

The original documents are located in Box 26, folder “Vietnam and Cambodia (4)” of the Loen and Leppert Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

~~CONFIDENTIAL WORKING COMMITTEES~~

PRINTED

APRIL 17, 1975

94TH CONGRESS
1ST SESSION

H. R. 6096

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1975

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

A BILL

To authorize funds for humanitarian assistance and evacuation programs in Vietnam and to clarify restrictions on the availability of funds for the use of United States Armed Forces in Indochina, and for other purposes.

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 "Vietnam Humanitarian*
4 *Assistance and Evacuation Act of 1975".*

5 SEC. 2. There is authorized to be appropriated to the
6 President for the fiscal year 1975 not to exceed \$150,000,-
7 000 to be used, notwithstanding any other provision of law,
8 on such terms and conditions as the President may deem

J. 50-887



1 appropriate for humanitarian assistance ⁱⁿ and evacuation pro-
 2 grams ^{from} ~~in~~ South Vietnam.

3 SEC. 3. Nothing contained in section 839 of Public Law
 4 93-437, section 30 of Public Law 93-189, section 806 of
 5 Public Law 93-155, section 13 of Public Law 93-126,
 6 section 108 of Public Law 93-52, or any other comparable
 7 provision of law shall be construed as limiting the availa-
 8 bility of funds for the use of the Armed Forces of the United
 9 States for the purposes of section 2 of this Act.

10 SEC. 4. For the purposes of section 2, evacuation shall
 11 be defined as the removal to places of safety as expeditiously
 12 *without the use of military force, if possible, but should it become necessary* as possible, ~~and~~ with the minimum use of necessary force, *and essential,*
 13 the following categories of persons:
 14 (a) American citizens;
 15 (b) dependents of American citizens *and of*
 16 *permanent residents of the United States*
 17 (c) Vietnamese nationals eligible for immigration to

18 the United States by reason of their relationships to
 19 American citizens; and

20 (d) such other foreign nationals to whose lives a
 21 direct and imminent threat exists: *Provided, That*
 22 United States Armed Forces necessary to carry out their
 23 evacuation do not exceed those necessary to carry out
 24 the evacuation of (a), (b), and (c) above. *A*

25 SEC. 5. Nothing in this Act shall be construed to abro-

Provided further, that the authority granted by this section shall not permit or extend to any action or conduct not essential to effectuate and protect the evacuation referred to this section.

1 gate any of the provisions of the War Powers Resolution,
2 Public Law 93-148.

3 SEC. 6. Funds heretofore or hereafter made available
4 under section 36 of the Foreign Assistance Act of 1974
5 may be used for humanitarian assistance purposes without
6 regard to limitations contained in subsections 36(a) (1),
7 36(a) (6), and 38(a) (1) *and the third sentence of subsection 37(b)* of that Act.

8 SEC. 7. Any of the provisions of this Act may be
9 rescinded by concurrent resolution of the Congress.



April 18, 1975

INFORMATION MEMORANDUM FOR THE ADMINISTRATOR

THRU: ES

FROM: GC/LPC, Denis M. Neill

SUBJECT: H.R. 6096, as reported by House International Relations Committee

On Thursday, April 17, the House Committee on International Relations met to consider H.R. 5960 and H.R. 5961, the Administration proposals for evacuation authority and humanitarian aid, and H.R. 6096, Chairman Morgan's combined bill. The Committee voted, 18-7, to report the Morgan bill, with five amendments. A summary of the amendments follows.

1. Wolff - to change title of bill to "waive certain" restrictions rather than to "clarify" restrictions. Withdrawn.
2. Bingham - to strike section 2 which authorizes \$150 million for humanitarian aid and evacuation. Defeated, record vote, 6-16.
3. Solarz - to delay use of troops until President certifies it impossible to work a deal with the DRV and the PRG. Defeated, record vote, 6-18.
4. Wolff - to delete authority to waive any provision of law affecting use of evacuation funds. Defeated, voice vote.
5. Broomfield - to assure that humanitarian aid is spent in South Vietnam but evacuation funds may be spent outside South Vietnam. Adopted, voice vote.
6. Riegle - to strike the bill and substitute \$200 million in aid through international organizations. Defeated, voice vote.

7. Wolff - to delete the authority to waive troops restrictions not specifically mentioned in the law. Defeated, voice vote.
8. Whalen - to delete the authority to use troops for evacuation. Defeated, record vote, 7-18.
9. Wolff - to amend Bingham Amendment (No. 11) to delete authority to waive troop restrictions not specifically mentioned. Defeated, record vote, 8-18.
10. Solarz - to amend Bingham Amendment (No. 11) to permit evacuation of Vietnamese who can reach American vessels. Defeated, division vote, 11-11.
11. Bingham - to delete authority to use troops to evacuate Vietnamese or other foreign nationals not eligible for immigration to the U.S. Defeated, record vote, 7-19.
12. Fountain - to require nonmilitary evacuation, if possible, before use of troops. Adopted, voice vote.
13. Broomfield - to include dependents of permanent U.S. residents as equally eligible for evacuation as dependents of citizens. Adopted, voice vote.
14. Solarz - to limit troops to 20,000 and to limit military action allowed by those troops in various ways. Defeated, voice vote.
15. Solarz - to prohibit use of troops to carry out any action not essential to the evacuation. Adopted, voice vote.
16. Whalen - to lift limit on use of funds for adoption of Vietnamese orphans by U.S. citizens. Adopted, voice vote.
17. Meyner - to require that humanitarian aid be channeled through international and multilateral institutions and private voluntary agencies, Defeated, record vote, 7-17.

18. Solarz - to amend DuPont Amendment (No.19)
to limit use of troops to 30-day time
period. Defeated, record vote, 8-15.
19. DuPont - to limit use of troops for evacuation to
15-day time period. Defeated, record
vote 9-14.
20. Hamilton - to limit all funds, including expenditures
for use of troops, to \$75 million, and to
separate humanitarian aid fund from
evacuation fund. Defeated, record vote, 7-16.

House Floor Action

Floor action is scheduled in the House for Tuesday, April 22. We anticipate that the major fights will be on the use of troops under any circumstances and on the evacuation of Vietnamese. The Committee Report has been drafted to eliminate as many other issues as possible, to restrict floor fights to these two major issues.

Confidential

[COMMITTEE PRINT]

[REPORTED WITH AMENDMENTS]

(NOTE.—Fill in all blank lines except those provided for the date and number of report. Strike out "bill" or "joint resolution" as the case may be.)

94th CONGRESS

1st SESSION

HOUSE OF REPRESENTATIVES

REPORT

No. _____

VIETNAM HUMANITARIAN ASSISTANCE AND EVACUATION ACT
OF 1975

—Ordered to be printed

Mr. Morgan, from the Committee on

International Relations, submitted the following

REPORT

together with ADDITIONAL VIEWS

[To accompany H. R. 6096]

The Committee on International Relations,
to which was referred the ^{bill} ~~joint resolution~~ (H. R. 6096)

to authorize funds for humanitarian assistance and evacuation
programs in Vietnam and to clarify restrictions on the availability
of funds for the use of United States Armed Forces in Indochina,
and for other purposes,

having considered the same, reports favorably
thereon with amendments and recommends that the
bill
~~joint resolution~~ do pass.

