, rather than requesting this committee to authorize on a basis of 1 year in terms of the amount of money to be expended.

What period of time would be necessary before you have some facts as opposed to asking us to make an authorization or consider authorizing you to act on a yearly basis? What period of time is necessary?

Ambassador BROWN. Well, really then what you are asking me to do is to complete an elaborate paperwork on each one. This we will do, but we will not be able to do it until the people are in staging areas where we can see them. People will be floating around for another week or so.

Mr. EILBERG. Mr. Brown, the question really is, should we not start with the lesser initial authorization and perhaps come along later, a couple of months later, after your facts are better known, so that we would provide an authorization that is meaningful rather than one based on guesswork, as the case now is? I mean, would you not have to do this all at one time within this week or next week, I think is the thrust of Mr. Cohen's question.

Ambassador BROWN. Yes. We need the feeling that we are going to have enough funds so we can carry this program through, so that it will not come to a dead stop at some time. I would hate to stop processing people or moving people because the services say there are no funds coming along stream.

Arthur, do you want to speak to this though? He helped develop the figures.

Mr. GARDINER. I think Jim can help.

Ambassador BROWN. Jim Wilson helped develop these figures.

Mr. WILSON. As I think the subcommittee is aware, Mr. Chairman, we have taken certain emergency actions to fund the cost of the refugee program to date through a series of transfers from the Foreign Assistance Act. These transfers have now totaled a total of \$98 million, but the expenditures are also very large at this point.

We estimate that we may be very close to spending that entire \$98 million by the end of this week, unless we can find an additional source of funds. This means then that the need for funding to continue this operation without interruption is very acute.

Mr. EILBERG. Ms. Holtzman?

Ms. HOLTZMAN. Thank you, Mr. Chairman.

Mr. Ambassador, do you have any screening program for persons who came here from South Vietnam who may have engaged in the misappropriation of American funds while they were in South Viet-



nam, who were responsible for running the tiger cages, or who were engaged in torture of political prisoners? What are you doing with respect to these persons?

Ambassador BROWN. Well, what we are doing very carefully through the INS process—INS is following out its absolutely normal procedures, just as it would in other cases, and that includes a check, a security check, to see if these people are admissible, so that if we are talking about criminals or other people who are excluded from the United States, they would not be included. We would not take them.

Ms. HOLTZMAN. Well, I saw a television program the other night in which, I believe, the head of the secret police in Saigon was processed ahead of a long line of other people. Is preferential treatment being given to these people?

Ambassador BROWN. My instructions, as all my staff knows my instructions were that there was to be no preferential treatment given to anybody. It was a first-come, first-serve basis, and this includes the foreign services officers who were on Guam still with their wives. They wait in line with everybody else.

Those three fellows did not jump the line, by the way, they were pulled through the line, but they were in their place. They had come to them in the numerical system. In other words, if you are case 6,000, when they get around to process case 6,000, you are processed. They were off in another tent somewhere, and they went through the line, but they had come to their numbers.

I do not like the idea of VIP processing. First of all, it is an undemocratic system, and second of all it is damn inefficient, because you stop the work you are doing, and your people do not perform well, and they do not like it.

Ms. HOLTZMAN. I am glad of that assurance, and I would hope too that there is no preferential treatment given to the so-called brass, the big shots, and the like. I would like to get back to an earlier point. I am not sure there is anything in the existing immigration laws that would prohibit the entry of persons who were involved in police torture methods or running the tiger cages or in corruption. Perhaps the Commissioner can answer this: If persons have not been convicted of a crime, though there may be substantial evidence that they committed one, they seem to be admissible.

Do you have some other plans with respect to the issuance of parole for these persons, or with respect to the admission of these people into this country?

Ambassador BROWN. I might let the general talk about how the parole system really works because what we are not doing is we are not admitting people for permanent residence into the United States under a parole, but he might talk to this because it is an important difference here.

General CHAPMAN. Well, that is correct. The parolees are paroled into the United States physically. Legally, they are still at the water's edge. They are not admitted for permanent residence as immigrants. For each one, the security checks are made.

In the case of the relatives, we are completing the security checks after they depart the processing centers and join their families, and we may well do that in some cases with the other categories as well,

but in each case a security check will be completed, and all checks will be completed before we issue the final parole authority.

Ms. HOLTZMAN. Mr. Chapman, does the security check go into questions of profiteering, misappropriation of American funds, and whether people were involved in police torture methods and the like?

General CHAPMAN. The security check is made with each of the cognizant Government agencies, State, FBI, CIA, Defense, and one or two others I believe, so that if that kind of activity occurred it would be known.

But the parole authority, however, the parole process is not limited in that regard. The immigration is.

Ms. HOLTZMAN. Are you saying you can assure me now that the so-called security checks are going into questions of whether persons who are seeking admission into this country, under parole or otherwise, engaged in any misappropriation of American funds, profiteering, or torture methods in South Vietnam? Can you give me that assurance?

General CHAPMAN. I cannot give you that assurance. It depends on what information is contained in the records of the agencies to whom we inquire with regard to security. I do not know what is in their records.

Mr. EILBERG. Would the gentlelady yield?

General, what are your plans, or what do you think will happen if these people do not pass the security checks. What are you going to do with these people?

General CHAPMAN. They will continue to be paroled, I think. They will be paroled into the United States as parolees in a refugee status.

Mr. EILBERG. Even though they may be found to have been guilty of very serious crimes?

General CHAPMAN. Well, if they are criminals, they are excludable under the law.

Mr. EILBERG. And sent back to Vietnam?

General CHAPMAN. I doubt if that will happen, Mr. Chairman.

Mr. EILBERG. What will happen?

General CHAPMAN. I think they will be parolees in the United States.

Mr. EILBERG. That is really not a very satisfactory answer, is it, General?

General CHAPMAN. I think it is a hard fact, an inexorable fact in this situation.

Mr. EILBERG. I do not know whether the committee can accept that. We will have to ponder that.

Ambassador BROWN. I think it is a hard question, Mr. Chairman, because there is another facet to it that you have to remember, and that is that we are signatories to the refugee protocol and convention which says to us when someone lands in your country as a refugee, you cannot return them if he is a genuine refugee. In other words, that is international law in contrast to domestic law.

Mr. EILBERG. Ms. Holtzman? May I just assure the members of the committee that we will go until the quorum call, and Ambassador Brown has been kind enough to say he would be able to stay until after the quorum call, so that other members of the committee will have an opportunity to ask their questions.

Ms. HOLTZMAN. If I might just finish that line of questioning—  
Ambassador BROWN. Please, because it is a very difficult one, Ms. Holtzman.

Ms. HOLTZMAN. Exactly. It is something that troubles me a tremendous amount. It seems to me in the first place that we have not reached the point of having these people actually arrive in our country. I mean, they are still in some stage of asylum in Guam and Wake.

Secondly, I want to get back to the point that General Chapman answered. Is the security check of these persons going into such questions as whether they were in a position to and did in fact mishandle American funds? We have been hearing the press for years talk about corruption going on in Saigon, and we surely have enough people who break the law in this country without importing them gratuitously. Is any question being asked in these security checks about whether or not these people engaged in torture, police methods.

And secondly, is any question being asked in these security checks about whether or not these people engaged in torture, police methods.

Ambassador BROWN. Unless they were in the file. You see that is what my problem is in answering you. It is not a direct answer. If it is in the file and your security people, your evaluators say, this is a security risk, then it is a non-admissible person.

That is not a direct answer, but that is the way those files work, as you know.

Mr. EILBERG. Mr. Dodd?

Mr. DODD. Thank you, Mr. Chairman.

I would just sort of like to proceed with that line of questioning because it was my understanding earlier from you, Ms. Taft, that one of the problems with the Cuban refugees is that there was not really the collection of data or a very limited amount of collection of data when those refugees came to this country. Is that a correct summarization of what you said?

Ms. TAFT. No, I said we provided services without regard to whatever the income was of the refugees that came in. It was not that we did not make the assessment or that they had money and they could not pay for it. The problem was there was a heavy impact in one State, and that has continued. We had 660,000 Cubans that went basically into Florida, and that was such a heavy influx that we covered the costs regardless of the income.

Mr. DODD. I was not just referring to income. I was talking about the collection of data and information not only as to income, as to job skills, as to possible background checks into certain alleged criminal activities, so forth and so on, that kind of data, collection. Was that a part of the Cuban refugee program?

Ms. TAFT. There is still a very large computer data bank in Dade County in Florida that does maintain information on job skills, the people, where they have gone, what has happened to them. I do not know what kinds of political or intelligence data was collected by that, but I do know that we do support a demographic and sociological breakdown in Miami of all the other kinds of characteristics.

Mr. DODD. Let me ask you, Mr. Ambassador—you mentioned in your testimony that it was your intention to try to distribute the

evacuees, refugees throughout the country and not to place them in those labor markets that had been most severely affected. Is there interface going on with the Department of Labor, Department of Commerce in this country?

Ambassador Brown. Yes, sir. I might say the interagency task force that we established has representatives of anybody you could think of that would have a role to play in this, and that does include IUCD, Labor, and all the others that you can think of.

Mr. Dobb. Is there any funding going to these local communities where the refugees will be going? Is there any preparation through chambers of commerce or through local business groups or whatever to educate the communities wherein there will be a large influx?

Ambassador Brown. This is exactly what the volunteer agencies have historically done in finding places and finding sponsors for people. They prepare the local community. That is part of the process.

Right here in the city of Washington, there are people now collecting funds, getting together in groups, and volunteering to take a family or two. In a sense, that is community preparation.

Now, the other part of it—I did last week address the heads of about 40 organizations, Kiwanis, Lions, and all of the others, who came for that conference with the President. After I talked to them, the President talked to them about the same line, in other words, putting on them a sort of community responsibility for the community organizations to help.

Mr. Dobb. It is my understanding that in the \$507 million request by the administration there is funding for education, if you will, for the lack of a better word, to inform those communities wherein there will be an influx of refugees, as to what they should be doing in order to lessen the severity of the blow, as it were, in the communities.

There is funding, in other words.

Ambassador Brown. You mean is there direct funding in this money for that? No, that is the normal task, I think, of Government agencies.

Mr. Dobb. The reason I raise that is that these statistics we see with regard to the recent polls, 54 percent of the American public is opposed to this entire program, as opposed to 36, I guess, who are willing to accept it. And, a lot of reasons are being given, but it would seem to me that this is a fact that we are going to do it.

How, then, do we minimize the possible violence or difficulties that can occur in communities where there is an influx of refugees?

Ambassador Brown. I agree completely. I think we need to continue and improve the general education program, which we are trying to do, in the interagency task force, and throughout the Government, of informing people that the impingement on their own personal lives and economies is not going to be bad.

Now, a week ago there was a poll down in the Eglin Air Force Base area in which 80 percent of the people said they were opposed. Three days ago there was another poll and that had dropped to 40 percent, because the people were starting to arrive.

I think you will find this is going to go right down, in the American body politic, as people realize that first of all there is not any large influx into any particular community; that there is not suddenly an adding in the community to a 10-percent, or a 20-percent, or 30-percent unemployment rate, because large numbers of people are coming in.

I think the American body politic is a tolerant and understanding one, and as these things go through the local church organizations, the local community organizations, and people start feeling that they can be involved in a useful project, that this opposition tends to disappear.

This has been true in the communities around Pendleton where there was an awful lot of fear in the beginning that these people would move right out of Camp Pendleton directly into the local communities.

Now, at Pendleton, they have to sort of fend people off who want to help.

Mr. EILBERG. Would the gentleman yield?

Mr. DODD. Certainly, Mr. Chairman.

Mr. EILBERG. Mr. Brown, I am certainly quite impressed with your efforts to go into the community, and your efforts for the community. But now a question I think that is a very big one, is have you gone into the labor union organizations in the community to test their reaction and seek their responses to the very important questions being raised here?

Ambassador BROWN. Absolutely, right from the beginning when this thing started when I took over, I got in touch with Ernie Lee—

Mr. EILBERG. Who?

Ambassador BROWN. Ernie Lee—Meany's son-in-law, and he has put the Community Action Organization of the AFL-CIO into this. They have sent letters around to their chapters all around the United States, and I understand but cannot speak for, George Meany that he is going to give a speech in the next day or so on it.

Mr. EILBERG. Excuse me, Mr. Dodd.

Ambassador BROWN. He is very positive on this, sir, on what this is, and he looks on it as not only the American tradition, but that we have a responsibility for these people.

Mr. EILBERG. Can you speak for any other members of the organized labor community?

Ambassador BROWN. I do not know, sir.

Mr. EILBERG. Excuse me, Mr. Dodd.

Mr. DODD. Mr. Chairman, I have one other line of questioning. It has to do, again, I guess, with the data collection and the processing in terms of trying to collect information, specific information, as to the people coming to this country.

Is there at this point refugees who are in Wake or Guam—is there any exchange of currency going on? In other words, a refugee coming out with Vietnamese currency, are we exchanging currency?

Ambassador BROWN. Oh, yes. The banks are there on Guam.

Mr. DODD. How do we recognize the currency of South Vietnam?

Ambassador BROWN. No, we are not taking piasters. In other words, we are not exchanging piasters. If people have piasters, that is too bad. But a lot of people have greenbacks or gold.

Mr. DODD. There is gold, then, coming out?

Ambassador BROWN. Yes. You know all through Southeast Asia people collect these little bars of gold and put them under the bed for emergencies.

Mr. DODD. Well how much? Do you have any data or information as to the amount of gold that has been exchanged?

Ambassador BROWN. I would have to go back to Deak & Co., but the Deak & Co. people who are there told me the total they received, a little under \$2 million.

Mr. DODD. \$2 million in gold? And is that both in Wake and Guam? Or in just one spot?

Ambassador BROWN. That would only be in Guam.

Mr. DODD. Do you have any information on Wake?

Ambassador BROWN. No, but the population in Wake is very small. That is 5,000 people. You could take a percentage of that, if you wanted.

Ms. HOLTZMAN. Would you yield to me?

Mr. DODD. I certainly will.

Ms. HOLTZMAN. How many heads of household did you say there were in Guam now?

Ambassador BROWN. We have right at this moment on Guam—the figure changes constantly—we have 26,000, so I think we could estimate that you have 5,000 or 6,000 heads of households.

Ms. HOLTZMAN. 5,000 or 6,000 heads of households now in Guam and \$2 million in gold was exchanged?

Ambassador BROWN. Yes.

Ms. HOLTZMAN. Do you have a time period on that exchange of gold?

Ambassador BROWN. That was up through yesterday, or the day before yesterday. It is not very much if you look at it that way.

Mr. DODD. You do not consider it to be very much?

Ambassador BROWN. When you divide it out. I mean this is the people's life savings, often. This is the way you keep your life's savings in a country where you have political problems.

You know, it is like in France where they have got \$5 billion in the banks and \$10 billion in the mattresses.

Mr. DODD. Mr. Ambassador, please, I do not want to be misunderstood. I am not suggesting that people should be deprived of their rights to their life's earnings. The question really here is whether or not we as taxpayers in this country ought to be funding an evacuation refugee resettlement program when we have people who are capable of supporting themselves in a resettlement process.

And that is really what we are trying to get at. I do not think there is any hesitancy on my part, or the members of this committee, to want to help destitute people to relocate in this country.

There is a tremendous hesitancy on my part, anyway, to support individuals who are more capable of sustaining themselves, economically, than I am.

Ambassador BROWN. I agree with you completely. I mean the point is that in the resettlement efforts, these people that come with money there they are. They are on their own, out in the economy. They get a house and they get to work.

I mean we are not going to be spending money on resettlement of people that have money, no way.

Mr. DODD. It is my understanding that earlier you said there would be no breakdown. There would be funding for resettlement for all of these people. There would be no reimbursement.

Ambassador BROWN. No, no, just transportation we are talking about. We are talking about transportation. And let us divide the figure. That is \$400 a household.

Mr. DODD. If it were broken down evenly.

Ambassador BROWN. Which I doubt it is—I doubt it is.

Mr. DODD. Thank you, Mr. Chairman.

Mr. EILBERG. Mr. Russo?

Mr. RUSSO. Thank you, very much, Mr. Chairman.

I want to clarify a previous question with General Chapman. It seems that we have a problem in this subcommittee whenever we discuss private bills concerning individuals who have a criminal record. I am appalled at your comments that it is a hard fact that we just have to accept.

I do not accept that statement at all. And I am in no way going to allow any dangerous precedent to be set by the Immigration Service of allowing a criminal into this country just because of persecution in another country.

It is imperative that we screen the people entering into this country. There are probably more people who are deserving of coming into this country that are still in Vietnam that I would rather see here than some of the criminal elements fortunate enough to escape.

It is not a hard fact that I am willing to swallow.

General CHAPMAN. It is not a hard fact that there are any such. The first 55,000 were lifted out under our auspices and were screened in one degree or another by the Embassy in Saigon.

The additional 69,000 or whatever it is, on the two different flotillas, we do not know who they are yet. But I would just say that—

Mr. RUSSO. My question is—

General CHAPMAN [continuing]. Any person setting foot on U.S. soil, under the provisions of the Asylum protocol, is entitled to apply for asylum. He cannot be returned forceably to his country of origin, so here they are. If there are any such, we will, presumably, know it from the security checks. But they are here.

Ambassador BROWN. But, sir, if I may, the General has made a point that of those 55,000 people we lifted out in the days before the final collapse, there was some kind of a check run by the Embassy on most of them.

That is to say, I think probably—and we know, for instance, that certain airplanes left with a crowd of so many people, and arrived with a few more. That is so. The conditions were so chaotic out at the airport at the time, but the vast majority of those people that were moved by airlift did have Embassy documents.

Mr. RUSSO. I was just concerned by the General's statement that it is a "hard fact," because in our subcommittee meetings we do not accept anybody from any other nation that has a criminal background. And I do not see why we should make—

Mr. FISHER. Would the gentleman yield?

Mr. RUSSO. Certainly.

Mr. FISHER. I think part of the problem here is that the actions that General Chapman and INS take, must be in accord with the Immigration and Nationality Act, section 212(a) of which defines those categories excludable from admission into the United States. And it has, as you know, a great many different categories, one of which is aliens who have been convicted of a crime involving moral turpitude.

As I see the problem, the category of individuals that Ms. Holtzman enumerated, and which started off this line of questioning, would not

necessarily be people who had gone through any judicial process in the government for which they worked, and which condoned these actions.

So, they are not criminals in the sense of having a record that would come to the attention of the INS. The other categories listed here are people with narcotics offenses convictions, and mental incompetents, and so forth, and all of those other excludable categories, neither, would they reach this issue.

I point this out because I think the General is operating under severe restraints that the Congress enacted. He cannot make up categories of excludable individuals.

I thank the gentleman.

Mr. Russo. I thank the gentleman.

General CHAPMAN. Those people that you described, and the people that are enumerated in the Immigration law, are with respect to entry into the country for permanent residence.

There is a different situation here. If there are any people who fall into these categories, in that they will have landed on U.S. soil, and they are entitled to asylum.

Mr. Russo. On the way over this morning from Chicago, I was reading an article in the paper where they quoted Americans who were signing signature affidavits for \$3,000 each, enabling certain Vietnamese people to be listed as relatives of American citizens.

Is there any security check regarding the documentation process and its alleged abuses?

General CHAPMAN. Well, each person who claims to be a relative and who has a sponsor, the sponsor, of course, assumes the moral responsibility for support and maintenance, and as the person as the refugee passes through our progressive inspection process, will end up at one of our district offices where all of the final checks are made, including the security check, before the final parole papers and the final documents are made up and issued.

So that in that process, we will certainly make an effort to uncover any fraud that may take place.

Mr. Russo. Fraud seems to be rampant according to the newspaper article. I just wanted to bring it to your attention that they are selling signature affidavits, and being fraudulently listed as relatives of American citizens, for \$3,000, and I hope some investigation will be made concerning these illegal acts.

General CHAPMAN. We will investigate each case, of course.

Mr. Russo. Referring to your statement on page 4, Mr. Ambassador, where you indicate that the outcome of the Vietnam war has left Vietnamese stranded, et cetera, and this last category includes Vietnamese officials and their families.

I have one comment I would like to make. That would include the South Vietnamese Ambassador that is here? Is that correct?

Ambassador BROWN. Yes.

Mr. Russo. I would like to see you make arrangements to settle him abroad for the simple reason that anyone who would make a statement in this country that it seems better to be an ally of the Communists than the Americans, we should make sure that he is not settled in America.

I have no further question.

Mr. EILBERG. Thank you.



Mr. Ambassador, what obligations does the United States have under the Convention and Protocol Relating to the Status of Refugees, with respect to those who are in the United States, including Guam? You mentioned that?

Ambassador BROWN. I would like to have Mr. Malmborg, who is one of our State Department lawyers. He has a citation there that I would like to have him read out for you.

Mr. MALMBORG. Thank you, Mr. Chairman. Under the protocol relating to the status of refugees, and the parent Convention, which it incorporates, there are a number of specific obligations. The one which is of primary importance in the present situation is article XXXIII, which is a prohibition on expulsion or return of a refugee, in any manner whatsoever, to the frontiers or territories where his life or freedom would be threatened on account of his race, nationality, political opinion, and so on, with two narrow exceptions: where the individual can be regarded as a danger to the security of the country in which he is; or who, having been convicted by final judgment of a particularly serious crime, constitutes a danger to the community of that country.

Then, in addition to that—which is sort of the situation that applies to the people in Guam and Wake and other areas under our jurisdiction—with respect to people who are in the United States, and lawfully admitted to the United States, article XXXII of the Convention says that contracting states shall not expel a refugee lawfully in their territory, save on grounds of national security or public order.

Mr. EILBERG. All right, now on that point, in connection with the matter I was discussing with General Chapman a few minutes ago, suppose we know that the person, a refugee, is clearly undesirable under our law? Can we return him? Or, are we barred from returning him under the Convention and Protocol?

Mr. MALMBORG. We are barred from returning him to the territory where he has a well-founded fear of being persecuted because of political opinion or otherwise.

Mr. EILBERG. What can we do with them?

Mr. MALMBORG. He could be sent through the deportation or exclusion process to another country which is willing to accept him. If such a third country could not be located, we would presumably have the individual in a kind of indefinite status, subject to exclusion as soon as a proper location could be found, or until his fear of persecution was found to be unwarranted.

Mr. EILBERG. Ambassador, I think you certainly would agree that by our agreeing to admit 150,000 we do take the pressure off the international community. And yet you insist that we should do it anyway?

Ambassador BROWN. Yes, sir. I tried to confront you with the dilemma we faced, ourselves, in this process. And the dilemma is basically that of, as I see it, of not being able to leave people floating around on the ocean while you arrange something with the international community, which acts slowly on all things, and which unfortunately is going to act even more slowly on things that end up with the word "Vietnam" involved in it.

Mr. DODD. Would you yield?

Mr. EILBERG. Mr. Dodd, I wonder if we could recess now and come back at the end of the quorum call? We beg your indulgence, if you would. We will be back right after the quorum call.

Ambassador BROWN. Yes; I will be right here, sir.

[A brief recess was taken.]

Mr. EILBERG. The subcommittee will come to order.

Ambassador Brown, just referring very briefly to the preliminary estimates of the evacuation, temporary care, and resettlement costs, on behalf of the subcommittee, this, of course, is a useful tentative outline, but in terms of considering the bill that formally comes before us, we would hope and expect that you would be able to give us a more detailed breakdown of these figures.

Ambassador BROWN. We will, sir.

Mr. EILBERG. That they would be justified. Now we know you are relying on various other agencies, but I do not think we will be content with just totals, grand totals, without breakdowns of departmental figures.

Ambassador BROWN. I can assure you, Mr. Chairman, that you will get the detailed breakdown, as you require.

[The breakdown referred to follows:]

*Preliminary Estimates of Evacuation, Temporary Care, and Resettlement Costs (150,000 Evacuees Including 130,000 Resettled in United States and 20,000 in Third Countries)—2 May 1975*

	<i>Millions</i>
1. Sealift (DOD)-----	\$30
Contract shipping for evacuation.	
2. Airlift (DOD)-----	132
\$300 per person (110,000 people) to staging areas, \$530 per person (130,000 people) from staging areas to processing centers, plus air supply of materials estimated at \$30 million.	
3. Facilities (DOD)-----	35
\$20 million for establishment of staging areas, \$15 million to open processing centers.	
4. Daily maintenance (DOD)-----	185
\$15 per person per day for 30 days (150,000 people) at staging areas, \$15 per person per day for 60 days (130,000 people) at processing centers. Includes food, utilities, medical care, etc.	
5. Resettlement costs (State/ORM)-----	78
Estimated at \$600 per person to be provided to voluntary agencies which will transport and administer resettlement, 130,000 people in United States.	
6. Subsequent welfare and medical (HEW)-----	125
Welfare and social services-----	50
Repatriation U.S. citizens-----	7
Medicaid-----	30
Bilingual and vocational training-----	20
Public health-----	15
7. Movement of added 20,000 refugees to third countries for resettlement (State/ORM)-----	20
Estimated at \$1,000 each to cover transport and program administration.	
Total requirement-----	605
Less amount provided from IPR funds to date under Presidential determination (614(a) waiver)-----	40
Less estimated amount expected to be available from IPR pipeline \$5 million from MARA—Contingency fund-----	60
New appropriation needed-----	507
Summary by Agency:	
Department of Defense-----	382
Department of State-----	98
Department of Health, Education, and Welfare-----	125
Total-----	605

Mr. EILBERG. I have a few other questions that I would like to ask. What are the specific procedures followed in processing refugees in Guam, Wake Island, and the Philippines?

Ambassador BROWN. In the Philippines we are basically just moving people. These are the people that came out by airlift from Saigon, went there a very short length of time, and then immediately moved on as rapidly as possible to the restaging areas at Guam and Wake.

The ones that have come in by ship into Subic Bay, we are simply reloading into ships or putting them on airplanes and flying them to Guam and Wake. We are doing practically nothing in the way of processing in those areas, and the reason is simple.

First of all, we do have a political problem in the area with the local government which does not want large numbers of people in their territory, even though they are on the U.S. bases—and they are all on the U.S. bases.

Mr. EILBERG. Now is there any point in the processing where the refugee is questioned in terms of his financial resources—his own, or his family's? And, when I say that, the motive for the question is if he or his family can afford his transportation or other costs, it would be my thought that as far as possible the individual or family should pay it.

Now has any thought been given to that?

Ambassador BROWN. This process takes place, as Ms. Taft has explained, at the last of the staging areas in the United States, where HEW is asking people what they have in the way of assets.

Mr. EILBERG. Now, Ms. Taft, do you expect, or do you contemplate the possibility, that any of these refugees or their families will be required to pay for the costs of transportation, maintenance, and so forth?

Ms. TAFT. They will after their resettlement, after they leave the reception centers. They will be asked to pick up all of the costs. And, to the extent possible, if they do have the resources, to actually pay for their tickets out of the reception center.

This issue came up in terms of whether the Americans that were being evacuated would have to pay back DOD also. And, as you may be aware, there are a great number of destitute repatriated Americans who have come over, that do not have the funds to repay either, nor does HEW yet have its legislative authority to be able to reimburse for these kinds of costs.

So I think we have got to keep in mind that when the U.S. Government and when the military are effectively removed, 86,000-people-plus, we did not sit down writing airline tickets for these people, to ask them to reimburse.

Mr. EILBERG. I understand that. But I am trying to visualize how you can or will develop a procedure to have the U.S. Government reimbursed, where it can be reimbursed.

It just occurs to me that in many cases once the refugee is resettled somewhere, it is going to be very hard to get his transportation or other expenses paid for—after the fact so to speak—and I am just wondering what your thoughts are on that.

Ms. TAFT. Well I appreciate your concern. As far as HEW is involved, we have jurisdiction as soon as these people leave resettlement sites, and we will, to the extent possible, insure that the public payroll does not pick up any of the costs for resettlement.

Mr. EILBERG. Where there are relatives living in the United States, are they notified? And are affidavits of support requested of these relatives, or relatives accompanying them?

General CHAPMAN. The answer to that is yes, sir.

Mr. EILBERG. And, perhaps you can tell us—or anyone—what is the effect of the affidavit of support? How meaningful is it?

General CHAPMAN. It is merely a moral commitment, Mr. Chairman, as I am sure the committee knows. The courts have held it is not legally or financially binding.

Mr. EILBERG. So that the committee should not kid itself into thinking that there is any legal obligation in the long run?

General CHAPMAN. That is correct, sir.

Mr. EILBERG. May I ask, Ambassador, would you have any serious objection if this committee were to consider the position which we are now in, with thousands of people at sea, with so many facts still not at our disposal—we discussed this a little bit—but suppose we were to have a limited authorization bill, say for a period of 3 or 6 months, would this radically hinder or handicap your program?

Ambassador BROWN. It might hamper it in this way, Mr. Chairman. As you know, the largest sum is really the money that we must reimburse to DOD. These expenditures are being made now so that a limited authorization and appropriation would hinder us in providing money to HEW for the resettlement.

I have no way of getting out of these very large costs incurred from the transportation that has taken place, or the fact that they have set up camps. These are outlays that cannot be phased over time. So I would hope, and call on the committee's indulgence, to consider seriously giving us the whole amount so that we can do this gut part of it all, which in the end is the resettlement through HEW.

And, also, to give the voluntary agencies a hand in what they have to do. It would strap them enormously, because they do not have those kinds of assets available to them.

Mr. COHEN. Mr. Chairman, could I inquire along the lines that you were suggesting, where you were asking what sort of reimbursement procedures are being followed? I might ask what about the Americans who are working for the U.S. companies, private companies? What about, for example, the news media, members of the news media? Or members representing other governments? I assume we evacuated all of those people during the final days.

Are you going to seek reimbursement, No. 1, from the American private companies for evacuating their employees? Also from other governments for theirs?

Ambassador BROWN. No, we have not thought about seeking reimbursement from those companies. What I am seeking—

Mr. COHEN. Is not the DOD entitled to reimbursement from them as well?

Ambassador BROWN. If we adopted a policy of seeking reimbursement, yes. I mean you could say that yes, they should reimburse. But I think as Jim Wilson said, we are confronted with the fact that we moved large numbers of people. We said get out of town. You are in trouble if you stay. Get on the plane right now and take off.

And, nobody got a document from them saying that they would pay it back in the future. What are you are suggesting is that we go to the large companies and ask them to make a contribution.

