

Honoring a Distinguished Tradition

U.S. World Leadership on Refugee and Displacement
Crisis Response and U.S. Government Reorganization

Report of an Expert Group

August 2017



REFUGEES INTERNATIONAL
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Prepared in August 2017 under the auspices of Refugees International, this report is designed to inform the ongoing U.S. government discussion on reorganization of the government and, in particular, on the organization of the government for international humanitarian response. Refugees International expresses its deep appreciation to members of the Expert Group, who have endorsed this report and whose names appear below.

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SUMMARY OF REPORT

Supported by the American people and the United States Congress over many decades, the U.S. government has been at the forefront of efforts to ease the suffering of civilians who have endured forced displacement and deprivation.

The Trump administration is now engaged in a broad effort to consider the organization of the U.S. government, which will include an examination of how the government is structured for international humanitarian response.

The stakes in this organization discussion are very high, as we are living in a period of severe humanitarian suffering and overwhelming challenges worldwide. More than 65 million people are forcibly displaced globally, and tens of millions are severely food insecure. Administration officials and Members of Congress have long advocated strong support for generous and effective humanitarian response, to provide global leadership based on U.S. values and U.S. interests in addressing despair and desperation that can threaten peace and stability.

Because the stakes are so high, the question of U.S. organization for international humanitarian response requires careful consideration of important program and policy issues that has yet to take place. Amidst this level of global need, it is fully appropriate that the U.S. government consider how to make its humanitarian efforts as effective as possible while minimizing disruption to aspects that are functioning well. This is a significant gap that this report seeks to address.

It is clear that the Department of State and the U.S. Agency for International Development (USAID) both have key roles to play in international humanitarianism that are inherent in their respective organizational missions, and each should retain essential functions while enhancing “jointness,” complementarity, and coordination.

The Department of State’s responses to crises include efforts to address refugee flight, which becomes a key issue for affected countries during bilateral diplomatic discussions. The State Department’s Bureau of Population, Refugees, and Migration works at the nexus between security, international politics, diplomacy and human rights, on the one hand, and humanitarian assistance, on the other. Repeatedly in recent decades, the Department of State’s capacity to tightly integrate diplomacy with the tools of humanitarian assistance and refugee resettlement has been critical to achieving outcomes favorable to the United States. Moreover, the Department of State has responsibly led and administered the U.S. Refugee Admissions Program, and should continue to do so, as the program has served U.S. foreign policy and national security interests while reflecting American values. In doing so, the Department of State works closely – and should continue to work closely – with the Department of Homeland Security, which already interviews every refugee applicant before he or she travels to the United States.

USAID has equally important and complementary humanitarian response capacities that should be sustained and even strengthened. USAID’s Disaster Assistance Response Teams (DARTs) provide a rapidly deployable field-based capacity for the United States in

assessing both newly emerging and protracted humanitarian crises. In addition, while the bulk of State Department humanitarian assistance provides core support for international humanitarian organizations (enabling the United States to significantly influence the practices of such organizations), a higher percentage of support from USAID and its disaster assistance account can be focused on more quickly emerging requirements through project support to both international organizations and non-governmental organizations. In addition, USAID is the U.S. government's major provider of international humanitarian food aid, and USAID's logistical capacities make this an appropriate area of focus for the agency.

Consolidation of the functions of either agency into the other would weaken the functions that are inherent in their respective organizational missions. Rather, we propose enhanced "jointness" and collaboration rather than consolidation, which would not only preserve essential functions of both State and USAID, but also enhance effectiveness in U.S. humanitarian response.

Finally, we are deeply concerned by proposals that would effectively end the State Department role in international humanitarianism by eliminating the Bureau of Population, Refugees and Migration, and transferring its overseas assistance role to USAID and its refugee admissions responsibilities to the Department of Homeland Security (DHS).

These proposals ignore the special capacities of the Department of State and the importance of integrating diplomacy with international humanitarian assistance and resettlement. With respect to the Refugee Admissions Program itself, such a shift would, without any reasonable justification, conflict starkly with the stated objectives of the 1980 Refugee Act.

Most importantly, the elimination of the State Department's Bureau of Population, Refugees and Migration – the bureau established to manifest U.S. diplomatic, legal and moral concerns about refugees – will send an obvious and powerful signal, within the United States and to the rest of the world, that the United States is diminishing its historical concerns about the displaced and disenfranchised.

This would ill-serve U.S. interests and would be a betrayal of the values that have characterized our nation from its founding.