The amendments are as follows:



14
C-4 A.C.

BACKGROUND

On March 4, 1975, the North Vietnamese and their allies in South Vietnam, the Vietcong, opened a major assault in the Central Highlands of Vietnam in flagrant violation of the Paris Peace Accords of 1973. In ensuing days the Government of South Vietnam retreated from large portions of its territory while its forces were under attack by the other side. ~~An estimated one million refugees were created as~~ *(Uncounted numbers of)* South Vietnamese citizens fled before the Communist onslaught *and it is estimated that approximately one million new refugees are now present in areas controlled by the Government of South Vietnam.*

At present a crisis situation prevails in South Vietnam. The government of that beleaguered country is attempting to stabilize the situation but it has been weakened and demoralized by the recent reverses. Its efforts are being complicated by the need to feed, clothe and shelter hundreds of thousands of displaced persons. The future of the country and its government are, at best, uncertain.

In the current emergency situation there are two clear priorities:

First, to permit plans to go forward for the evacuation of thousands of American citizens and their dependents who are now residing in South Vietnam;

Second, to provide immediate humanitarian assistance to the hundreds of thousands of men, women and children who have been uprooted and made destitute as a result of the fighting.

It is because of these harsh realities that this legislation has been formulated and reported by the Committee.



H
C-112

COMMITTEE ACTION

On April 14, 1975, the President sent to the Congress three bills relating to the current situation in Vietnam. Two of the bills were introduced by request the following day by Chairman Morgan and were referred to the Committee on International Relations.

One of the bills, H.R. 5960, dealt with the availability of funds for the use of U.S. armed forces to carry out evacuation from South Vietnam. The other bill, H.R. 5961, dealt with additional economic assistance for South Vietnam.

The bills were proposed by the President in order to carry out his proposals with respect to South Vietnam presented in his State of the World message to a joint session of Congress on April 10.

The Committee had previously begun a series of hearings and briefings on the situation in South Vietnam. On March 26, the Subcommittee on Investigations, Chaired by Mr. Hamilton, received a briefing in executive session on the political and military situation in South Vietnam from Major Charles Campbell, Chief, Vietnam Section, Southeast Asia Military Capabilities Branch, Defense Intelligence Agency, and Robert Wenzel, Director, Vietnam Task Force, Department of State.

On April 9, the full Committee received a briefing on the refugee situation in South Vietnam from Daniel Parker, Administrator of the Agency for International Development, Leonard F. Walentynowicz, Administrator, Bureau of Security and Consular Affairs, Department of State, and Frank L. Kellogg, Special Assistant to the Secretary of State for Refugee and Migration Affairs. The same day, the full Committee was briefed in executive session on the political and military



situation in South Vietnam by Philip Habib, Assistant Secretary of State for East Asian and Pacific Affairs, and General Frederick C. Weyand, Chief of Staff, United States Army, who had just returned from Vietnam where he was sent by the President to assess the military situation.

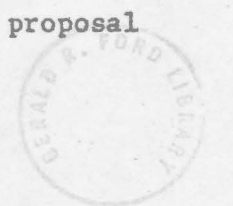
On April 14, the Subcommittee on Investigations met on the Vietnam emergency. The witnesses were Assistant Secretary Habib and Arthur Z. Gardiner, Assistant Administrator for East Asia, Agency for International Development.

On April 15, A.I.D. Administrator Parker and Garnett A. Zimmerly, Deputy Assistant Administrator for East Asia, Agency for International Development, appeared before the Committee on behalf of the President's proposal to authorize additional economic assistance for South Vietnam.

On April 16, the Subcommittee on Investigations had a briefing on the situation in Vietnam from William A. Christison, National Intelligence Officer, Southeast Asia, Central Intelligence Agency. In addition, the full Committee held a hearing on the President's proposal with respect to legal restrictions on use of United States forces for evacuation of personnel from Vietnam. The witnesses were the Honorable Les Aspin, Assistant Secretary Habib, and Monroe Leigh, Legal Adviser, Department of State. The hearing was followed by an examination of various evacuation contingencies in an executive session.

Secretary of State Henry A. Kissinger also appeared before the Committee on the situation in Indochina on April 18.

At a Committee mark-up session on April 17, a draft proposal combining the purposes of both H.R. 5960 and H.R. 5961 -- evacuation and humanitarian assistance -- was put forward by the Chairman and was accepted as a working document by the Committee. The same day the Chairman introduced the proposal in the House as H.R. ⁹⁶6059.



The Committee considered both the President's requests and H.R. 6096 in morning and afternoon open mark-up sessions which lasted more than six hours. During the mark-up, the Committee debated and carefully considered nineteen amendments which dealt with a wide range of alternatives for a U.S. response to the emergency in South Vietnam. Of these, three were adopted. Upon completion of the mark-up, the Committee ordered the bill, as amended, favorably reported by a vote of 18 to 7.



64
10-1-59
INFLATIONARY IMPACT STATEMENT

This legislation provides one-time emergency assistance to cope with a crisis situation which currently exists in South Vietnam. It has no specifically identifiable inflationary impact.



104 AC

PRINCIPAL PURPOSES OF THE BILL

The principal purposes of the bill are several:

- ① 1) It authorizes an appropriation of not to exceed \$150 million to the President for humanitarian assistance in, and evacuation from, South Vietnam.
- ① 2) It modifies ^{five} ~~specific~~ provisions of law barring the use of funds for the re-introduction of U.S. armed forces into Indochina hostilities ~~to~~ ^{in order to} ~~exempt such re-introduction as might be necessary~~ ^{permit the use of such forces, under closely limited and specified conditions,} to effect a humanitarian evacuation of American citizens, their dependents, and certain other limited categories of persons.
- ① 3) It lifts dollar ceilings and other restrictions in the Foreign Assistance Act of 197⁴ relating to Vietnam. This will permit funds already authorized for Indochina Postwar Reconstruction but not yet appropriated to be used for humanitarian purposes in Vietnam. It will also permit reprogramming for humanitarian purposes of Indochina funds already appropriated but not spent in Cambodia and South Vietnam.



1.2
CJC
1.2

COMMITTEE AMENDMENTS

The Committee adopted three amendments to the composite bill introduced by Chairman Morgan, as follows:

fl left
int (Use of Military Force)

Section 4 defined evacuation as the removal of certain persons to places of safety with the minimum use of necessary force. The Committee amendment adds language to emphasize that the evacuation should be carried on "without the use of military force, if possible" but if "it becomes necessary and essential" then it should be carried on "with the minimum use of necessary force." The evacuation is not, therefore, to be a cover for other military activities.

fl left
int (Limitation on Authority)

Section 4 provides and defines the authority for United States Armed Forces to carry out the evacuation of certain persons. The Committee amendment limits the authority further to action or conduct "essential to effectuate and protect the evacuation referred to in this section" only. This language emphasizes once again the limited scope of an evacuation.

fl left
int (Availability of Foreign Assistance Funds for Orphans)

Section 6, which lifts ^{some of} the ceilings contained in sections 36 and 38 of the Foreign Assistance Act of 1974, was amended to include the third sentence of section 37 (b) of the Foreign Assistance Act of 1974. This will lift the funding restriction currently in the law which limited assistance, including transportation expenses, that can be furnished on behalf of South Vietnamese orphans adopted by United States citizens to \$1 million. *10 percentum of the total amount spent on children in South Vietnam*



COMPARISON WITH THE EXECUTIVE BRANCH REQUEST

While the Committee bill was occasioned by the urgent request made by the President in his April 10 speech to Congress, it contains significant improvements upon the legislative proposals which the Executive Branch submitted to the Congress.