Mr. COHEN. Well, to the extent that—

Ambassador BROWN. Let me put it this way. What I have done with IBM is that I have said to IBM, why do you not give us some free computer services on the bases, throw something into the pot. That is what I would like to see done by some of the other companies.

Now the airlines, for instance, are being very helpful to us here in the United States. A lot of, let us say, ATA had their employees extracted from Vietnam. ATA here has worked out something with the airlines in the United States, that people with no money are getting free transportation on airplanes, including destitute Americans.

In other words, it comes back in one way or another, and I think they owe us a debt and they have to pay it back somehow. It does not necessarily have to be a dollar-for-dollar repayment. But, if they, through their voluntary efforts, put some real cash into this effort, I feel the American taxpayer has been taken care of.

Mr. COHEN. But the point is, you are coming here asking for the American taxpayer to reimburse the Department of Defense because you have evacuated vast numbers of people. And it seems to me to be more equitable, certainly, to say to the American companies who are doing business over there, that we evacuated your employees. You are in a position to pay, as well as the American people, and should you not pay for reimbursing DOD for the amount of money we expended for getting your employees out?

Ambassador BROWN. That is a good point, Mr. Cohen.

Mr. EILBERG. Do I take it, Mr. Ambassador, that you would attempt to explore the point raised by Mr. Cohen?

Ambassador BROWN. Yes. But, Frank Wisner just reminded me that one of the major categories of Americans taken out were these people who are on contracts, they are not the employees of American firms. And those firms disappeared.

Mr. EILBERG. All right, Mr. Fish is wanted on the floor, so I yield the floor to Mr. Fish at this point to ask a few questions so that he can go to the floor.

Mr. FISH. Thank you very much, Mr. Chairman. And, members who have not had a chance to have their first round. My apologies, but I will have to leave you.

Ambassador BROWN, I just want to commend you for what you have done. I am very proud of the entire operation you have put together here under most difficult circumstances. There seem to be two major issues of concern that I would like to touch on.

One is the economic impact in the United States of the arrival of these South Vietnamese, and I think that throughout this record, if I could pull some of these threads together, that you have indicated, No. 1, that we are really talking only about 30,000 heads of households, which would be the person principally to be employed.

Secondly, that the majority of South Vietnamese would be coming in as relatives, joining families in the United States that do have the primary responsibility to see that they do not become a public charge.

Perhaps even more important is the fact that so many of these refugees are middle-class South Vietnamese, with a high incidence of knowing the English language, either well or fairly well.

Many of you this morning have testified about the plan to disperse Vietnamese thinly across the United States to minimize the impact in any one community. The fact is that the AFL-CIO has been cooperat-

ing with you enthusiastically, and is interested in this program. It is an American traditional response.

And, finally, that those who can afford it, who have their own means, will certainly not be assisted financially in the resettlement, but they will be responsible for themselves.

Perhaps a more difficult area, if I could address General Chapman on this, General would you please—and what I would like to explore—distinguish between “parole” and “permanent residence”?

I am not so sure that that is clear, on the record, and I think from that stems some other problems that were raised here today.

General CHAPMAN. The permanent resident is the immigrant, the person who is admitted to the country here legally, to live permanently.

A parolee is a person who is bodily allowed into the United States, but is legally still at the water's edge. He really has no legal status in the United States.

Mr. FISH. At what point does a parolee become a permanent resident?

General CHAPMAN. He may never—he can, perhaps, become one by applying for permanent resident status and taking his place on the waiting list, from whatever is his country of origin. Or, alternatively, as in the case of the Cubans and the Hungarians, Congress passed special legislation to authorize the special permanent status.

Mr. FISH. Well, in what way does a parolee differ from an immigrant admitted for permanent residence?

General CHAPMAN. A parolee, in effect, is here temporarily as a refugee, in this case from Vietnam. He may continue to live his life here, but legally he is still at the water's edge. He has no status legally within the country.

Mr. FISH. Well, as a practical matter, though, aside from the reality of it, what difference does it make to the parolee in terms of getting a job, and of living here, and of doing everything except voting?

General CHAPMAN. As a practical matter, there is a little difference. It is that he can never, or may never, become a permanent resident and may never then become a nationalized citizen.

Mr. FISH. He may seek employment?

General CHAPMAN. He may seek employment, indeed.

Mr. FISH. Would there be—what I am interested in exploring is, if you parole someone in the United States—and you have testified that under refugee protocols, our hands are tied in terms of asking them to leave should they be found to be objectionable persons, that it may be a response to Ms. Holtzman's inquiry about such objectionable people, if this committee saw to it by legislation, or with an understanding with the Service, following the completion of all of your security checks on these people, saw to it that certain ones would simply never become eligible for permanent residence, do you see this perhaps as meeting the problem?

General CHAPMAN. Once a person sets foot on U.S. soil, fleeing from persecution as they do when they debark on Guam, then they are entitled to the protections of the asylum situation.

Now, if a person is undesirable, we probably never finally issue the parole documents. He would be in asylum status, short of parole, which is even less of a legal status within the country.

But, as the State Department witness has testified, we cannot under the protocol return him to his country of origin where he fears per-

secution. We can seek to find another country who will take him, but I think the chances of finding one that will do so is unlikely.

Ms. HOLTZMAN. If the gentleman would yield on that point, I think it is useful to point to the language of the protocol itself.

The language says: "As a result of events occurring before January 1, 1951"—that time period has been—and owing to "the well-founded fear of being persecuted for reasons of race, religion, nationality, or membership of a particular social group of political opinions outside his country of nationality."

So if you take someone, for example, who engaged in assassination or torture, and he was going to be tried, or subject to penalties for those acts, as opposed to political opinion, then that person would not qualify as a "refugee" under the treaty. Is that correct?

Ambassador BROWN. We would put our legal counsel on.

Mr. MALMBORG. I think that is essentially correct. It may be somewhat difficult to distinguish between "political" persecution and prosecution for a criminal offense in that circumstance, but in essence your interpretation is correct.

Ms. HOLTZMAN. Thank you.

Mr. EILBERG. General, you have indicated to me in private conversation—but I am sure it was not confidential—that as many as 10 percent of those that the Immigration Service has inspected have been rejected.

I would guess, from what I have heard here this morning, that considering the large numbers that are just being picked up at sea, that that percentage may very well go up. And, perhaps this question is not addressed to you—perhaps it is addressed to counsel—but could we, or might the subcommittee, consider some sort of parole document with the condition or conditions indicating that the parolee who is undesirable has a year to get himself out of the country?

Would this be, perhaps, an approach? Is thought being given to any other kind of approach for those that may be excludable?

General CHAPMAN. The number, as of midnight last night, on Guam who did not fall within the parole category, and therefore were not authorized to leave the island, was a little over 2,000 out of the 28,000 we have so far processed there. Or, in addition to the 28,000 we have so far processed. So it is running at about 7 or 8 percent now. So it is smaller than 10 percent.

Of those, however, most simply did not fit the original parole categories. We broadened the definition of "family," so some would fall within that category, and then in connection with seeking consultation with the committee on the additional kinds and broadened categories that the Ambassador has spoken to, others will qualify, once the decision is made and the consultation is complete.

That still may result in a residual number. Who they are, I do not know at this point.

Mr. EILBERG. May I ask, General, if you would have your counsel, or perhaps the State Department would help us on this, consider possible conditions for those parolees who are undesirable or who would normally be excluded from this country. Let us give some thought to

some language somewhere so that we can try to prevent these people from becoming a permanent part of our population.

And I am sure I express the sense of our committee when I say that. Is that agreeable to you, General? Would you try?

Ambassador BROWN. Yes, sir, we will take that under advisement. The general was right. One of the problems we had, the general and I did not understand what a Vietnamese "family" was, in the beginning. We thought it was sort of "mother and father and brother and sister and children" and actually it is broader than that.

This was particularly true with the Americans who came forward in Guam with families that had cousins and second cousins and what not. We excluded all of those people in the beginning and then we realized we could not extend to another type of culture and civilization our own narrow definition of what we think of as "immediate" family.

So we broadened it out a little bit in that and we moved a lot of the Americans who were on Guam who refused to go without taking these other relatives—grandparents and things like that.

So that sort of refusal rate will tend to come down very largely as these people move into the mainstream. It was something you had to do. You cannot say that our definition of closeness of family is the logical—particularly after they were there on our hands.

Mr. EILBERG. I have reference not so much to the extended "family" as to those who were clearly—

Ambassador BROWN. Clearly "undesirable," I understand that, sir, and I understand your point. I just wanted to take the "family" thing out. The rest we understand the points, sir.

Mr. EILBERG. Mr. Ambassador, I notice that you have with you a refugee flow status chart, and I think it would be helpful to the members of the committee if you would care to briefly describe that to us.

Ambassador BROWN. Would you like me to bring it closer?

Mr. EILBERG. I think we can see it.

Ambassador BROWN. This is, Mr. Chairman, the old story—and I will repeat it again if the staff has heard it—about the fellow driving his car down the road and he stopped upon seeing a man beating on the side of his truck, and he said, what in God's name are you doing beating on the side of the truck?

And he said, well, I've got a 3-ton truck here with 5 tons of canaries in it. I've got to keep the 3 tons of canaries flying at all times or the axle is going to break.

This is, essentially, what we are doing here. We have got a float of people—

Mr. EILBERG. Could you pick up a microphone, perhaps?

Ambassador BROWN. We have got a float of people, what I might call a bulge, we are trying to take care of. And, essentially, you might say we are at the end of the real inflow of refugees. The numbers that might come from now on I think will be smaller and manageable.

But we have a large inflow of people on ships at the present time. These are people that were transferred from the task force to merchant ships and to control of the U.S. Navy, which some have hit Subic, some have hit Guam, and others are arriving at Guam, plus this flotilla of miscellaneous ships that escaped—mostly map ships—but all kinds.

It is going very slowly toward Guam, escorted by Americans. Now what we have to do in this process here is to try to get a system so



that our outflow equals our intake. But we cannot quite do it, so we are going to have to keep people on ships for a while, floating around Guam. I hate to do it. It is going to be very uncomfortable for them, but we can just process so many people a day.

The real problem of processing is one back here [indicating] in the sense of moving people out. But we want to be satisfied first. We have to be satisfied on the security, the INS, and we have to be satisfied that the sponsors are responsible people who actually do something, and not leave the people to drift once they get here.

So what we have, as you can see, is a large number of people here—50,000 people at sea. And we are putting people—this [indicating] is Thailand. If you put that aside for the moment, we have very small numbers in Clark at the present time. We are holding that as a reserve in case the flow into Subic gets too large. We are putting people all around Subic on the base. They are sitting on Grand Island and a couple of other installations here [indicating] in not too comfortable conditions, but they are basically there for two reasons.

One is to reload the ships to make them comfortable. We have had ships with 7,000, 8,000, on 10,000-ton freighters and you know that that is impossible. We are cutting these things down to meaningful proportions, but they will not be happy with 3,500 or 5,000 people in the hold of a ship as they move around Guam.

In Guam, our capacity right now is at 45,000 and will go up to 50,000 by the end of the week. That will be the maximum capacity we could build at Guam. These are all tent cities, hastily erected.

Then, we move the people—we also have a very small capacity, a maximum capacity of 8,000 people in Wake. What we are trying to do is move the people out of Guam, the 29,000 or so we have there today, and the 2,000 in Wake, move them as rapidly as we can to the United States in order to make room for these others that are coming along.

And then we come here to the States where we have—when you see Chaffee, with the capacity of 13,866, that is how many tents and beds we have as of 5 o'clock this morning. Every day that builds up a little bit, and we are moving to 18,000 there. Pendleton will move—I am sorry, move Chaffee to 20,000. Pendleton is up to its 18,000 now, and Eglin is moving up to 15,000 right now. We are trying to handle most of them through these two, the reason being the lack of—one of the principal reasons being the lack of qualified people in the voluntary agencies.

They cannot spread themselves too thin. They must concentrate. So there is your flow pattern, essentially. Ships at sea going into Subic, reloading and going on to Guam and Wake, and then moving on by air—mostly commercial chartered air—into these bases in the United States.

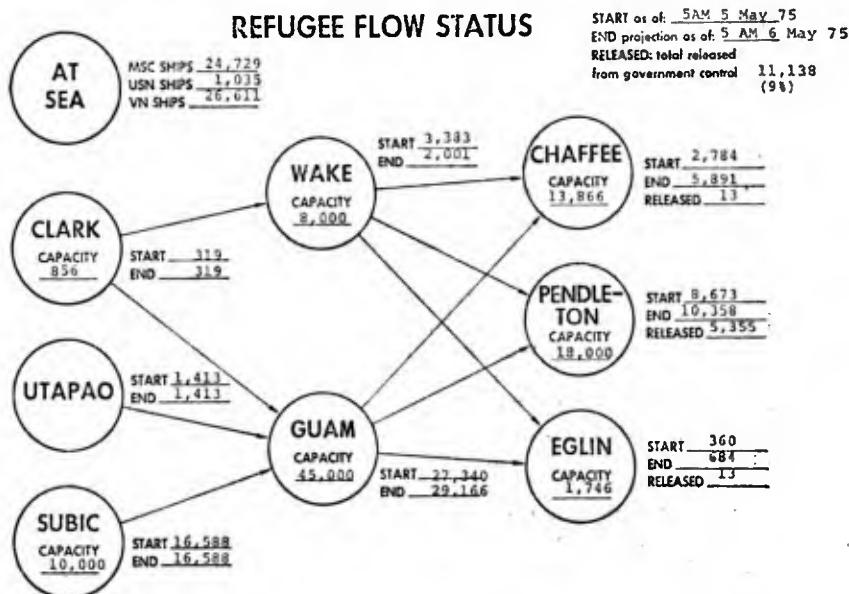
As I mentioned earlier to you, we have had problems in this process. We had to move very fast in opening Pendleton. We opened it a few days too soon. If we had had more time, we could have done a better job, but as your counsel can say, the Marines have done a magnificent job under very difficult circumstances, to build the homes to house and feed these people.

The style may seem austere to Americans, but it is not necessarily austere to the people involved. We are trying to put every person

in a bed. We are trying to give them decent mess facilities. Now the lines today, you wait 4 hours to get a meal. By tomorrow we will have that cut down. We will cut it down to a reasonable time.

There is a shortage of cooks and bakers on the west coast. The whole purpose of what we are trying to do is to get these people integrated into our society as decently and as quickly as possible, given all of the procedures of care and so forth.

[The chart referred to follows:]



Mr. EILBERG. I see. Mr. Cohen, do you have any questions?

Mr. COHEN. I have just one question, Mr. Ambassador. This great outflow of South Vietnamese to this country and others is predicated upon a fear, a general fear, that there would be wholesale slaughter, retribution by the North Vietnamese. And I was wondering in looking at the Immigration and Nationality Act, it provides that the Attorney General may, in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for entrance into the United States, but parole of such aliens shall not be considered as an admission. Then he can terminate that and send the person back to the country from which he was paroled.

The question I would ask, assuming in a short period of time it has been demonstrated that the North Vietnamese are granting, let us say amnesty, total, unconditional amnesty, to all persons in South Vietnam regardless of their affiliation in the war, would a consideration be given by this Government or by the Attorney General to returning those who left Vietnam solely because they were afraid that there would be reprisals against their lives?

Ambassador BROWN. Oh, yes, of course I would assume that. You would have to have certain guarantees built into this.

Mr. COHEN. I understand that, but from the discussion I have heard today, we are talking about those socially undesirable persons and what to do with them.

It seems to me under the act perhaps we ought to give very serious consideration to paroling on a temporary basis only rather than any permanent granting of status under this parole authority you are looking for.

Ambassador BROWN. Well, essentially, as the general has explained, that is what parole is, it is an act of grace on the part of the U.S. Government.

Mr. COHEN. It seems from the whole tenor of the discussion that it is on a permanent basis as far as the State Department and others might be concerned. We have not really had enough time to find out what the political repercussions are going to be in Vietnam and if that fear is not legitimate and it does not come about, I suppose we have to give consideration about whether or not—

Ambassador BROWN. What we are talking about is if there is a situation of such a nature that the people themselves feel that they would not be menaced if they went back and were willing to accept guarantees of some kind, I think we would probably see a large outflow back. I mean these are people who have valued their homeland and would like to return.

Mr. EILBERG. Mr. Cohen is saying once parole is granted, can it be deganted?

General CHAPMAN. Yes, sir.

Ambassador BROWN. Yes, sir. It is an act of grace of the U.S. Government.

General CHAPMAN. As a matter of fact, it is reviewed for each person or class of people every year or two.

Just recently, for example, the Chilean situation, which has reversed itself—

Mr. COHEN. But would the determination be on whether that person or that family felt they were in fear or in danger or on whether the United States made that determination based upon as accurate as possible information through international agencies, international efforts, or whatever?

Do we make the decision or do you take into account whether that person feels—

Ambassador BROWN. I think we made the decision but we would naturally take into account—you have to take into account—the fears of the person and then he would have to be perhaps more specific as to what the fears are.

General CHAPMAN. May I emphasize one point that I think I made before, and that is, in the case of the undesirables, the known criminals and the like, we will not parole, we will just hold them in the asylum status.

Mr. COHEN. But even those you do parole can then be released back to that country when the justification for their parole into this country is determined to be terminated.

General CHAPMAN. That is correct, sir.

Ambassador BROWN. I am under no delusions that this is going to happen very quickly.

Mr. COHEN. Well, we raise this question—

Ambassador BROWN. Yes, I think it is worth raising.

Mr. EILBERG. On the same subject, Ms. Holtzman.

Ms. HOLTZMAN. Thank you, Mr. Chairman. You mentioned asylum status. Have you made a determination to grant asylum, let us say, to people engaged in the Phoenix program or people that operated the tiger cages?

Has this country made the determination that they are refugees?

General CHAPMAN. Well, each person has to make a claim for asylum, if it is a person that we have not already agreed that we will parole, if he proves to lie outside the parole criteria, as, for instance, by being excludable for some previous activity, then he can claim asylum, and each case has to be judged on its merits. If he has a bona fide claim to fear of persecution, then he is entitled to asylum.

Ms. HOLTZMAN. Well, the reason I am asking that question is, it seems to me that most of these people are already parolable under the category of high risk. The question of asylum would probably not come up and they would be granted parole as a matter of course. Consequently, they would be permitted to enter this country.

In my opinion—perhaps a majority of the committee does not agree with me—the persons who stole American funds or who operated the tiger cages or assassinated in “Operation Phoenix,” are undesirable. I would hope there is some way in which we could see that they are not permanently part of this country, that they do not become eligible for permanent residence or citizenship. I do not necessarily want to see their lives jeopardized. I am not saying that. But I believe we ought not to offer our country as a haven for these people.

General CHAPMAN. We will not issue the final parole authority. The official issue of the parole authority will not occur until all of the processing is complete on an individual, and that includes the security checks. And if the security checks and other information show that he is undesirable or excludable under the law, then we will not parole him. He will have to apply for asylum.

Ms. HOLTZMAN. Mr. Chairman, just on another point. I would like to join in Congressman Cohen’s request to you that you consider very carefully asking for reimbursement from private corporations, not only with respect to American employees who were evacuated, but with respect to South Vietnamese employees who were evacuated. These companies made a profit from their activities in South Vietnam. The taxpayers ought not to bear the expense of bringing in their employees.

I think also there ought to be some effort to get reimbursement for transportation costs from those South Vietnamese who can pay for it. And I would very much urge that burden not be placed on the taxpayers of this country.

Mr. EILBERG. Mr. Ambassador, what is the Red Cross role, if any, in notifying relatives in the United States to coordinate the arrival of Vietnamese refugees?

Mr. BROWN. The Red Cross is playing a considerable role. They have a large team out on Guam right now, and naturally they have teams at the bases in the United States. The Red Cross has been very cooperative. Not only is the Red Cross doing its traditional thing—that

is, helping people, using telephones, getting people together—we have also used it as the food distribution system on the island. The Red Cross has been very cooperative—also Frank Stanton—and we have dealt with them.

Mr. EILBERG. They notify relatives in the United States and coordinate arrivals?

Ambassador BROWN. Yes, sir; their normal activity is going on right now. They are very cooperative.

Mr. EILBERG. All right. Then this question perhaps for General Chapman.

General, regarding parole again. Is the parole granted in Guam?

General CHAPMAN. No, sir. The parole is granted, the official issuance of the parole occurs when the final processing is complete.

Mr. EILBERG. And how long does that take on the average? How long would you say that might take? Of course it would depend on the individual case, but is there an average length of time?

General CHAPMAN. I would think it would be a few weeks, Mr. Chairman. In other words, if the person is cleared to leave the processing center in the United States to join his family or to go where he is to be resettled, we pass the final processing to the nearest district director then, who completes all of the paperwork, gets the security checks, and makes the final issuance of the parole.

Mr. EILBERG. Is there any additional inspection of those flying from Guam into the continental United States?

General CHAPMAN. Yes, sir; our system is progressive inspections, the initial screening on Guam to determine eligibility to depart the island and enter the continental United States. Then he is picked up by a team of inspectors at Pendleton, Chaffee, and Eglin. Then the secondary processing takes place and that is where we clear him to leave the camp and go to his resettlement location. That is where my district director will pick him up and complete the process.

Mr. EILBERG. Are all flights from Guam directly to the various military bases set up as reception centers?

Ambassador BROWN. Yes, sir; we are flying directly into the centers. In certain cases, there may be some fast reloading at bases on the west coast such as Travis, but we are trying to cut that down.

Mr. EILBERG. I think you may have answered this, but who is absorbing now the cost of transporting parolees or refugees from Guam, Wake Island, in the Philippines, to the United States?

Ambassador BROWN. DOD is financing this by money given from AID.

Mr. EILBERG. And who is absorbing the cost of transporting U.S. citizens and their dependents up to the United States?

Ambassador BROWN. We have up till now, sir. In the early stages we asked people who had no money to sign repatriation loans, in other words to pay. In the early stages they paid their own way. When we took on the final frantic airlift, we just put people on airplanes, sir.

Mr. EILBERG. When you say "we"—

Ambassador BROWN. The U.S. Government.

Mr. EILBERG. Which department of the Government?

Ambassador BROWN. DOD, sir.

Mr. EILBERG. And who has the authority at Camp Pendleton to release refugees from Government control?

Ambassador BROWN. The final authority is with INS, sir. INS has the final check on it.

Mr. EILBERG. The commander of the base, he has no such authority?

Ambassador BROWN. No, sir. The commander of the base is handling the logistics. The civilian team is coordinating activities but they must in the end go through the final process of INS before, as I say, actually getting into the resettlement.

Mr. EILBERG. And what followup procedures has the INS established for those who have been released to relatives, General?

General CHAPMAN. Well, sir, as I mentioned a moment ago, each case is passed from inspectors at Pendleton to the district office nearest the resettlement area of a particular family. And the family is requested to report to that district office for final processing.

Mr. EILBERG. Ms. Holtzman.

Ms. HOLTZMAN. Thank you, Mr. Chairman.

I guess I am a little puzzled by the answer with respect to where final parole is issued and where a security check takes place.

I gather from your last answer, General Chapman, that somebody who, for example, ran a tiger cage, would not have his background checked until he got to Camp Pendleton or some place else in the continental United States. At that point what would happen to him if you found out about his background?

General CHAPMAN. In the case of the relatives up to now we have been permitting them to move out prior to the final security check to join their family.

In the case of the high risk and others we have been up to now holding them at Pendleton, Chaffee, or Eglin until we do get the security checks, which takes several days. But the very large numbers of people who, it looks like, may well descend on us in the near future, we may have to abort that procedure and not require them to remain in the processing center until the security check is complete. In any event, the security check does go on with the several agencies that have those kinds of records and the results thereof will be passed to the district directors I described. And he is the final authority as to whether to issue the parole authority in a particular case or not. If the security checks would indicate that he should not, then he would have to deny parole and the individual can seek asylum.

Ms. HOLTZMAN. Have you set forth any guidelines for the district director as to the basis in which he is entitled to grant or withhold parole? And if so, can we see them, Mr. Chairman?

Mr. EILBERG. I did not hear the question.

Ms. HOLTZMAN. I asked if there were any guidelines given to the district director as to the basis on which he could grant or withhold the parole. And if they are, I would like to get them.

General CHAPMAN. He would be guided by the law in that regard, Ms. Holtzman. The law lays out the excludable categories.

Mr. EILBERG. But General, you have indicated, I think that in certain cases one may receive asylum, in other cases parole. And I think Ms. Holtzman is driving at how do you decide which category and how do you decide to go to parole or when to go to parole. At least I would like to know that.

General CHAPMAN. Well, as I said, the final decision on parole occurs in the district by the district director, and he would make it unless

the security checks indicated that the individual fell under one of the excludable categories in the law.

Ms. HOLTZMAN. Well, I gather then that, according to the excludable categories under the law, someone is excludable only if he or she is a Communist or convicted of a crime, or insane.

General CHAPMAN. Narcotic.

Ms. HOLTZMAN. Or a narcotics addict. Someone that was convicted for a crime involving narcotics. But the category of persons we have been talking about would not be excludable under this provision. So what you are saying to me is that these people would be absolutely automatically paroled into this country—persons who had engaged in corruption, misappropriation of U.S. funds, and those people who ran the tiger cages and engaged in political torture. They would be automatically entitled to come to this country.

Is that correct?

General CHAPMAN. Yes, I think you are correct. There must be a conviction.

Ambassador BROWN. But I hope we are not overbelaboring the point because what we have hoped for and what we have mostly as we look at the people coming through are not people in this category at all. We are getting those that were issued documents, a travel document, a sort of parole document, by the American Embassy in Saigon by people that we assume acted as responsibly as possible under enormous pressures that they had at that time. And what they were trying to bring out were those, either the relatives or those that the Embassy considered an endangered species, not because he was a black marketeer or something, but an endangered species because he had a relationship of some type or other with the American Government which could lead to him losing his head in the long run, and the type of people that are being killed right now in Cambodia.

Ms. HOLTZMAN. I wish we had gotten that answer earlier as to who specifically was going to be automatically permitted to come into this country. Some of these people may have been acting under orders of this Government in some of their operations, but that does not excuse, it seems to me, any criminal acts or political torture or assassinations that they engaged in. If somebody orders somebody else to commit a crime, the person who orders the person to commit a crime is guilty but the person who commits the crime is equally guilty. And it seems to me that it would be a shame if these people were permitted to come to this country and become citizens.

Ambassador BROWN. I understand your point.

Mr. EILBERG. General, did I understand you to say that one must have been convicted of a crime and in fact you do not have discretion in these matters? That was my impression.

General CHAPMAN. It is my understanding that there must have been a conviction for a criminal act.

Mr. EILBERG. So that even if you have an eyewitness statement that someone operated a tiger cage and there were no conviction, that would not operate as a guideline to bar the granting of parole.

Is that correct, sir?

General CHAPMAN. It is my understanding that is correct, yes, sir.

I might just comment on the last point about becoming a citizen in this country. None of these people would be eligible to become permanent residents or citizens unless they meet at some future date, meet the requirements of the law for becoming a permanent resident. They are simply here as refugees.

Ms. HOLTZMAN. But can you point to anything in the law that prohibits anyone who ran a tiger cage from becoming a citizen?

General CHAPMAN. No, I cannot point to anything in the law specifically on that point. I can point, however, to the requirements of the law for meeting the immigration requirements to become a permanent resident. There are many refugees in this country who have been here for years that are still in a refugee status.

Mr. EILBERG. Mr. Russo, do you have anything else?

Mr. RUSSO. Yes, I do, Mr. Chairman.

Mr. EILBERG. Mr. Russo.

Mr. RUSSO. I was noticing in the analysis draft that you have here where you indicate that the \$507 million figure is based on the 150,000 refugees.

Is that correct, Ambassador?

Ambassador BROWN. That is right, sir.

Mr. RUSSO. And also, I think, in your fact sheet where you request parole authority for an additional 20,000 but yet you feel that you do not need, there is not a need for 150,000 authorization. I am just wondering if there is a little problem, or my problem is why do we need the \$507 million for 150,000 refugees if really you do not feel that we are even going to come close to 150,000 refugees?

Ambassador BROWN. Well, you will notice, sir, that we have an item in there for the movement of a possible 20,000 refugees to third countries for resettlement. This is based on the average cost that it has run in recent years through ICEM or the other agencies that move people.

In other words, we are not, we are trying to build into this the possibility of cooperation internationally with ICEM or with some other international organization for movement on into third countries as well.

Mr. RUSSO. In your statement on page 5 you ask for parole on a contingency basis for an additional 150,000, then you say, "While we do not expect to extend parole for an additional 150,000, we need to have the standby authority which a new determination would provide." Then you talk about the figures based on the 150,000 refugees, the \$507 million request based on the 150,000 refugees.

Is that correct?

Ambassador BROWN. That is correct.

Mr. RUSSO. Is there a problem with the limited authorization at this point, say, of \$400 million as opposed to \$507 million?

Ambassador BROWN. I think there is, sir, because the problem is that we have an enormous initial expense in moving people, not only the air and sea expense that has already been incurred but the expenses of establishing the camps, of feeding the people that are coming through. This takes up a large proportion of the money.



If the authority is a lesser one, we would then be cut off, really, from going on through HEW and the voluntary agencies in the resettlement process.

Mr. Russo. I have difficulty seeing the process coming to a halt. I would think that this subcommittee and yourself plus other members involved would far in advance of any money running out, seek additional funds. I cannot see how this subcommittee would turn down a legitimate claim. At the same time I have a problem with the figure of \$507 million which we do not know whether we are going to spend or not. We do not know whether we are going to have 50,000 refugees or 75,000, or 100,000 refugees to deal with. There are too many unanswered questions as far as I am concerned at this point.

Ambassador Brown. But I do want to go back to that point again, though. If we are cut down, then our fixed costs that are already incurred or will be incurred in the next few weeks—that is the movement costs and the establishment of facilities—all of these are costs that are already there.

Mr. Russo. How much is that cost that you anticipate?

Ambassador Brown. Here we have the sea lift, \$30 million. Air lift, \$132 million. The establishment of the DOD facilities at \$35 million. There is \$197 million already. The daily maintenance of \$185 million.

Now that is \$380 million and we have not resettled anybody yet. In other words, the worst that would happen then is we would end up with these people sitting in camps, and we do not have enough camps for that. We have got to move the people out into the society through the voluntary agencies and through the U.S. Government.

