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December 10, 1979

REFUGEE ACT OF 1979 (H.R. 2816)

The House on Tuesday, December 11, is scheduled to consider legislation to establish a comprehensive statutory procedure for admission of refugees, set a normal annual admission level of 50,000 refugees, and consolidate and extend through fiscal 1981 all refugee assistance programs.

ACTION BY THE 96TH CONGRESS

- Ordered reported by Committee on Judiciary September 19 (20-6)
 - Reported November 9 (H. Rpt. 96-608)
 - Rules Committee December 4 granted open rule, one hour debate
 - S. 643, similar bill, passed Senate September 6 (85-0)
- Floor Manager: Congresswoman Holtzman

BILL SUMMARY

Title I sets forth as the purpose of the legislation the establishment of a permanent and systematic procedure for the admission of refugees into the United States and uniform provisions for the effective resettlement and absorption of those refugees who are admitted. (Since World War II, admission of refugees has been made under a series of ad hoc legislative and administrative authorizations).

Title II defines a "refugee" as a person who, if outside his or her country, is unable or unwilling to return because of a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group or political opinion, or if inside his or her country, is being so persecuted or fears such persecution. (The definition in present law is limited to those fleeing communist countries or the Middle East.)

The normal annual admission of refugees into the United States would be set at 50,000. That figure may be adjusted only if the President, prior to the beginning of a fiscal year and after consultation with the Judiciary Committees, determines that there is a foreseeable need to admit a greater number, and it is justified by "humanitarian concerns." Consultations are defined as personal discussions between designated Cabinet-level representatives of the President and the Committees to review the situation, project the extent of possible U.S. participation and discuss the humanitarian concerns.

Provision is also made for admission of additional refugees during a fiscal year only if the President determines, after consultation with the Judiciary Committees, that an unforeseen emergency refugee situation exists, that such admissions are justified by "grave humanitarian concerns", and cannot be accomplished under the normal refugee provisions. In such cases, the President may fix a number of such emergency admissions for up to one year.

Title II would create an Office of Refugee Resettlement within HEW charged with administering all domestic assistance programs for refugees including those for: (1) reception and placement of refugees; (2) resettlement services; and (3) reimbursement to state and local governments.

The title would authorize: 100 percent reimbursement to state governments for cash and medical assistance provided to refugees for a 4-year period after arrival (the 4-year limitation does not apply during fiscal year 1980); funds for child welfare, special education, employment, language training, health and social services; and funds for initial resettlement.

OTHER VIEWS: The report contains additional, separate and minority views.

COST: CBO estimates the bill will cost \$444 million in fiscal 1980 and \$352 million in fiscal 1981.

POSSIBLE AMENDMENTS: By Mr. Fascell: to modify the definition of "refugee"; to delay transfer of initial resettlement programs from the State Department

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COST: CBO estimates the bill will cost \$444 million in fiscal 1980 and \$352 million in fiscal 1981.

POSSIBLE AMENDMENTS: By Mr. Fascell: to modify the definition of "refugee"; to delay transfer of initial resettlement programs from the State Department to the new office from fiscal 1981 to fiscal 1982; to double the Emergency Fund ceiling to \$50 million; to provide for a four-year phasedown of the Cuban refugee assistance program; to add a new Title IV dealing with asylum. By Mr. Sawyer: to reduce total number of immigrants allowed in each year by one for every two refugees admitted over 50,000 limit; to require refugees to first reach the country they decide to emigrate to, if other than the U.S., before being entitled to apply to enter the U.S. as immigrants. By Mr. Danielson: to extend the non-applicability of the 4-year limitation on federal support for refugee assistance through fiscal 1981. By Mr. Moorhead: to strengthen consultation provisions. Other amendments would strike Title III; and sunset the admission level provisions after three years.