1. The bill provides funds for humanitarian assistance to refugees and for an evacuation in a single bill.

The Executive Branch asked for separate legislation for humanitarian assistance for refugees and for a humanitarian evacuation of Americans and others from Vietnam.

The Committee bill joins both objectives in a single fund, so that money not required for evacuation purposes may be used to feed, house and clothe war victims.

2. It strictly limits the categories of individuals for whom an evacuation may be undertaken.

The Executive Branch proposal called for an evacuation of both Americans and Vietnamese which could have involved 200,000 or more persons, according to testimony received by the Committee.

The Committee bill limits the categories of persons to be evacuated to four:

First and foremost, American citizens;

Second, Dependents of American citizens and of permanent residents of the United States;

Third, Vietnamese nationals eligible for immigration to the United States by reason of their family relationships to American citizens; *and*



Fourth, third country nationals and Vietnamese whose lives are in imminent and direct danger, but only to the extent that they can be removed without the introduction of force additional to the requirements of an evacuation of persons in the first three categories.

Ind. 3. It makes clear that use of United States armed forces in an evacuation is to be a last resort.

The Executive Branch proposals would have permitted the use of United States Armed Forces in an evacuation without qualification.

The Committee bill makes clear that the use of force in undertaking an evacuation is to be a last resort, and that if force is used, it should be kept to a minimum necessary to effect the withdrawal.



NO MILITARY ASSISTANCE PROVIDED

The funds authorized by this legislation are to be used for two purposes only -- both essentially humanitarian in nature:

- An evacuation of persons from the war zone in South Vietnam; and
- Care of refugees created by a war situation.

None of the funds authorized in the legislation may be used for military purposes either by the South Vietnamese or by our own United States armed forces.

The bill does, however, modify certain provisions of law to permit funds available to the government to be used for the single, narrow purpose of safeguarding an evacuation from South Vietnam -- and for that purpose only.

In waiving the several provisions of law which prohibit the use of funds to support the use of U.S. Armed Forces in Indochina, the Committee intends that the authorities contained in this bill will be used solely to finance the operations of such minimum forces as may be necessary and essential to effectuate the evacuation from South Vietnam of the limited categories of persons eligible for evacuation under this ^{bill} Act.

Therefore, the Committee urges the President to reduce the number of individuals to be evacuated as rapidly as possible so as to minimize the possibility that military force will be required to accomplish the evacuation.



COSTS ESTIMATE *over*

Pursuant to clause 7 of Rule XIII of the House Rules, the Committee has examined the requests submitted by the President to carry out the humanitarian and evacuation programs authorized by this bill. It has made adjustments in the requests and recommends \$150,000,000.

Since the funds authorized by this bill are for a one time emergency the Committee does not expect any additional authorizations will be required. *1 f*

STATEMENT REQUIRED BY RULE XI (1)(3) OF HOUSE RULES *disc*

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

Stat (A) Oversight findings and recommendations: Because this is emergency-type legislation no oversight findings and recommendations were made. However, the Subcommittee on Investigations is currently conducting an in-depth review of U.S. policies in Indochina.

Stat (B) Congressional Budget Act Section 308(a) requirement: This measure provides for \$150 million in new budget authority.

Stat (C) Congressional Budget Office estimate and comparison: No estimate and comparison prepared by the Director of the Congressional Budget Office under Section 403 of the Congressional Budget Act of 1974 has been received by the committee.

Stat (D) Committee on Government Operations summary: No oversight findings and recommendations have been received which relate to this measure from the Committee on Government Operations under clause 2(b)(2) of Rule X.



Section by Section Analysis)

SECTION 1--

Section 1 establishes title of ^{the bill} Act as "Vietnam Humanitarian Assistance and Evacuation Act of 1975".

SECTION 2--

Section 2 authorizes the appropriation of \$150,000,000 for humanitarian assistance programs in South Vietnam and for evacuation of certain categories of individuals from that country.

Of the funds provided in this section, \$73,000,000 , together with the funds previously authorized but unappropriated and referred to in Section 6 of this ^{the bill} Act, is intended to cover costs in the humanitarian assistance program requested by the President. The remaining \$77,000,000 is intended to be available for nonmilitary expenditures associated with the evacuation, including such costs as have been incurred in the transportation of Vietnamese orphans to the United States.

Subject to the limitations contained in other provisions of the bill, it is the intent of the Committee to make available to the President the authorities of the Foreign Assistance Act of 1961, as amended, and of other relevant federal statutes in carrying out the humanitarian projects presented by the Administration and in making funds available to meet the costs of evacuation and the immediate needs of the evacuees. (These authorities include contracting, travel and administrative authorities, and the authority to carry out projects through the auspices of voluntary agencies and international organizations such as the International Committee of the Red Cross.)



21
SECTION 3

Section 3 assures that ^{the} ~~all~~ provisions of law which restrict the use of funds for the use of United States ~~Armed~~ Forces in Indochina will not impede the specific evacuation authorized by this ^{b: //} Act. Section 3 is not a blanket waiver for the use of American forces in Indochina. The use of such forces is carefully limited and circumscribed in sections 4 and 5 of this ^{b: //} Act.

Section 3 waives the following five specific provisions of law which otherwise might limit the President's authority to use appropriated funds to effectuate and insure the safe evacuation of persons described in section 4 of this ^{b: //} Act:

1. Section 839 - Department of Defense Appropriations Act of 1975 (PL 93-437) enacted October 8, 1974.

Sec. 839. None of the funds herein appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.


2. Section 30 - Foreign Assistance Act of 1973 (PL 93-189) enacted December 17, 1973.

TERMINATION OF INDOCHINA WAR

Section 30. No funds authorized or appropriated under this or any other law may be expended to finance military or para-military operations by the United States in or over Vietnam, Laos, or Cambodia.

3. Section 806 - Military Procurement Authorization of 1974 (PL 93-155) enacted November 16, 1973.

Section 806. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities



in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress.

4. Section 13 - Department of State Appropriations Authorization Act of 1973 (PL 93-126) enacted October 18, 1973.

REQUIREMENT FOR CONGRESSIONAL AUTHORIZATION FOR THE
INVOLVEMENT OF AMERICAN FORCES IN FURTHER HOSTILITIES
IN INDOCHINA, AND FOR EXTENDING ASSISTANCE TO NORTH
VIETNAM

Sec. 13. Notwithstanding any other provision of law, on or after August 15, 1973, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

5. Section 108 - Continuing Appropriations for Fiscal Year 1974 (PL 93-52) enacted July, 1973.

Sec. 108. Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia.



The phrase "any other comparable provisions of law" is included to assure that the intent of this section will not be defeated by an inadvertent omission of a provision of law identical in impact to the specific sections cited. Under no circumstances is this phrase to be interpreted to authorize any activities other than those for the very clearly limited purposes specified in this Act. ^{bill}

The authority of this section cannot be used to authorize any activities other than those necessary and essential for the evacuation described in Section 4.