Mr. EILBERG. Mr. Russo, perhaps you were absent at the time but Ambassador Brown indicated he would give us a breakdown of each of these figures. In other words, we will not rest content with a summary, as he knew it. He is going to be very specific and give us the breakdowns of each of these figures he has mentioned.

Mr. Russo. Thank you. I just have one last comment, Mr. Chairman.

On page 8 of your statement, the last paragraph, I happen to totally agree with your comment there. I do believe we have a moral responsibility, but to what extent and how many is the only problem I have. In light of my very poor experience in Europe, it makes you kind of wonder.

Ambassador Brown. Right. Well, I hope with these third countries, that they too might be going through part of the psychological process that we are going through in this country, and that is an acceptance of the fact that there is a real problem here involving human beings and there are not any real alternatives in the human terms. There are no alternatives except to move people on and to settle them again, but you cannot allow them to go out to sea and die. And let us hope we get some of that from some of these people that have been hesitant up to now.

Mr. Russo. I sure hope so. Thank you, Mr. Ambassador.

Mr. EILBERG. Ms. Holtzman.

Ms. HOLTZMAN. Mr. Ambassador, on another matter, you said that the final evacuation was rather hectic. Did we succeed in getting out all of the immediate relatives and dependents of Americans?

Ambassador BROWN. I doubt it. I cannot swear to that. We got out every American we knew of. We got every American out who wanted to leave voluntarily. As far as I know they were gotten out and we have no information of any Americans that are still in Vietnam other than a few that were captured in the north, if you remember.

Ms. HOLTZMAN. What about—

Ambassador BROWN. Well, of their families and all of their dependents I cannot swear to it because if they were not living together and they could not assemble them to get them together and bring them to these centers where we were flying people out and someone may have been left behind.

We do know that some people were, certain employees, certain Vietnamese employees of firms and whatnot, not everybody escaped who might have wanted to escape. This is one of the tragedies of it all.

Ms. HOLTZMAN. Was that because there was stalling and delaying in the evacuation planning?

Ambassador BROWN. No; I do not think it was that. We got our airlift up pretty fast where we were up to 6,000 and finally 7,000 and 8,000 people a day. It was not that. The processing that went on was minimal but they had to do some processing in the American embassy and out at the DAO base on the airfield where these people left from.

No; we just did not have a big enough window in time. The North Vietnamese were those that made that determination in the end as to how many people could get out. When they closed in, that was the end. We had to say when they started shelling and they killed the two Marines on the airport, we stopped immediately the fixed wing aircraft and went to the helicopter lift. That was it.

Ms. HOLTZMAN. Mr. Chairman, I just wonder if we might get some figures from the Ambassador as to the rates at which the evacuation took place—how many people were evacuated each day.

Ambassador BROWN. I can provide that without any trouble at all.

Ms. HOLTZMAN. What categories of people?

Ambassador BROWN. Yes, day by day.

Ms. HOLTZMAN. Whether these were immediate relatives or whether they were high risk people or whether they were people who got out through bribery or the like?

Ambassador BROWN. Well, I cannot break it down as much as that.

What I can tell you essentially is how many people we took out by airplane a day, how many of them were Americans, how many were Vietnamese. But the figures—

Ms. HOLTZMAN. Did you not have a plan setting priorities as to persons you were taking out?

Ambassador BROWN. Of course. But do not forget the decisions on this had to be made on the spot or they knew where people were and what they were.

Ms. HOLTZMAN. But did you not have a plan to take out as a first priority immediate relatives of Americans? First, of course, Americans, then immediate relatives?

Ambassador BROWN. Absolutely.

Ms. HOLTZMAN. So you cannot tell me now whether or not you followed that plan?

Ambassador BROWN. We followed that plan as much as it could be followed. That is the instructions that were given to the Embassy, were quite precise as to the kind of people we wanted them to bring out, the kind of people we expected to be put on the aircraft, and that is what they put on as far as we can tell.

Ms. HOLTZMAN. Was that a written plan, by the way?

Ambassador BROWN. Written? It was a sequence of cables, a constant series of cables with Ambassador Martin.

Ms. HOLTZMAN. Would the committee be able to get that?

Mr. EILBERG. Can the ambassador answer that?

Ambassador BROWN. What we will do is we will provide a summary of instructions for the committee.

Mr. EILBERG. We would like to have that for the record, if we can.

Ambassador BROWN. All right, sir.

[The cables referred to are to be supplied at a later date, and will be retained in committee files.]

Ms. HOLTZMAN. Thank you, Mr. Chairman.

Mr. EILBERG. General, you must be growing tired of this question, but I am still puzzled about the concept of granting asylum and the concept of granting parole.

What are the steps or requirements for the granting of asylum and who does it, who grants asylum?

General CHAPMAN. First, a person must apply for asylum, and the cases are handled on a case-by-case basis. The material is then given to the Office of Refugee and Migration, State Department, for a recommendation as to whether or not the fear of persecution is real. And that recommendation then comes to us.

Mr. EILBERG. And all of this so far would have taken place in Saigon, the request for a grant of asylum? I am speaking of the evacuees now.

General CHAPMAN. No, sir, I do not think so. The asylum request takes place after the person arrives on U.S. soil in these cases.

Mr. EILBERG. What is the status of the individual who is being evacuated? What U.S. legal status is he in, if any?

General CHAPMAN. During the time he is in the air?

Mr. EILBERG. From the time he is picked up and while he is in the air, yes, sir.

Ambassador BROWN. I think he is in travel status, but I am going to have to defer because we have the *Kurtica* case in the background somewhere, if you remember that famous case. Perhaps Mr. Malmberg could tell us whether people who are physically in an American aircraft being evacuated are already in some sort of a special status.

Mr. MALMBERG. Mr. Chairman, I do not believe there is any special legal status for people in that situation. They are in our custody and under our protection with their consent for that limited purpose and it holds no particular impact as far as I am aware on their legal immigration status in the United States.

Once, of course, they arrive in the U.S. territory, they are under our custody, and are subject to our immigration laws, and must be placed into whatever categories are provided for under our laws and regulations.

Mr. EILBERG. Then they might be granted asylum when they got to Guam. Is that correct?

Mr. MALMBERG. Yes, sir.

General CHAPMAN. Well, they would not be granted asylum at that point but from that point on they are in a position of being entitled to request asylum.

Mr. EILBERG. All right.

Gentlemen, and Ms. Taft, we thank you very much for your coming here today, and I hope you understand the dilemma that faces the U.S. Congress at a time of high unemployment, poor housing, low housing, the mood of the Congress against foreign aid. We really have a dilemma here, as I said in my opening statement.

Ambassador Brown. I understand that. We are all sharing a common dilemma today.

Mr. EILBERG. Thank you, sir. Thank you very much.

[The prepared statement of Ambassador L. Dean Brown follows:]

STATEMENT OF AMBASSADOR L. DEAN BROWN, DIRECTOR, INTERAGENCY TASK FORCE, DEPARTMENT OF STATE

Mr. Chairman, during the last 2 weeks, as Vietnam collapsed, the United States undertook a humanitarian mission of gigantic proportions. In response to the tragedy, the administration acted with speed and determination. Specifically, we succeeded in evacuating about 40,000 Vietnamese through our airlift before the airport was closed. We also evacuated over 7,000 American citizens through fixed wing airlift and the final helicopter evacuation.

The number of Vietnamese has swelled beyond this number as a result of the thousands of Vietnamese picked up by our naval vessels in the China Sea. We now estimate the total number of Vietnamese who have fled Vietnam exceeds 125,000.

We have had to make some very rapid decisions on how to receive such a large flow of people. As Clark Air Force Base and Subic Bay became congested during the initial phase, we quickly established staging areas in Guam and Wake. We also established three reception centers in the United States at Camp Pendleton, Camp Chaffee, and Eglin Air Force Base where the refugees could be moved from Guam for further processing.

A massive effort was required to put the staging areas and the processing centers into operation. Our military services responded magnificently to the emergency and quickly moved to make the facilities ready to receive the large flow of refugees. The civilian arms of government were also mobilized and teams of INS, HEW, State, and Aid were dispatched to the staging areas and the centers in the United States to assist in the effort. Also, the most importantly, the voluntary agencies have acted positively to the emergency. They are sending representatives to all of the centers in the United States.

After consulting with Congress and the President, the Attorney General, on April 25, extended parole to four categories of Indochina war victims. These categories represented the best estimate of the evacuation problem which we could provide at the height of the crisis in Vietnam. We could not then define with any precision the numbers of Vietnamese who would flee their country by their own means or would be stranded abroad.

Now that Vietnam has fallen, we have a clearer understanding of the evacuation problem. It has four aspects:

We planned an evacuation of certain specific categories of Vietnamese and estimated the total would not exceed 130,000. The plan was formalized in the Attorney General's parole after consultation with Congress. In fact, through our planned air and seairlift evacuation, we succeeded in moving almost 55,000 Vietnamese. With the exception of a few, they appear after final screening to fit the criteria specified by the Attorney General. They will be accepted into the United States unless any wish to emigrate to third countries or return to their native land.

The second category includes those who received American assistance in their flight. Approximately 69,000 Vietnamese were picked up at sea by U.S. vessels, or are presently sailing on Vietnamese vessels. These are men, women, and children without a country. The choice is to force them to return to the land

they fled for fear of persecution, leave them at sea, or accept responsibility for them. We propose to accept responsibility for them.

The third category includes approximately 3,000 Vietnamese and Cambodians who have, since the fall of their governments, fled to third countries, some of which are threatening to return them to Vietnam or Cambodia. This category includes Vietnamese and Cambodians who fled using air and naval crafts furnished under U.S. military assistance programs—valuable equipment we plan to reclaim. We propose to require that they seek asylum in these countries and, if refused, ask for resettlement assistance from the appropriate international organizations before considering them for parole on a case-by-case or class-by-class basis. With regard to Vietnamese citizens and some Cambodian military personnel who reached Thailand, we know they will not be able to stay. We are taking charge of them now.

The outcome of the Vietnam war has left other Vietnamese stranded in third countries. This last category includes Vietnamese diplomats and their families, students, ordinary travelers, and businessmen. We do not know how many Vietnamese fall into this category but we believe many will be able to make arrangements to settle abroad. Others will enjoy the protection signatory powers of the United Nations protocol and convention on the status of refugees normally extend. Some — and we do not yet know how many — may not be able to find safe-haven and may turn to the United States for help. We intend to ask International organizations to take responsibility for them; only where we fail will we consider entry into the United States. As soon as we have a clearer estimate of the number involved we will communicate our findings to Congress.

Based on the above four-part assessment of the evacuation problem, we are asking the Attorney General to extend parole on a contingency basis to an additional 20,000 individuals and liberalize the present limitations on categories. While we do not expect to extend parole to 150,000, we need to have the standby authority which a new determination would provide. Only in this way can we be equipped to care for those Vietnamese and Cambodians who are not able to find homes elsewhere.

We intend to press the international community to accept refugees and we have moved energetically to enlist its cooperation. Specifically we have been in frequent contact with the international agencies, principally the United Nations and the United Nations High Commissioner for Refugees and the Inter-Governmental Committee for European Migration (ICEM). I am sorry to report that the UNHCR has not moved as rapidly as we would have wished but I assure you we will continue to press them to assume those responsibilities for which they are mandated. I would, however, like to extend my thanks to ICEM for the speed with which it has moved on this major humanitarian problem. The International Committee of the Red Cross (ICRC) is sending a delegate to Guam to issue travel documents which will facilitate the movement of refugees to third countries.

For our own part, we launched a diplomatic initiative to bring our concerns on the plight of the Indochina refugees to governments around the world. We have asked for their help and an expression of willingness to accept some refugees into their lands. The reaction thus far is incomplete and mixed. We have received some preliminary positive responses from certain countries from nations in French speaking Africa, Europe, and Latin America. Canada has publicly declared its willingness to take 3,000. France is receiving many who have special ties to that country. At this point, I cannot predict how many will find homes in third countries, but we will continue to make a maximum effort to bring our concern, which is humanitarian, to the attention of the world community.

For those Vietnamese and Cambodians who do not find homes abroad, and are accepted into the United States, it is important that we provide them with the essential reception facilities, health care, clothing, education, vocational training, and resettlement assistance which they require to settle quickly and become productive members of our society. We must also extend the same warmth of welcome hundreds of thousands of other refugees have received in the postwar period. We must avoid at all cost additional charges to financially hard-pressed State and local governments. We ought also to contribute to international resettlement efforts. The bill which the President is submitting this afternoon meets these requirements.

With regard to resettlement in the United States we are working closely with the nine voluntary agencies specializing in refugee relocation. Together we agree that the new arrivals should be dispersed as evenly as possible throughout the

United States, avoiding in particular resettlement in economically hard-pressed areas. I am impressed by the competence, cooperation, and ability of the voluntary agencies and believe they are capable of finding new homes and making new lives for the majority of those Vietnamese and Cambodians who come without American relatives or sponsors. We also have the full cooperation of HEW, DOD, Labor, and Interior in studying alternative resettlement possibilities for those refugees voluntary agencies cannot help.

I am aware of the public concern over the reception of Vietnamese and Cambodian refugees in the United States at this time of economic difficulty. I am confident, however, of our ability to carry out a successful resettlement program. The numbers are not too large. More importantly, the Vietnamese and Cambodians arriving in America have suffered deeply and are deserving of our help and hospitality. It is America's tradition to respond rapidly and generously to peoples in need.

[Whereupon, at 1:45 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

## INDOCHINA REFUGEES

WEDNESDAY, MAY 7, 1975

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON IMMIGRATION,  
CITIZENSHIP, AND INTERNATIONAL LAW  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10:25 a.m., in room 2141, Rayburn House Office Building, the Honorable Joshua Eilberg [chairman of the subcommittee] presiding.

Present: Representatives Eilberg, Sarbanes, Holtzman, Dodd, Russo, Fish, and Cohen.

Staff present: Garner J. Cline, counsel; Arthur P. Endres, Jr., assistant counsel; and Alexander B. Cook, associate counsel.

Mr. EILBERG. The subcommittee will come to order.

The chairman has a statement to make but the chairman of the full committee is engaged in a markup session in another committee room and we want to give him full opportunity to present his views, and it is a distinct pleasure to introduce the chairman of our full committee, Hon. Peter Rodino.

Mr. Chairman.

### TESTIMONY OF HON. PETER W. RODINO, JR., A REPRESENTATIVE IN CONGRESS FROM THE 10TH CONGRESSIONAL DISTRICT OF THE STATE OF NEW JERSEY

Mr. RODINO. Mr. Chairman, and members of the subcommittee, I appreciate this opportunity. I recognize that you have other witnesses scheduled. However, this matter is to me of such importance that I felt it necessary to come here before you this morning and to express myself on this very, very serious matter of concern to all of us. I appreciate the opportunity, Mr. Chairman and members of the committee, to appear before you this morning as the sponsor of the legislation you are about to consider to authorize funding for the resettlement of refugees from Southeast Asia. This is legislation of the highest national priority, as you have recognized by scheduling immediate hearings, and I commend you for this. I hope you will give it the most expeditious consideration consistent with the discharge of your responsibility to scrutinize this authorization in the public interest.

Our national response to the plight of these unfortunate people is not a matter of partisan differences. I am pleased to be sponsoring legislation on this subject proposed by the administration. I was gratified by President Ford's statement last night, and as I indicated in my

own statement to the House yesterday afternoon, I believe that we must extend our national hand of welcome to these refugees as we have to those from Western Europe after World War II, from Hungary in 1956, from Cuba in the early 1960's, from Czechoslovakia in 1968, and to the Jews fleeing Russia today.

When this country forgets its immigrant heritage and turns its back on the homeless, the fearful, and the oppressed of the world, we will have indeed written finish to the American dream. This country is not ready to do that, not when the marines at Camp Pendleton spend their own money for 18,000 chopsticks.

As the son of an immigrant myself, I cannot forget how close to the roots of America was the problem we face today. You should ask careful questions about the plan of the administration to carry out the work this legislation would authorize. You should, as I know you will, question the responsible officials closely in line with your duties as members of this subcommittee, which I was proud to once chair and of which I have been a member and had been a member for many years.

But once you have done so, I hope you will see fit to vote to authorize the expenditure of reasonably necessary funds to achieve the humanitarian goals of this great and noble endeavor.

Thank you very much.

Mr. EILBERG. Mr. Chairman, we are indeed indebted to you for appearing before us this morning and setting the tone of our consideration of your bill, and we hope to give it as prompt consideration as we can consistent with the great deal of information that we must receive from the various departments concerned, and knowing your busy schedule—

Mr. ROBINO. I will be delighted to answer any questions, though I must go.

Mr. EILBERG. We are prepared to let you go at this time, Mr. Chairman, and I do not see any members that are pressing, so thank you very much, Mr. Chairman.

Mr. ROBINO. Thank you.

Mr. EILBERG. Mr. Sarbanes.

Mr. SARBANES. Mr. Chairman, I just wanted to thank you for that statement. I think it is in the finest tradition of our heritage. I have been concerned with reports of American attitudes toward this problem that I do not think accurately reflect the sentiments of the American people or the sentiments of this Congress. And I think you have done us all a great service this morning by placing us back on the appropriate track and focusing our vision on those principles that are so important to us.

Mr. ROBINO. Well, thank you, Congressman Sarbanes. Let me say that as a member of this committee for 27 years it has been its finest tradition to have responded in matters such as this with a great sense of humanity and with a great sense of understanding, and I think it has written a proud role, and I would hope that it would carry on in just that manner.

Mr. EILBERG. Thank you very much, Mr. Chairman.

We have called today's hearing in order to review some of the questions that were asked at Monday's, hearing and to obtain from the respective departments justification for the funding amounts that were requested at that time.



In addition, the President yesterday addressed a letter to the Speaker of the House in the form of an executive communication requesting immediate consideration of legislation providing an authorization of funds for transportation and resettlement of Indochinese refugees.

We have been advised that by the end of this week all available funds will have been obligated and there is an urgent need for legislation if we are to meet the needs of, and provide the essentials of life for, the thousands of war victims who have or will come to the United States.

It should be pointed out that the legislation which has been suggested by the administration proposes a program for temporary relief, transportation, and resettlement in the United States and in third countries for an estimated 150,000 refugees. The domestic resettlement program consisting primarily of reimbursement to State and local governments and assistance to voluntary agencies in their resettlement activities would terminate on September 30, 1977. Funds for resettlement in third countries or other international activities would not be available after June 30, 1976.

During today's hearing we will examine the necessity for funding limitations which are not contained in the Administration's proposed bill and alternative time limitations on the various programs. The necessity to review the operation of this proposed legislation should not be overlooked. Likewise, we will discuss some of the questions which were not adequately answered at the hearing on Monday in the hope that any congressional action is predicated on the best available information and to insure the American people that any program which is established is in their interest as well as the interest of those who seek refuge in our country.

I will yield to Mr. Fish.

Mr. FISH. Well, Mr. Chairman, I would like to compliment you on calling this hearing. I think it is very rare that we have a hearing to consider legislation that has not yet been introduced but that will take place at noon when our chairman, the Honorable Peter Rodino, will introduce the administration's measure. And as soon as he does that, I, on behalf of myself and the gentleman from Maine, Mr. Cohen, will cosponsor this legislation. I think we started off on the right note with Chairman Rodino's testimony setting the key to this hearing.

I might add that President Ford has heard two urgent appeals, one from the Pope and one from Mr. George Meany, the head of the AFL-CIO.

I would hope that in our consideration of the legislation, the authorizing of humanitarian refugee and resettlement assistance, Mr. Chairman, that we will pursue this expeditiously and resolve the outstanding questions no matter what the time-frame means in terms of this subcommittee continuing its deliberations, so that we can resolve this matter in a very short time.

Thank you.

Mr. EILBERO. Thank you, Mr. Fish.

Now we expect this morning to hear from all of the departments that are involved, and I think it would be simpler if they would attempt or let us try to do this at the head table. We have involved, before I call you up, HEW, the Department of Defense, the Department of State, and INS, and of course we have Mr. James M. Wilson,

Deputy Director of the Inter-Agency Task Force. And I think the witness list is available to all of the members.

Now may I suggest to the witnesses that perhaps, and there would be some difficulty with the stenographers, perhaps, so that they might identify who is speaking, if we could have HEW—who represents HEW here?

[A hand is raised.]

Mr. EILBERG. Would you sit at the end of the table or near the end of the table? And it might help in identifying the names again for the purposes of the record.

This is Ms. Julia Taft, is that right?

Ms. TAFT. That is right.

Mr. EILBERG. And the Department of Defense—is the Department of Defense here? Would you step up, sir? And what is your name and title?

Mr. McLAUGHLIN. Frank McLaughlin, sir.

Mr. EILBERG. Frank McLaughlin, Defense Department Budget Officer.

And the Department of State—I think Mr. Wilson. No, we have Mr. Knute Malmborg, Legal Adviser's Office, Department of State.

And the INS, Mr. James Greene, Deputy Commissioner of the Immigration and Naturalization Service. And Mr. Sam Bernsen, General Counsel of the INS.

We may have occasion to skip from one to the other, and so for our convenience we have asked you to step forward in this fashion.

Now first some general questions. Permission is granted to Mr. Fish to have the statement of the AFL-CIO Executive Council, dated today, included in the record, unless there is objection. And I hear none.

[The material referred to follows:]

#### PREPARED STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL

The United States has an inescapable moral responsibility to do all that it can to aid the Vietnamese refugees who are now entering our country, just as we have opened our doors to Hungarians and Cuban refugees from Communist totalitarianism. We cannot turn our backs on those who have fought for freedom without making a mockery of the principles upon which our Nation was founded and by which it has served for centuries as a haven for people of all nationalities who seek liberty.

We recognize that the Vietnamese arriving on our shores will face many difficult and unique problems. But we have faith that those problems can be overcome by the good will and generosity for which the American people are justly known throughout the world. Recent statements by some politicians suggesting that the Vietnamese refugees are not welcome here bespeak a meanness of spirit unworthy of the American people. It is a meanness in which the American labor movement will not partake.

The AFL-CIO Executive Council calls upon our members to make these refugees of Communist aggression welcome in their communities.

We call upon the Congress to appropriate without delay sufficient funds to facilitate the resettlement of the Vietnamese refugees in the United States without placing an undue burden upon the already hard-pressed resources of our State and local governments.

Finally, we call upon the AFL-CIO Community Services Department, the Human Resources Development Institute, and our International Affairs Department to cooperate fully with government and voluntary programs to assist the refugees to find jobs and housing, to obtain needed social services, and to become integrated into the American way of life.

**TESTIMONY OF JAMES M. WILSON, DEPUTY DIRECTOR, INTER-AGENCY TASK FORCE; FRANK G. WISNER, SPECIAL ASSISTANT TO DIRECTOR, TASK FORCE; JULIA VADALA TAFT, DEPUTY ASSISTANT SECRETARY OF HEW FOR HUMAN DEVELOPMENT, HEW BUDGET OFFICER; JAMES F. GREENE, DEPUTY COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE; SAM BERNSEN, GENERAL COUNSEL, INS; LAWRENCE A. MARINELLI, AGENCY FOR INTERNATIONAL DEVELOPMENT; JAMES MICHEL, LEGAL ADVISER'S OFFICE, DEPARTMENT OF STATE; KNUTE MALMBORG, LEGAL ADVISER'S OFFICE, DEPARTMENT OF STATE; FRANK McLAUGHLIN, DEFENSE DEPARTMENT, BUDGET OFFICER; AND COLONEL POE, DEFENSE DEPARTMENT, BUDGET OFFICER**

Mr. EILBERG. What costs have been incurred today by the Department of Defense, the Department of State, INS, and HEW? What is the total figure and will these expenses all be covered by the \$98 million from the Indochina Post-War Reconstruction Fund?

Now I suppose Mr. Wilson, we look to you for that, unless there is some other witness that might be more helpful.

Mr. WILSON. Mr. Chairman, with your concurrence, I would like to call on individual witnesses who are here from the several departments to talk to the expenditures of each of those agencies, beginning with the Department of Justice.

Mr. McLAUGHLIN. As of yesterday—

Mr. EILBERG. Excuse me for interrupting. We are most anxious, as you are, to expedite the movement of this hearing, so we beg your indulgence to try to make your answers as short as possible, and we will try to make our questions as short as possible.

Mr. McLAUGHLIN. As of yesterday, Mr. Chairman, the Department of Defense has obligated approximately \$80 million.

Mr. EILBERG. And the Department of State?

Mr. WILSON. The Department of State, Mr. Chairman, through the Office of Refugee and Migration Affairs, has to date expended \$1,400,000 for the voluntary agencies and the international agencies.

Mr. EILBERG. And how about the INS?

Mr. GREENE. The INS has committed \$1.2 million and we expect this to run us over several weeks.

Mr. EILBERG. And HEW?

Ms. TAFT. About \$3 million for health screening.

Mr. EILBERG. About how much?

Ms. TAFT. About \$3 million for health screening and health activities.

Mr. EILBERG. And I have not attempted to total that figure. Do you have a total of that?

Mr. WILSON. Mr. Chairman, perhaps I could submit for the record a list of the amounts which have been expended thus far as of 5 p.m. yesterday afternoon, the 5th of May.

I should say that this does not include the expenditures made by the Department of Health, Education, and Welfare. This encompasses only those funds which are spent out of the \$98 million we spoke of in our testimony on Monday.

Mr. EILBERG. What figure was that, sir?

Mr. WILSON. \$98 million, sir, which had been transferred from the Foreign Assistance Act to make this possible.

Mr. EILBERG. Well, I understand the total to be \$85.6 million, and the question that I am asking now is: Are they covered by the \$98 million for the Indochina Post-War Reconstruction Fund?

Mr. WILSON. That is correct, Mr. Chairman, except for HEW. There are also, if I may say, sir, to avoid any confusion, some additional figures which have not been included in that which I would like to indicate for the record. These include an item of \$40,000 for Customs, which is not represented here, and a \$50,000 item which has been set aside as a possible reserve for the possible establishment of an advisory committee on Indochinese refugees.

We will submit this for the record.

[The material referred to follows:]

*Estimated expenses for evacuation maintenance and resettlement of Indochina and Cambodian refugees as of May 5, 1975*

Total amount provided for IPR funded to date under Presidential determination (614(a) waiver)-----	\$98,000,000
Contract shipping for evacuation-----	18,000,000
Airlift-DOD—\$300 per person to staging area. \$530 per person from staging areas to processing centers plus air supply of materials--	34,000,000
Facilities-DOD—open staging areas and processing centers-----	15,000,000
Daily maintenance-DOD—including food, utilities, medical care, etc.--	12,000,000
Unobligated reserve for DOD operation-----	7,900,000
Immigration services—processing of refugees-----	1,200,000
Voluntary agencies—ICEM and high commissioner, International Red Cross \$500 per person provided to voluntary agencies to administer resettlement program overseas-----	1,400,000
Customs—processing of refugees-----	40,000
National Advisory Committee on Indochinese Refugees-----	50,000
Amount available <sup>1</sup> -----	89,590,000
	8,610,000

<sup>1</sup> Estimated rate of expenditure at present time is 2.7 million per day.

Mr. EILBERG. Going back to the Department of Defense, how much of the \$98 million transferred from the Indochina Postwar Reconstruction Fund has been obligated by the Department of Defense to date?

Mr. McLAUGHLIN. As I indicated earlier, Mr. Chairman, our obligations as of yesterday were approximately \$80 million.

Mr. EILBERG. And when do you anticipate the funds will run out, again speaking to the Department of Defense?

Mr. McLAUGHLIN. We think we are going to run into problems by the end of this week, sir.

Mr. EILBERG. Can you break your figures down into the seallift, airlift, construction of facilities, and maintenance of refugees?

Mr. McLAUGHLIN. Yes, sir. Of the \$80 million approximately \$18 million is the seallift, \$34 million for airlift, and the remaining \$27 million is for facilities and maintenance.

Mr. EILBERG. Would you kindly repeat the figures, sir?

Mr. McLAUGHLIN. \$18 million for seallift, \$34 million for airlift, and the remaining \$27 million for facilities and maintenance costs.

Mr. EILBERG. What future costs do you anticipate?

Mr. McLAUGHLIN. Our total estimate based on the task and assumptions which the State Department is giving us is for \$328 million.

Mr. EILBERG. And how would that figure be allocated as between future sealifts, airlifts, refugee maintenance, and so on?

Mr. McLAUGHLIN. That \$382 million breaks down into \$30 million for sealift, \$132 million for airlift, \$35 million for facilities, and \$185 million for the maintenance—the daily maintenance of the refugees.

Mr. EILBERG. As I understand it, the airlift cost is derived from an estimated cost of \$530 per person for 130,000 refugees.

Mr. McLAUGHLIN. Yes, sir, that is the Military Airlift Command's costs to fly from Guam to Fort Chaffee.

Mr. EILBERG. Would not the cost be more accurate if based on the cost of the actual charter flights rather than the individuals involved?

Mr. McLAUGHLIN. It is based on the charter flights, sir. It is based on the average number of passengers that the charters will carry. It is not really on a per-seat basis. We broke it down this way so that if there is any change in the assumptions as to the numbers coming here, the committee staff could easily adjust as necessary.

Mr. EILBERG. With respect to the maintenance cost in reception centers, how is the \$15-per-person-per-day figure arrived at?

Mr. McLAUGHLIN. That was based on our estimate of the daily cost of feeding. It includes medical services and supplies, the general base operating support cost of utilities, all of those things which we must do as long as the refugees are in our custody.

Mr. EILBERG. How does that figure compare with your experience at Camp Pendleton last week? Are you spending that per day or less or more?

Mr. McLAUGHLIN. Our figures at Camp Pendleton, we have not got the facilities cost completely isolated from them at this point, but we have tried to estimate the cost of opening and closing our camps as a separate item—the cots, the tents, the plywood that is going in there, sir. And we are trying to sort out now to get that fix on what the actual break is.

Mr. EILBERG. I wonder if you can provide the subcommittee with that information as soon as you get it, and hopefully, in the next few days?

Mr. McLAUGHLIN. Yes, sir.

[The information referred to is to be supplied, and will be retained in committee files.]

Mr. EILBERG. The same formula, I understand, is used for determining maintenance costs in staging areas and what is the basis for that cost?

Mr. McLAUGHLIN. The same thing, sir.

