

LEGISLATIVE HISTORY OF THE INDOCHINESE REFUGEE PROVISION OF H.R. 1561

H.R. 1561 (Mr. Gilman's "American Overseas Interests Act"), as reported by the House International Relations Committee, contained a provision which, **in its original form**, would have:

1) Prohibited further U.S. funding of the "Comprehensive Plan of Action" (CPA). This is an international arrangement providing for the return of about 40,000 Vietnamese "boat people" as well as about 6500 members of the Hmong ethnic minority from Laos. The CPA has been surrounded by allegations of corruption, extreme hostility to applicants, and other defects in refugee screening. Although repatriation of screened-out applicants is officially "voluntary," punitive detention and other harsh measures have been taken against those who refused to "volunteer." H.R. 1561 would require the President to certify that the CPA had been dramatically reformed. These reforms include re-screening of applicants and resettlement outside their countries of all genuine refugees.

2) Set aside \$30 million out of the \$671 million State Department refugee budget for resettlement in the United States of up to 20,000 people from the refugee camps --- the best estimate of those who, after a fair screening, would be found to be refugees under U.S. law. **(Note: This provision was later deleted by the Smith amendment. See below.)**

Rep. Douglas Bereuter (R.-Neb.) offered an amendment to strike these provisions of H.R. 1561. The Bereuter amendment would have allowed the State Department to continue funding the CPA. The Administration conducted a vigorous lobbying campaign on behalf of the Bereuter amendment. The "Federation for American Immigration Reform" and other organized anti-immigration groups also strongly supported the amendment.

The Bereuter amendment was debated on Wednesday, May 24. Rep. Chris Smith (R.-N.J.), the chairman of the Subcommittee on Human Rights and a strong opponent of the CPA in its present form, offered an amendment to the Bereuter amendment. The Smith amendment was essentially an amendment in the nature of a substitute. It preserved most of the original anti-CPA language of the Indochinese refugee provision of H.R. 1561. It did, however, modify the original language in two respects in order to meet the most important objections:

1) The Smith amendment eliminated the \$30 million set-aside for resettlement, restoring this money to the general refugee account.

2) The Smith amendment also made clear that any refugees ultimately resettled from the camps to the United States would have to fit within existing numerical allocations, and that H.R. 1561 should not be construed to require or permit an increase in the ceiling on refugee admissions (currently 110,000).

The Smith amendment was adopted 266-156. Republicans voted for it 178-46 (over 4-to-1). Democrats voted against, by a vote of 88-109. The entire Republican leadership --- Armev, DeLay, Hyde, Livingston, Gilman, Goodling, and others --- voted in favor of the Smith amendment. Despite heavy lobbying by the Administration, almost half the Democrats also supported the Smith

amendment. Supporters included prominent refugee advocates such as Howard Berman (D.-CA), Jerrold Nadler (D.-NY), and Tom Lantos (D.-CA).

The Bereuter amendment, as amended by the Smith amendment, then passed by voice vote. The anti-CPA, pro-refugee provision therefore remained in the bill, except that the \$30 million earmark had been eliminated and that language had been added to make it clear that any refugees resettled in the United States as a result of the provision would have to fit within existing numerical limitations.

H.R. 1561, including the Gilman/Smith refugee provision described above, was passed by the House on Thursday, June 8, 1995.

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