41
SECTION 4

Section 4 defines "evacuation" as:

"The removal to places of safety as expeditiously as possible, without the use of military force if possible, but should it become necessary and essential, with the minimum use of necessary force" of four categories of persons:

First and foremost, United States citizens;

Second, dependents of American citizens and of permanent residents of the United States;

Third, Vietnamese nationals eligible for immigration to the United States by reason of their relationships to American citizens; and

Fourth, such foreign nationals to whose lives a direct and imminent threat exists -- provided that the military forces necessary to carry out their evacuation do not exceed those numbers necessary to carry out the evacuation of the first three groups.

While the Committee recognizes that the use of military personnel may be required to effectuate the evacuation of persons described in this section, the Committee expects the Executive Branch to make every effort to avoid the use of armed force to accomplish its evacuation programs. This section also makes clear that, if military force is required, it cannot be used for any purpose other than evacuation. The Committee understands that "relationships" which make Vietnamese nationals eligible for immigration to the United States includes Vietnamese fiancées of American citizens.



The Committee recognizes that the situation is changing rapidly and the President should have a reasonable degree of flexibility to meet such contingencies as may arise. The Committee is not averse to changes in the tentative program presented so long as the projects are of a humanitarian nature and consistent with the intent of this ^{bill} Act. It is the Committee's intent that any funds used for evacuation purposes be used only for immediate, short-term requirements.

The Committee expects the Executive Branch to maintain a continuous dialogue with the Congress on uses and proposed uses of the funds made available by this section. The Committee notes that the Congress retains the power to rescind any of the provisions of this ^{bill} Act by concurrent resolution.



SECTION 5--)

Section 5 states that nothing in the ^{bill} ~~Act~~ in any way abrogates the provisions of the War Powers Resolution.

The President has been ^{submitting reports to the Congress pursuant} ~~complying with the War Powers Resolution~~ to the War Powers Resolution with respect to ~~in consulting with and reporting to the Congress on~~ the use of armed forces in the recent emergency evacuation from South Vietnam and Cambodia.

The requirements of the War Powers Resolution, and the authority which it reserves to the Congress, remain unchanged by this ^{bill} ~~Act~~. The power of the Congress to terminate the use of United States Armed Forces applies to the situation to which this legislation is addressed and is reinforced by the language specifically included in this ^{bill} ~~Act~~.



It should be emphasized that these exemptions apply only to humanitarian assistance and in no way ^{alter} ~~later~~ existing limitations on assistance for other purposes.



SECTION 6--)

This provision would permit economic assistance funds appropriated for Indochina aid for FY 1975 under section 36 of the Foreign Assistance Act of 1974 to be used for humanitarian assistance purposes without regard to certain limitations now contained in that ~~Act~~ ^{Act.}

Under section 36, \$617 million has been authorized for economic assistance for Indochina for this fiscal year. Of this amount, \$440 million has been appropriated by the Foreign Assistance and Related Programs Appropriation Act for FY 1975. The remaining \$177 million of that authorization, together with such previously appropriated funds as may be ^{under law} or become available, may be used for humanitarian programs under this section.

The provisions of the Foreign Assistance Act of 1974 from which the funds would be exempt are:

- ~~S~~ubsection 36(a)(1), which now limits to \$449.9 million the amount of economic assistance (other than Public Law 480 food aid) that may be provided for South Vietnam in FY 1975;
- ~~S~~ubsection 36(a)(6), which now limits to \$7 million the amount of economic assistance that may be provided for humanitarian aid for Indochina through international organizations in FY 1975;
- ~~S~~ubsection 38(a)(1), which now limits to \$90 million the amount of economic assistance for South Vietnam that may be used for humanitarian aid in FY 1975; and
- ~~t~~hat portion of subsection 37(b) which now limits to ten percent of the FY 1975 funds provided for assistance to South Vietnamese children, the amount that may be used for adoption of South Vietnamese children by U.S. citizens.



22
SECTION 7--

Section 7 permits ^{the} Congress to rescind the authorities contained in this bill by the adoption of a concurrent resolution.



1. Page 2, line 12, strike out "and" and insert in lieu thereof the following: "without the use of military force, if possible, but should it become necessary and essential,".

2. Page 2, line 23, after "above" insert the following: " : Provided further, That the authority granted by this section shall not permit or extend to any action or conduct not essential to effectuate and protect the evacuation referred to in this section".

3. Page 3, line 7, after "38 (a) (1)" insert the following: "and the third sentence of subsection 37 (b)".

3. Page 3, line 7, strike "and" and insert after "38 (a) (1)" the following: "and the third sentence of subsection 37 (b)".



94th Congress
Committee on International Relations
House of Representatives

Report 614
age 10

Subject: _____

Name and State	Present at Start of Meeting	Present
Thomas E. Morgan, Pa., Chmn.	✓	
Clement J. Zablocki, Wis.	✓	
Wayne L. Hays, Ohio	✓	
L. H. Fountain, N.C.	✓	
Dante B. Fascell, Fla.	✓	
Charles C. Diggs, Jr., Mich.		
Robert N. C. Nix, Pa.		
Donald M. Fraser, Minn.		
Benjamin S. Rosenthal, N.Y.		
Lee H. Hamilton, Ind.	✓	
Lester L. Wolff, N.Y.		✓
Jonathan B. Bingham, N.Y.	✓	
Gus Yatron, Pa.		
Roy A. Taylor, N.C.		
Michael Harrington, Mass.		✓
Leo J. Ryan, Calif.		
Charles Wilson, Tex.		
Donald W. Riegle, Jr., Mich.		✓
Cardiss Collins, Ill.		✓
Stephen J. Solarz, N.Y.	✓	
Helen S. Meyner, N.J.		✓
Don Bonker, Wash.		✓

William S. Broomfield, Mich.	✓	
Edward J. Derwinski, Ill.	✓ (P)	
Paul Findley, Ill.		
John H. Buchanan, Jr., Ala.	✓	
J. Herbert Burke, Fla.	✓	
Pierre S. du Pont, Del.	✓	
Charles W. Whalen, Jr., Ohio		✓
Edward G. Biester, Jr., Pa.	✓	
Larry Winn, Jr., Kans.	✓	
Benjamin A. Gilman, N.Y.	✓ (P)	
Tennyson Guyer, Ohio	✓	
Robert J. Lagomarsino, Calif.	✓	
Total	18	7

~~CONFIDENTIAL WORKING COMMITTEE~~

~~PRINT~~

APRIL 17, 1975

94TH CONGRESS
1ST SESSION

H. R. 6096

IN THE HOUSE OF REPRESENTATIVES

APRIL , 1975

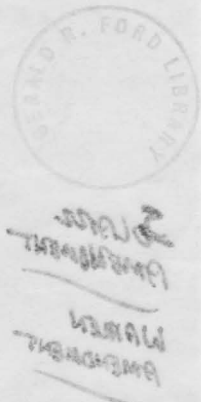
Mr. [redacted] introduced the following bill; which was referred to the Committee on [redacted]

A BILL

To authorize funds for humanitarian assistance and evacuation programs in Vietnam and to clarify restrictions on the availability of funds for the use of United States Armed Forces in Indochina, and for other purposes.

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 "Vietnam Humanitarian
4 Assistance and Evacuation Act of 1975".