Mr. EILBERG. I understand that approximately 60 percent of the funds to be authorized by the proposed legislation will be expended by the Department of Defense.

What assurances can we receive that the Department of Defense is attempting to minimize their cost outlays such as providing the most economical means of transporting from Guam to the continental United States?

Mr. McLAUGHLIN. Well, sir, the determination of the level or the standard of living, if you will, and the means of transportation is laid on us by State, for whom we are merely an agent. The means for

transportation by air I would imagine would get into the rate of flow of the refugees into the processing centers.

Mr. EILBERG. Is the Department of Defense keeping separate accounting systems in the various reception camps for those costs incurred in the operation of refugee programs there?

Mr. McLAUGHLIN. Yes, sir.

Mr. EILBERG. And are separate accounts being maintained at El Toro Air Base?

Mr. McLAUGHLIN. Yes, sir.

Mr. EILBERG. Now should not the South Vietnamese be required to pay for their transportation from South Vietnam to Guam or from Guam to the continental United States?

Mr. McLAUGHLIN. I will defer that policy question.

Mr. WILSON. If I may, Mr. Chairman. We have submitted to committee counsel the replies to two questions which were put to Ambassador Brown on Monday, one of them having to do with reimbursement of travel to the United States.

I will submit this for the record now but let me, if I may, read that portion of it which relates to your question:

With regard to Vietnamese who are not employed by American firms, we have concluded that it would be extremely difficult to obtain reimbursement without jeopardizing our resettlement program. We do not wish to strip the refugees of their essential resources or to force them to turn to public welfare as they start their new life.

There is no way we can estimate the personal wealth of individual Vietnamese. If we ask banks which have conducted exchange on Guam or in the United States for their records of transaction, a deed which is legally questionable, we would identify principally the sums exchanged by Vietnamese who carried their personal savings with them. We would not identify those Vietnamese who have bank accounts in the United States or third countries. There is no possible way in our opinion to determine this fact.

The answer to your question in brief, then, Mr. Chairman, is that as a practical matter we see that there is no real means under which we could approach these types of people without going through a process of identification which is almost impractical or impossible to carry out.

[The matter referred to follows:]

#### REIMBURSEMENT FOR TRAVEL TO THE UNITED STATES

We have considered the several members of the Committee's recommendation that American and Vietnamese employees of private American firms be charged for the cost of travel incurred during the evacuation between Saigon and the continental United States. We accept the Committee's proposal and will carry it out to the best of our ability. But we must note that as a practical matter it can only be partially effective.

We intend to:

(a) ask the Military Airlift Command to identify all those individuals on whom they have maintained records and see to it that billings are sent to their parent companies.

(b) we will in addition query American firms which had operations in Viet-Nam as to their intentions to reimburse the United States Government for the costs of travel of their present and past employees.

With regard to Vietnamese *not* employed by American firms, we conclude it will be extremely difficult to obtain reimbursement without jeopardizing our settlement program. We do not wish to strip the refugees of their essential resources or force them to turn to public welfare as they start their new life. There is no way we can estimate the personal wealth of individual Vietnamese. If we ask banks which have conducted exchange on Guam or in the United States for their records of transactions—a deed which is legally questionable—

we would identify principally the sums exchanged by Vietnamese who carried their personal savings with them. We would not identify those Vietnamese who have bank accounts in the United States or third countries. There is no possible way to determine this fact.

Mr. EILBERG. And you feel that based upon your study that the Federal Government should assume these costs, then, I take it.

Mr. WILSON. We are very much in sympathy with the motivations underlying your question, Mr. Chairman, but as a practical matter after studying this, since the questions on Monday, we have reached the conclusion that there is just no way that we can really do it on an equitable basis.

Mr. EILBERG. Would you explore for us a little bit more I mean why that is so, why refugees cannot be interrogated? In other words, tell us a little bit more than you have, if you can, Mr. Wilson.

Mr. WILSON. Let me, if I may, turn part of this over to Ms. Taft, who has the interviewing of refugees as part of the HEW function.

Ms. TAFT. Mr. Chairman, as people are being processed through at the reception centers stateside, they are being asked whether or not they have resources to get them from the reception center to wherever the resettlement location is. We have no way, as Mr. Wilson inferred, to be able to check. If they say that they do not have enough money to actually incur that expense, there is no way that we feel we have the legal authority to do the check on their assets. We are accepting their word whether they have or do not have those funds.

I would like to stress the point that Mr. Wilson did make earlier, though, too, that I think our prime objective here ought to be to get the people resettled in situations where they can become self-sufficient. And it is very important that we not strip or try to save a couple hundred dollars initially when they come into the country; otherwise, they may lose their capacity or their willingness to become self-sufficient once they resettle.

Now the front-end costs may appear to be somewhat high if you factor in their initial transportation and room and board, et cetera, at the reception centers. But our position is that, better that we pick up that tab now than wait until they resettle and then run into fiscal problems later on. And we would much prefer to not have these people end up on the public payroll. And we feel that the small investment initially will benefit us in the long run.

Mr. WILSON. It is also our judgment, Mr. Chairman, that the administrative costs of this are likely to be considerably more than we would probably end up by collecting, given the limitations that Ms. Taft has described.

Let me emphasize that what we are trying to do as much as possible is to clear these people through the resettlement centers just as rapidly as possible. And to do this requires, of course, the most expeditious processing that we can devise.

Mr. EILBERG. Would you support an amendment requiring the Attorney General to obtain a promissory note or statement from wealthy refugees that they will reimburse the U.S. Government for transportation costs from Guam to the United States? I might say also that such a provision could contain authority for the Attorney General to waive repayment in hardship cases.

Mr. WILSON. The problem I think we would have with that, Mr. Chairman, is the enforceability of it under the circumstances. We

would look into this as a matter of priority and give you a legal judgment on it. But the preliminary view, which has just been expressed to me, is that we might have considerable difficulty collecting on it.

Mr. EILBERG. I would like to emphasize, and I believe—

Mr. WILSON. We will be willing to accept it, Mr. Chairman. The question again is one of practicability and legality.

Mr. EILBERG. I do not want to leave unanswered a great many questions because obviously there is a great deal of interest in the legislation and we would like to consider it as quickly as possible.

Now for those who are employed by U.S. companies and U.S. contractors in South Vietnam, should not these costs be met by their former employer, particularly if they obtain similar employment in the United States?

Mr. WILSON. Mr. Chairman, on this score, I think we can be more positive. We do believe that we can accept the suggestion that was made by the committee on Monday which is to carry out to the best of our ability a program designed to collect from the companies as much as possible. Specifically, Mr. Chairman, we intend to ask the Military Airlift Command to identify all of those individuals on whom they have maintained records.

As you know, there are quite a number, of course, in the last few days of the evacuation on whom no records were kept at all. But for those on whom they did keep records we intend to see that billings are sent to their parent companies, and we will in addition query these American firms which have had operations in Vietnam as to their intentions on reimbursing the U.S. Government on the cost of travel of their present and their past employees.

Mr. EILBERG. In your opinion will an amendment be necessary, or legislation be necessary, in order to follow up that query and effectuate it?

Mr. WILSON. No, sir.

Mr. EILBERG. You feel you could arrange this without legislation?

Mr. WILSON. We believe we can; yes, sir.

Mr. EILBERG. At this time I would yield the floor to Mr. Fish and I might add that I have a great many more questions but we certainly want to give all of the members an opportunity to participate.

Mr. FISH. Thank you, Mr. Chairman.

Mr. EILBERG. Will the gentleman yield for just a moment? I would like to place in the record a statement by the American Jewish Congress with regard to their support of the purpose of proposed legislation.

Without objection, this statement will be made a part of the record.  
[The material referred to follows:]

RESOLUTION ADOPTED BY THE NATIONAL GOVERNING COUNCIL OF THE AMERICAN  
JEWISH CONGRESS ON SUNDAY, MAY 4, 1975

The American Jewish Congress strongly supports the humanitarian efforts of President Ford and his administration to resettle in the United States those refugees who are fleeing Vietnam.

We support the President's request to the Congress of the United States for financial aid to help in this resettlement program.

We believe that a nation such as ours, built by immigrants and refugees from all the world, has a special responsibility to offer haven to the homeless.

As Jews we are particularly sensitive to this problem. Many of us remember as if it were yesterday the cries of our Jewish brothers who tried in vain to find a country to accept them in the face of Hitler's extermination policy. We



grieved while the world stood by so callously and indifferently. We are grateful however that time and the lessons of history have made our nation today more compassionate in the face of suffering and more willing to open our doors to those who seek refuge.

We trust that the other nations of the world will open their doors as well in the face of today's urgent need.

Finally, we call upon the new government in Vietnam to accept the principles enshrined in the Universal Declaration of Human Rights which guarantee to all the right of free emigration.

Mr. FISH. That was going to be our initial request to you, Mr. Chairman.

I wonder if I could just ask any one of the witnesses to start off with, I have in front of me two documents dated May 2, 1975. Both are called preliminary estimates of evacuation temporary care and resettlement costs. One totals \$605 million, the other totals \$507 million.

Which one should I be looking at, or do you have to read the two together?

Mr. WILSON. Mr. Fish, I am told that we have two versions of the same numbers, one demonstrating the expenditure of the \$98 million which had been transferred from the Foreign Assistance Act, and separating that from the request for new appropriations. The other indicating the amount involved in estimating the entire cost of the program.

[See app. 3 for additional information supplied by the Department of State subsequent to the hearings.]

Mr. FISH. The entire cost, I take it, is \$605 million.

Mr. WILSON. That is correct, sir.

Mr. FISH. But is the President's request still limited to \$507 million? In other words, not reimbursing you for the \$98 million already expended.

Mr. WILSON. That is correct.

Mr. FISH. We just forget about the \$98 million.

Mr. WILSON. That is correct. We are asking \$507 million only.

Mr. FISH. Money yet to be spent and obligations yet to be incurred or currently being incurred?

Mr. WILSON. Yes, that is correct.

Mr. FISH. Well, why do you not ask for the reimbursement of the \$98 million?

Mr. WILSON. These are recoveries, Mr. Fish, from funds which were made available by the Congress under the Foreign Assistance Act.

Mr. FISH. They are not needed for some other purpose?

Mr. WILSON. They are specifically made available for purposes in Vietnam and Cambodia and have been transferred from that account to be made available for the evacuation of refugees.

Mr. FISH. Well, now, looking at these two preliminary estimates, they are dated the 2d of May and they refer to, for example, under airlift, it refers to \$530 per person—130,000 people—from staging areas to processing centers.

I take it that means basically Guam to Pendleton or Guam to Florida.

Now are we not really talking about 150,000 persons and not 130,000?

Mr. WILSON. The estimates here, Mr. Fish, are based on a total number of 150,000 evacuees, 130,000 to the United States and 20,000, hopefully, in international channels not coming to the United States.

Mr. FISH. But is that an estimate that we should take seriously?

Mr. WILSON. It is the best estimate that we can come up with at this point in time, Mr. Fish.

As you know, we are trying desperately to get a better reading on the figures. I think that the figures are getting better every day. But they do change.

Mr. FISH. It is my understanding the testimony of Ambassador Brown here Monday morning was that he was asking us to consider the top figure to be 150,000 because of people that were at sea presently, and in connection with that he was seeking parole authority for an additional 20,000 to raise the limit from 130,000 to 150,000.

Mr. WILSON. You are absolutely correct there, Mr. Fish. What the Ambassador was discussing on Monday, I believe, was the requested authority for parole, which included in it a contingency amount of 20,000.

What we are submitting our budget estimates on here is the figure of only 130,000 coming to the United States.

Mr. FISH. Well, I am just suggesting that I think your budget estimate may be on the low side. We have been faced with a very fluid situation for the last several weeks, as you know, with the numbers increasing.

It is my understanding that we should contemplate the United States receiving 150,000, and that the other 20,000 to 30,000 that may be involved will be taken by other nations.

Well, I will leave this. It is your budget. But I think it may be on the low side.

A question that is of considerable interest to the public when they listened to and perhaps Ms. Taft, this should be addressed to you, when they hear such words as "sponsorship," there is a whole bank of telephones in the White House where people are calling from all over the country asking how they can sponsor a family. I wonder if you would like to address yourself to just what exactly sponsorship means, and if it has a meaning different from the ordinary meaning in the Immigration Act, and what is the legal responsibility of a sponsor for a family or an individual refugee?

Ms. TAFT. There is no legal binding authority for somebody who offers sponsorship. But if you do not mind, I would like to defer to Mr. Greene of INS because they are handling this. It is a moral commitment and so many offers of sponsorship have come through the toll free number or to the White House or to the voluntary agencies themselves. And they do check to make sure that the person or the community or the church which is offering sponsorship is prepared, in fact, to pick up the initial cost and provide the housing and the startup assistance that the family that they are sponsoring might need. But again, it is a moral, not a legally binding commitment.

Mr. FISH. You used the word "they." Would that be one of the voluntary agencies that would check on the sponsor?

Ms. TAFT. Yes, sir.

Mr. FISH. What do we mean by sponsor? Could you give us an example?

Ms. TAFT. A sponsor could be a parish, a church parish that says that they would like to take care of two families and that they would assist in the transportation to get the people there. They would find

a place for the families to live. They would receive contributions from the congregation for food, for clothing, they would put the children in school. If there were health problems like a cleft palate they might assist in getting the medical treatment for this. And the sponsorship arrangements are, as I mentioned before, are moral arrangements. They really are people reaching out or communities reaching out saying that they will take under their protectorship the full assistance of however many people would be coming in under the family or whatever agreement has been reached on how many people they would take care of.

Mr. FISII. I understand there has been quite a large public response in volunteering to be sponsors; is that not correct?

Ms. TAFT. That is correct, sir.

Mr. FISII. Does anyone happen to have that toll free number in their hand?

Ms. TAFT. I have the number right here. Just a second. It is 800-368-1180.

Mr. FISII. Thank you very much. Ms. Taft, I would like to discuss with you the apparatus of public support that would come into play in the event that a sponsorship broke down or after a passage of time the Vietnamese family simply could not hack it in the community.

Would they be just like anybody else in terms of going to the local support welfare agencies, or is there anything in the bill, in the authorization before us, that contemplates a special backup funding for these?

Ms. TAFT. Right. That is correct. For the duration of the proposed statute, which would be through October of 1977, the end of fiscal year 1977, HEW would be prepared to pick up 100 percent of the health and social service and income maintenance costs. If these people become burdens to the public or do become public charges, we would pick up that fund and expenditure.

Mr. FISII. This is in the itemized request?

Ms. TAFT. Yes, sir.

Mr. FISII. One final question. You recall a few weeks ago the stay of deportation order was issued with respect to any South Vietnamese or Cambodians in the United States, and I suppose in most cases these are students whose visa and admission requirements and so forth might have expired.

Can you tell us briefly what is going to happen to these individuals and what support they might expect? Is there any relief for them contemplated here? Is there any time limit on their stay in this country?

Ms. TAFT. For the students who are on student visas it is my understanding that they can go back to INS and apply to come under the parole, and therefore become eligible for whatever benefits are pursuant to the refugee act that we are discussing today.

There are about 2,000 students now from South Vietnam who are receiving their educational training in our colleges and universities. We will be able to make these people eligible for student loans through our HEW student loan program and we are trying to explore ways with colleges and universities to see if they would like to contribute scholarships or provide additional educational assistance to these people.

We are working on that and we do have some funds budgeted under our education provisions that I will be able to be more specific on at some point in the future.

Mr. FISH. But your recommendation is that for any student, Vietnamese or Cambodian student in the United States should contact the Immigration and Naturalization Service to find out what he might be entitled to?

Ms. TAFT. They may wish to contact the INS to change their registration from being a student to being a refugee.

Mr. EILBERG. Would the gentleman yield at that point?

Mr. FISH. Yes.

Mr. EILBERG. I wonder if Mr. Greene would attempt to answer the same question that has just been asked.

Mr. GREENE. Yes, Mr. Chairman.

A slight technicality. People in the United States, the aliens in the United States would not under any circumstances be considered for the parole. What we have done is we have issued an order that no action shall be taken to enforce the departure of any Cambodian or Vietnamese. In this group I think there is something around 15,000 Vietnamese and Cambodians, and they range all the way from Government officials to diplomats to the United Nations, students, visitors, et cetera. We have also issued an order that if they request, we may authorize employment and they will stay in that status.

[For an analysis of the Indochinese refugee situation in the United States, see app. 4.]

Mr. EILBERG. What status, again, is that?

Mr. GREENE. They are in extended and voluntary departure. It is a condition we have given others who cannot depart, and we will get into this a little later, I am sure, but they are also eligible to apply for asylum if they so wish.

Mr. EILBERG. What will be done with those who were in deportable status when the Saigon Government fell.

Mr. GREENE. Those in deportable status, where all action was terminated at that time, we felt we could not enforce the orders of deportation so we suspended them.

Mr. FISH. Mr. Chairman, I just have one last question. I think it should be directed to Mr. Wilson.

In the draft bill before me, Mr. Wilson, entitled "The Indochina Migration Refugee Assistance Act of 1975," which is accompanied by letter from the President dated May 6, on line 17 it refers to a terminal date here of June 30, 1976. Is that a correct date or should that be amended to read October to conform to the fiscal year?

Mr. WILSON. I am advised by counsel that June is the correct date, Mr. Fish.

Mr. FISH. Why was the date picked?

Mr. WILSON. This date was picked primarily to provide a cutoff time beyond which we would not be seeking funds for this program other than those which would be made available through the Department of Health, Education and Welfare for its activities, which would be continuing through fiscal year 1977.

Mr. FISH. I see. That's why I wanted to ask the question. I wanted to clarify that, that the services that Ms. Taft referred to would continue past this date of June 30th.

Mr. WILSON. That is correct.

Mr. EILBERG. Mr. Sarbanes?

Mr. SARBANES. Ms. Taft, I would assume, putting aside for the moment this question of transportation costs and their reimbursement, and operating on the premise that it is important to seek to place these people as quickly as possible in the general society, that thereafter, if they were to seek public assistance because of an inability to function without it, the screening which is usually associated with receiving such help, with respect to assets and financial position would, in fact, be done. Is that a correct assumption?

Ms. TAFT. Yes, it is.

Mr. SARBANES. So while it may be true that some are being allowed to move into the society without paying transportation costs, although they may in fact have means subsequent thereto, they would not later be able to receive assistance if they had the means. The normal screening process associated with receiving such assistance would take place. Is that correct?

Ms. TAFT. Yes, that's correct.

Mr. SARBANES. Mr. Wilson, I would like to ask something about the figures. I don't have too much difficulty with the basic premises from which this is approached, but obviously it is all related to the number of people that we are talking about, and I gather the latest sheet indicates a total of 113,340. Is that correct?

Mr. WILSON. That is correct, yes.

Mr. SARBANES. Now what persons remain uncounted?

Mr. WILSON. I beg your pardon?

Mr. SARBANES. What is anticipated that has not been counted? Would that be people, and we don't know how many people, aboard ships that are moving either toward Guam or Wake or the Philippines, are they included in that figure?

Mr. WILSON. These figures are only those refugees who are in the U.S. system. They include those who are still afloat in the Western Pacific; they include those who are at the staging sites in the Pacific; and of course, those in the settlements, and of course, those who have been processed. We do not at this point of time know how many more might come into that system from outside. We have discussed before the question of how many may be picked up by the international agencies, and we are doing everything in our power now to get those international agencies to move and to take them.

We may find, as these figures are further refined, that these numbers are going up. In the last 2 days, they have gone down simply through a process of getting a more accurate count on the numbers of people who are on ships in the Western Pacific. This is one of the reasons, Mr. Chairman, why the administration has asked here for flexibility in terms of not having a ceiling on the appropriations because of our difficulty at this point in time of actually getting an accurate estimate of what is eventually coming into the system. We simply don't know.

Mr. SARBANES. Well, whence are they continuing to come into the system? Are these people at sea, but not yet either picked up or brought to the point where they are incorporated into the system—

Mr. WILSON. We have estimates, for example, of up to 6,000 additional who may still be in the South China Sea between Singapore and Saba and the Philippines. We simply don't know what that is.

Mr. SARBANES. Anything else beyond that?

Mr. WILSON. We do not know, as I believe Ambassador Brown testified on Monday, how many of the over 4,000 who have come into Hong Kong are going to be able to be accommodated either in Hong Kong itself or, more particularly, by the international agencies. We have, in addition, an as yet undetermined number of diplomats, of intellectuals, of students, of businessmen who are caught outside of Vietnam by the fall of South Vietnam. Again we do not know how many of those individuals might be seeking entry into the American system.

Mr. SARBANES. Now at what point do you perceive entry into the system to in effect take place for the purposes of the Protocol, the United Nations Protocol relating to the Status of Refugees?

Mr. WILSON. I will ask Mr. Malmberg to answer that if I may.

Mr. MALMBERG. Mr. Chairman, that is a little difficult to answer because of the different circumstances under which people will come into the system. Certainly when people arrive at Guam or other U.S. possessions offshore they would be within the geographic allocation of the protocol. It may be that if they were on U.S. vessels or U.S. aircraft under our custody, while technically the protocol might not be applicable at that time, I think for all practical purposes we would consider them as entering the system and their disposition would be subject at least to article 33 of the protocol.

Mr. SARBANES. Mr. Wilson, could you give us some idea of how matters are proceeding with respect to the corporation of other countries in handling part of the refugee problem?

Mr. WILSON. The situation in that regard is very much as was described on Monday. We have continued to pursue our own bilateral efforts. We have particularly been in touch further with the Canadian Government in terms of their ability to take numbers of refugees beyond the 3,000, and they have already indicated publicly that they would be willing to take. We have received returns indicating that certain governments would be interested in entertaining a number of these refugees. We are negotiating with them both bilaterally and through the international agencies to determine how many they are going to take. As Ambassador Brown indicated, this is a much slower process than we would like, but the instructions have gone out very firmly both to our Ambassadors in the countries concerned and to our representatives before the international agencies to push this just as hard as we can possibly push it at this time.

Mr. SARBANES. Mr. Chairman, I want to commend the task force members for the manner in which they have been working on this problem. I think you have responded very well to an extremely difficult situation. I think it is very important for us as we consider this legislation, though, to have as a factual picture of what is taking place as we can. I know we are receiving a daily numbers sheet, but I think it would be helpful if the task force in effect could prepare a rather comprehensive briefing paper, a rather comprehensive briefing paper on specific aspects of the numbers question, where they are, how they are moving, what is being done. It would include, I think, some of the points that Mr. Greene responded to earlier; for instance, the fact that people already here are not being paroled in, they are

handled in a different way; that would respond to all of those questions. Obviously any one of those may become extremely pertinent in the course of considering or explaining the legislation as it moves through the legislative process.

I know, for example, that the estimate on cost, we are continuing, of course, to use the figures that were submitted or prepared on May 2d. They have not been changed, although the numbers change. I understand that since you still do not know really where the numbers are going to end up, and I assume that what was then a reasonable estimate remains so, but I do think it would be very helpful if we could receive a comprehensive briefing paper from the task force with respect to these matters, with respect to the questions that have been asked, and that gives a good comprehensive view of exactly how things are moving, what things remain, with the question marks of them are unresolved, that if we do not know, if we don't know, we can be told that there is an undetermined number that may be in this category, with perhaps an outside estimate of what the figure is.

I can foresee steps in the legislative process where having such material would be extremely helpful.

Mr. EILBERG. Can you do that, Mr. Wilson?

Mr. WILSON. We would be very glad to do so. We will try to get this underway at once, and perhaps we could consult with your counsel as to what would be most helpful to the committee in terms of format.

Mr. EILBERG. I might suggest that when it is made available, and I would hope it would be as quickly as possible, that a copy would be furnished to at least all the members of the Judiciary Committee.

Mr. WILSON. We would hope to make it available for general distribution.

Mr. SARBANES. Thank you, Mr. Chairman.

Mr. EILBERG. Ms. Holtzman?

Ms. HOLTZMAN. Thank you, Mr. Chairman.

I am pleased that the task force has accepted the committee's concern about reimbursement with respect to transportation.

What documentation are people signing? I would like to ask Mr. Greene this question. What immigration forms are these people signing, if any, when they are processed by the Immigration Service?

Mr. GREENE. Ms. Holtzman, there is no signing of documents within our service. They are issued in a form, I-94, when they leave Guam; or if they are flown direct to Chaffee, their form is executed at that time. The signing of the form is when we turn them over to the voluntary agencies. We have been using the same procedure that we have with the refugees under the (a)7 program, the 203(a)7. An experience we had with the Hungarians where we interfaced with the voluntary agencies, they assure us that they have the wherewithal and will be responsible for that, and give that to us in writing.

Ms. HOLTZMAN. So the immigrant is not filling out any forms—am I understanding you correctly—any immigration forms?

Mr. GREENE. We are filling out forms, but I understood you to say are we signing them. We are executing them.

Now, I would like to make one correction. We do execute a form where we advise the applicant that their entry has not been completed, and they are permitted to go on to a district or one of our suboffices;



and they do sign that form. This informs them in writing that the inspection has not been completed. Now, that is a correction of what I just said.

The form G-325, which is a form they use to get through security checks, is not signed. That is a form we execute and we fan out to the agencies and get back.

Ms. HOLTZMAN. Does the applicant fill out information in connection with that security form?

Mr. GREENE. Yes, they are. Where the crunch is very heavy on us, they are filling it out with the aid of a clerk and an interpreter. It is brought back and our office reviews it with them.

Ms. HOLTZMAN. I note, in line with some of the questions I asked on Monday—and I would hope this concerns a small number of people—that at the end of World War II, under the Displaced Persons Act, we asked people coming into this country whether they engaged in persecution of persons because of race, religion, or national origin. That was asked at the time of entry. I was wondering whether it would be a serious burden on the immigration officials if they asked persons entering this country whether or not they engaged in persecution of persons on those grounds, and for political beliefs; and also whether they engaged in any acts of misappropriation of American funds. We would not necessarily require an investigation at that point, but what burden would it impose upon the Immigration and Naturalization Service to ask those questions?

Mr. GREENE. Ms. Holtzman, it would not impose any burden to ask those questions, and if it is the committee's thought, we would be able to do it. It has not been done up to this juncture, but it is only a matter of amending the form that they are already signing and add those questions to it. If they have trouble with the language, we will have them interpreted so they understand it and so we will have it on record in their file.

Ms. HOLTZMAN. I appreciate that answer.

I do not have any further questions, Mr. Chairman.

Mr. EILBERG. Mr. Dodd?

Mr. DODD. Mr. Greene, just following up Ms. Holtzman's line of questioning, would you go over for me again—you mentioned form G-325, the security check. What other forms are there? I missed your initial response.

Mr. GREENE. The processing, Mr. Dodd, amounts to the initial issuance of the form I-94, which is the same document, in essence that is issued by the airlines when one comes into the United States. Actually it is a document in lieu of a manifest, but we have adopted it because it has biographical information, and one thing that is readily available, because when we started we needed tens of thousands of them, as you can guess. The same form is used when people are paroled in the United States, except it is a three-copy rather than a two-copy. So, we are using that form in order to start off the process and to establish the identity, and bring it forward. When they get to Pendleton, where we have a larger staff, we then execute the form G-325A, which is the one we use to seek our security checks with the other agencies. The form I just referred to, which is in the form of a letter, is handed to them and they sign it indicating that they must keep in touch with the Immigration Service, and their inspection has not



been completed. The file is set up, various documents eventually; as HEW gets their computer going, there would be social security account numbers assigned to these people that would go into the file. This will all aid us in the tracking of that individual, if and when he is released from our custody and goes into the economy.

Mr. DODD. Are any questions being asked of the refugees coming in as to their financial worth?

Mr. GREENE. Not to my knowledge by us, sir.

Mr. DODD. That is not a normal procedure, is it, with regard to refugees or immigrants coming into this country.

Mr. GREENE. No, sir.

Mr. DODD. Are you familiar with form 4790 that is used by the Immigration and Naturalization Service?

Mr. GREENE. No, sir.

Mr. DODD. Well, let me enlighten you a little bit.

Form 4790 is a form which is used to be filled out by those people who have assets in excess of \$5,000. Does that click in anything with you at all? This is a form which each person who physically transports, mails, or ships, or cause to be physically received in the United States, an aggregate amount of \$5,000 or more on one occasion to the United States from another country. Those people with those kinds of assets are required to fill out that form.

Mr. GREENE. Is it with Immigration, or Customs, sir?

Mr. DODD. It is part of the Treasury.

Mr. GREENE. That is Customs.

Mr. DODD. Could anyone among the witnesses here enlighten me as to that?

Mr. WILSON. Only to the extent, Mr. Dodd, of saying that there are customs inspectors in Guam on the arrival of these refugees, and they do pass through that procedure. We will have to check specifically on that form, however. I do not think anyone here is specifically familiar with it.

Mr. DODD. Could I get a response to that? I am very curious about that. I realize we are talking about maybe a very few people. I do not know. I think you may find more among that initial group that was referred to yesterday, or Monday rather, in testimony by Ambassador Brown. But I think it is an importance question, because I think this is what would be normal procedure, and I think we would like to know whether or not people are capable, of course, of possible reimbursement.

The next question I have is with regard to the issue that was raised on Monday. Again, with regard to the criminal element, or potential criminal element, people with records, say, specifically with regard to, say, drugs, for instance, or robbery, or misappropriation of funds, or whatever; has anything happened between Monday and today which could help me any way in making some determinations as to what we are going to do with these people? I recognize the fact that you are not going to be sending them back. But what we are going to do in this country with these people?

Mr. GREENE. Well, Mr. Dodd, I think we can assure the committee and the people of the United States that we are going to view these people with a very grave concern. We are going to first try to identify them. If we find that they do have records, where they are undesirable under the parole we can impose any restrictions we wish. We can have

them reporting to us; we can even define where they may live or where they may move or travel. Conceivably, if the person whose presence was inimicable to our interest—we could keep him in detention. Now we have a precedent for this. We did this during the Cuban situation, and we held them indefinitely; and finally they got out of the United States on their own. We certainly do not intend this accelerated procedure to turn loose people into the community if they have records, or their background is of a criminal nature that would be a detriment to our country. We are hamstrung on just exactly what we can do; so we propose to take a very firm hand and be very restrictive in what we let them do. We are not going to parole them in the final sense. It will be in a very limited, controlled situation.

Mr. EILBERG. Will the gentleman yield at that point?

Mr. DODD. Yes.

