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WITHDRAWAL SHEET

Ronald Reagan Library

Collection: TAHIR-KHELI, SHIRIN R.: Files

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File Folder: PAKIS: Presidential Determinations '88 (1)
Box 91880 9

Date: 7/1/98

| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|-----------------------|--|--------------------|---------------|
| 1. memo | Colin Powell to the President re Determination, 1p R, 6/14/00 NLS F96-128/1 # 227 | 5/20/88 | P1 |
| 2. memo | same as item #1, 1p " " " #228 | 5/20/88 | P1 |
| 3. memo | Powell to the President re UNGOMAP Operations, 2p " " " #229 | 5/17/88 | P1 |
| 4. memo | Michael Armeost to the President re Foreign Assistance Act, 2p A 3/2/86 F96-128/1 # 230 | 5/12/88 | PT |
| 5. memo | Robert Oakley to Powell re Determination for UNGOMAP, 2p R, 6/14/00 NLS F96-128/1 # 231 | 5/13/88 | P1 |
| 6. memo | same as item # 3, 2p " " " #232 | 5/17/88 | P1 |
| 7. memo | same as item # 4, 2p A 3/2/86 F96-128/1 # 233 | 5/12/88 | P1 |
| 8. memo | same as item # 5, 2p R, 6/14/00 NLS F96-128/1 # 234 | 5/13/88 | P1 |
| 9. memo | same as item # 1, 1p # 235 | 5/20/88 | P1 |
| 10. memo | Oakley to Powell re UNGOMAP, 1p # 236 | 5/20/88 | P1 |
| 11. memo | Powell to the President re Determination, 1p " " " #237 | n.d. | P1 |

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- F-1 National security classified information [(b)(1) of the FOIA].
- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-3 Release would violate a Federal statute [(b)(3) of the FOIA].
- F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

PENDING REVIEW IN ACCORDANCE WITH E.O. 13233

Ronald Reagan Library

Collection Name TAHIR-KHELI, SHIRIN: FILES

Withdrawer

LOJ 5/21/2007

File Folder PAKIS: PRESIDENTIAL DETERMINATIONS 1988 (1)

FOIA

F96-128/1

Box Number 91880

| ID | Doc Type | Document Description | No of Pages | Doc Date |
|--------------|-----------------|--|--------------|----------------------|
| 4 | MEMO | MICHAEL ARMACOST TO THE PRESIDENT RE FOREIGN ASSISTANCE ACT | 2 | 5/12/1988 |
| 7 | MEMO | MICHAEL ARMACOST TO THE PRESIDENT RE FOREIGN ASSISTANCE ACT | 2 | 5/12/1988 |

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

3601
Add-on

THE WHITE HOUSE
WASHINGTON

May 20, 1988

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: WHITE HOUSE EXECUTIVE CLERK *LF*
FROM: COLIN L. POWELL *for*
SUBJECT: Presidential Determination for Airlifting
United Nations Observers and Equipment to Pakistan

SIGNED

Issue

Whether to sign the determination at TAB A authorizing the furnishing of services in support of the Geneva Settlement.

Facts

State requested authorization for use of \$224,000 under Section 552(c) of the Foreign Assistance Act to provide assistance to United Nations observers.

Discussion

A two-stage process is required under the law. Under the first requirement, on May 19, 1988, you already approved the notification to Congress of your intention to authorize the assistance, and notification has taken place. The second requirement is that you determine that:

- (1) an unforeseen emergency requires provision of assistance in excess of available funds;
- (2) that such assistance is in the national interest.

Following your signature, the determination will be forwarded to Congress. Thereafter, the Department of Defense will be authorized to provide the requisite services to the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP).

Recommendation

| | | |
|-----------|-----------|--|
| <u>OK</u> | <u>NO</u> | That you sign the Presidential Determination at TAB A directing the Secretary of State to notify Congress on your behalf of your authorization of the use of funds under Section 552(c) for UNGOMAP. |
| <i>RR</i> | _____ | |

Attachments:
TAB A Presidential Determination

cc Vice President
Chief of Staff (2)

~~CONFIDENTIAL~~

DECLASSIFY ON: OADR

~~CONFIDENTIAL~~

DECLASSIFIED
NLS F96-128/1 # 227

BY dlb NARA DATE 6/15/00

May 20, 1988

SIGNED

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: ROBERT B. OAKLEY *RBO*

SUBJECT: Presidential Determination for UNGOMAP

Attached at TAB I is a memorandum forwarding the determination for UNGOMAP to the President for his signature (TAB A).