Introduction

The United States has asserted global leadership in any number of areas over the past many decades. International political institutions like the United Nations, international financial institutions like the World Bank and the International Monetary Fund, and regional military organizations such as the North Atlantic Treaty Organization (NATO) were all largely U.S. creations, and the United States has played an important leadership role in them all. But it may be in the area of international humanitarian response – and the effort to provide temporary and transitional assistance and protection to victims of conflict, persecution and disasters resulting from natural hazards – that U.S. leadership has been most unequalled and broadly appreciated around the world. Moreover, the international humanitarian assistance accounts of the U.S. government have been very generously funded by the U.S. Congress and have enjoyed broad and bipartisan support.

Over the past quarter century, in particular, U.S. diplomats, disaster response personnel and prevention experts have been at the forefront of efforts to ease the suffering of civilians who have endured forced displacement and deprivation. Supported by the American people, the U.S. government has played a leading role in providing financial and in-kind resources necessary for food aid, medical assistance, shelter, sanitation and other life-sustaining supplies. Leading by example, U.S. officials have encouraged other governments to supply humanitarian aid and have worked to strengthen the international system for humanitarian response. Moreover, U.S. diplomats and aid officials have been deeply and effectively engaged in efforts to protect the rights of those impacted by conflict and natural disasters, and in promoting prevention measures that address the root causes of the persecution, other human rights violations and conflict that creates such suffering.

The Trump administration is now engaged in a broad effort to consider the organization of the U.S. government, which will rightly include an examination of how the government is structured for international humanitarian response. In light of the overwhelming importance of this area to U.S. global leadership and engagement and U.S. foreign and national security policy, the stakes in this organization discussion are very high. In recent months, there have been several proposals, from within and outside the U.S. government, relating to reorganization that include summary recommendations on consolidation of the humanitarian functions in the government. However, these reports have not included detailed consideration of critically important bureaucratic, program and policy issues surrounding humanitarian response. This is a significant gap that this reports seeks to address.

Finally, this report provides recommendations that have been endorsed by a broad panel of experts who have spent significant portions of their careers engaged in issues of diplomacy, forced displacement and international humanitarian response. For this reason, we hope it is reviewed carefully by those who are engaged in the government's reorganization discussion.

The Humanitarian Challenge

The United Nations High Commissioner for Refugees (UNHCR) has reported that more than 65 million people are forcibly displaced around the world,¹ driven from their homes as a result of conflict and persecution. This is the highest number since UNHCR began reporting displacement, surpassing the number of displaced persons in the wake of World War II. More than 22 million of these individuals are refugees, persons outside their countries of origin, and more than 40 million are internally displaced persons who have fled from their homes, and are living in temporary and fragile circumstances within the borders of their countries. Moreover, in 2016, it was reported that more than 100 million people around the world were severely food insecure.² In Africa alone, many millions are at risk of famine.³

It is difficult to make historical comparisons of humanitarian need, but most analysts would agree we are living in a period of unusually serious and severe suffering and overwhelming challenges worldwide. In places like Syria, Iraq, Afghanistan, Somalia, the Democratic Republic of the Congo and South Sudan, among others, conflict and insecurity continues even in cases where a semblance of peace has been created or restored. Moreover, the interest and capacity of United Nations member states and, in particular, members of the UN Security Council, to engage effectively the diplomatic challenges of conflict resolution, as imperfect as it may have been over the past many decades, seem particularly limited in this moment in history. In the cases mentioned above, disputes among powerful governments and apparent indifference have created formidable obstacles to diplomatic progress to address root causes of conflict and displacement. Regrettably, this means that effective action to address humanitarian suffering may be more important now than at any time in recent memory.

The International System of Humanitarian Response

Any consideration of the organization of the U.S. government for international humanitarian response should begin with a description of the international context in which U.S. humanitarian officials are operating.

Of course, in countries with governments that have the will and capacity to deliver services effectively, domestic officials and civil society play the key role in responding to crises. But when the capacities of host governments are severely limited or when they are overwhelmed, international and non-governmental organizations, supported by donor

¹United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2016*, June 19, 2017, http://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/06/2016_Global_Trends_WEB-embargoed.pdf.

²World Food Programme, "108 Million People in the World Face Severe Food Insecurity – Situation Worsening," March 13, 2017, <https://www.wfp.org/news/news-release/108-million-people-world-face-severe-food-insecuritysituation-worsening>.