Mr. EILBERG. Mr. GREENE, you may know, you probably do know that last night General Chapman and senior members of the committee concerned with this subject met with the question of granting parole. This would bring the figure up to 150,000.

Now, one of the major points of that discussion was precisely the one that is being raised now. I would like to state for the benefit of all those present that both General Chapman and Ambassador Brown agreed that they would develop a plan for the handling of these very people that were undesirables, and that our agreement to authorize parole was conditioned upon setting up some plan. So, I would like to assure the gentleman from Connecticut that we have that commitment.

Mr. DODD. Thank you, Mr. Chairman.

Mr. GREENE. Mr. Chairman, General Chapman informed me that the commitment was made last night, and I have been in touch with the three camps this morning. I have reiterated the instructions. They are not to permit anyone out on parole until we have the security checks. If there is derogatory information developed, then we will have to peruse that and decide on a case by case basis what restrictions and what conditions will have to be imposed. We will have a formal directive to those camp heads, the Immigration's senior officers, before the day is out, specifying exactly what they will and will not do in these situations.

Mr. EILBERG. Will you submit that for our record?

Mr. GREENE. I would be very happy to.

[The information referred to is in appendix 5.]

Mr. DODD. Thank you, Mr. Chairman.

Thank you, Mr. Greene.

I wanted to say that I have been impressed with the amount of work that the task force has done. I realize this is a nasty problem and one that has been so fluid and required such hasty actions and decisions. I for one want to compliment the work that has been done. I hope that you recognize that some of the questions that we are asking are not at all aimed at some sort of opposition to the whole question of immigration of these people, but merely to try and guarantee that some of the mistakes that have been made in the past, with say the Cuban refugee problem of 10 or 12 years ago, not be made again, and that those people, of course, who can afford to pay their costs do so, as we would do in any case of a person coming into this country.

Again, I do want to compliment all of you for the work you have done. I think it has been marvelous.

Mr. GREENE. We thank you, and we certainly appreciate your concern. Mr. Dodd.

Mr. DODD. Thank you.

Thank you, Mr. Chairman.

Mr. EILBERG. Mr. Cohen?

Mr. COHEN. Thank you, Mr. Chairman.

At the last meeting we had, there was some confusion as to what could be done by the United States in the way of parolling those who we felt were subsequently found to be undesirable. I believe General Chapman said we were sort of stuck with them under the United Nations Convention Relating to the Status of Refugees. Now, looking at article I, subparagraph (f), says that "The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that (a) he has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect to such crimes."

So that, I think, is adequate protection for this type of problem.

I am still somewhat concerned about statistics. You indicate in the statement you have submitted to us that roughly \$33 million was spent in the airlift of 110,000 people from Vietnam to certain staging areas. Yet Ambassador Brown's statement recently was that 40,000 Vietnamese and 7,000 Americans were airlifted out of Vietnam. I am wondering, how do you account for the difference in some 63,000 people?

Mr. McLAUGHLIN. Well, the estimates that we have before you, the Department of Defense, of \$382 million, is only as good as the planning assumptions that went into these estimates. The total of 150,000 is a total to be transported from the Southeast Asia area to Guam. Of that, 110,000 go by air, and 40,000 by ship.

Now, of that same 150,000 processing through Guam, 130,000 come then to CONUS, and 20,000 go to—

Mr. COHEN. I am not sure we are talking about the same thing. According to the statistics that were submitted to us, \$33 million was allocated for the airlift out of Vietnam to the staging areas. You state in your document 110,000 from Vietnam, but Ambassador Brown said there were 40,000 Vietnamese and 7,000 Americans. What I am wondering is how do you account for this discrepancy on the airlift from Vietnam to Guam and to other areas of 63,000 people?

Mr. McLAUGHLIN. The 110,000 is the estimate that will be flown from the Philippines and Southeast Asia to Guam. The 40,000—I am not familiar with Ambassador Brown's number. I am going to have to check that and provide it.

Mr. COHEN. The document that I am looking at says, airlift, \$300 per person to staging areas, 110,000 people, \$33 million.

Now what I am trying to do is reconcile Mr. Brown's testimony before this committee talking about 47,000 people who were actually airlifted to the staging areas. Some are still aboard ships, as you said, and sampans and others. But I am trying to understand this figure of \$33 million, or \$300 per person for 110,000, when Ambassador Brown was talking about 47,000.

Mr. WILSON. Mr. Cohen, may I suggest that perhaps Mr. Frank Wisner, who is a special assistant to Mr. Brown, may provide some light on that.

Mr. WISNER. I think if I follow your question, the difference between the two figures, the 47,000 that you are referring to, are the numbers of people who were evacuated from Vietnam in our planned airlift; the difference between that and the 113,000 we are talking about are the numbers of people that were on high seas, that were, if you will, self-evacuated. They came on boats, Vietnamese naval vessels, commercial craft; they include those who were picked up on the high seas by American naval craft and rescue operations. They are the ones who are currently coming into Subic Bay and being transhipped or shipped by air onto Guam.

Mr. COHEN. That clarifies it somewhat. It is just that your statement is erroneous then. When you talk about airlift to staging areas, that is not accurate because—I am now looking at another part—it says airlift of \$530 per person from the staging areas to the processing centers, plus air supply of materials estimated to be at \$99 million.

So I think that some of the statistics are not accurate. But perhaps you can clarify that for us later.

Ms. Holtzman said that she was happy to see that you adopted some of our suggestions with respect to reimbursement of travel. I would like you to tell me exactly what suggestions of ours you have adopted.

Mr. WILSON. Perhaps I could take that one, Mr. Chairman.

Our recollection of the discussion on Monday was that certain members of the subcommittee had suggested the possibility of collecting from American companies whose employees were making use of the airlift facilities to see what would be reimbursed to the United States. This is question No. 1.

The second question is whether it would be possible to charge individual Vietnamese not connected with companies for the amount of their passage when it appeared that they had sufficient assets, they might have sufficient assets of their own to meet that expenditure. I attempted earlier to answer each of those questions, but did it in reverse order.

Mr. COHEN. I am sorry I missed your testimony.

As I understood it, you indicated that it was not feasible to conduct an inquiry, No. 1. It was not equitable if a person, for example, had \$1,000 in assets and we were to take \$500 away, it would probably only accelerate that person's occupation on the welfare rolls and thus be self-defeating in that regard.

Mr. WILSON. This is one of the considerations, yes.

Mr. COHEN. I would ask, would that apply to a person with \$10,000 in assets? Is there any dividing line in your mind?

Mr. WILSON. The difficulty, as I indicated earlier, Mr. Cohen, is that in most cases we simply do not know what a person's assets are. For example, a little man could come in with, let us say, his life's savings of \$1,000 in gold leaf, which is perfectly legal. Another man, who has a Swiss bank account, could come in with 45 cents in his pocket. There is no way, in practical terms, that we could distinguish between the two.

Now, the suggestion was made that we might ask in a number of cases for a promissory note of some variety, and we have indicated that we would be happy to look into that.

Mr. COHEN. Let me inquire. I assume you have a different answer with respect to companies?

Mr. WILSON. With respect to companies, like the people I said earlier, we are prepared now to bill those companies whose employees appear on the map, the Military Airlift Command manifest, and we will proceed to do so. Our ability to collect is something else again, of course.

Mr. COHEN. You are not suggesting that ABC, NBC, and CBS are insolvent?

Mr. WILSON. Under this arrangement ABC, NBC, and CBS would be billed if we could identify their employees.

Mr. COHEN. I yield to the gentleman from New York.

Mr. FISH. I thank the gentleman for yielding.

Would not a further example, Mr. Wilson, be Vietnamese employees of American banks formerly doing business in Saigon?

Mr. WILSON. Yes that would be included in that category.

Mr. FISH. But I understand that another category of individuals might be those under contract, not working for American firms, necessarily. That was a category of people; we were informed about that in an earlier hearing.

Is it not the case, however, that many of the contractors no longer exist as entities for us to go after to get the money for the reimbursement?

Mr. WILSON. That is correct, Mr. Fish. This is what I meant earlier in terms of our ability to collect from the companies. Obviously there is an inequity in this in the sense that certain of the larger companies who are financially sound would be in a position to pay; other companies unfortunately may have been wiped out completely.

Mr. FISH. I just wanted that in the record.

Thank you very much.

Mr. COHEN. Just to follow this line a bit, Ms. Taft. I assume that HEW at some point along the way is going to make some sort of inquiry into the terms of what assets the refugees have available. Is that not true?

Ms. TAFT. We are doing this informally now at the reception centers. But as was mentioned earlier, at the point when they do resettle, and if they do go down to apply for public assistance, it is up to the State or local agency to make a determination at that time as they do for other people who are potentially eligible.

Mr. COHEN. I assume that any effort or any line of inquiry made by your department at the center level would be communicated to those local governments where the refugees ultimately do settle.

Ms. TAFT. We are setting up a communications system.

Mr. COHEN. I believe you indicated that if you do not get any money by the end of this week then you are out of funds, and in essence, out of business. I assume that there is nothing to prohibit you from calling upon the Department of Defense, as you have been, to continue their funding, and then seek reimbursement. It may not be possible for this bill to be passed by both Houses by the end of this week. So, I assume that you would still have some ability to carry on until you could get reimbursement through the appropriation process. Is that not true?

Mr. WILSON. I would like to ask Mr. Lawrence Marinelli to comment on that, if I may.

Mr. MARINELLI. Once we run out of the \$98 million, and that will be very shortly, we cannot incur new obligations beyond that point because it would be contrary to the Antideficiency Act and a variety of other regulations and procedures. We could probably continue to dispense food and other commodities that have been prepositioned, but if it entails additional obligations to transport people and things, we could not do that. We could not make contracts with the voluntary agencies to move the people out of the reception centers, and so on.

Mr. COHEN. This leads into the next question. Mr. Sarbanes raised the question last time that if the United States does appropriate the full amount of money that is necessary to complete the evacuation and resettlement of the refugees, what incentive will be left for other countries, which, I assume, you are still trying to persuade to bear some measure of responsibility as well as location and cost? What incentive will there be? I do not know that anyone has answered that question.

Mr. WILSON. Ambassador Brown, as you will recall, Mr. Cohen, focused briefly on that point and answered, I believe, in answer to a question of the chairman on Monday. Very simply, we are faced definitely with a dilemma in this regard; but it is a choice on the one hand of being able to look after people who are desperately in need, and on the other of trying to provide sufficient incentives to other countries to do the job which we think they should be doing in bearing their share of the refugee load.

I should say that with regard to our current efforts in the international field, we are in the process, now, Mr. Chairman, of preparing a report on this, and will have it up to you just as fast as possible, trying to set out in some detail exactly what it is that we are doing. We are doing this in spite of, however, the fact that we recognize that our own efforts may to some degree discourage some of the participation from other countries which we might otherwise have.

Mr. COHEN. You have communicated that it might call for a re-evaluation of our own immigration policies in subsequent years, or perhaps foreign policy. Is some consideration being given to that in terms of dealing with other nations?

Mr. WILSON. Yes; we have, Mr. Cohen.

Mr. EILBERG. Will the gentleman yield for a moment?

Mr. COHEN. Yes.

Mr. EILBERG. Going back to an earlier question of Mr. Cohen and of possible expenditures by the Defense Department, considering the legislative process and how long it takes to move a bill, and recognizing that this is May 7 and the House goes into recess fairly soon, it is a matter of getting the authorization bill through both bodies, and then an appropriation bill through both bodies. What is the position of the Defense Department if we are able to get the legislative process underway. Suppose the authorization bill passes one body, or perhaps both bodies, and we just do not complete the entire action, would the Defense Department then be able to resume airlifts or provide further services? Can we get an answer to that question?

Did you understand the question?

Mr. MARINELLI. Yes, sir.

We would need an appropriation, sir.

Mr. EILBERG. Any other questions?

Mr. COHEN. I have none, Mr. Chairman.

Mr. EILBERG. Mr. Russo is next.

Mr. Russo. Thank you.

I understand that \$20 million is being designated for a movement of refugees to third countries. How much of that is being allocated to the Intergovernmental Committee for European Migration?

Mr. WILSON. At this point in time, Mr. Russo, we do not have a breakout of the \$20 million figure. A large part of that under normal circumstances would go to ICEM simply because a large part of that is devoted to transportation costs, and traditionally ICEM is the agency which has taken care of transporting refugees internationally.

Mr. Russo. On Monday, Ambassador Brown indicated that he would be meeting with the United Nations High Committee for Refugees. I would be interested, as I am sure the Committee is, in learning the results of that meeting.

Mr. WILSON. I will ask Mr. Wisner to comment on that.

Mr. WISNER. That is correct. After the last session before this committee, Ambassador Brown met with Mr. Dyal. The session was a long one. We made our concerns clear to Dyal. We expressed our concern with the slow reaction of the UNHCR. Yesterday morning the UNHCR released a press release stating formally and for the record its concern about the refugee situation in Indochina and its willingness and intention to engage in finding resettlement opportunities.

Mr. Russo. They were not any more specific? There were no more commitments made by them other than the general statement that they are concerned? Everyone is concerned. We are concerned, too.

Mr. WISNER. I would be happy to provide, Mr. Russo, to you, a copy of the press release which spells out their commitments as they stand at this moment.

Mr. Russo. I would appreciate that.

[See U.N. press release in app. 2.]

Mr. Russo. Will the proposed legislation cover any transportation costs for refugees who may desire to return to South Vietnam?

Mr. WILSON. Under normal circumstances the answer would be no, Mr. Russo, but we could, under the authorities which we are asking for in cases of the specially needy, funnel some money into the international agencies to take care of that transportation.

Mr. Russo. So you would make money available?

Mr. WILSON. We could under special circumstances.

Mr. Russo. The proposed legislation contains a provision authorizing necessary sums plus amounts otherwise available for such purposes.

I was wondering if you would explain to me what sums you are referring to and what is the purpose of that provision?

Mr. WILSON. I am sorry, Mr. Russo, would you mind repeating the first part of your question.

Mr. Russo. Sure.

The proposed legislation contains authorization for necessary funds plus, in addition to that, amounts otherwise available for such purposes. I wonder if you could explain to me what sum we are talking about in the purpose of that particular provision.

Mr. WILSON. Mr. Malmborg, would you undertake the answer of that?

Mr. MALMBORG. Yes. Mr. Russo, it is a fairly standard clause we use when there may be more than one funding sources which is available.

As you know, the initial part of the program has been financed out of transfers from the foreign assistance program. In addition, funds have been made available under the regular refugee and migration program, and we would expect that as part of their normal operations in the fiscal year coming up, or as soon as the appropriations are available under the regular refugee program that some of that money conceivably could be also utilized for some of these purposes, particularly the third country problem.

Mr. Russo. There is obviously a great deal of flexibility built into this legislation, as well as in the specific amounts that were presented to the subcommittee on Monday. Is it not possible that there is too much flexibility built into this legislation?

Mr. WILSON. We certainly do not think so, Mr. Russo. The reason for our request for this flexibility stems in large part from our difficulty with determining exactly the numbers that we are dealing with and the circumstances under which we are going to have to deal with some of them further down the stream than where we are now.

Mr. Russo. Is there any way we can cut the cost of the program, especially in the area of transportation? As much as the Department of Defense is involved in the transportation end of it, is there any way we can keep that cost figure down? Can we lower it? I believe the figures to be somewhere in the area of \$830 from South Vietnam to Guam to the United States.

Mr. McLAUGHLIN. Mr. Russo, this is the Military Airlift Command actual cost under the airlift industrial fund to transport these people.

Mr. WILSON. Mr. Russo, may I clarify one point? Perhaps my response, my earlier response to your question was addressed primarily to the funding side. I should point out that in terms of the authorities, we are asking for the authorities under the Refugee and Migration Act of 1962, so it is by no means wide open in that regard.

Mr. Russo. This is for Mr. Greene.

I have some questions on the basic question involving immigration.

Mr. EILBERG. Would the gentleman yield at that point?

Mr. Russo. Certainly.

Mr. EILBERG. Perhaps we could get Mr. Malmberg to explain a couple of provisions of the Migration and Refugee Assistance Act to us. I refer to section 2(b)(5), which "for transportation to and resettlement in other areas of the United States," would this provision provide authority for the funding of the evacuation?

Mr. MALMBERG. Mr. Chairman, I believe the answer is that it would provide authority, but there are no funds available.

Mr. EILBERG. Well, what about the authority?

Mr. MALMBERG. And it also would require a redefinition of the term refugee in 2(b)(3).

Mr. EILBERG. Now, referring to 2(b)(5) and 2(b)(6), having regard for their income and resources, is this a condition which should preclude financial assistance for those refugees who have sufficient funds already available to them?

Mr. MALMBERG. I am sorry, I did not catch the question.

Mr. EILBERG. I just referred to 2(b)(5), which you were just looking at, and in considering that and 2(b)(6) there is a clause, "having regard for the income and resources." Is this a condition which should



preclude financial assistance for those refugees who have sufficient funds already available to them?

Can you answer that?

Mr. MALMBORG. I believe that the answer to that is in the difficulty of making that determination under the circumstances that we have here. If it were clearly the case that an individual had sufficient resources to finance his resettlement operation, I am sure that no assistance would be provided.

Mr. EILBERG. Except that the subcommittee is left in a somewhat ambiguous position as a result of your comment and Mr. Wilson's comment, in which it appears that no effort is being made to determine the assets of wealth or net worth of any of these people coming through. You say if it is clear. Well, now, unless an inquiry is made, then how can it be clear?

Mr. MALMBORG. I believe Mr. Wilson and I were talking primarily about the operation in Guam. 2(b) (5) is in reference to transportation to other areas of the United States. In other words, persons who have arrived in the United States, that is, say, at Camp Chaffee, and as Ms. Taft has pointed out, they are asking at the reception centers about their means.

Ms. TAFT. If I may add something to clarify this, the 2(b) (5) would actually be part of HEW's residual responsibilities here, and does provide a concept of income testing for actually receiving resettlement assistance; so that transportation and resettlement stateside, here, which would ultimately be 100 percent reimbursable by HEW, we would invoke the needs assessment that is provided for in the language.

Mr. EILBERG. So that there is a means test?

Ms. TAFT. Stateside.

Mr. EILBERG. Would you describe the steps or procedures that are taken in that connection?

Ms. TAFT. The voluntary agencies will be working with the refugees to place them in wherever their final destination would be. At that time, if at any point during the duration of the statute, these people must rely on public assistance, they go down and they would register with their local social service agency, their local health agency, or the welfare office, and at that time the interview would take place with the social workers and the staff there to ascertain what the assets are of the head of household and the members of his or her family; and if they meet—this is very important—if they meet the income eligibility for other people in need in that State or locality, then they would be eligible for the public assistance.

Now, there are variations from State to State on levels of income which are acceptable before someone can be eligible for public assistance. We would follow the already prescribed State standards there.

But if they meet the income, or if they do not have enough income and they meet the eligibility criteria, they would be eligible then as documented by the local public agencies, and we would reimburse the cost for them only if they meet the income eligibility criteria.

Mr. EILBERG. Mr. RUSSO.

Mr. RUSSO. Thank you, Mr. Chairman.

I believe we can probably help the situation if we use the form that Mr. Dodd was talking about. I assume that 70 to 80 percent of the

people who would sign the form would be honest about it, and if they had over \$5,000 in assets, then you could take the necessary steps from there.

I was going to ask Mr. Greene just some basic questions about what is asylum, who can claim it, can it be claimed here in the United States, can it be claimed outside the United States, on the high seas, in foreign countries?

Mr. GREENE. Mr. Russo, we have provided the staff of the committee a paper, and so I will try to thumbnail this thing because it is extremely complex. As I understand, as it developed last Monday, it got a little confused. With regard to the parole, that is provided for in the Immigration and Nationality Act, as you are well aware, and it is very, very broad in that the Attorney General can parole into the United States aliens that he deems in an emergency situation or in the national interest, and under such conditions as he may prescribe. So we have broad latitude in what we can do and who we can admit.

Mr. Russo. Assuming he is not paroled, in some cases, for example, involving students and diplomats who do not receive paroles, therefore they have to seek something else, either extended voluntary departure, or asylum, correct?

Mr. GREENE. Right.

Mr. Russo. Well, would you clarify the process of asylum?

Mr. GREENE. Okay, sir.

Asylum is a term that is not provided for in any law. Actually it was developed after the Kudirka incident, the Lithuanian who was transferred to a Russian ship on the high seas, and the State Department issued regulations where they talked about asylum. Asylum is really a refugee status; and it is under a protocol under which the United States is a signatory to, to the United Nations convention on handling refugees. The pertinent sections are sections 31, 32, and 33.

I am going to ask Mr. Bernsen this. This is why we brought him here. He is our lawyer, and he is very well versed in this. He worked in this area for many years as the head of our examinations. And I will ask Mr. Bernsen to take over from there if I may.

Mr. BERNSEN. As Mr. Greene pointed out, the term, asylum, does not appear anywhere in the Immigration and Nationality Act. It is an administrative concept that evolved out of a very unfortunate incident, and as a result of that incident, the State Department published a notice in the Federal Register in 1972, formally declaring the policy under which the United States would consider requests for asylum from aliens, both inside the United States and outside the United States.

Now in the case of an alien who is outside the United States, or is at a port of entry requesting asylum, and we find he is eligible because his claim to persecution is satisfactorily established, we now have to use some legal method for allowing him to come into the United States. And the legal device we use for letting him come in is parole.

In other words, if we find that a person is entitled to asylum, we parole him into the United States.

Mr. Russo. I see. And asylum would be the first step to parole, and the persecution—

Mr. BERNSEN. Yes, sir.

Mr. Russo. What happens if asylum is denied. For example, we deny him asylum and, therefore, we do not give his parole. Are they then excluded and deported?

Mr. BERNSEN. Well, if a person is denied asylum when he is knocking at the door asking for admission to the United States, he would be subject to exclusion proceedings. He has a right to a hearing on his admissibility to the United States before an immigration judge. If he is found to be inadmissible to the United States, an exclusion order would be entered.

Now we are then faced with a problem of executing the order of exclusion. You have to have a place to which to deport that alien, pursuant to the order of exclusion. You must have a country that will accept him. The statute says that an excluded alien shall be deported to the country from whence he came.

If we have an alien who came from Vietnam, it may be impossible to execute the order of exclusion.

Mr. Russo. That is why I have a problem with this criminal situation that we are talking about. For example, you may put some restrictions on him when you find that he really is an undesirable character after about a month. And because you have no place to put him, what will we do then? Put him in one of our jails?

Mr. GREENE. Well I would hope we would not have to put him in jail, but we may have to face a situation where we do set up camps. If we had enough that really warrant the total detention, and it is deemed that it is in the national interest to keep this man locked up, we will have to find some place to do that.

Mr. Russo. It was estimated on Monday that HEW's cost in this program would be \$125 million. I was wondering what percentage of this figure is going to be allocated for reimbursing the States and local governments for the assistance that they provide.

Ms. TAFT. \$80 million.

Mr. Russo. And what amount will be allocated for the primary health care that is provided?

Ms. TAFT. We are allocating—or we are budgeting \$15 million for the kinds of health services and immunological services that are being provided at the reception centers. But all the rest of the funds would be reimbursable through the State health agencies for Medicaid.

Mr. Russo. Would you describe the medical care and health checks that are currently taking place in Guam, at Camp Pendleton, and Camp Chaffee?

Ms. TAFT. I just got an update this morning; I am glad you asked the question.

There are chest X-rays on each individual over 15 years of age, and the films are being read by the Center of Communicable Disease staff. There are TB skin tests on each individual aged 15 or less. There are blood tests for syphilis on all adults, routine immigration physical examination.

On Guam, where—as I indicated on Monday—we are involved in an immunization program for all children ages 1 through 5, and we have already covered 90 percent—90 percent of the children who have arrived from Guam have already received their inoculations. There are inoculations for measles, German measles, polio, diphtheria, and tetanus.

We are doing a check for malaria on any individuals who have fevers. We are providing for surveillance, both sanitary surveillance and surveillance on the various sites, for factors which can transmit diseases—mosquitoes, et cetera. Thus far our health status is very good. We feel that the people that are being released are in excellent condition, and that all appropriate health precautions are taking place.

Mr. Russo. Thank you.

I have no further questions.

Mr. EILBERG. Mr. Greene, you mentioned a while ago that the undesirables would be detained, and we certainly agree that those who would be excludables should be. Certainly everyone—the security checks should be completed before anyone is released into the stream of our community. I would hope, however, that when you use the word “camp,” that there certainly was no connotation of any penal kind of institution or anything of that sort. And I would hope that it would be the kind of thing that would be more like a detention facility; perhaps one of your detention facilities like one that we have visited together at El Paso, Tex., which seems to be a very relatively pleasant—well, if you have to be confined, these are under the most pleasant circumstances.

Mr. GREENE. That is exactly what I had in mind, sir, setting off perhaps a section of that, if we got to that point where we really felt that someone had to be taken out of circulation, we would probably use one of our camps.

Mr. EILBERG. I would like to announce to the subcommittee what the chairman's desire is. We still have a number of questions to go, and I suggest that we go until the quorum call, and then recess, depending upon when the quorum call comes, for approximately an hour for lunch, and then come back and complete our questions, if any, that remain. And then, as promptly as possible, go into consideration of the bill itself.

So I would hope that all the members of the committee would make themselves available.

Do you have a question, Mr. Cohen?

Mr. COHEN. Yes.

I notice in the bill that will be introduced today that the final section—section 3—talks about carrying out the functions utilizing the funds made available under the act. And subsection (c) makes a reference, “in urgent need of assistance for the essentials of life.”

Now I have seen from the testimony that that does not refer to financial assistance; that you are not construing it as financial assistance. Because if you were, then automatically you would have to make that kind of inquiry which you have already indicated you do not intend to make.

Mr. WILSON. I would like to ask Mr. Michel to respond to that.

Mr. MICHEL. This section 3 of the draft bill merely repeats the criteria that are contained in the Immigration and Refugee Assistance Act of 1962, subsection 2(b) (3), and makes those criteria applicable to refugees from Cambodia or Vietnam, whereas 2(b) (3) presently applies only to refugees from areas of countries in the Western Hemisphere.

Mr. COHEN. I understand that. What does that phrase mean, “in urgent need of assistance”?

I assume that means you exclude inquiries into finances.

Mr. MICHEL. Not necessarily. I do not believe that does exclude that. But again, this is talking about the refugees being assisted within the United States, where I believe the testimony has been that inquiries are being, and will be, made.

Mr. COHEN. So section 3 only pertains to once the refugees arrive in this country?

Mr. MICHEL. Yes, sir.

Mr. SARBANES. Mr. Chairman?

Mr. EILBERG. Mr. Sarbanes.

Mr. SARBANES. First of all, I want to ask this question of all of the panel, and that is: I assume that regular procedures applicable with respect to Customs, Immigration, HEW processes and so forth, are being followed—this is to follow-up Mr. Dodd's question. I understand the time pressures and the need to move quickly, but it was the impression I was receiving, certainly from the Immigration people—and I do not know that we have had any direct testimony from Customs—but that the normal processes which govern entry are continuing to be applied in this instance.

Is that correct?

Mr. GREENE. Certainly. I can speak for Immigration. We are calling it a progressive processing, for lack of a better word, in that the processing starts in Guam and it continues on. But before the person is released, he is going to go through the total Immigration process.

Mr. SARBANES. Well, Mr. Wilson, would you want to sort of respond to that as the coordinator of the entire task force?

Mr. WILSON. It is my understanding, Mr. Sarbanes, that this is, in fact, the case. We have done everything possible, of course, to speed up this process because of the enormous number of people who have been coming through.

Mr. SARBANES. Well I support that, but I do not think this speeding up should omit or drop processes. It should simply move people through them at a faster pace—the fastest pace possible.

Mr. WILSON. That is correct. There are no essential parts of this that are being dropped to my knowledge.

Mr. DODD. Mr. Wilson—and I will direct this also to Ms. Taft—an earlier statement was made. I believe you, Ms. Taft, said there was no way of knowing assets. And yet, yesterday Ambassador Brown made it quite clear, at least to me, in a question that there is an exchange program going on of currency, and that gold bars are being brought in, or other forms of currency—legitimate forms of currency.

Who is conducting the exchange?

Mr. WILSON. I think there may be a bit of confusion here. Mr. Dodd. The exchange program that Ambassador Brown was talking about is an ordinary commercial transaction. That is to say, it affects only that amount of currency, or gold, that an individual may happen to have with him or might choose to put to the commercial venture in Guam, which is handling it in this case—Deak & Co. It would not be a full measure of all of what his assets are or what he is worth.

Mr. DODD. But he did know the statistical data and information. He said just in gold alone, \$2 million.

Mr. WILSON. That is correct.

This is the figure that was reported by Deak & Co., a total figure, but it does not go to the amounts for individuals.

Mr. DODD. But it would indicate then there was information being gathered as to the assets of people coming through the program.

Mr. WILSON. No, not in that sense. No, sir. This is simply the information which has been provided to us voluntarily by a commercial concern.

Mr. DODD. But to the extent that Customs ordinarily would ask people coming into the United States about money or gold or valuables they were carrying with them, I would assume that is either being done here, or if not, certainly could be done. That is a normal procedure, and I would assume could apply here as well.

Mr. WILSON. We said earlier that we would check specifically on the utilization of the form in question. There is some question, I think, as to what is meant here in this discussion now regarding the assets of a family.

How would you, for example, define the assets for these purposes. Is it only those things which he has in his immediate possession? Is it things which he might have, for example, in bank accounts somewhere else? It is a very difficult question.

Mr. SARBANES. I would assume that the Customs on Guam would ask the same questions the Customs would ask any person arriving in the United States. That may leave open the matter of accounts elsewhere because they may not be part of the question. But if, for the ordinary arrival, questions were asked as to how much gold or valuables they were carrying with them, I would assume that is being done in this instance as well.

Mr. MALMBORG. Mr. Sarbanes, it is our understanding that the normal Customs processing is taking place.

Mr. SARBANES. On the parole authority, Mr. Green, as I understand it, the operation of the parole authority leaves with the Immigration and Naturalization Service the power, if it is judged necessary, to restrict the movement into—in a totally unhindered way—into American society of persons receiving parole. So if, in fact, someone has arrived who has a horrendous criminal record and can be adjudged, as a consequence, to be a danger, you are in a position to place some restrictions upon that person under the parole—in the exercise of the discretion under the parole authority.

