

Mr. ZABLOCKI. As I understand it, Mr. Kearney, this legislation does not involve any appropriation to pay American claimants. How will these claims eventually be paid?

Mr. KEARNEY. Mr. Chairman, we cannot determine at this time how these claimants will be paid. But we are confident that at some stage in the future there will be a Chinese government with which we will be able to deal and with which we will be able to negotiate a claims settlement for all this property which was taken. When this will come about, of course, depends upon so many factors that there is no way of making any estimate as to time.

As a matter of prudence, because we don't know how long it will be before we will be in a position to negotiate, it seems essential that while the evidence to establish these claims is available, that an adjudication of the claims be made so that when this time in the future does arrive we will be in a position to have available all the facts collected by the Commission and be in a position to conduct a good and competent negotiation.

Mr. ZABLOCKI. Mr. Kearney, do you agree with Dr. Re's estimate of approximately 2,500 as the total number of American claims against the Chinese Communist regime?

Mr. KEARNEY. I would say that I think Dr. Re's estimate is as good a one as can be made, because it is based upon analogy to previous programs.

There has never been any census taken of the Chinese claims. A number of them came into the Department but these were relatively few because there was never any request for claims to be submitted. So I think the best approach to estimating the number has to be by analogy, and therefore I would say this figure of 2,500 is the best we could obtain, yes, sir.

Mr. ZABLOCKI. At any rate, Mr. Kearney, in settling American claims you don't anticipate that the Congress will be asked to appropriate money to pay the claimants?

Mr. KEARNEY. Mr. Chairman, I think it would be rather difficult to say that I had any assurance that no claimant would ever approach Congress and ask to be paid. This is possible. I don't know of any approaches, for example, that have been made with respect to the Cuban claims for payment by applicants, and that has been in effect for some time.

Mr. ZABLOCKI. But no Cuban claimant has been paid either.

Mr. KEARNEY. No Cuban claimant has been paid. They are in somewhat the same situation as the Chinese claimants. We don't know whether we will have a Cuban government—

Mr. ZABLOCKI. This will be a question that likely will be asked of the committee when the legislation is on the floor.

If a claim is established and adjudicated, and cannot be paid because a successor government in China said that they have no responsibility or obligation to pay the claim, the claimant might still expect to have his claim honored. Would you anticipate that under these circumstances there may be a request for the U.S. Government to pay such outstanding claims?

Mr. KEARNEY. I find it hard to speculate on this point, considering the number of people who will be involved.

I will say this, Mr. Chairman. It has been the unvarying position of the executive branch of the U.S. Government to oppose paying