³United Nations High Commissioner for Refugees, "UNHCR says death risk from starvation in Horn of Africa, Yemen, Nigeria growing, displacement already rising," April 11, 2017, <http://www.unhcr.org/afr/news/briefing/2017/4/58ec9d464/unhcr-says-death-risk-starvation-horn-africa-yemen-nigeria-growing-displacement.html>.

governments, have key roles to play in responding to humanitarian need. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has overall responsibility for coordinating international responses within the UN system. However, the major multilateral providers of international humanitarian response programs, broadly defined, are UN Funds and Programs, such as UNHCR, the World Food Program (WFP), the United Nations Children’s Fund (UNICEF) and the UN Development Program (UNDP), as well as specialized agencies such as the World Health Organization. These organizations receive the overwhelming bulk of their funds from donor governments, and, in turn, they often implement programs through international and local non-governmental organizations that serve as their implementing partners. The U.S. government funds partnerships with a variety of UN and NGO institutions in pursuit of its humanitarian objectives.

Today, and largely as a result of reforms instituted in 1991 and 2005, the international system of humanitarian response is loosely organized into eleven functional areas, with lead agencies for areas that include health; logistics; nutrition; protection; shelter; water, sanitation and hygiene; camp coordination and camp management; early recovery; education; emergency telecommunications; and food security. From one situation to another, the nature of formal adoption of this structure may vary, but it has provided an organizing principle for humanitarian response and in recent years has been supplemented by ongoing (albeit uneven) efforts to enhance effectiveness. Recently, in May 2016, governments of the world and NGOs came together in Turkey for the World Humanitarian Summit, where they undertook commitments to further reform.⁴

For 2016, the level of worldwide international humanitarian assistance was estimated at about \$27.3 billion,⁵ with about three-quarters of this total coming initially from governments and most of the rest from private sources to the non-governmental community. In fact, while expenditures for humanitarian assistance appear large in absolute terms, the numbers represent a trivial percentage of national budgets of governments, and fall short of requirements.⁶

The United States Government Structure for International Humanitarian Response

The United States is the world’s largest country funder of international humanitarian assistance. While estimates vary depending on how humanitarian assistance is defined, the United States may be responsible for 25 percent or more of world humanitarian aid. While that figure may seem high to some, it has been roughly commensurate with U.S.

⁴ See World Humanitarian Summit, Chair’s Summary, “Standing up for Humanity: Committing to Action,” <http://reliefweb.int/sites/reliefweb.int/files/resources/Chairs%20Summary.pdf>

⁵ Development Initiatives, *Global Humanitarian Assistance Report 2017*, <http://devinit.org/wp-content/uploads/2017/06/GHA-Report-2017-Full-report.pdf>.

⁶ High-Level Panel on Humanitarian Financing Report to the Secretary-General, *Too Important to Fail – Addressing the Humanitarian Financing Gap*, <http://reliefweb.int/sites/reliefweb.int/files/resources/%5BHLP%20Report%5D%20Too%20important%20to%20fail%E2%80%94addressing%20the%20humanitarian%20financing%20gap.pdf>.

percentage of world GDP, and has represented less than one percent of the U.S. federal budget.

There are many U.S. government offices, agencies, and departments involved in the delivery of U.S. humanitarian assistance – and that number increases if one uses an expanded definition of humanitarian assistance that includes post-conflict reconstruction and peace-building. But the bulk of U.S. civilian humanitarian assistance comes from just two agencies: the Department of State and USAID.

In fiscal year 2016 (October 1, 2015 to September 30, 2016), U.S. humanitarian aid totaled more than \$7 billion. That amount could climb toward some \$8 billion in 2017. The bulk of these resources traditionally come from just three accounts, including:

1. The State Department's Migration and Refugee Assistance account, which recently has been funded at over \$3 billion annually and is managed by the State Department's Bureau of Population, Refugees and Migration (PRM);
2. USAID's International Disaster Assistance Account, which has been funded recently at between \$2.5 billion and \$3 billion annually and is principally managed by USAID's Office of Foreign Disaster Assistance (OFDA), within the agency's Bureau for Democracy, Conflict and Humanitarian Assistance; and
3. The emergency assistance portion of Title II of the PL 480 (Food for Peace) program, funded at about \$1.5 billion annually and managed by USAID's Food for Peace Office, also within USAID's Bureau for Democracy, Conflict and Humanitarian Assistance.⁷

The logic of joint State Department and USAID engagement in humanitarianism

A number of recent studies have considered the question of reorganization in general and consolidation of humanitarian assistance activities of the U.S. government in particular. We believe that any such recommendation first requires an examination of the implications, rationale and benefits of joint State and USAID engagement in international humanitarian response. Such an examination is merited in light of what is generally regarded as credible and even strong U.S. government performance in this area – and in light of the mixed experiences of other governments that have chosen to consolidate humanitarian response in either their development aid or their foreign affairs agency.