5 SEC. 2. There is authorized to be appropriated to the
6 President for the fiscal year 1975 not to exceed \$150,000-
7 000 to be used, notwithstanding any other provision of law,
8 on such terms and conditions as the President may deem



1 appropriate for humanitarian assistance ⁱⁿ and evacuation pro-
2 grams ^{from} in South Vietnam.

3 SEC. 3. Nothing contained in section 839 of Public Law
4 93-437, section 30 of Public Law 93-189, section 806 of
5 Public Law 93-155, section 13 of Public Law 93-126,
6 section 108 of Public Law 93-52, or any other comparable
7 provision of law shall be construed as limiting the availa-
8 bility of funds for the use of the Armed Forces of the United
9 States for the purposes of section 2 of this Act.

10 SEC. 4. For the purposes of section 2, evacuation shall
11 be defined as the removal to places of safety as expeditiously
12 as possible, and with the minimum use of necessary force,
13 the following categories of persons:

14 (a) American citizens;

15 (b) dependents of American citizens ^{AND OF}
^{PERMANENT RESIDENTS OF THE UNITED STATES}

16 (c) Vietnamese nationals eligible for immigration to
17 the United States by reason of their relationships to
18 American citizens; and

19 (d) such other foreign nationals to whose lives a
20 direct and imminent threat exists: *Provided*, That
21 United States Armed Forces necessary to carry out their
22 evacuation do not exceed those necessary to carry out
23 the evacuation of (a), (b), and (c) above.

24 SEC. 5. Nothing in this Act shall be construed to abro-

1 gate any of the provisions of the War Powers Resolution,
2 Public Law 93-148.

3 SEC. 6. Funds heretofore or hereafter made available
4 under section 36 of the Foreign Assistance Act of 1974
5 may be used for humanitarian assistance purposes without
6 regard to limitations contained in subsections 36(a) (1),
7 36(a) (6), and 38(a) (1) of that Act.

8 SEC. 7. Any of the provisions of this Act may be
9 rescinded by concurrent resolution of the Congress.

CONFIDENTIAL WORKING

COMMITTEE PRINT

7 MAR 17 1975

H. R.

10080

V B I T

To authorize funds for humanitarian assistance
in Indochina, and for other purposes.

By Mr. [Name]

April 1, 1975

Report to the Committee on



Senate
Amendment
WARREN
AMENDMENT

~~CONFIDENTIAL WORKING~~
~~COMMITTEE PRINT~~

APRIL 17, 1975

94TH CONGRESS
1ST SESSION

H. R.

6096

A BILL

To authorize funds for humanitarian assistance and evacuation programs in Vietnam and to clarify restrictions on the availability of funds for the use of United States Armed Forces in Indochina, and for other purposes.

By Mr. *Morgan*

APRIL , 1975

Referred to the Committee on _____

Amendment Offered By Mr. Fountain

Page 2, line 12, strike out "and" and insert in lieu thereof the following:

without the use of military forces, if possible, but should it become necessary and essential,

Amendment Offered by Mr. Solarz

Amendment to page 2, line 23, after "above."

Provided further that the authority granted by this section shall not permit or extend to any action or conduct not essential to effectuate and protect the evacuation referred to in this section.

OK

Amendment Offered By Mr. Whalen

Page 3, line 7. After "38(a)(1)" insert the following: "and the third sentence of subsection 37(b)".

Amendment Offered By Mr. Whalen

Page 3, line 7. After "38(a)(1)" insert the following: "and the third sentence of subsection 37(b)".

Amendment to the Working Draft

Offered by Mr. Hamilton, Du Pont, and Biester

Strike out all after the enacting clause and substitute the following:

"Section 2. In addition to amounts otherwise authorized for such purposes, there is authorized to be appropriated to the President not to exceed \$73,000,000 to carry out the humanitarian purposes of Part V of the Foreign Assistance Act of 1961, as amended, for South Vietnam for the fiscal year 1975. Funds made available for economic assistance for Indochina may be used for humanitarian purposes without regard to the limitations contained in subsections 36(a) (1), 36(a) (6), and 38(a) (1) and the percentage limitation in subsection 37 (b), of the Foreign Assistance Act of 1974, Public Law 93-559, approved December 30, 1974 (88 Stat. 1975).

"Section 3. There is authorized to be appropriated to the President for fiscal year 1975 not to exceed \$75,000,000 to be used, notwithstanding any other provision of law, for evacuation from South Vietnam.

"Section 4. Nothing contained in Section 839 of Public Law 93-437, Section 30 of Public Law 93-189, Section 806 of Public Law 93-155, Section 13 of Public Law 93-126, Section 108 of Public Law 93-52, [or any other comparable provision of law] shall be construed as limiting the availability of funds, authorized in Section 3, for the use of Armed Forces of the United States for the sole purpose of evacuation from South Vietnam.

"Section 5. Such evacuation shall include:

- (a) American citizens and dependents of American citizens on a priority basis;
- (b) Foreign nationals provided that United States Armed Forces

necessary to carry out their evacuation do not exceed those
necessary to carry out the evacuation of (a) above.

"Section 6. Nothing in this Act shall be construed to abrogate
any of the provisions of the War Powers Resolution, Public Law 93-148.

"Section 7. Any of the provisions of this Act may be rescinded
by concurrent resolution of the Congress."

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To authorize funds for humanitarian assistance and evacuation programs in Vietnam and to clarify restrictions on the availability of funds for the use of U.S. Armed Forces in Indochina, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Humanitarian Assistance and Evacuation Act of 1975."

Sec. 2. There is authorized to be appropriated to the President for the fiscal year 1975 not to exceed \$150,000,000 to be used, notwithstanding any other provision of law, on such terms and conditions as the President may deem appropriate for humanitarian assistance and evacuation programs in South Vietnam.

Sec. 3. Nothing contained in Section 839 of Public Law 93-437, Section 30 of Public Law 93-189, Section 806 of Public Law 93-155, Section 13 of Public Law 93-126, Section 108 of Public Law 93-52, or any other comparable provision of law shall be construed as limiting the availability of funds for the use of the Armed Forces of the United States for the purposes of Section 2 of this Act.

Sec. 4. For the purposes of Sec. 2, evacuation shall be defined as the removal to places of safety as expeditiously as possible, and with the minimum use of necessary force, the following categories of persons:

- (a) American citizens;
- (b) Dependents of American citizens *and of permanent residents of the United States;*
- (c) Vietnamese nationals eligible for immigration to the United States by reason of their relationships to American citizens; and
- (d) Such other foreign nationals to whose lives a direct and imminent threat exists, provided that United States armed forces necessary to carry out

* 177, m. m. - already approp.
35 m. m. - unexpended.



their evacuation do not exceed those necessary to carry out the evacuation of (a), (b) and (c) above.

Sec. 5. Nothing in this Act shall be construed to abrogate any of the provisions of the War Powers Resolution, Public Law 93-148.

Sec. 6. ^{hereafter or} Funds hereafter made available under Section 36 of the Foreign Assistance Act of 1974 may be used for humanitarian assistance purposes without regard to limitations contained in subsections 36(a)(1), 36(a)(6) and 33(a)(1) of that Act.

Sec. 7. Any of the provisions of this Act may be rescinded by concurrent resolution of the Congress.