Is that not correct?

Mr. GREENE. You are quite correct, sir. The Attorney General has broad powers to exercise any restraints he wishes.

Mr. SARBANES. I think it is important that we follow the 1962 act. I did not understand, Ms. Taft, when you responded. As I understand, section 2(b)(5) when you are following the restrictions, you could not pay transportation costs out of the resettlement areas to other areas of the United States unless you could satisfy having regard for their income and other resources criteria. And I understand that that is, in effect, the view you take.

Is that correct?

Ms. TAFT. I was referring to HEW's role. HEW is not paying for the outward transportation from the reception centers; that is part of the voluntary agencies that would be receiving the money from the State Department.

Mr. EILBERG. The subcommittee will now recess until 1:30 p.m., and we will keep going until we have satisfied the questions of the mem-

bers, and then go into consideration of the bill. And we would like to have all the witnesses back for their assistance with the answers, and possibly during our consideration of the bill as well.

AFTERNOON SESSION

Mr. EILBERG. The subcommittee will come to order.

I would like to enter for the record a statement from the Americans for Democratic Action, dated today, in which they endorse the principle of the bill before us.

And without objection, the statement will be included in the record.  
[The material referred to follows:]

AMERICANS FOR DEMOCRATIC ACTION,  
WASHINGTON, D.C.,  
May 7, 1975.

HON. JOSHUA EILBERG,  
*Chairman, Subcommittee on Immigration, Citizenship, and International Law,  
U.S. House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Americans for Democratic Action (ADA) urges the House Judiciary Committee to respond quickly and generously to President Ford's request for funds to aid the Cambodian and Vietnamese refugees.

ADA believes that the American tradition of welcome and aid to those who flee to our shores for refuge should be the guiding principle.

Especially regrettable are the negative responses from public officials and figures. We especially deplore the racism evident in the statement of some who oppose aid to the refugees.

Further, the fears that these few refugees would increase our economic difficulties are unfounded. America is big enough, strong enough and rich enough to easily absorb the relatively small number of refugees who will in time seek employment. This nation of immigrant descendants has demonstrated that, in the long run, the refugees help our economic system.

ADA has long opposed the Indochina war as wrong and morally reprehensible. Nonetheless, we have a commitment to help those we embraced in now discredited American policies for two decades.

Sincerely yours,

LEON SHULL,  
*National Director.*

Mr. EILBERG. I have some questions now I think primarily for the State Department. Perhaps Ms. Taft can help us with some of this.

Resettlement costs are estimated on a \$600 per person grant to voluntary agencies for 130,000 people. In your opinion, will 130,000 persons require the assistance of voluntary agencies, particularly when the number of identified refugees at this point is somewhat less than 130,000, and many have already been sponsored by relatives? It is my understanding that some voluntary agencies were of the opinion that even \$500 per person grant was a high figure and that a more reasonable figure would be in the neighborhood of \$300 per person.

Consequently, why is the \$600 per person figure being used in arriving at resettlement costs?

Mr. WILSON. Mr. Chairman, we have as you have indicated discussed this at some length with the voluntary agencies. The figure which we agreed finally after discussion to use in the case of the Cambodian refugees is \$500 per capita, plus the cost of inland transportation from the resettlement centers to the place of resettlement.

It seemed to us in formulating these estimates that given the fact that we may have a greater length of time involved in the resettlement of some of the Vietnamese refugees because of their numbers, that we

would be well advised to increase the amount for purposes of this budget presentation to \$600 per person. This is \$100 per person greater than in the case of the Cambodians, but I think there is general agreement now between our people and the voluntary agencies that this would be an equitable figure.

Mr. EILBERG. I would like to enter at this point in the record a release by the Department of State indicating the fact that, identifying the voluntary agencies and describes the fact that the interagency Indochina task force has been receiving hundreds of telephone calls a day from Americans, who wish to sponsor a specific Vietnamese family or offer sponsorship.

So I wish to offer such sponsorship and then it refers to people who desire help or want to make contributions to the various agencies, and this release gives the names of the agencies and their addresses.

And without objection, this will be included in the record.  
[The material referred to follows:]

DEPARTMENT OF STATE,  
May 5, 1975.

ASSISTANCE TO INDOCHINA REFUGEES—TOLL-FREE NUMBER ESTABLISHED  
FOR THE PUBLIC

The interagency Indochina task force has been receiving hundreds of telephone calls a day from Americans who wish to sponsor a specific Vietnamese family or are willing to offer such sponsorship or other assistance to families selected by resettlement agencies. All such calls should now be directed to the following toll-free number: 800-368-1180 (or simply 632-9800 if the caller is in the District of Columbia area). A bank of telephones will be manned by operators who will ask for the particulars which the voluntary resettlement agencies require in order to match sponsors with appropriate families after they arrive at one of the three reception centers in the United States: Camp Pendleton, Calif.; Fort Chaffee, Ark.; or Eglin Air Force Base, Fla.

Members of the public who have previously filed or mailed affidavits of support, or who have notified their local Immigration and Naturalization Service of their willingness to sponsor a specific family, are advised to repeat this information to an operator at the toll-free 800-368-1180 office.

Individuals wishing to make cash contributions may send their checks to the local chapter of the American Red Cross marked for "assistance to refugees from Indochina," or to any of the following voluntary agencies:

U.S. Catholic Conference, Migration and Refugee Services, 1312 Massachusetts Avenue NW., Washington, D.C.

American Fund for Czechoslovak Refugees, 1709 Broadway, Room 1316, New York, N.Y. 10019.

Church World Service, Immigration & Refugee Program, 475 Riverside Drive, New York, N.Y. 10027.

Lutheran Immigration & Refugee Service, 315 Park Avenue South, New York, N.Y. 10010.

United Hias Service, Inc., 200 Park Avenue South, New York, N.Y. 10003.

Tolstoy Foundation, Inc., 250 West 57th Street, New York, N.Y. 10019.

International Rescue Committee, 386 Park Avenue South, New York, N.Y. 10016.

American Council for Nationalities Service, 20 West 40th Street, New York, N.Y.

Traveler's Aid-International Social Services, 345 East 46th Street, New York, N.Y.

The interagency Indochina task force has also been receiving hundreds of calls from Americans seeking information on the whereabouts of relatives and friends who may have been evacuated from Vietnam and who have not yet arrived in this country. Because of the numbers of evacuees involved, their widely scattered locations, even on the single island of Guam, and the pace of their onward movement to the continental United States, it has not been possible to devise an acceptable locator system and callers have been advised to await word that is certain to come to them from the incoming families. The public is



urged not to attempt to telephone Guam or any of the three reception centers in an effort to find Vietnamese families. Such calls tie up the switchboards and delay a self-locating process on the part of the refugees who are trying to reach their American friends. Self-locating is in fact well under way, as the families and friends of the 10,000 Vietnamese who have already left the three reception centers for their new communities can attest.

Mr. EILBERG. Will the Department of State handle the disposition of all funds authorized by the legislation?

Mr. WILSON. A final determination has not been reached on that, Mr. Chairman. This will presumably also be conditioned to some extent on the results of the appropriation process. Thus far, with respect to the funds already expended, they have passed through the hands of the Department of State. These have been, as indicated earlier, transfers from the Foreign Assistance Act to the Office of Refugee and Migration Affairs in the Department of State, which in turn is reimbursing the other agencies of Government who are incurring expenses in this program.

Mr. EILBERG. Will the Department of State make individual case-by-case determinations on any request for asylum, or will they make a class determination that all South Vietnamese will qualify as refugees under the convention and protocol relating to the status of refugees?

Mr. GREENE. It will be done on a case by case basis, Mr. Chairman.

Mr. EILBERG. And how are these determinations made? That is, a person who will be subject to prosecution based on race, religion, nationality, and membership of a particular social group?

Mr. GREENE. The Office of Refugee and Migration has already told us that the countries of Indonesia and Cambodia are communist and therefore we can consider that anyone returning to those countries would be subject to persecution. So that the determination has been made we would not have to submit those on a case by case to get that phase of the determination. We would just have to determine that they did flee and they are here.

Mr. EILBERG. It is my understanding that the Canadian Government has offered to accept approximately 3,000 Vietnamese refugees.

Can you briefly explain the extent of their commitment?

Mr. WILSON. Mr. Chairman, it is my understanding that we are now in the process of discussing with the Canadian Government the exact number that they would be willing and able to take. The figure 3,000 is the number which has been thus far announced publicly by the Canadian Government itself. As we indicated earlier, we do have Canadian immigration and consular people working now at Camp Pendleton and also contacts have been made with their consular officials on Guam.

Mr. FISH. Will the gentleman yield?

Mr. EILBERG. Yes.

Mr. FISH. Is it not also true that the Canadian Government has indicated a willingness to pay for the transportation costs from Pendleton to Canada for the number of refugees they plan to take?

Mr. WILSON. That is correct, yes, Mr. Fish.

Mr. FISH. Thank you.

Mr. EILBERG. Now on the question of asylum further, can asylum be claimed both within the United States and outside the United States?

Mr. MALMBORG. Mr. Chairman, it can be claimed anywhere. The determination, obviously, would depend upon the facts available. And in those relatively few instances where asylum has been requested outside the United States, we go through a fact collection process and review it with the Immigration and Naturalization Service for their determination. In many cases, where there appears to be immediate need to remove somebody from the place where he has claimed asylum, we try to arrange that he go to a third country where his processing can take place.

Mr. EILBERG. The subcommittee has received calls from well intentioned American citizens and companies offering jobs or financial assistance to the refugees. Where and who can we tell these citizens to contact so that these offers can be pursued?

Mr. WILSON. Mr. Chairman, at the present time we are referring offers of resettlement opportunities and immediate jobs to the voluntary agencies.

In individual cases these should go to the voluntary agencies because they are the ones actually engaged in coordinating the entire resettlement effort. In other cases where there is a longer term proposition such as offers of mass assistance, we have an officer in the task force itself who is discussing these offers with the companies to see what we can work out on a larger scale in terms of long term benefits.

Mr. EILBERG. So that you are referring people to the voluntary agencies?

Mr. WILSON. Where it involves an immediate matter of resettlement, yes, sir. If it is something of a longer range effort, we are talking directly to and from the task force to see what we can arrange.

There are several types of offers which have been coming in. They range from business opportunities to such things as office assistance from higher educational institutions, offers from foundations to set up special programs for rehabilitation for specialized types of education and all of this sort of thing.

These are going to take more time to work out and for this reason we are trying to work very carefully with them to see what can be done.

Mr. EILBERG. Is there any organized effort to encourage voluntary participation of the corporate community in this resettlement effort? You say they are coming to you or are you going to them?

Mr. WILSON. We have in a couple of instances, yes, sir, made overtures to individual companies. A case in point is that which Ambassador Brown referred to on Monday where we are trying to work out with IBM means of building up a more effective data base so that we know more about the skills, the antecedents, the location, and the family circumstances of individual refugees as they come through the system.

Mr. EILBERG. Mr. Wilson, what would you think of advertising for participation by the corporate community or otherwise?

Mr. WILSON. It is something we can certainly consider very favorably, Mr. Chairman.

Mr. EILBERG. I wish that you would do that.

Mr. WILSON. Very good, sir. We will.

Mr. EILBERG. And has there been any effort with the educational institutions as far as housing or educating the refugees are concerned?

Mr. WILSON. May I refer that to Ms. Taft, please, sir?

Ms. TAFT. We have received several expressions of interest from junior colleges and universities to provide dormitory space for refugees who are coming forward, and Congressman Fish yesterday indicated that there was some interest in one community junior college to provide some English and second language programs.

We are getting in touch with each of these people to see if we can work out any kind of effective arrangements with them.

Mr. EILBERG. Are you doing this on any systematic basis?

Ms. TAFT. We have an HEW task force comprised of four components of the education agencies and planners within HEW that are looking at five different areas of education programing of which one is at the college level and scholarships and university programs. So we will be developing some long-range plans here.

To the extent possible I think it is appropriate for us to capitalize on the generous offers that have come in, and we will be following up with each of these.

Mr. EILBERG. Mr. Fish.

Mr. FISH. Mr. Chairman, yesterday I received a telephone call from President J. W. Nystrom of Bennett College in Millbrook, N.Y., and relayed this information to Ms. Taft, as she just indicated. The thrust of the thing was that in many cases colleges have empty dormitory space just because of circumstances. And of course, additionally, they have educational resources and other types of programs obviously that could be brought to bear.

Ms. Taft, I understand that one of the problems here is that the college might not necessarily be near the area that is targeted for the resettlement of a particular group.

Does that really present a problem if we are talking in terms of just a few months stay in the academic community?

Ms. TAFT. Let me go back to some of the earlier comments that were made about the way people get resettled out of the reception centers.

If one of those colleges is near a reception center, I think there is no problem whatsoever to be able to capitalize on their educational resources and work out an arrangement. The problem is that we are trying very hard to make sure that the people who do come out of the reception centers, first of all, go where they wish to go and second, go throughout the country without any particular concentration in one geographical area. If we had a community college in Texas or something that you would send 500 people to, and you might have dormitory space, I see a problem because you would have not just the college age people but you would have families and you would have families being concentrated in one specific dormitory or clusters of dormitories without really getting these people into the mainstream of society to get their jobs or to have their children placed in elementary or secondary schools.

For the college students I think that this is something very worthwhile exploring and particularly if any of those colleges are near the reception centers. But again, we would like to emphasize that the intent is to get these people into their final destination of resettlement, which will be throughout the country.

So we really do not anticipate a high cluster in any one area, and it might not be one of those areas where the community colleges have expressed their willingness to accommodate these.

Mr. FISH. Thank you very much.

Mr. EILBERG. Mr. Wilson, I hold in my hand a form, a mimeographed form entitled "Sponsorship Information Format," and apparently it is available for individuals or families who wish to sponsor Vietnamese refugees.

I wonder if you could describe how this form is being used? First, are you familiar with the form?

Mr. WILSON. Yes, sir. The form is indeed put out by the task force. This is handled in two ways. First, by the telephone operators who are at the other end of that toll-free number which we were speaking of earlier this morning. People who call in and wish to volunteer as sponsors are asked to leave their names and circumstances, and either this form is sent to them or the information is inscribed and passed on directly to the voluntary agencies concerned.

The other way is direct solicitation to various agencies of government. For example, there have been hundreds of applications within the Pentagon, within the Department of State, within other departments, of people right here in the Washington area who have asked for this sort of thing. They are encouraged to fill out this form and to send it in to a voluntary agency of their choice.

Mr. EILBERG. Without objection, I will enter this form on the record. [The material referred to follows:]

#### SPONSORSHIP INFORMATION FORMAT

Last name: \_\_\_\_\_ First: \_\_\_\_\_ Initial: \_\_\_\_\_  
 Street: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Office phone: \_\_\_\_\_ Home phone: \_\_\_\_\_  
 Sponsoring on behalf of (circle one):  
 1. Yourself individually  
 2. Business firm  
 3. Church or organization  
 If sponsoring as an individual, your occupation: \_\_\_\_\_  
 If applicable, name of sponsoring firm or organization: \_\_\_\_\_  
 If applicable, name of specific family (head of household) you wish to sponsor:  
 Family name: \_\_\_\_\_ Given names: \_\_\_\_\_  
 If non-specific offer, size of family you wish to sponsor: \_\_\_\_\_  
 Sponsorship offer is (circle one): Temporary Long-term  
 Category of sponsorship (circle one):  
 1. Offer of general responsibility  
 2. Offer of financial assistance  
 3. Offer of shelter  
 4. Offer of food and shelter  
 5. Offer of employment (skills required) \_\_\_\_\_  
 Comments: \_\_\_\_\_  
 Date of contact: \_\_\_\_\_  
 Person taking call: \_\_\_\_\_

Mr. EILBERG. Mr. Wilson, it is my understanding to date that all their funds will be covered by the Indochina Reconstruction Fund. Can I then assume that none of the new funds authorized by the legislation will be used to pay for the cost of evacuating U.S. citizens and Vietnamese from South Vietnam?

Mr. WILSON. Yes, sir, that is correct.

Mr. EILBERG. And will this legislation authorize funds for transporting to the United States those Vietnamese who happened to be in third countries when Saigon fell? Will this legislation obligate

the U.S. Government to transport at our expense these individuals to the United States, including diplomats who may be in third countries? Should these people not assume their own costs if they did not actually flee from South Vietnam?

Mr. WILSON. The answer to that is affirmative, Mr. Chairman. There is nothing specific in here which would so state, but we would consider the authority broad enough to do so, if that is required. It could be done either directly by us, or through the international agencies, if that seemed to be the best way to handle it.

Mr. EILBERG. And what about the question of these people assuming their own costs, since they did not flee from South Vietnam?

Mr. WILSON. Under ordinary circumstances, if they seemed to be capable of paying that themselves, they would be asked to pay for it.

Mr. EILBERG. Now, in connection with this question of the ability to pay and so forth, I would like to go back to Mr. Greene and ask him a couple of questions which members of the subcommittee are concerned with. First, Mr. Greene, the subcommittee—I think I am speaking for the entire subcommittee when I say this—is concerned with the Vietnamese, or Vietnam individual, or family that can afford very well to pay his own travel expenses and resettlement expenses. Can we get your reaction to providing a regulation so that there would be a condition of parole that any Vietnamese capable of paying would be required to pay; that there would be authorization, perhaps, for a waiver of that, if you so determined that there was not ability to pay? But we would like some expression from you, or commitment if possible, that you would provide such a condition for parole.

Mr. GREENE. Mr. Chairman, my first reaction to that would be, I do not think we should do that. One of the things I have to consider is, what happens if the man refuses, and then the only alternative is to lock him up; and it would almost be a debtor's prison-type concept. It would seem perhaps that if it could be determined the man had funds, and they were spent by some agency, perhaps there could be a recovery legally from the person that there is a debt owed to the U.S. Government, rather than tied in with the parole.

Mr. EILBERG. I think we will break at this point, and come back right after the quorum call.

[A brief recess was taken.]

Mr. EILBERG. The subcommittee will come to order, and I might tell the members of the subcommittee that another vote is coming up very shortly. So our guests will have to be very patient with us.

Mr. Greene, as we left, I was expressing the idea that if the Vietnamese refugee was found to have resources, perhaps substantial resources, he be required to repay at any time after he enters, and perhaps up to the time of adjustment of status from that of parolee to permanent resident alien. As I understand it, you are reluctant to—or the Immigration and Naturalization Service would be reluctant to—do that, because there is no precedent for this kind of thing, and there have been other situations of refugee movements or groups where no such requirements has been present. So therefore, you would be reluctant to recommend or agree to such a proposal. Is that a correct statement?

Mr. GREENE. That is essentially correct, yes, sir.

Mr. EILBERG. Well, now, I would like to ask you another question related to it, because I visualize very easily how some Vietnamese will be smuggling, or have possession of, substantial assets; or will have possession of substantial assets, which they will have obtained in Vietnam and somehow gotten into this country. And the Congress and the U.S. Government all together will be blamed for admitting such people at our expense, and they get a free ride all the way, which strikes me as very morally wrong. Yes, Mr. Wilson?

Mr. WILSON. Mr. Chairman, may I interject at this point that we have with us now Mr. Charles Hackett of the U.S. Customs Bureau, who will be prepared to talk to the members of the committee about the customs formalities that each of these refugees must go through, with particular regard to Form 4790, which was raised by Congressman Dodd earlier. At your pleasure, he will be prepared to talk about these procedures.

Mr. EILBERG. Well, perhaps we ought to wait for Mr. Dodd to appear, and perhaps someone from the staff can call Mr. Dodd and indicate that the man from the Customs Bureau is here.

In the meanwhile, I would like to make the following suggestion, which I have not had the opportunity to share with my colleagues. But recognizing the problem we have, would you be willing to—would the Immigration Service be willing to commit itself to obtain from each refugee a financial statement, and at some place on that statement have a notice that the failure to make a true and correct statement might be a basis for denying adjustment of status, or might make such individuals subject to perjury, and any other immigration laws; perhaps say that that individual might be on notice that if he lies, he may suffer the penalty of failing to proceed with permanent residence in this country.

Mr. GREENE. Mr. Chairman, I think on our basic right to ask or obtain information from applicants for entry into the United States, we could ask such a question. We could ask it in writing, and have the applicant submit his net worth, if that is the term we want to use, and insert on the form those warnings that he may be subject to prosecution for perjury, as much as he is making a statement before an officer, and it would be used at the time he came up for any adjustment of status or changing of status in the United States. I do not see that we would have any problem with that.

Mr. EILBERG. Or subject to criminal prosecution for perjury, or any other possible violations that might exist in the Immigration Code.

Mr. GREENE. We would consider doing this as a separate document from the one we spoke of earlier, so that we would have two signatures, in a sense; one on the financial statement, and one on the statement with regard to admissibility, which is not tied into the financial statement, and I think we could do that if this committee would prefer that.

Mr. EILBERG. Now, subject to the recommendation of the committee after we have had a chance to discuss this, we may come back to you and ask you to do that.

Mr. GREENE. I understand.

Mr. EILBERG. Now, I do not know whether you are quite ready on this next point, that is of much concern to Ms. Holtzman as well as myself. Yes, Mr. Fish?

Mr. FISH. If the chairman would yield—before we leave this question of repayment of travel expenses, it would make a better record if I could explore this a little further.

Mr. EILBERG. Yes, certainly.

Mr. FISH. Mr. Greene, I wonder if you could be specific in the examples of the precedents of refugees coming into the United States where we did not ask for any reimbursement of travel expenses.

Mr. GREENE. I believe my colleagues from State would be in a better position to answer that, sir.

Mr. WILSON. To my knowledge, Mr. Fish—and this should be subject to confirmation—there have been no instances in past in which we have asked for reimbursement of passage from refugees. There have been instances in which we have asked for reimbursement from, for example, other agencies of Government or from businesses.

Mr. FISH. There is also a provision, is there not, in the foreign service regulations for foreign service officers advancing money to an American citizen to assist in repatriation?

Mr. WILSON. That is correct. These are repatriation loans, which are generally arranged through the consular services at an overseas post.

Mr. FISH. I remember doing this out of my pocket once at an overseas post, and being very surprised a few months later to be repaid. In addition, if we are talking about travel expenses, as I understand it, a great many of these refugees have been picked up by foreign flag vessels. It will be complicated to know what nation's tramp steamer we would actually be repaying if we started this route of getting the travel costs paid back.

Mr. WILSON. Well, there are all sorts of inequities involved, of course, which are involved in this. You may have people who were picked up by tramp steamers. You may have people who have come part of the way commercially anyway, and would have to repay the earlier part, which was done at the U.S. Government expense. Another point, which I think has a direct relevance to all of this, is really the size of the family that is accompanying any one individual. If, for example, we were to charge \$1,000 a head to a man who had 10 members, say, of his extended family with him, this becomes a very sizable bill. Means, in other words, are only one test of the ability to pay in this case, because the extent of his obligation may vary, depending upon the circumstances in which he finds himself.

Mr. FISH. Now, finally, we are talking of course about the committee's concern for affluent refugees contributing to their resettlement. If we agree that it is not feasible to ask for reimbursement of travel, referring to the preliminary estimates of evacuation, temporary care, and resettlement costs: would, No. 1, sealfit; No. 2, airlift; and No. 3, facilities at the staging areas; No. 4, daily maintenance at the staging areas—am I not correct that thereafter, resettlement costs through the voluntary agencies—that is No. 5. No. 6, subsequent welfare and medical—that is through HEW. That five and six would not apply to a refugee of means?

Mr. WILSON. This is correct, Mr. Fish, what we have been talking about.

Mr. FISH. In other words, he does not really get any help in the resettlement, just from the time he leaves Camp Pendleton or whatever?



Mr. WILSON. We are talking only about the expenses from the point of evacuation to the resettlement center. Beyond the resettlement center, this is then a matter, as you very clearly point out, for the voluntary agencies in the first instance, and they are not going to pay somebody's costs if a person is obviously a person of means. But the sponsor can do it.

Mr. SARBANES. Would the gentleman yield at that point?

Mr. FISH. Yes.

Mr. SARBANES. To the extent the voluntary agencies are operating on the basis of a contract with the United States Government and receiving moneys to be authorized by the legislation that we are considering, I would think that it is not just a question that these agencies would not pay the expenses of a person of means. They in fact could not do so, because the 1962 act, with respect to sections 2(b) (5) and (6) relates the use of funds to regard for their income and other sources. And therefore, in that instance, or in those instances, they would not, in fact, even if they wished to do so, to the extent public moneys were involved, be able to use such moneys for the purpose of covering the expenses of people who are in a position to cover their own expenses.

Mr. WILSON. You are quite correct.

Mr. EILBERG. The subcommittee will take a recess, and resume immediately after the record vote.

[A brief recess was taken.]

Mr. EILBERG. The subcommittee will come to order.

Mr. Greene, we have been concerned with the quality and character of some of the Vietnamese refugees, and we have agreed to the parole of approximately 150,000. Nevertheless, we know that some 69,000 were picked up at sea in Southeast Asian waters, and we know very little about those people. And some of us are very much concerned that those who have committed criminal acts, or are undesirables in terms of our laws, should not be permitted to enter the mainstream of our body politic and our various communities throughout the country.

And so we are concerned about providing minimum rights to those people who are clearly identified, or identifiable, and I think that it might be useful—and this is just one member's expression—to make it a condition of parole that anyone who has committed a crime, either by our standards or by international standards, would be unable to change his status to that of a permanent resident alien, and in fact, would be temporarily, perhaps indefinitely, confined awaiting international developments and opportunities for removal or deportation of that individual.

I wonder if you would give us an expression on the view that I have just expressed.

Mr. GREENE. Mr. Chairman, Commissioner Chapman and myself agree with your concern, and the concern of the American people, that we do not, because of this problem facing us, flood the country, or turn loose people that we feel—whose presence in the country would be inimical to our best interests.

We have a plan which originally started in Saigon in the nature of screening. And when Saigon went by the board, we continued it in Guam. When a person is in our technical custody, until he gets into Pendleton, under the agreement that was reached with you last night—and Mr. Rodino and the minority senior officers—we are going to get



security checks with the agencies that we think might have some information; namely, the CIA, Department of Defense, the State Department. And hopefully, determine whether this person has been involved in any criminal activity, or has been involved in any activity at all, that would warrant his being detained in retention or his parole restricted greatly.

For example, weekly reporting, restricting to a geographical area; these things can be done under the parole authority and we intend to exercise that. And each case will be reviewed, and will be reviewed often. Even at the maximum, it will be reviewed once a year; if it is a good clean family who has come in and gone to their destination and are now being interjected into the mainstream. But we do not intend that these people be turned loose, in a sense.

Parole is not an admission to the United States. At some juncture he can convert if he is eligible, but he has to be eligible under all of the exclusionable charges in the immigration chart—some 31 of them—and he will have to meet that test before he can become a permanent resident. And meantime, he is under our direct control.

Mr. EILBERG. Now my question was somewhat broader than that, and that, I think, has to do with the fact that, while an individual may have been guilty of war crimes, there technically may not have been a violation of U.S. law, and yet, some conduct that might have been absolutely reprehensible and might be violative of international law.

Would you be willing to provide a regulation that would clearly establish that such a person, or persons, would be prohibited?

Mr. GREENE. I think—and if I am wrong, my General Counsel will correct me on this point—but the adjustment of status is a discretion and we certainly intend to exercise this discretion. And certainly if it is determined that if a man was engaged in any war crimes, or any reprehensible conduct, that we would not permit him to go through the adjustment procedure. We might get whipped in court, but we would certainly make a valiant effort to prevent that.

Mr. EILBERG. Well is it necessary, or would it not be necessary to provide a rule or regulation to that effect so that we clearly understand one another?

Mr. GREENE. I doubt if a regulation would be necessary. Let me ask Mr. Bernsen, if I may, for a moment.

Mr. BERNSEN. I believe that in the exercise of discretion we would not grant adjustment of status to a person who had such a background. We do not, in my opinion, require a regulation to do this.

Mr. EILBERG. You what?

Mr. BERNSEN. In my opinion, I do not believe we require a regulation in order to deny an application for adjustment of status by such a person.

Mr. EILBERG. In any event you would, Mr. Bernsen, recognize the legislative intent that might be expressed, not only in these hearings, but in the committee report, and whatever—colloquies there may be on the floor of the House—as this being our desire, and this being the legislative intent. No doubt, you would follow that.

Mr. BERNSEN. Not only would we recognize it, we would broadcast it servicewide.

Mr. EILBERG. Thank you, sir.

I wonder if Ms. Holtzman would have any further comment on this subject.

Ms. HOLTZMAN. Yes, Mr. Chairman. Thank you for yielding to me.

In other words, you are prepared now, in the exercise of your authority under the parole statute, to require all persons entering from Vietnam as a result of this evacuation to sign some kind of statement with respect to activities they engaged in. And to sign a statement stating, in fact, that they had not engaged in any persecution or torture of anybody on account of political opinion or race, religion, national origin or the like. And that if somebody falsely filled out such a document, the penalties would be perjury.

Would you be able to do that under existing regulations?

Mr. GREENE. I think we would.

Ms. HOLTZMAN. And if the person falsely filled out such a document, and subsequently became a permanent resident—or perhaps a citizen—and it was subsequently discovered that the document was falsely filled out, could that person then be subject to denaturalization and deportation under the laws of this country?

Mr. GREENE. If it had adjusted status we would have revocation available to us. If he became naturalized, we would have denaturalization and we would certainly proceed in that direction.

Mr. FISH. Would the gentlelady yield at that point?

Ms. HOLTZMAN. I would be glad to.

Mr. FISH. I do not think you got a responsive answer. Did you not say deportation?

Ms. HOLTZMAN. Denaturalization or deportation.

Mr. FISH. And the response was denaturalization. Deportation would not be a remedy would it?

Mr. GREENE. It would not be an effective remedy. If we found him deportable, then we would have the problem of deporting him. In the parole, we have to again say, he comes into an exclusion, and the exclusion is from the country from which he came. And if he is a refugee, deportation is not a remedy.

If he becomes adjusted, we would go into deportation—or a revocation if it got that far along because we have taken him out of parole and given him status in the country. And when we divest him of that status then we are into a person illegally in the country. So we would go into deportation, though we would still have the problem of getting a country to which he could be deported.

However, in deportation we have a number of countries and options we can use, whereas in exclusion, we could not.

Mr. FISH. But you would not be bound by the refugee protocols at that point?