At the outset, we note that both the Department of State and USAID have many decades of involvement in international humanitarian policy and response issues. In the case of the Department of State, for example, the Migration and Refugee Assistance Act was signed into law in 1962, and that measure itself consolidated what were then State Department overseas assistance authorities that had existed for decades. Similarly, USAID's Office of Foreign Disaster Assistance was first established in 1964.

⁷ Figures for each account are not precise, but provide the general levels of annual funding over the past two to three years. And note that due to a very large infusion of funds for famine relief, the IDA account reached \$3.8 billion in 2017. Funds have been directly appropriated to these accounts and have also been supplemented by monies from an "Overseas Contingency Operations" line in the federal budget.

The critical comparative advantages of the Department of State and the Bureau of Population, Refugees and Migration (PRM)

The bulk of PRM funding is through the Migration and Refugee Assistance Account, and most of these funds support four international organizations: the UN High Commissioner for Refugees, the International Committee of the Red Cross, the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and the International Organization for Migration (IOM). It is not surprising that State Department monies support agencies that are deeply involved with refugees, as the Department of State's efforts to respond to crises includes efforts to address refugee flight – which become top tier issues for affected countries during bilateral diplomatic discussions. PRM's work is at the nexus between security, international politics, diplomacy and human rights, on the one hand, and humanitarian assistance, on the other.

Moreover, the strong State Department support and engagement with these agencies has enabled the Department to play a key role in shaping program development in international organizations that have substantial impacts on global humanitarian issues of interest and concern to the United States. For example, the State Department has been deeply influential in development of UNHCR management, budget and program priorities, such as UNHCR efforts on gender based violence.

The State Department also serves as the principal administrator of the U.S. Refugee Admissions Program, which has resettled some three million refugees since it was enacted overwhelmingly by Congress in 1980.⁸ The 1980 Refugee Act was designed to implement U.S. obligations under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, and to meet U.S. international humanitarian obligations more broadly. And while third country resettlement of refugees will be the solution for only a very small percentage of the world's refugees, it is a valuable tool for certain vulnerable groups, and has been critically important in communicating U.S. humanitarian commitments and encouraging refugee-hosting governments to adopt more generous policies.

In case after case in recent decades, the Department of State's capacity to integrate tightly diplomacy with the tools of humanitarian assistance and resettlement has been very important to achieving outcomes favorable to the United States. Moreover, the effectiveness of diplomacy has been contingent upon the Department retaining operational capacities; in other words, the humanitarian assistance functions within the State Department have been crucial to the Department's capacity to achieve diplomatic success.

In 1999, for example, U.S. ability to provide refuge and resettlement through the Refugee Admissions Program for more than 10,000 Kosovars was a key factor in encouraging continued support from the government of Macedonia, which was hosting more than 100,000 refugees who fled Milosevic regime in Serbia. And during the administration of George W. Bush, PRM played an important role in return of displaced persons in the

⁸ Jens Manuel Krogstad and Jynnah Radford, "Key facts about refugees to the U.S.," Pew Research Center, January 30, 2017, <http://www.pewresearch.org/fact-tank/2017/01/30/key-facts-about-refugees-to-the-u-s/>.

Balkans years after the Dayton Accords. More recently, PRM's assistance to countries like Jordan and Turkey has enabled diplomats, from the PRM Bureau and from other parts of the Department of State, to effectively promote greater rights for Syrian refugees. And in countries throughout the world, including Bangladesh, Belize, Colombia, Costa Rica, the Dominican Republic, Ecuador, Iraq, Kenya, Lebanon, Thailand and many others, diplomats from PRM have been able to use their role as assistance providers to secure critical protections – such as freedom from forced return and basic legal assistance – of refugees and other vulnerable displaced persons.

The critical comparative advantages of the USAID Bureau for Democracy, Conflict and Humanitarian Assistance (DCHA)

While the Department of State plays a vital role in humanitarian diplomacy, in diplomatic advocacy for displaced persons based on international human rights and humanitarian law, and in humanitarian assistance, USAID also has equally important capacities that must be sustained and strengthened.

In particular, USAID's Disaster Assistance Response Teams (DARTs) provide a nimble field-based capacity for the United States in assessing both newly emerging and protracted humanitarian crises. DART teams consider the on-the-ground needs for life-saving and life-sustaining aid. In recent years, DART teams were deployed to crises in Ethiopia (drought), South Sudan, Iraq, West Africa (Ebola outbreak), and Syria, among other countries. Moreover, USAID's DART teams as well as its Bureau for Democracy, Conflict and Humanitarian Assistance focuses on disasters borne by natural hazards.