AMENDMENT TO WORKING DRAFT

Offered by Representatives du Pont and Biester

On page 3, after line 7, insert the following:

Sec. 7. Should the President introduce military forces into South Vietnam under the provisions of this Act, all such forces shall be withdrawn from South Vietnam within fifteen days from the arrival of the first contingent of such forces in South Vietnam.

And on line 8, renumber Sec. 7 as Sec. 8.

4/17/75

Adopted
V.V.

Solenz Amend - limit provided further auth
granted shall not extend to

Adopted
V.V.

Whelan Amend - proposed limit on auth for 1st for care
of orphans.

Meyner Amend P. 32.7 after "act" - humanitarian
assistance should be channelled thru private
agencies + organizations i.e. U.N., multi-lateral
institutions etc. not adopted

Brownfield Amend to Amend "to the extent
feasible".
Y IIII (7) N IIII (17) Not Adopted

Dupont - Beeder - by P. Introductory Amend Jones
All such forces shall be withdrawn w/ 15 days
after arrival (time limit on auth to use military
force). Roe
Y IIII (9) N IIII (14) Not adopted.

Solenz Amend to Amend Chg 15 days to 30 days
8-Y - 15-N Not adopted

Dupont Amend and in nature of Substitute
Y IIII (7) N IIII (16)

Days comes back to next'd

Roll on Final Passage

Y IIII (18)

Woff, Hays, Jr, Collins, Bonder,
Whelan

N IIII (10)

P Call Hays Morgan + Brownfield

Substitute
Leigle Amel - 4th after working class
room with to P for humanitarian merit.
wants to address only humanitarianism in American.

Hamilton - Brester - New Port Amherst

Walt Demand - Rtn "any other prov. flow"

~~Rev~~ V.V. - not adopted

Whelan Amend - prohibits waiver of restrictions
+ limits flexibility - Reigel in strong support.

Bingham - oppose Wilson amendment

$\frac{y}{iii}$ (7) $\frac{N}{iii}$ (18) Not a dyline

Bingham Award - no involvement of U.S. govt
in case of foreign nationals. ~~II~~ ⁴ ~~II~~ ^{II} ~~II~~ ^{not} ~~II~~ ^{advised}

Waiver Amend to Amend - delete "or any other prov. of law"

8 days 18 days - not adopted

✓ 8 pages 18 pages - not adopted
✓ Solary Amend - 4-11 - N-11 - not adopted

Adapted

Broomfield Amend - "and I permanent resident of the United States"

Adopted

Foreign
Border Guard - local other foreign nat'l w/o U.S. from
necessary

Salary Amend Proposed Amend For
Loc. Only under limited circumstances. Not Adopted

Forcell - of the lang that permits Puerto Rico any other form of flow

Zablocki - needs money to keep up commercial

Morgan - Needs Money under auth of Reason Act + by 75 auth, to —

Woff - If amend defeated I'll offer amend to Sec. —

Roll Call on Bingham Amend - Not adopted

Y (6) N 18
||||| ||||| ||||| |||||

Salary Amend - Permits to Congress that nothing can be worked out w/ No Vietnam to get people out before use of U.S. Forces.

Roll Call on Salary - not adopted

Y (6) N (18)
||||| (6) ||||| (18)

Legislative days A + N

Interim " A + N

Woff - Amend - Delete "Notwithstanding anything from flow" - opens up Pandora box - opened ended + like Tonkin Gulf Res. — If other laws involved state responsibility.

Woff - needed lang to prevent lawsuits to stop the action desired.

Morgan - Foreign Aid Auth, out of this limit is example.

V.V. - Not adopted

Bloomfield Amend - after assistance still in "unlike from from S. Vietnam" - technical Amend —
W/O Ob. As ordered.

177
73
250

Bingham Amendment - delete per 2 - auth for
loas. in another position - Not then is 150 m not
req'd for loas. or turn. cost. Wants to limit aid
to 177 m for humanitarian cost. + no funds for execution
which will be covered out by DOD.

Zelickhi - the amend puts the ball & they should have
loas. funds.

Bingham - Admin needs no req't for funds for loas.

Morgan - Admin did as req't in other body. Fine
floor

Hamilton - Q. the amt & breakdown - 177 auth
no approp. + req't here for 150 = 327 - wants
for on amt being made available.

Morgan - 177 m auth for turn aid - should have
75-100m for exec. purposes.

Hamilton - Don't disagree but auth³ 307 m which
is 77 m over what Admin req'd.

Morgan - See State in other body paid converging
fund recovery - Q is ant.

Hamilton - Shouldn't do it based on irrelevant
repts.

Fontaine - Q's Sec. 3.

Morgan - no there are limits - we do put limits
on amt & can use for loas.

Wolff - Maybe Admin can find another 21 m error as they
did in Cambodia

Thurwell - tel of auth to be used is \$177 m in (program)
+ that would be perused + release this money for other
purposes. I take orig. rept of A = 250 + this rept =
327 - DOD Budget deals w/ cost of loas. - 16 auth'd for
mil. asst. 700 m appropriated - how much left.

His pt is that funds for loas. are not used in the
for mil. asst. req'd.

Hamilton - Q - how was the 150m arrived at?

Morgan -

Hamilton - Separate doc. from evacuation - 150m
flushed from air & higher than
what Admin Reg'd.

Bill as submitted relates only to
humanitarian &

Morgan - this bill only for the present emergency
& not long term humanitarian aid.

Hamilton - Admin bill calls for 100+ humanitarian
cost & doubling out in this bill.
Needs more substantiation for 150m.

Q - foreign nat'l law (d)

Morgan - things that can be discussed

Lajomarsaus - agree only one bill - P deadline
May Reg' look over weekend & next
wk but oblige to colleagues & nation
to act rapidly. - Then not issuing
visa. —

Wolff - Q Admin position on long in time on issue
of armed forces - Clarity on warning
restrictions

Morgan - spell out what it means

Wolff - don't require trace. w humanitarian asst.

Morgan - Q 150m for Evac + Human Assist - how is it
split up - use all for tabs & not for the
assist. incl'd.

Morgan - Take 150 + 73 - have approx 73m left for
Evac. asst.

Reefe - issue of Clamor & Staff that I need auth to use
America to use military force - legal auth to take
out American! - Morgan no - Zolochi lgs to clear
restriction on Armed force.

THE WHITE HOUSE

WASHINGTON

April 17, 1975

MEMORANDUM FOR: LT. GENERAL BRENT SCOWCROFT
THRU: MAX L. FRIEDERSDORF
FROM: VERN LOEN *VL*
SUBJECT: Republican Whip Check

House GOP Whip, Bob Michel, R-Ill., conducted a Republican Whip Check today on the following question:

"Would you vote for any military assistance to Vietnam?"

Responses were as follows:

46 45 Y (many qualified)

63 62 N

14 Undecided

21 23 NR

It is worth noting that had this vote been taken early this week there probably would have been more like 100 No's. Time seems to be working in our favor as the Members learn more about the military situation and evacuation contingency. Thus, a delay over the weekend capped by Secretary Kissinger testifying before the House Appropriations Committee on Monday and movement on the Senate side should prove salutary.

There should be no problem with humanitarian assistance. The Morgan-Broomfield bill passed this afternoon by a vote of 18 to 7. Amendments offered by Hamilton-du Pont-Biester were also defeated 18 to 7.