Mr. GREENE. Well, then we would determine whether or not he was within the protocol group. There is a group in there that have engaged in conduct that prevents them from getting a refugee status.

Mr. FISH. I thank the gentlelady.

Ms. HOLTZMAN. What I meant, of course, when I said deportation was deportation, according to the laws that we presently have.

And somebody would be subject in such a circumstance to deportation or denaturalization.

Mr. GREENE. That is the way I interpret it.

Ms. HOLTZMAN. Now what happens if somebody refuses to fill out this form on the basis that he has committed persecution or torture of somebody on account of political belief, race, religion, national origin and the like? What then would be the position of the Immigration Service with respect to such a person?

Mr. GREENE. Well if he refuses, and indicates that he refuses because he engaged in such conduct, he would be in the same posture as the one who we determined on our own. And until we could find something to do with that individual, we would have to consider detention, or a very restrictive, limited use of the parole. And then we would just have to run it out and adjudicate it as to what we could and should do with the man.

Each case would then be considered in the light of what we are assessing here. What conduct he has engaged in which would allow him to go into the streets of the United States.

Ms. HOLTZMAN. What do you mean, adjudicate?

Mr. GREENE. Well I mean it would be taken before someone besides the initial officer. I do not mean adjudication in the sense that we would take a forum; I mean decisions would be made which would have to be weighed as to whether they were done legally, and whether they would stand up to scrutiny in court.

Ms. HOLTZMAN. Well, the question I am asking first is, what will the policy of the Immigration Service be with respect to revocation of parole, or with respect to the granting of parole, or the release into this country of anybody who has already been granted parole, who admits that, or refuses to fill out a form on the ground that, he has, in fact, engaged in torture or political persecution or the like?

Will parole still be applicable to such a person?

Mr. GREENE. If the person is not in detention, it has to be parole. Now it can be parole without restriction, it can be parole with restrictions, et cetera. But I think I can assure the committee, and yourself, that we would certainly view with a great deal of concern, if someone was identified as a war criminal, or had engaged in such criminal acts as we are talking about—the tiger-cage-type thing—then we are going to have to face what do we do with the body?

Ms. HOLTZMAN. But if this person were walking around the streets of the United States on parole, would you in any way attach limits to that parole, or revoke the parole?

Mr. GREENE. Yes ma'am. Absolutely. We certainly would. And we would even consider the ultimate of locking him up.

Ms. HOLTZMAN. If somebody refused to fill out a form on the grounds that he, in fact, engaged in these acts, then, in essence, that person has admitted to the commission of a crime and falls within the categories of excludability under the present law—somebody who is convicted of a crime, or admits to committing a crime. At that point, what do you plan to do with such a person, or with people who have admitted to committing murder—not in the political context—or who have a record of conviction of murder? What would you do with them?

Mr. GREENE. Well, if a person commits murder, the elements of the crime—or the elements of the crime of murder—he would be admissible to the United States as a criminal. Whether that person would be retained in custody would have to be taken up on a case-by-case basis. I do not think I would be in a position to say that the mere fact that a person has admitted murder, he is going to be locked up.

Ms. HOLTZMAN. I was not asking that. I was asking what the alternatives would be.

Let us say a person had a record of commission of murder. This person, has been paroled into this country. What will you do with such a person once you discover that fact?

Mr. GREENE. Well the first order of business would be to get him in and determine what he has been doing in this country, and explore all the avenues available to us. If it was determined that he should be restricted to one narrow geographical area, he should be reporting to us weekly. We would have to impose that type of restrictions on him.

The fact that maybe someone has engaged in a crime before he came to the United States—he has not done anything, he is supporting a family—would certainly be taken into consideration.

Ms. HOLTZMAN. But, under the present law, if someone were to come from, say, France, Italy, or Greece, and sought admission to this country and had a record of commission of a crime, that person would not be eligible to come and immigrate to this country.

Is that not correct?

Mr. GREENE. That is correct. He would be inadmissible if he were convicted.

Ms. HOLTZMAN. Or admitted the commission of a crime.

Mr. GREENE. That is right. But unfortunately, we have a different situation. The person is here; he is on U.S. soil, and we have the problem of what do we do with him during that interim period.

Ms. HOLTZMAN. But you would not exclude the possibility of seeking his deportation to third countries?

Mr. GREENE. Well if someone could remove him, or persuade him to go somewhere else, we would certainly exercise every effort possible to get him out of here.

Ms. HOLTZMAN. Thank you.

Mr. EILBERG. Mr. Sarbanes?

Mr. SARBANES. I take it. Mr. Greene, that essentially what happens is that the use of the parole authority allows people to come in ahead of the screening that is ordinarily done, and without regard to the applicable quotas that usually apply to determine whether they can come in.

Is that not correct?

Mr. GREENE. That is essentially correct, yes, sir.

Mr. SARBANES. I would assume, at a minimum, in response to Ms. Holtzman's question, that if they were here on parole and these things turned up in their record, you certainly would not let them change their status to get off parole and onto some other status.

Is that not correct?

Mr. GREENE. That is absolutely correct.

Mr. SARBANES. Now secondly, if they are on parole, I understand that your discretion in how you handle the matter is quite broad in response to what is revealed with respect to their record.

Mr. GREENE. That is correct, sir.

Mr. SARBANES. Including restrictions and limitations on how they can operate and function in this country, and even including—in the most serious of situations with the determination that they really ought not to be free—matters of detention.

Mr. GREENE. Yes, sir.

Mr. SARBANES. Furthermore, I would assume that if it is revealed that while they have come in under parole, they were involved in things that should have excluded them, or made them inadmissible, that while you have the problem of their being here—and we have to take that as a fact with which we are confronted—that the effort to deport them, or to have them move on to some other country would and could be made.

Now whether you succeed in that effort is another question, obviously. There may be no takers. But, I would assume that the service in such situations with respect to those individuals would make such an effort.

Mr. GREENE. I can commit the Immigration Service to doing that. We will make every effort to remove those people from the United States as they are determined to be inadmissible.

Mr. COHEN. Will the gentleman yield?

Mr. SARBANES. Yes.

Mr. COHEN. On this line of questioning about the possibility of subsequent determination of crimes—war crimes—what is the status for Mr. Ky? On what basis has he been admitted into this country?

Mr. GREENE. He has been parolled.

Mr. COHEN. With or without conditions?

Suppose, for example, that in subsequent times it is determined that war crimes were committed. What would be Mr. Ky's status?

Mr. GREENE. We would have to have—Mr. Ky has been paroled without conditions, to my knowledge. I have not the specifics, but we would have to change the conditions.

Mr. COHEN. Was there any investigation into the types of questions that the members of the committee have been raising during the course of this hearing today, or any such questions asked of Mr. Ky, for example.

I assume when we are talking about war criminals and war crimes that this is the sort of questioning you would want to be concerned with.

Mr. GREENE. I do not believe he was asked those questions. I do not have firsthand knowledge, but I do not believe he was. But he is still in a parole status and he still could be asked these questions. And all the people who have been parolled previously will be required to sign the document we have been talking about.

Mr. COHEN. And I would assume a further relevant question is, what is the role of the United States—having supported Mr. Ky and

others during the course of our involvement in the Vietnam war—what is our responsibility in that regard when it comes to a decision as to whether we would expel those who have committed crimes?

Well, let's move away from that. We have to go and vote.

The earliest testimony indicated that if you do not get action by this Congress by this weekend that you are out of money and everything stops. I assume, then, that people would stay on ships, people would stay in camps, and cannot be moved.

Is that correct?

Mr. WILSON. Let me turn that question over to Mr. Marinelli if I can, Mr. Cohen.

Mr. MARINELLI. The answer, sir, this morning also was that if the funds that have presently been obligated have been fully expended, yes, sir. Action would stop.

Mr. COHEN. The Antideficiency Act would preclude you from using any moneys?

Mr. MARINELLI. We could not obligate for new activities.

Mr. COHEN. I recall a similar request being made for military aid to Vietnam, and there was suddenly an accounting error that was discovered to the tune of about \$21 million. And I am just wondering if similar inquiries about the accounting procedures have been investigated by the members of the Defense Department.

Mr. MARINELLI. Well let me point out that both the Defense Department, AID and other agencies are looking into each one of their obligations and their project activities to be sure that there are not additional funds there. However, this requires contacting banks, investigating each and every letter of commitment, letter of credit, contract and so on. There could be some small amounts of additional funds available.

Mr. COHEN. But that was accomplished under the previous situation with a request for military aid. So if Congress, for some reason, is not able to act finally by this weekend, some other means might be explored to continue the operation of the evacuation and resettlement.

Mr. MARINELLI. I am sure every possibility would be explored, but I cannot speak to how long the existing funds would last for precise expenditures.

Ms. HOLTZMAN. Would the gentleman yield?

Mr. COHEN. I will yield.

Ms. HOLTZMAN. Along those lines, in terms of the \$98 million that you have obligated, or will have obligated by the end of this weekend, are these Indochina postwar reconstruction funds? And have you included in these funds the cost of the evacuation of Americans by ship or by air? And if so, why have you done so, and how much money would be freed if you took out from the \$98 million the amounts attributable to the evacuation and transfer of Americans?

Mr. MARINELLI. In the case of official U.S. Government employees, each agency does have funds, or it will have to get additional funds to pay for those costs. This entails the official Americans plus their families.

Ms. HOLTZMAN. And other American citizens? The President was operating under his powers as Commander in Chief with respect to their evacuation, and he was using funds programed for the Indochina postwar reconstruction funds.

Mr. MARINELLI. The funds were used for that purpose, and since then the other American citizens were moved as part of the airlift.

Mr. COHEN. Mr. Chairman, could I make just one further observation?

It is that the gentlemen are requesting an expedited process, an accelerated process, on the part of the committee—which I intend to fully support—and also an expedited appropriation process in a very short order of time, with the facts and statistics in a substantial state of flux. And I just note this because there is about \$125 million requested for HEW, for example, and I assume that this would not be for their so-called front-end money, but for the subsequent period of bilingual education which would be in a school year.

I assume, also, that perhaps during the summer there may be some areas where this amount of money could be held. At least, we do not need this amount of money at this time in order to accomplish the goals for which we are now conducting the hearings.

Mr. EILBERG. We will recess for a record vote, and we will be back as quickly as we can.

[A brief recess was taken.]

Mr. EILBERG. The subcommittee will come to order.

Ms. Taft, did we get you in the middle of a sentence that you wanted to express when we broke up?

Ms. TAFT. I do not know if it was a sentence, but it was a willingness to reply to the last comment that was made about breaking out the \$125 million. I appreciate the opportunity just to clarify why we in the Department feel that a consolidated bill is much more effective.

It goes back to Ambassador Brown's concept that he was explaining on Monday that we are really talking about a continuum of efforts and activities, starting in Saigon, going through Guam, going to the reception sites, and then processing out in the actual resettlement. It is a string in a flow of activities.

From HEW's standpoint, we feel very strongly that we must try to provide some provisions to hold the States and the localities harmless from any costs that they might, potentially, incur if people do want to go on public assistance.

And, for this reason, we are proposing the 100-percent reimbursement. Even though these people may not come, or may not end up on public assistance, we feel for the public acceptance and the welcome that we are hoping that the refugees will receive in their communities, we have to make sure that the State and local officials are not concerned about undue fiscal hardships on them.

And I think, just in terms of expeditious processing and for other reasons, that it makes sense to include our part of the operation in the total package, and we would appreciate retaining it that way.

Mr. EILBERG. Thank you.

I would just like to express again, as I did at the outset of the hearings today, we all know that there is a national urgency about this legislation. And, as we move on in these hearings, I would just hope again that the questions would be short and the answers would be short, so that we can speed this matter up, if we possibly can.

I am not thinking of you, Mr. Dodd, when I say that. Mr. Dodd, you are next.

Mr. DODD. Possibly, if Mr. Hackett could approach the microphones, and I would ask you to introduce yourself, Mr. Hackett, and your agency.

Mr. HACKETT. Yes, Mr. Dodd. I am Charles Hackett. I am a branch chief, Chief of the Programing and Development Branch of the U.S. Customs Service.

Mr. DODD. I have, as you know, Mr. Hackett, made requests in regard to form 4790 which is entitled, for purposes of the record "Report of International Transportation of Currency or Monetary Instruments."

My first question to you, Mr. Hackett, is whether or not this form is being utilized by the Customs Service with regard to the refugees who are currently in the process in Guam or on the island of Wake?

Mr. HACKETT. Yes, Mr. Dodd. We have a team of customs advisers who are assisting a group of military customs officers, a group that has been trained by the U.S. Customs Service in the inspection of travelers. They are in Guam at present.

They are inspecting each of the refugees as they are processed into Guam, and for customs purposes each of these persons is regarded as having been precleared, much the same as would be the case in a traveler departing from one of our preclearance flights in Canada, Bermuda, or Nassau.

Mr. DODD. How does this form actually work? Do you have a copy of that form with you?

Mr. HACKETT. Yes; I have.

Mr. DODD. Would you explain to the committee exactly what is the procedure? In other words, you are interviewing an immigrant. How does it work? What happens?

Mr. HACKETT. Very briefly, any traveler transporting monetary instruments—which has been interpreted to be "coin of the realm, travelers checks, an endorsed check, or anything of the sort"—

Mr. DODD. Gold?

Mr. HACKETT. Gold coin, if it is gold of the realm.

Mr. DODD. Gold bars?

Mr. HACKETT. No; not gold bars.

Mr. DODD. Why would that not be considered "currency"?

Mr. HACKETT. It is not considered "currency" within the Department of the Treasury, as best I know.



Mr. DODD. So in other words, anyone who had gold on them, that would not be required to fill that out?

Mr. HACKETT. They would not be required to report it for the purposes of this form. They have to obtain a license to import gold bars, or gold bullion. That license is controlled by the Office of Domestic Gold and Silver, which is within the Treasury Department.

So, in the event of a traveler having gold in bulk form, and not possessing a license, the gold would be taken under detention by the U.S. Customs Service.

Mr. DODD. Do you have any information as to whether or not that has occurred?

Mr. HACKETT. I have no information at present. I think that after our adviser returns from Guam we will have some first-hand information as to what has occurred with respect to any detentions or detection of bulk gold, or anything of this sort.

We do have a system respecting this form whereby, once weekly, all the forms that are executed by travelers are sent to a central location in New York where they are made a matter of record. And this record is retained and could be made available upon request. It is tabulated by name, by permanent address, by the amount of monetary instrument being transported by the individual, and the date when it was transported into the country.

And, of course, it applies also to currency being transported outside the country. This could be made available, if the subcommittee so desires.

Mr. DODD. Well, for the record, I am making that request that that information be made available to this committee, as soon as possible.

I recognize there are some problems, in terms of the computers, I guess, in pulling this specific information out from the island of Guam, or those people going through Guam, but I would like the committee—and, if that is in order, I would ask—Mr. Chairman, I would make a request that that information be made available as soon as possible.

Mr. EILBERG. Yes; and may I also request that the form be made a part of the record and be inserted into the record at this point, that you have been testifying to—do you have an extra copy there, Mr. Hackett?

[The Customs Service form referred to follows:]

Form **4790**  
(Rev. May 1973)  
Department of the Treasury  
Internal Revenue Service

**Report of International Transportation of  
Currency or Monetary Instruments**  
(PLEASE TYPE OR PRINT)

This form is to be  
filed with the  
Bureau of Customs

**Part I. For Individual Departing From or Entering the United States**

1 Name (last or family, first, and middle)		2 Identifying number (see instrs)	3 Date of birth (month, day, and year)
4 Permanent address in United States or abroad			5 Of what country are you a citizen or subject?
6 Address while in the United States			7 Passport number and country
8 U.S. visa date	9 Place United States visa was issued		10 Immigration alien number, if any

COMPLETE EITHER 11(a) or 11(b) WHICHEVER IS APPLICABLE

11(a) I am departing from the United States at: (City) \_\_\_\_\_  
and my destination is: (City) \_\_\_\_\_ (Country) \_\_\_\_\_  
11(b) I arrived in the United States at: (City) \_\_\_\_\_  
from this: (Foreign City) \_\_\_\_\_ (Country) \_\_\_\_\_

**Part II. For Person Shipping, Mailing or Receiving Currency or Monetary Instruments**

12 Name (last or family, first, and middle) or business name		13 Identifying number (see instrs.)	14 Date of birth (month, day, and year)
15 Permanent address in United States or abroad			16 Of what country are you a citizen or subject?
17 Address while in the United States			18 Passport number and country
19 U.S. visa date	20 Place United States visa was issued		21 Immigration alien number, if any

22 The date of shipment or receipt of currency or instrument ▶ \_\_\_\_\_ 19\_\_

23 The currency or monetary instrument was shipped  to or received  from ▶ \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)

24 If the currency or monetary instrument was mailed, shipped, or transported, please complete the following:  
(a) Method of shipment (Auto, U.S. Mail, Public Carrier, etc.) ▶ \_\_\_\_\_  
(b) Name of transporter or carrier ▶ \_\_\_\_\_

**Part III. Currency and Monetary Instrument Information (See Instructions) (To be completed by everyone)**

Type and amount of currency and/or monetary instrument:	Value in U.S. Dollars
25 (a) <input type="checkbox"/> Coins . . . . .	\$ _____
(b) <input type="checkbox"/> Currency . . . . .	\$ _____
(c) <input type="checkbox"/> Bearer instrument (specify type) ▶ _____	\$ _____
(d) Total amount (add lines (a), (b) and (c)) . . . . .	\$ _____

26 If other than United States currency is involved, please complete the following: (See instructions)  
(a) Currency name ▶ \_\_\_\_\_ (b) Country ▶ \_\_\_\_\_

**Part IV. General—To be Completed by All Travelers, Shippers and Recipients**

27 Were you acting as an agent, attorney, or in other capacity for anyone in this currency or monetary instrument activity? . . . .  Yes  No

If "Yes," please complete the following:  
(a) Name of person in whose behalf you are acting ▶ \_\_\_\_\_  
(b) Complete address of that person ▶ \_\_\_\_\_  
(c) Business activity, occupation or profession of that person ▶ \_\_\_\_\_

Under penalties of perjury, I declare that I have examined this report, and to the best of my knowledge and belief it is true, correct and complete.

Sign here ▶ \_\_\_\_\_ Signature \_\_\_\_\_  
\_\_\_\_\_  
(Title, if applicable) \_\_\_\_\_ Date \_\_\_\_\_

Mr. HACKETT. I might point out, Mr. Dodd, that for a traveler who fails to declare currency by executing the form, and upon inspection should monetary instruments be discovered in his possession, those instruments are subject to seizure. The individual is subjected—or, is subject to a penalty of up to \$500,000, and the monetary instruments are subject to forfeiture.

Mr. DODD. I believe this is on the reverse side of the form, that the penalty includes 5 years in jail. However, this only becomes applicable if the Customs Service detects currency that an immigrant has on his or her possession, upon entering the country.

Actually, once the person has proceeded through that process, there is no way—you do not ask any questions about how much money you may have in a bank in this country? Or, in a Swiss bank?

Mr. HACKETT. No; Customs has no access to that information. It might be accessible through some other part of the Government, but certainly not in the Customs record. We have no information whatsoever on monetary instruments, or financial resources that an individual might have in other locations outside the country.

Mr. DODD. And, if a person—for whatever reasons—was capable of passing through Customs without being detected as having currency on his or her person, and once they are within the confines of the United States, as a practical matter, it is impossible to exercise these penalties, because of the proving, in effect, that they had the currency on them when they proceeded through Customs? Is this a fact?

Mr. HACKETT. I think it would be very difficult to prove, although not impossible. I sort of liken it to the situation of a person who might have possibly transported narcotics into the country. There have been a number of successful cases in this regard.

Mr. DODD. Of course narcotics are always identifiable. If someone has different types of currency, they could transfer it into bills and transfer the actual—the identification of what might have been secretly brought across the border.

Mr. HACKETT. Mr. Dodd, except for the fact that this procedure also applies to currency of the country or of the foreign country, and should a person have foreign monetary instruments in his possession, I think it is reasonable to presume that he has brought these instruments into the United States, and it would be a simple matter to backtrack to determine whether or not—or whether he has declared it when he entered the country.

The procedure is also applicable to transfers of currency to the individual once he is in this country, should the currency, or should the monetary instruments, be shipped to him commercially or via the mails.

Mr. DODD. Mr. Chairman, could I ask one more question?

Mr. EILBERG. Yes.

Mr. DODD. Are there any other forms, or any other questions which the Customs Service asks, either in this particular case with the refugees from South Vietnam, Cambodia, or with regard to any other immigrant coming into the country, as to their financial worth, that you know of?

Mr. HACKETT. Not as a routine matter; no. There are no other questions. It is possible that in the process of inspecting a traveler, that an inspecting officer might suspect that he needs to ask additional questions. A Customs inspector uses very many ways to determine whether or not a traveler is suspect of one thing or another.

And it is not inconceivable that an inspecting officer might ask a question relating to some financial transaction. He might find, maybe, an invoice, or something of that sort, among a traveler's possessions, which might cause him to delve a little bit further.

Mr. DODD. But there are no other forms, as such, such as 4790?

Mr. HACKETT. No, sir.

Mr. DODD. I asked you if you would give the committee the information and data with regard to disclosure as to this form. I would also make the same request with regard to gold bullion, or bars, and licenses that have been sought by refugees. Can you secure that information, as well?

Mr. HACKETT. Applications for license are usually sent directly to the Office of Domestic Gold and Silver in the Treasury Department, and—I am sorry. What was your other question?

Mr. DODD. Well I would like to get that information, the applications, if that could be made available to this committee, as well.

Mr. HACKETT. I do not know whether we would have that information immediately available. I would think that probably the Office of Domestic Gold and Silver would have it.

Mr. DODD. Thank you, Mr. Chairman.

Mr. EILBERG. I think that the subcommittee had better go over and vote and come back shortly.

[A brief recess was taken.]

Mr. EILBERG. May I call the attention of the members of the committee that as I announced at the very beginning of the day, it was my hope and expectation that we could consider moving the bill at the end of today, and we are fast running out of time. So I wonder if we could just limit our questions, the remaining few questions that we have. I know Mr. Russo has a couple of questions, I think Ms. Holtzman has a couple of questions, and I would really like very much to conclude the hearings as rapidly as possible. So, Mr. Russo?

Mr. RUSSO. Thank you, Mr. Chairman.

I have several questions for Ms. Taft. Are the plans that you have sufficiently flexible to respond quickly to any particular health problems, regarding contagious diseases that may arise as a result of refugees arriving in Guam?

Ms. TAFT. Yes. We have that all sorted out. As a matter of fact, there were two ill people on Guam the other day that they did not have the medical facilities for. They were air evacuated to our Public Health Service hospital in San Francisco. We feel that on the health side, everything is well under control.

Mr. RUSSO. Do you feel that you have enough public health servants, and enough doctors and hospitals on Guam?

Ms. TAFT. Yes; and the primary medical care is being delivered by the military medical corpsmen, and we do have communicable disease surveillance and physicians out there, along with the public health service people, as consultants. The primary health care is being provided by the military, and we worked that out, and it seems to be going very well.

Mr. RUSSO. Fine. As I understand it, you have now projected—rather, HEW has projected that 50 percent of all refugees will require public assistance at some point. Is that correct?

Ms. TAFT. We base our budget estimates on that as maximum exposure that we could possibly anticipate, and that would be for a 14-month period.

Mr. RUSSO. I say this because I am trying to reconcile that with Ambassador Brown's statement of Monday, in which he said a great

majority of these people would fit in rather easily, and that they would be productive citizens in a year or so, and contributing to our tax base.

Ms. TAFT. That is correct.

Mr. Russo. Does your 50-percent estimate assume that those who are in Vietnamese flotillas or U.S. Navy ships require some sort of public assistance?

Ms. TAFT. I think those much more than the ones we have currently seen will be much more in that category.

Mr. Russo. There is a provision in this bill, as proposed to the administration, which has a final cutoff date of 1977. Do you have any problem with that?

Ms. TAFT. No; I do not. We recommended that.

Mr. Russo. Do you feel that you have sufficient data about the refugees to date which indicate the type of services that would be required by this refugee group; for example, retraining, language skills?

Ms. TAFT. The only data base we have at this time, sir, is from Guam, based on 44,000 people. We are developing, with the assistance of IBM, a much more comprehensive skills bank and age breakdown, and I believe we will be getting that, a much firmer indication of that, shortly. The people who have been interviewed and surveyed at Guam, by and large, are skilled people. Again, the question is, 70,000 or so that may be coming on from the Pacific to Guam that we do not have the data characteristics on.

Mr. Russo. Okay.

Based on the Cuban assistance program, using that as a model, could you characterize the type of supportive services needed by the South Vietnamese refugees?

Ms. TAFT. The type of services we are anticipating will be very similar to the kinds that were provided for the Cubans. We would be talking about foster care assistance for unaccompanied children. We would be talking about day care, if the heads of households needed it, did not have anyone to take care of these children while they were working. They would provide the same kinds of health services as are provided through Medicaid, income assistance, homemaker home services, a whole range of skills training in terms of social services—and skills training would be provided for under the authority.

Mr. Russo. What followup procedures will be established to track or identify those Vietnamese refugees who end up requiring public assistance, so that we are able to reimburse the local government and the State governments for such assistance?

Ms. TAFT. We are setting up a reporting system now at the various reception sites, to be able to notify the State whenever people are being released from the reception center, to give them some information about who may be coming into their State or locality. If at any point in time the family or the people decide they need public assistance, they go down and they enroll, and seek assistance from the local assistance, the welfare office. The welfare office and the State then bill HEW certifying what kinds of services were provided for what time period, and then HEW reimburses them.

Mr. Russo. Would you briefly explain the repatriation program, and indicate the problems that you have had in obtaining authorization and funding for that program?

Ms. TAFT. Yes, sir, I will. Section 1113 of the Social Security Act was the authorizing legislation for a temporary assistance program for destitute, repatriated Americans. This authority expired in June 1973, and we have been carrying forward our program on appropriations bills rather than authorizing legislation. This expired in December, when we ended—

Mr. Russo. Has it created any problems?

Ms. TAFT. It is creating problems. Now, we have submitted legislation, I believe, that the Ways and Means Subcommittee, Mr. Fulton's subcommittee, did report out a bill a couple of days ago. It will be going to the full Committee on Ways and Means, and we are hopeful that there will be action on that very soon.

Mr. Russo. What has been done for the individuals who require this repatriation assistance?

Ms. TAFT. Those people who have come into the reception centers are American citizens and dependents who do not have the funds to proceed. Our social and rehabilitation service people are taking down a full record of what their problems are, where they are going to go, what their needs are, and then tries to assist them, since we have no funds to actually pick up the transportation to get them home. We call sponsors, we call relatives.

Mr. Russo. Who is arranging for their travel from Camp Pendleton to their final destination?

Ms. TAFT. This is being done either by relatives of the repatriates, who will send a ticket. It is done by the Red Cross. They have been offering voluntary assistance here, and United Air Lines has been assisting to transport some of those people, and maybe billing us later for it, if we get authority.

Mr. Russo. Do you have any figures as to how many there are?

Ms. TAFT. We are anticipating that approximately 800 to 1,000 Americans will be returning who are destitute, and we are multiplying that by about a factor of 9 or 10, assuming that their family or their dependents will average probably 10 people. So we are talking about 10,000 people.

Mr. Russo. Does the legislation we have today cover that?

Ms. TAFT. No, sir.

Mr. Russo. This will not cover the repatriates?

Ms. TAFT. It will not.

Mr. Russo. The Cuban program has now been in operation for about 13 years, and I understand that HEW has attempted to phase it out on several occasions. Would you support the termination of that program at this time?

Ms. TAFT. We are on the record of requesting, for the last couple of years, the termination of that program. We feel that it has gone on for 14 years, and it is no longer a requirement. Many of the people that have been registered through it and assisted now are quite self-sustaining American citizens, and yet this program has lingered on for quite some time.

Mr. Russo. Thank you.

Let me just make a final comment, Mr. Chairman. I want to thank the witnesses for coming here, and also the task force for doing the great job that they are. Sometimes our questions seem a little pointed. They are not meant to mean, as far as I am concerned, that we are

against anything that is being done, except that we are trying to elicit as many facts as we can before we act on this legislation. I want to thank you fellows and lady.

Mr. EILBERG. Thank you very much.

Before I recognize Ms. Holtzman, let me just say that we received a release from the Catholic Bishops Conference, and they support the concept of this legislation; and without objection, I will make it part of the record. And I would just like to ask one or two questions myself at this point.

[The material referred to follows:]

#### CATHOLIC BISHOPS' PRESIDENT MAKES PLEA FOR ACCEPTANCE OF REFUGEES

WASHINGTON.—The president of the National Conference of Catholic Bishops and the U.S. Catholic Conference has issued a strongly worded plea for Americans to accept the refugees from Southeast Asia.

"It is natural that we should wish to put the war behind us. But it is inconceivable that we should turn our backs on the suffering which continues," declared Archbishop Joseph L. Bernardin of Cincinnati.

"Thousands of people have fled their homes in Southeast Asia. Many have already come to our country, and many more will soon come. They call out to our Christian compassion and our commitment to American ideals. We must respond."

Archbishop Bernardin expressed dismay at the "negative reactions voiced by some Americans" with respect to the refugees. He described as "exaggerated and unfounded" fears that they will have a damaging impact on the economy.

Noting that U.S. Catholic agencies had assisted in the resettlement in this country of a million persons since World War II, he said: "We stand ready and willing to perform the same service now."

Commenting on Archbishop Bernardin's statement, Bishop James S. Rausch, general secretary of NCCB and USCC, said: "In light of this clear and forceful statement of the policy of the conferences, I wish to express my hope that American Catholics will act promptly to make known to Members of Congress and other public officials their readiness to assist in the refugee resettlement program."

Following is the text of the statement by Archbishop Bernardin:

"The war in Vietnam is over. The human suffering of the war goes on. It is natural that we should wish to put the war behind us. But it is inconceivable that we should turn our backs on the suffering which continues.

"Thousands of people have fled their homes in Southeast Asia. Many have come to our country, and many more will soon come. They call out to our Christian compassion and our commitment to American ideals. We must respond.

"Negative reactions voiced by some Americans to this new group of suffering human beings are dismaying but in some ways understandable. Our economy is under strain. Unemployment is high. The refugees are a living reminder of a tragic episode—the Vietnam war—which many would prefer to forget. The racism which has stained our national life before colors and distorts the manner in which some perceive these refugees.