In addition, while the bulk of State Department humanitarian assistance provides core support for international organizations (enabling the United States to significantly influence the practices of such organizations), a higher percentage of support from USAID and its disaster assistance account is focused on more quickly emerging requirements through project support. Moreover, in line with this approach, a higher percentage of USAID support is provided to non-governmental organizations.

Through Title II of the PL 480 Program, USAID is the U.S. government's major provider of international humanitarian food aid, primarily through the World Food Program (WFP). USAID's operational and logistical capacities make this an appropriate area of focus for the agency. And finally, USAID humanitarian response activities also include transitional assistance, which is, of course, closely related to the USAID development mission

Enhancing rather than damaging complementarity

The budgets of the State Department and USAID are presented each year in a single State Department request, and there is a far greater degree of complementarity than overlap in the provision of international humanitarian assistance between the Department of State and USAID.

Moreover, each agency undertakes functions that are inherent to its organizational mission.

Transferring USAID's humanitarian functions to the Department of State should not be considered, as the role of the DART teams in field assessments, and the role of USAID in natural disaster response and food aid would fit uneasily in the Department of State.

Similarly, transferring the State Department humanitarian functions to USAID and, as described in the section below, to the Department of Homeland Security should not be considered, as it would cripple critical U.S. capabilities. The capacity of the State Department in diplomacy around conflict issues, and in promoting human rights and protection of refugees in the context of humanitarian response, would be inexorably compromised. We are deeply concerned that this option is under the most active consideration, and, if it is adopted, the negative implications for the United States will be significant and substantial.

This does not mean that the Trump Administration should reject all options for enhanced coordination, efficiency, accountable and effectiveness. There are legitimate concerns around the coordination challenges. These could conceivably be addressed through a range of reform options that are less disruptive and harmful to key U.S. objectives. They could include creating a unified field presence, fully consolidating reporting and proposal requirements for program implementers, shared budget oversight, and formal structures for coordinated and joint policy and program decision-making, among other reforms.

We look forward to analyzing these and other options for improving program coordination, effectiveness and transparency in future engagement with U.S. officials and in future reporting as this reorganization process continues. We believe that enhanced "jointness" and collaboration rather than consolidation would not only preserve essential functions of both State and USAID, but also enhance coordination and effectiveness in U.S. humanitarian response.

The White House Domestic Policy Council Proposal for the Elimination of the Bureau of Population, Refugees and Migration

In recent months, CNN reported on a proposal from the White House Domestic Policy Council (DPC) to the Office of Management and Budget urging the elimination of the Bureau of Population, Refugees and Migration, and the transfer of its overseas assistance role to USAID and the transfer of its refugee admissions responsibilities to the Department of Homeland Security.⁹

Explicitly and by implication, we have already articulated the reasons that this proposal would be very damaging. First, the DPC proposal ignores the special capacities of the Department of State and importance of integrating diplomacy with international humanitarian assistance and resettlement. Much of this report addresses that key issue.

⁹ Jake Tapper, "White House memo suggests moving refugee bureau from State Department to DHS," CNN.com, June 30, 2017, <http://www.cnn.com/2017/06/28/politics/refugee-bureau-state-department-dhs/index.html>. Refugees International is also in possession of a copy of that proposal.

Moreover, transfer of the Refugee Admissions Program to the Department of Homeland Security would represent a fundamental betrayal of the 1980 Refugee Act, which made clear that a very modest U.S. refugee resettlement program is an expression of U.S. global commitments. The State Department has worked diligently to identify refugee communities in greatest needs of resettlement. As importantly, the State Department has used the resettlement program as a key tool of international humanitarian policy by leveraging a very small program to encourage other governments to do much more, including by providing safe haven for refugees and providing third country resettlement. Finally, it is important to note that the current leadership of the program by PRM does not deprive DHS of a key role in determining who may or may not enter the United States. To put it simply, no applicant can enter the United States without DHS approval.

Most importantly, we believe the elimination of the Bureau of Population, Refugees and Migration – established to manifest U.S. concern about refugees – will send an obvious and powerful signal, within the United States and to the rest of the world, that the United States is diminishing or even eliminating its historical concerns about the displaced and disenfranchised.

This would ill-serve U.S. interests and would be a betrayal of the values that have characterized our nation from its founding.

Conclusion

This report offers a reasonable way forward on an issue of enormous importance: the effectiveness of the United States in providing life-saving and life-sustaining assistance to victims of conflict and persecution, as well as those impacted by disasters borne by natural hazards. We believe our recommendations, which recognize the key humanitarian capabilities of both the Department of State and USAID, serve the national interests of the United States. More importantly, and consistent with those interests, they offer the prospect of a brighter future for many tens of millions of people around the world.