Amendment to the working Draft

Offered by Mr. Hamilton, duPont and Biester

Strike out all after the enacting clause and substitute the following:

"Section 2. In addition to amounts otherwise authorized for such purposes, there is authorized to be appropriated to the President not to exceed \$73,000,000 to carry out the humanitarian purposes of Part 5 of the Foreign Assistance Act of 1961, as amended, for South Vietnam for the fiscal year 1975. Funds made available for economic assistance for IndoChina may be used for humanitarian purposes without regard to the limitations contained in subsections 36(a)(1), 36(a)(6), and 38(a)(1) and the percentage limitation in subsection 37(b), of the Foreign Assistance Act of 1974, Public Law 93-559, approved December 30, 1974(88Stat: 97x 1975).

"Section 3. There is authorized to be appropriated to the President for fiscal year 1975, not to exceed \$75,000,000. to be used, notwithstanding any other provision of law, for evacuation from South Vietnam. "

Section 4. Nothing contained in Section 839 of Public Law 93-437, Section 30 of PL 93-189, Section 806 of PL 93-155, Section 13 of P.L. 93-126, Section 108 of PL 93-52, or any other comparable provision of law shall be construed as limiting the availability of funds authorized in Section 3, for the use of Armed Forces of the U.S. for the sole purpose of evacuation from South Vietnam.

"Section 5. Such evacuation shall include:

(a) American citizens and dependents of American citizens on a priority basis;
~~bx~~(b) Foreign nationals provided that U.S. Armed Forces necessary to carry out their evacuation, do not exceed those necessary to carry out the evacuation of (a) above.

"Section 6. Nothing in this Act shall be construed to abrogate any of the provisions of the War Powers Resolution, PL 93-148.

"Section 7. Any of the provisions of this Act may be rescinded by concurrent resolution of the Congress. "

Amendment to the working Draft

Offered by Mr. Hamilton, duPont and Biester

Strike out all after the enacting clause and substitute the following:

"Section 2. In addition to amounts otherwise authorized for such purposes, there is authorized to be appropriated to the President not to exceed \$73,000,000 to carry out the humanitarian purposes of Part 5 of the Foreign Assistance Act of 1961, as amended, for South Vietnam for the fiscal year 1975. Funds made available for economic assistance for IndoChina may be used for humanitarian purposes without regard to the limitations contained in subsections 36(a)(1), 36(a)(6), and 38(a)(1) and the percentage limitation in subsection 37(b), of the Foreign Assistance Act of 1974, Public Law 93-559, approved December 30, 1974(88Stat: ~~97~~ 1975).

"Section 3. There is authorized to be appropriated to the President for fiscal year 1975, not to exceed \$75,000,000. to be used, notwithstanding any other provision of law, for evacuation from South Vietnam. "

Section 4. Nothing contained in Section 839 of Public Law 93-437, Section 30 of PL 93-189, Section 806 of PL 93-155, Section 13 of P.L. 93-126, Section 108 of PL 93-52, or any other comparable provision of law shall be construed as limiting the availability of funds authorized in Section 3, for the use of Armed Forces of the U.S. for the sole purpose of evacuation from South Vietnam.

"Section 5. Such evacuation shall include:

(a) American citizens and dependents of American citizens on a priority basis;
~~xx~~(b) Foreign nationals provided that U.S. Armed Forces necessary to carry out their evacuation, do not exceed those necessary to carry out the evacuation of (a) above.

"Section 6. Nothing in this Act shall be construed to abrogate any of the provisions of the War Powers Resolution, PL 93-148.

"Section 7. Any of the provisions of this Act may be rescinded by concurrent resolution of the Congress. "

Committee on Foreign Affairs

April 21, 1975

TO: The Honorable Ray J. Madden, Chairman, Committee on Rules

FROM: The Honorable Thomas E. Morgan, Chairman Committee on International Relations

SUBJECT: Request for Waiver of Certain Provisions of the Rules of the House with Respect to H.R. 6096 as Reported and Supporting Statement

WAIVER REQUEST

The Committee on International Relations requests an open rule waiving points of order which invoke the following Rules of the House.

1. Rule XI, Clause 2(1)(6), which provides that a measure reported by any committee shall not be considered in the House until the third calendar day following the day in which the report of that committee upon the matter has been available to the Members of the House.

2. Rule XXI, Clause 5, which provides that no bill carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations.

STATEMENT SUPPORTING WAIVER REQUEST

Because of the urgency of evacuation from and humanitarian aid to South Vietnam, which H.R. 6096 addresses, the leadership of the House has scheduled this legislation for early floor action on Tuesday, April 22. As the Committee report on H.R. 6096 was made available to the Members of the House on April 18, compliance with Rule XI, Clause (1)(6) would mean that the bill could not be considered in the House until April 23, unless a waiver of that rule were granted.

Points of order may be raised against sections 3 and 6 of the bill, as well as the committee amendment to Section 6, on the ground that they contravene Rule XXI, Clause 5, of the Rules of the House, which provides that no bill carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations. The argument against both sections is that they constitute an appropriation of funds in that they make appropriated funds available for purposes for which they were not available when appropriated (see volume VII, Cannon's Precedents, section 2146).

2-- Honorable Ray J. Madden
April 21, 1975

Section 3 of the bill provides that several sections of law should not be construed as limiting the availability of funds for the use of the armed forces of the United States for evacuation from South Vietnam. Three of the five sections cited are authorizing acts and two are contained in appropriation Acts, including one in the form of a limitation on the use of funds appropriated by that Act for this fiscal year. A point of order may be raised against section 3, therefore, on the ground that the bill makes available, for the use of the armed forces in connection with an evacuation from South Vietnam, funds which were previously appropriated for purposes other than use by the armed forces in South Vietnam.

Waivers are required both for section 6 of the bill and for the Committee amendment to section 6 (which permits funds to be used for adoption of South Vietnamese children by U.S. citizens without regard to the percentage limitation in section 37(b) of the Foreign Assistance Act of 1974). Section 6, and the Committee amendment to Section 6, would permit certain funds previously appropriated for Indochina under Section 36 of the Foreign Assistance Act of 1974 to be used for humanitarian purposes in South Vietnam, despite ceilings put on the use of funds for such purposes in Section 36 and two other sections of that Act. A possible argument exists that section 6, and the Committee amendment to section 6, change the purposes for which funds previously appropriated may be used, in that funds originally appropriated for the purposes stated in section 36(a)-- and within the ceilings contained in that and other sections of that Act--would through this bill become available for humanitarian aid without regard to those ceilings. The funds for which this waiver is requested are a relatively small portion of the \$440 million which has already been appropriated in the Foreign Assistance and Related Programs Appropriation Act, 1975, pursuant to the \$617 million authorization for Indochina aid enacted in December 1974. Some of these Indochina aid funds-- in any case not exceeding \$25 million-- were programmed for purposes other than humanitarian aid for South Vietnam; section 6 of the bill, and the Committee amendment to section 6, would make them available for such humanitarian aid.

Both section 3 and section 6 are essential to carry out the fundamental purposes of H.R. 6096 because they will make possible an immediate response to the emergency situation in South Vietnam. They therefore require protection against the possibility that points of order may be raised and sustained against them.