"Such reactions can be understood but they cannot be accepted. They must not be allowed to impede the generosity which the present emergency demands of us.

"There is reason to believe that the anxieties expressed so far represented exaggerated and unfounded fears concerning the impact which the coming of the refugees is likely to have on our national life and economy. Their number is very small in relation to our total population. Every effort will be made to disperse them throughout the country instead of concentrating them in a few areas. Furthermore, preliminary government surveys indicate that these are predominantly family units, and the proportion of women and children is high. It is most unlikely that there will be an extremely large number of Southeast Asian men in this group to add significantly to competition for jobs.

"Some sacrifices will be required of us of course. The coming of the refugees underlines the need for programs and policies to reduce the impact of economic difficulties upon the most vulnerable among us, be they Americans or newly arrived Southeast Asians. With concerted effort on the part of both the public and the private sectors in America, however, what needs to be done can and will be done.

"In line with our longstanding national commitment to voluntarism, voluntary agencies, especially religious ones, will play a central role in the refugee resettlement program which is now beginning. Since World War II the Catholic Church has been responsible for the resettlement of 1 million persons in the United States in the past 8 years alone, Migration and Refugee Services of the United States Catholic Conference has assisted half a million. In similar crises in the past—Hungary, Czechoslovakia, Cuba—Catholic agencies at the national and diocesan levels have resettled well over half the total number of refugees. We stand ready and willing to perform the same service now.

"The urgent, immediate need is for homes and jobs for the refugees. It is intolerable to think that these people, many of whom have already suffered greatly, should have to live a day longer than necessary in the primitive conditions of hastily improvised camps and tent cities. Their movement into American communities must begin as quickly as possible. As it occurs, they must be greeted warmly and given the help they need to begin their new lives among us. They need material assistance, but they also need our acceptance and our love.

"American Catholics have special motives for generosity. In many cases our own parents, grandparents, or great-grandparents came to this country from other lands, often in circumstances of suffering and deprivation not unlike those experienced by the refugees from Southeast Asia. Here they found opportunity for a new start. We are the beneficiaries of the generosity they enjoyed. We can be no less generous in our turn.

"We know, too, that many of the refugees have fled their land out of fear of oppression because of their faith. So did the forebears of many of us. It is now for us to enable them to enjoy the blessing of religious liberty which we are fortunate enough to take for granted for ourselves.

"Finally, we believe firmly that our response to the refugees is a mirror of our love of God. Jesus tells us that what we do for the needy, we do for Him. 'I was a stranger and you welcomed me. . . . As often as you did it for one of my least brothers, you did it for me.' (Mt. 25, 35-40).

"As Catholics, as Americans, and as human beings we recognize in the refugees a duty and a privilege, and above all an opportunity for loving service."

Mr. EILBERG. Do I understand correctly that it would be the intention of the Government to meet the entire cost of the educational services, including the usual per pupil expenditure of the State educational programs involved, and the additional costs which the local education agencies would incur because of these refugees who are to be educated? I suppose, Ms. Taft, that that would be your department.

Ms. TAFT. Yes, sir. I was just talking to Mr. Don White from California on this subject. 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 10 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 educational agencies for some kinds of provisions for a reimbursement.

Mr. EILBERG. For reimbursement?

Ms. TAFT. I cannot say at this time. We are only talking about \$30 million, and the average per pupil cost may be as high as \$1,100. What we are doing, though, is planning bilingual training packages which will be distributed, and we will work with school systems on English



as a second language. We will be working on skills programs, and also providing educational opportunities for the youngsters and adults at the reception centers. We will have to take the issue that you are raising into consideration, and I am working with our education specialist, and we will work with the respective State education people on this issue.

Mr. EILBERO. Thank you. Ms. Holtzman, do you have anything else you would like to ask?

Ms. HOLTZMAN. Yes, Mr. Chairman. I would like to clarify the record with respect to the amount of money that has been obligated and used. It is my understanding that, as of this time, about \$80 million has been obligated of the funds available under the Indochina postwar reconstruction appropriation.

Mr. McLAUGHLIN. That \$80 million number was, as of yesterday—yes, ma'am.

Ms. HOLTZMAN. Now, it is further my understanding that you are charging to that fund the cost of evacuation of American citizens by the President, under his authority as Commander in Chief.

Mr. McLAUGHLIN. The \$80 million includes the airlift of the evacuees. It includes the total airlift. When our planes flew out, there were Americans on board, there were South Vietnamese on board. We did not run special planes in and keep them segregated. So that would include any and all people that we flew out.

Ms. HOLTZMAN. Is it your position that the President, in the absence of the Indochina reconstruction funds, would not have had money available for the evacuation of American citizens?

Mr. McLAUGHLIN. I believe that was responded to earlier.

Ms. HOLTZMAN. I did not think that was a response. That is why I am asking the question again.

Mr. McLAUGHLIN. May I consult with counsel for a second?

Ms. HOLTZMAN. Yes, please.

Mr. McLAUGHLIN. If the question is, are there any costs in here for sending in our troops, our marines, to get the people out, there are none in this request.

Ms. HOLTZMAN. That was not the question. What I am driving at is—the question that Mr. Cohen raised earlier about the accounting error that may turn up additional funds—whether the attribution of funds for the evacuation of Americans to this program is an accounting decision, and a correct one. And if one were to make those charges against other Defense Department moneys, to which, more appropriately, they should be charged, then in fact we would have a larger balance available under the Indochina reconstruction funds for use in the resettlement. Is that correct?

Mr. McLAUGHLIN. Well, I am a little bit confused on your point that other DOD funds should pay for the evacuation, let us say, of Bell Telephone people, or those types of individuals. I am not quite sure I agree with that.

Ms. HOLTZMAN. Well, let me just then clarify some other points. You said, or you advised me earlier, that at the Eglin base, the money that has already been obligated will last approximately 11 days, based on the number of people now there.

Mr. McLAUGHLIN. I would answer your question based on a telephone call from my office down to Eglin. They estimated that with the food stocks that they have on hand right now, which have already been paid for as part of that \$80 million, given no more refugee input, that they could sustain these people for approximately 11 days.

Ms. HOLTZMAN. And at Fort Chaffee they can sustain people for 6 to 9 days without any additional funds?

Mr. McLAUGHLIN. With the foods that have already been purchased and is located on base, it would require no more money yet. Chaffee is now saying 13 days.

Mr. WILSON. Mr. Chairman, may I make an additional comment there?

Mr. EILBERG. Yes.

Mr. WILSON. I think it is not only a question of being able to sustain people theoretically in the reception centers here in the United States, but it is also a question of having to turn off the transportation system which brings them here, and that means that unless we have succeeded in unloading the ships which are currently in the western Pacific, they are going to be—all sorts of people who are simply floating around on the ocean under extremely difficult and uncomfortable circumstances because the pipeline will have been stopped.

Ms. HOLTZMAN. But there is still \$18 million available, unexpended and unobligated?

Mr. McLAUGHLIN. Based on what has been testified to here, if you subtract our \$80 from the \$98 million State has available, I would arrive at \$18 million also.

Mr. WILSON. Mr. Chairman, I believe it might be helpful, going back to Ms. Holtzman's previous question, to point out that the total number of U.S. citizens which were evacuated in this process is less than 6,000, according to the figures which we have. Some of those are of course purely private individuals. Some of those are from whom we would hope to collect from the companies concerned. A number of them are Government personnel whose parent agencies would in due course be expected to reimburse the Department of Defense, but given all of this number, Mr. Marinelli has just made a quick calculation and discovered that if we were able to collect tomorrow from all of these people, it will still give us only \$1 million.

Ms. HOLTZMAN. I appreciate that clarification. I want to ask Mr. Greene whether the security check that these immigrants are undergoing will include any check as to whether or not they engaged in some of the activities we discussed earlier: namely, the torture of prisoners or persecution or assassination. Will that be part of the security check?

Mr. GREENE. Yes, ma'am. The check we are making is a name check, and we would hope to obtain all derogatory information.

Ms. HOLTZMAN. And the agencies who are participating have been advised of this?

Mr. GREENE. Yes, ma'am.

Ms. HOLTZMAN. Thank you.

I have one final question. On Monday we ascertained that there were some persons who came outside parole provisions. You said there were maybe 2,000 people who did not meet the parole standards? Perhaps I

am wrong. Has parole now been extended to everybody who has arrived on American territory on Guam?

Mr. GREENE. No.

Ms. HOLTZMAN. How many of those that have been processed up to now do not fall within the parole categories, and what do you plan to do with them?

Mr. GREENE. We have a figure of about 2,234 that are still on Guam that have not been found eligible at this juncture. Now, they may be if something else develops, but we are in a fixed position on that one because we are not going to let them come forward.

Now, some of them were because they did not meet the criteria and the additional numbers that have now been agreed upon, at least with regard to the House, we may be able to move those out because they will meet the criteria.

Ms. HOLTZMAN. Because they will meet the criteria now?

Mr. GREENE. The criteria will be expanded, and some of these that have been held maybe because they did not meet the criteria, and now they would, and we may be able to move them forward. Maybe that is the only hold.

Ms. HOLTZMAN. What is your plan with respect to disposition of those people, assuming they do not meet the criteria of parole?

Mr. GREENE. Well, this is where we expect the United Nations Commission on Refugees will possibly move in and find someplace else for them to go.

Ms. HOLTZMAN. Have they been approached with respect to this?

Mr. WILSON. The answer is affirmative.

Ms. HOLTZMAN. Thank you, Mr. Chairman.

Mr. EILBERG. Just one or two questions here: you said that some thousands were paroled in Guam? It was my understanding that the parole would not occur until arrival in this country, and there had been a security check and parole papers would be provided subsequently. I am a bit confused on the subject now.

Mr. GREENE. Mr. Chairman, there are a few people who have opted to stay in Guam, and the processing has been completed now. I think it was made clear, for example, there were a number of employees of one of the major corporations.

Mr. EILBERG. Well, aside from those people that would be remaining on Guam, those that are coming to the mainland, they have not been paroled?

Mr. GREENE. No, the parole was not perfected until they are ready to leave Chaffee.

Mr. EILBERG. Mr. Sarbanes.

Mr. SARBANES. I would like to ask counsel a couple of questions on the bill itself sent up by the administration because I hope, Mr. Chairman, we are getting to the point where we may go on to markup. I just want to be certain of a couple of things about the bill.

I take it that an effort has been made obviously to come in with a separate bill that is not incorporated as an amendment to the 1962 Migration and Refugee Assistance Act, but does in fact track that act through reference to its functions and requirements. Is that correct as a general approach to this legislation?

Mr. MALMBORG. Yes, sir, that is correct.

Mr. SARBANES. Now, in section 2 of the proposed bill, "such sums as may be necessary for the performance of functions set forth in the Migration and Refugee Assistance Act of 1962"—I would read that as I think it must be read, i.e., to mean, the functions as set out with the restrictions and limitations that pertain thereto in the 1962 act; and I say that on the basis of responses earlier in the afternoon, which indicated that phrases such as "having regard for their income and other resources" with respect to making moneys available for 2(b) (5) and (6) in the 1962 act, are carried forward in this legislation. Is that correct?

Mr. MALMBORG. Yes. The functions, the limitations, and the authorities of—well, all the authorities of the 1962 act, and the restrictions on those authorities.

Mr. SARBANES. Now, there was an explanation given this morning as to why we carry on to September 30, 1977, in the last sentence on the first page, with respect to the provisions of paragraphs (3), (4), (5), and (6) of section 2(b). If someone could just elaborate on that briefly, I would appreciate it.

Ms. TAFT. Those sections would provide HEW with the authority to continue their reimbursement procedures through September 30, 1977. That does not include any expenditures for DOD and the State Department during that last year.

Mr. SARBANES. So "September 30, 1977" applies only to the programs that would be administered by HEW and is an effort to in effect wind the matter up and give you some extra time?

Ms. TAFT. Right.

Mr. SARBANES. On what money are the voluntary agencies, if any, now functioning? At the end of that pipeline when they are supposed to be moving out to the voluntary agencies, is there authorization and appropriation available to you to invoke their services at this time?

Mr. WILSON. The answer to that is that we have a major problem on this score at the present time. The voluntary agencies are operating on the basis of contracts which have been executed with respect to the Cambodian refugees by virtue of funds which were transferred earlier on that program.

There are no funds at the present time available for the voluntary agencies within the \$98 million that we have transferred, in view of the fact that the Foreign Assistance Act authorities from which they derive their authorities do not include activities within the United States. This means that until we have new money authorized and appropriated by the Congress that the volunteer agencies are acting, so far as the Vietnamese refugees are concerned, on their own resources.

Mr. SARBANES. Well, of course, that only makes the further point that we have here not only a problem regarding the transportation system, to which you alluded earlier, in terms of the people moving in, but I take it we also have a problem in moving them out at the other end. So you have a possibility of a real compression in this situation?

Mr. WILSON. This is very true.

Ms. HOLTZMAN. Would the gentleman yield?

Mr. SARBANES. Surely.

Ms. HOLTZMAN. Just to clarify a question in my mind with respect to section 5 of the Migration and Refugee Assistance Act of 1962 to which the administration bill makes reference—would section 5 require that the transportation costs from Guam or Wake to the United States be provided only to persons who, in light of their income and other resources, need such assistance?

Mr. MALMBORG. That was paragraph (b) (5) ?

Ms. HOLTZMAN. Yes, (b) (5).

Mr. MALMBORG. We would not regard that as being applicable to the transportation from Guam to the relocation centers. We feel that (b) (5) pertains to the transportation to other areas of the United States and the movement is taking place as a part of a process in which Guam is the staging area.

Ms. HOLTZMAN. Is Guam in the United States?

Mr. MALMBORG. Guam is a territory of the United States.

Ms. HOLTZMAN. And the immigration laws of this country apply when persons arrive in Guam?

Mr. GREENE. The answer is yes.

Ms. HOLTZMAN. And yet your interpretation of section 5 is that the words "for transportation to other areas of the United States," do not encompass transportation from Guam to the continental United States? I wish you would explain that.

Mr. MALMBORG. That is based upon an interpretation of the process. In other words, these are people who are coming essentially from Indochina to the United States, and they are being processed for our convenience in Guam, but we regard the movement process as still being underway and until they are actually received in the relocation centers for the next stage of their processing that the other authorities of the Migration and Refugee Assistance Act would be the ones that we would rely upon, and this would be a separate part from the IIEW program under (b) (3).

Mr. DODD. I am very confused. I was about to raise the very same question. Now, why is Guam not considered—there was some confusion among the witnesses there as to whether or not Guam was to be considered a part of the United States in terms of immigration purposes. Is there some confusion, or is it clear that Guam is a part of the United States?

Mr. GREENE. There is no confusion on the part of the Immigration Service. It is a part of the United States.

Mr. SARBANES. Well, the question really is whether Guam is considered to be in the United States as that phrase is used in section 2(b) (3) of the act and 2(b) (5). Since 2(b) (5) and (6) refer back to individuals who meet the requirements of subparagraph (3), I take it you are taking the view that for the purposes of 2(b) (3) they are not in the United States when they are on Guam; is that correct?

Mr. MALMBORG. Well, essentially the thought is that this is a transit operation which is passing through Guam and that the persons there are not in the United States in the manner intended by (b) (3).

Mr. DODD. Well, what would occur if someone decided they loved Guam and decided to settle there? Would they then not qualify under the provisions of this act?

Mr. MALMBORG. I really do not know the answer to that one, I am afraid. I would think that the program which relies upon all the authorities of the act, not just those in (b) (3), would permit certainly the initial stage of transportation, just as it would permit relocation, transportation, and resettlement in third countries.

Mr. DODD. Well, then possibly we should reword some of the provisions of the bill we are considering so that in the likelihood that someone decided they wanted to locate in Guam, they would qualify for the assistance programs as spelled out in the act?

Mr. MALMBORG. Well, what I was saying, I think, is that they could be assisted under the act that has been proposed, although not necessarily, under what we have been calling the HEW part of the program.

Mr. DODD. Well, if they could under the act, then I think the language, as has been brought out by Ms. Holtzman, it would have to apply that that criteria of whether or not need would be applicable, because if there is no question that they would qualify for assistance under the act if they are located in Guam, being a part of the United States, then I do not see how we can avoid this language in subsection (5).

Mr. MALMBORG. Well, the answer in our view is that there are a number of authorities in the act, which will be used under the proposed legislation to assist refugees. They will include people who are now in the United States as students or trainees or whatever. They will include people who are in Guam now and may be resettled in third countries such as Canada. Some parts of the program will be financed under paragraph (b) (3) and its related subparagraphs, and some parts will be authorized and financed under other authorities in the act.

Mr. DODD. I see, but if you look with me at just the first sentence of (b) (3)—“for assistance to or in behalf of refugees in the United States.”

Mr. MICHEL. I wonder if I might clarify this point. I may only confuse it.

We are bringing individuals not from Guam, but from Vietnam to the United States. Now, your suggestion of interpretation for 2(b) (5) would be that as soon as they touch the U.S. territory for a refueling stop or to get a meal or to stop overnight, that then their continued movement becomes different, that it is under a different authority.

Mr. DODD. But let us go back to the realm of reality. What you are doing is not stopping for fuel and going on.

Mr. MICHEL. OK, you stop for a day or 2 days or 3 days. The point is that they are in movement to a relocation center, and we regard 2(b) (5) as an authority to provide those refugees who have been brought to the relocation center and to provide assistance for their onward transportation and resettlement in other areas of the United States.

Mr. DODD. Would that same interpretation apply if you were using Hawaii?

Mr. MICHEL. Sure.

Mr. DODD. San Francisco?

Mr. MICHEL. Sure. This is a function that is delegated in fact to the Department of Health, Education, and Welfare by the executive order that implements this act, and it is not contemplated or has not been contemplated by us that this would apply to the refugees who are in transit from an overseas location to a reception center within the United States, although they may stop en route for a couple of days or a couple of hours at Guam or Hawaii or San Francisco or whatever.

Mr. DODD. Well, then that actually can be played out to its ultimate conclusion so that this paragraph would have no application whatsoever, so in effect you can fly someone from Guam to San Francisco to Arkansas to Hartford, Conn., and they would not even have to raise the question of whether someone was in need for those transportation costs because they were being in a constant state of movement.

Mr. MICHEL. Now, we are conceptually administering this thing by having identified several relocation centers within the United States, and we regard paragraph (5) as applicable to the transportation for resettlement of those refugees who leave those centers.

But their transportation from outside the United States to those centers we do not divide in half and say well, from Vietnam to Guam it is not 2(b) (5), but from Guam onward, it is. The first place where the wheels touch down in the United States, from there onward it is under 2(b) (5).

Mr. DODD. But then we are quibbling again whether Guam is part of the United States, and I understand from the Immigration Service it is.

Mr. MICHEL. Of course it is, but what I am saying is that we are regarding their travel from Vietnam to the relocation center as a single travel.

Mr. DODD. But the act does not say that. It says to the United States.

Mr. MICHEL. No, it does not say to the United States.

Mr. DODD. Well, when you are talking about paragraph (3), "in the United States."

Mr. MICHEL. These are people that are here. We are in the process of bringing them into the country and in bringing them into the country, they stop en route.

Mr. SARBANES. I think the act—if I may reclaim my time for a second—I think the act is subject to the interpretation that you are giving to it, although you could argue for a different interpretation. I take it your position is that if you were to read "San Francisco" instead of "Guam" and you brought them in there and then moved them onto the three resettlement centers, you have established that 2(b) (5) comes into application with respect to moving them from the resettlement centers into, hopefully, a permanent location in the United States?

Mr. WILSON. Indeed, Mr. Sarbanes, several thousand have come through Travis outside of San Francisco and stopped off there as much as 24 hours.

Mr. EILBERO. Mr. Fish.

Mr. FISH. Thank you, Mr. Chairman; just a couple of things.

We were told in the last few days that the figure was only 45 in Guam that had sought to go back to some part of Indochina. Does that figure hold at 45 as the total?

Mr. WILSON. Mr. Fish, I would have to check that for you specifically. We have received no more recent data than that we gave you on Monday. But the extent to which the system has found any more, I simply do not know at this time.

Mr. FISH. And I understand those 45 are simply—were simply rushed onto planes by Thai soldiers who were eager to load the planes and get them out, and that was the reason they ended up on Guam.

Second, the date in line 17 of the bill, section 2(b), of June 30, 1976, of course, is the end of the fiscal year. Is there any other reason for using that date?

Mr. WILSON. No, sir. It seems to be a convenient time, in terms particularly of the funding operations. It may be possible to stop it actually before that time.

Mr. FISH. The bill before us largely tracks the Migration and Refugee Assistance Act of 1962. That act contains a reporting requirement in section 2(d), and Mr. Chairman, at the appropriate time I propose to offer an amendment that would read:

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, which tracks the language of the 1962 act.

Do you gentlemen have any problem with this amendment?

Mr. WILSON. None whatsoever.

Mr. FISH. Finally, just let me say that I have been very proud these last few weeks to be associated with your task force in the many meetings we have had. I realize that the seven or eight of you here today are just the tip of the iceberg and that this task force is a much larger group of people who have dedicated themselves to this problem. And I would wish that we had the problem that I could ask you just tell us the story of the task force; instead, I will ask you, though, Mr. Chairman, if the story of the task force could be accepted for inclusion in the record of these hearings.

Mr. EILBERG. Yes; we will be glad to have an outline of your activities.

Mr. FISH. Could you do that? Send us the full story sometime?

Mr. WILSON. We would be very glad to do so, Mr. Chairman.

[The information referred to will be received by the committee and retained in the files.]



# APPENDIX

## APPENDIX 1

### SUMMARY OF EVACUATION INSTRUCTIONS

Following is the answer to Mrs. Holtzman's question related to the Planning for priorities of evacuees to be removed from Viet-Nam. As promised by Ambassador Brown, instructions are summarized herewith.

"Commencing in late March, the Department requested Embassy Saigon to provide weekly status reports regarding the total numbers and welfare of Americans and others for whom the United States had emergency evacuation responsibility. Subsequent instructions were aimed at obtaining from Embassy Saigon information related to the categories and priorities of those Vietnamese to whom the United States had a moral obligation to evacuate and who would be most endangered under a communist regime, for example, close relatives of American citizens, Vietnamese employees of the United States Government and their families, ranking government of South Viet-Nam officials and their families, and others the Embassy felt should be included.

"By early April the Embassy had been instructed by the Department to begin to reduce the number of Americans in Viet-Nam, arranging for the departure first of all dependents of official Americans, all official Americans who had already been evacuated from Military Regions 1 and 2 and who no longer had any function to perform in the country, and all dependents of contractor personnel. The Embassy was instructed further to suggest to non-official Americans that they consider sending out their dependents, and to urge less essential non-official American personnel to also depart. A twice weekly report requirement from the Embassy was levied, to provide a breakdown of total Americans remaining in specific categories such as United States Government personnel, U.S. contractors, non-U.S. Government Americans. At the same time a priority listing of categories and totals of evacuees, from highest to lowest responsibility, was requested.

"By April 14 the Department had conveyed to the Embassy the limited parole authority which had been obtained in behalf of alien relatives physically present in Viet-Nam of American citizens also present in Viet-Nam. This parole authority was obtained in recognition of the relationship of moving American citizens out of Viet-Nam who had non-American citizen relatives whom they did not wish to leave behind.

"By the third week of April the Department had instructed the Embassy to attempt to broaden the categories of Vietnamese citizens who could be exempted from the Vietnamese travel ban. In this regard, the Department had in mind particularly the safety of Vietnamese closely associated with the United States, including U.S. employees and relatives of American citizens and resident aliens.

"Early in the fourth week of April the Department authorized the Embassy to plan for the evacuation of certain categories of Vietnamese, such as: threatened relatives of American citizens; important government, armed forces and police officials who cooperation would be needed in the evacuation; individuals with special knowledge of U.S. intelligence procedures; important former Viet Minh and ralliers from the communist side who would be especially threatened; significant political and intellectual figures whose association with U.S. policies made them particularly vulnerable; trusted local employees, including those of voluntary agencies and private American companies.

"In the final week before the end of the evacuation, the Department instructed the Embassy to accord priority in the evacuation to the families and dependents of American citizens."

## APPENDIX 2

UNITED NATIONS, PRESS SECTION OFFICE OF PUBLIC INFORMATION  
UNITED NATIONS, N.Y.

### UNHCR ASSESSES SITUATION OF VIETNAMESE OUTSIDE THEIR COUNTRY

(The following is reproduced as received from the UNHCR, Geneva.)

A number of Governments have drawn the attention of the United Nations High Commission for Refugees (UNHCR) to the recent arrival in various countries of large numbers of Vietnamese, as well as groups of Cambodians, who left their country during the recent events and who now need assistance.

The High Commissioner has expressed concern about the substantial number of people who clearly require urgent solutions to their situation. The Office will place emphasis, according to the need, on resettlement in countries willing to accept them, or durable asylum in countries where they have arrived. The High Commissioner is contacting a number of Governments of countries of potential resettlement. In addition, UNHCR will assist in facilitating voluntary repatriation whenever possible, if this is the preferred choice of some of the up-rooted, and the reunion of split families, thereby alleviating the tragic consequences of separation.

According to information available, at this stage, these groups have arrived in significant numbers in Guam, Hong Kong, Malaysia, Philippines, Singapore and Thailand, though smaller numbers find themselves in a number of other countries including some outside the area.

The High Commissioner's representatives are assessing the situation in these countries in order to provide the data required for appropriate action. As part of this comprehensive assessment, two UNHCR officials arrived in Guam today.

The High Commissioner, Sadruddin Aga Khan, states, "My Office has always helped promote speedy solutions to problems of refugees and displaced persons, wherever they might be. UNHCR will, as in the past, seek ways to encourage, as needed, voluntary repatriation, integration in countries of first asylum, the resettlement of individuals of concern to us, in a strictly humanitarian and non-political manner."



## APPENDIX 4

### *Analysis of the Indochinese refugee situation*

	<i>Number of refugees</i>
Under American protection-----	113, 340
<p>On May 7, 1975, there were just under 112,553 Vietnamese under American protection. Of this total, over 70,000 were located at the American designed staging areas on Guam (37,210) and Wake (3,073) or at transshipment points in the Philippines preparing to embark on ships or aircraft for staging centers. 9,446 Vietnamese were on the high seas. 19,346 Vietnamese were being processed through reception centers at Travis and Eglin Air Force Bases or at Camp Pendleton and Fort Chaffee. All the refugees in the 112-553 left Vietnam during our planned evacuation (about 40,000) or were rescued at sea or escorted from Vietnamese coastal waters. The refugees include the dependents of American citizens and permanent residents as well as individuals who may qualify for parole under the high risk category.</p> <p>In addition to American immigration authorities in our staging and reception centers, Australian and Canadian authorities are or shortly will be present. The United Nations High Commission for Refugees (UNHCR) and the Intergovernmental Committee on European Migration (ICEM) are represented on Guam. We anticipate that as many as 20,000 of all those Vietnamese refugees under or outside American protection will be resettled in 3d countries as a result of their activities, the normal reuniting of families or our bilateral diplomatic initiatives.</p> <p>There were on May 7 some 787 Cambodians in Thailand whom we intend to parole for entry into the United States.</p>	
Refugees in 3d countries (estimate)-----	15, 600
<p>To date, about 15,000 Vietnamese have fled to 3d countries. Small and large craft, in decreasing numbers, continue to arrive in countries near the states of Indochina. We estimate that there are about 4,000 Vietnamese currently in Hong Kong, 7,100 in Singapore and between 400 and 500 along the Malaysian coast. We do not know how many more may arrive but we have made our position clear. The U.S. expects that refugees will receive the protection normally extended under the United States Convention and Protocol on the Status of Refugees. If a recipient country will not receive them, it is our position that UNHCR and ICEM should be called into action. However, we know already that Hong Kong and Singapore are not prepared to hold Vietnamese refugees and we already anticipate they might, in their large majority, have to enter the American stream.</p>	
* Stranded Indochinese in the United States-----	15, 200
<p>According to the Immigration and Naturalization Service's latest statistics, there are almost 14,000 Vietnamese students, diplomats, businessmen, trainees, and others stranded in the United States. They will be allowed to stay and resettle. In addition, there are 1,200 Cambodians in the same category.</p>	
Indochinese stranded in 3 countries-----	(1)
<p>We understand there are approximately 1,400 Vietnamese diplomats and their families and estimate anywhere from 6,000 to 12,000 Vietnamese students, travelers, and businessmen stranded in 3 countries. The latter category is only a preliminary estimate; it is too early to determine how many will seek entry or have to resettle in the United States. We are, in this regard, again calling on international agencies and individual nations for cooperation.</p>	
Total (plus estimate)-----	144, 140

<sup>1</sup> Unknown.

## APPENDIX 5

### IMMIGRATION AND NATURALIZATION SERVICE DIRECTIVE TO OFFICERS-IN-CHARGE AT REFUGEE CENTERS

Camp Pendleton, Fort Chaffee, Elgin AFB.  
Attention: Immigration Officer.  
OIC AGA.  
Attention: O'Connor.

#### PRIORITY

BEKEB, May 8, 1975.—Upon receipt of derogatory information as result of security checks or otherwise which affects the admissibility of the applicant under any of the 31 excluding grounds except (14), (15), (20), (21), and (26) or affecting his admissibility because of his participation in the persecution of other individuals a sworn statement shall be taken and the refugee shall be given an opportunity to respond to the allegations. The examining officer shall assure that a full development of all the facts and circumstances shall be obtained. In every such instance the file shall be forwarded to central office attention CODEP where a determination will be made whether the applicant shall be allowed to proceed to his destination or whether he should be further detained or whether he should be released with restrictions.

J. F. GREENE.

Mr. EILBERG. Are there any other questions or comments by any other members of the subcommittee?

If not, gentlemen and Ms. Taft, we are indeed grateful to you for being ever ready to answer our questions and making our job so much easier, and we have all learned a great deal in the last couple of days. And it might be helpful to the committee, as we would—just sit back, if you have the time, and I trust that you do—while we go in to begin our markup session or what may be a markup session. Would you just kindly excuse yourself from the table, if you do not mind?

Thank you very much.

[Whereupon, at 4:55 p.m., the subcommittee proceeded to consideration of these matters in a markup session.]