Broomfield
Broomfield

DRAFT
April 26, 1975

~~Dear Bill:~~

As the House of Representatives begins final consideration of the Conference Report on the Vietnam humanitarian assistance bill, I want you to know how much I appreciate the hard work you and your colleagues have put into this vital legislation. The thorough examination of the issues, the constructive approach of so many members despite sincere differences of opinion, and the dedicated bipartisan leadership of the members of the International Relations Committee all represented the legislative process at its best.

The funds which will be made available by this legislation are urgently needed to meet the desperate needs of thousands of South Vietnamese who have lost their homes and virtually everything else in their effort to escape the North Vietnamese aggression. I hope the House will act as soon as possible to provide the additional resources and authorities needed to permit our Government to respond fully to the challenge of this tragedy with the compassion and effectiveness of the American tradition.

~~Sincerely,~~

~~Gerald R. Ford~~

The Honorable William Broomfield
U. S. House of Representatives
Washington, D. C.



Read to Lillian
on 4/28/75



DEPARTMENT OF STATE

Washington, D.C. 20520

CONFIDENTIAL/NODIS

April 26, 1975

MEMORANDUM

TO: Mr. John O. Marsh, Jr.
Counsellor to the President

FROM: Robert J. McCloskey *RM*

SUBJECT: Appropriations for Vietnam Humanitarian
and Evacuation Purposes

As you know, the House/Senate conferees reached agreement on H.R. 6096 yesterday. It provides \$327 million for humanitarian and evacuation programs for Vietnam. The Senate adopted the conference report yesterday afternoon. The House will take it up on Tuesday and should have no problem with its passage.

The problem now is to obtain appropriations. I understand that Vern Loen spoke with George Mahon yesterday regarding this problem. Mahon and Broomfield favor amending the Second Supplemental, H.R. 5899, for this purpose instead of pursuing Mahon's H.Res. 407, reported out of Committee last week, which provides \$165 million for military and \$165 million for economic aid to Vietnam. I agree for the the following reasons:

It is quicker. H.R. 5899 has already passed the House and is in the Senate Appropriations Committee. Given Mahon's cooperation, we need only get the cooperation of the Senate Appropriations Committee to get the bill to the President, hopefully by the end of next week.

DECLASSIFIED
E.O. 12356, Sec. 3.4.

CONFIDENTIAL/NODIS

MR 92-51, # 35, State Hr. 9/10/93

by KGH, NARA, Date 10/29/93



Mahon's H.Res. 407, because it includes \$165 million for military aid, will be defeated if brought to a vote. Hence, Mahon has removed it from the House calendar. A defeat in an up or down vote would create serious repercussions in Saigon. Similarly, if Mahon were to call it back and set aside the military assistance section, the repercussions in Saigon might be equally serious. The best tack, therefore, is simply to let H.Res. 407 hover and proceed with H.R. 5899.

To insure that an amendment, providing \$327 million for our Vietnam programs, is successfully added to H.R. 5899, someone in the White House should:

(1) Call Mahon to reaffirm his agreement to seek the full \$327 million in the Senate first.

(2) Call Dan Inouye in Hawaii this weekend. This is to get to him before he returns to Washington Monday when his crusty aide, Bill Jordan, will have a crack at him. My reading is that Inouye is sympathetic to the need for humanitarian and evacuation funds, but that we will have to document in some detail what our needs are. Bill Jordan, on the other hand, will likely insist on hearings and will probably raise other objection as well.

(3) To button this up, you may also want to ask Hubert Humphrey to call Inouye who leans heavily on Humphrey's advice.

I propose, therefore, that you call ^{Mahon and then} Inouye, as early as possible this weekend to obtain his agreement to speedy action on an amendment on H.R. 5899. I am attaching talking points which may be useful to you for this call.

Attachment:

Talking Points.



TALKING POINTS FOR CALL TO INOUE

-- We need an early appropriation of \$327 million to fund urgent humanitarian and evacuation programs authorized in H. R. 6096, which we expect will go to the President on Tuesday.

-- The Second Supplemental, H. R. 5899, has already passed the House and is the quickest and most logical vehicle. Mahon agrees with this proposal and will facilitate its acceptance in the House.

-- We, therefore, request that you agree to amending H. R. 5899 to provide the \$327 million to fund humanitarian and evacuation programs.

-- [If Inouye raises questions about Mahon's appropriation, don't volunteer this point.] Mahon's H. Res. 407 is not a good vehicle. It provides \$165 million for military and \$165 million for economic assistance and if brought to a vote will be defeated, creating serious repercussions in Saigon. Equally serious reactions will be caused if Mahon were to withdraw the military assistance portion.

-- I have a very preliminary estimate of how the \$327 million would be broken down, stating evacuation costs in chronological order (Items 1-7) and humanitarian assistance needs (Item 8). We can have a more detailed program justification for you on Monday.



PRELIMINARY ESTIMATES OF EVACUATION,
TEMPORARY CARE, INITIAL RESETTLEMENT,
AND HUMANITARIAN AID COSTS

Following is a preliminary and rough projection of costs associated with the evacuation and initial resettlement of 50,000 refugees, plus other humanitarian aid.

1. Evacuation Transport \$17,500,000 (FAA)*
calculated at \$350 per person
by military airlift. If sealift
is employed, the costs will be
less.
2. Guam and Other Safehavens Outside US \$75,000,000 (FAA)
Infrastructure, refugee
maintenance, medical, and all
other costs for ninety days for
planning purposes. Estimated at
\$15 per day per refugee, plus
voluntary agency and other support
costs. Factor is high but supply
by air is significant part of
expense.
3. Transport Safehavens to U.S. \$20,000,000 (FAA)
50,000 @ \$400 each
4. Sustenance and Maintenance while \$15,000,000 (VNA)
in process in U.S.
Estimated at \$10 per day per
person for 30 days during which
the refugees are interviewed and
processed by the voluntary agencies
for resettlement.
5. Resettlement Costs \$25,000,000 (VNA)
Estimated at \$500 per person
to be provided to voluntary
agencies which will transport
and administer the resettlement.
6. Subsequent Welfare, Medical \$95,000,000 (VNA)
Welfare & Social Serv. \$42,000,000
Repatriation U.S. Cit. 19,000,000
Medicaid 18,000,000
Bilingual Training 5,000,000
Public Health 11,000,000



7.	<u>Movement of Added</u> <u>25,000 Refugees to Third</u> <u>Countries for Resettlement</u> Possible contract with an international organization (or organizations) to transport and administer resettlement of 25,000 refugees (over 50,000) to third countries at \$600 per person	\$15,000,000 (VNA)
8.	<u>Multilateral Organizations and</u> <u>Private Voluntary Agencies</u> <u>Humanitarian Assistance</u>	104,500,000 (FAA) (VNA)
TOTAL REQUIREMENT		\$367,000,000
Less Amount Provided from IPR Funds under Presidential Determination (614(a) waiver)		40,000,000
<u>NEW APPROPRIATION</u> <u>NEEDED</u>		<u>\$327,000,000</u>

*FAA indicates that these funds will be derived from the proposed appropriation of \$177 million under the Foreign Assistance Act. VNA indicates that these funds will be derived from the proposed appropriation of \$150 million under the Vietnam Humanitarian Assistance and Evacuation Act of 1975.