We will need the signature urgently in order to authorize the airlift this weekend.

N.
Nicholas Rostow and Alison Fortier concur.

RECOMMENDATION

That you sign and forward the memorandum at TAB I to the President.

Approve _____

Disapprove _____

Prepared by:
Shirin Tahir-Kheli

White House G.
By MSJ

August 23, 1987
A. D. is 7/1/98

Attachments:

TAB I Your Memorandum to the President

TAB A Presidential Determination

THE WHITE HOUSE

WASHINGTON

Presidential Determination
No. 88-15

May 20, 1988

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination to Authorize the Furnishing of
Transport Services for UNGOMAP Operations in
Support of the Geneva Settlement

Pursuant to the authority vested in me by Section 552(c) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby determine that:

- (1) an unforeseen emergency exists which requires the provision of assistance in amounts in excess of funds otherwise available for such assistance; and
- (2) providing such assistance by immediate drawdown of resources of the Department of Defense is important to the national interest.

Therefore, I hereby authorize using Department of Defense services to provide air transport for observers and equipment of the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) under Chapter 6 of Part II of the Act.

You are authorized and directed to report to the Congress immediately and to publish it in the Federal Register.



THE WHITE HOUSE

WASHINGTON

Presidential Determination
No. 88-15

May 20, 1988

MEMORANDUM FOR THE SECRETARY OF STATE

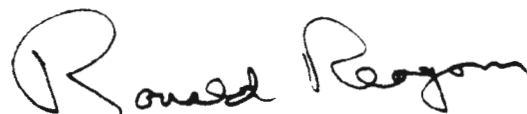
SUBJECT: Determination to Authorize the Furnishing of
Transport Services for UNGOMAP Operations in
Support of the Geneva Settlement

Pursuant to the authority vested in me by Section 552(c) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby determine that:

- (1) an unforeseen emergency exists which requires the provision of assistance in amounts in excess of funds otherwise available for such assistance; and
- (2) providing such assistance by immediate drawdown of resources of the Department of Defense is important to the national interest.

Therefore, I hereby authorize using Department of Defense services to provide air transport for observers and equipment of the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) under Chapter 6 of Part II of the Act.

You are authorized and directed to report to the Congress immediately and to publish it in the Federal Register.



~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

3601
Add-on

THE WHITE HOUSE

WASHINGTON

May 20, 1988

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: WHITE HOUSE EXECUTIVE CLERK *for*

FROM: COLIN L. POWELL *for*

SUBJECT: Presidential Determination for Airlifting
United Nations Observers and Equipment to Pakistan

SIGNED

Issue

Whether to sign the determination at TAB A authorizing the furnishing of services in support of the Geneva Settlement.

Facts

State requested authorization for use of \$224,000 under Section 552(c) of the Foreign Assistance Act to provide assistance to United Nations observers.

Discussion

A two-stage process is required under the law. Under the first requirement, on May 19, 1988, you already approved the notification to Congress of your intention to authorize the assistance, and notification has taken place. The second requirement is that you determine that:

- (1) an unforeseen emergency requires provision of assistance in excess of available funds;
- (2) that such assistance is in the national interest.

Following your signature, the determination will be forwarded to Congress. Thereafter, the Department of Defense will be authorized to provide the requisite services to the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP).

Recommendation

| | | |
|-----------|-----------|--|
| <u>OK</u> | <u>NO</u> | That you sign the Presidential Determination at TAB A directing the Secretary of State to notify Congress on your behalf of your authorization of the use of funds under Section 552(c) for UNGOMAP. |
| <i>RR</i> | ___ | |

Attachments:
TAB A Presidential Determination

cc Vice President
Chief of Staff (2)

~~CONFIDENTIAL~~
DECLASSIFY ON: OADR

DECLASSIFIED
NLS 996-128/1 #228

~~CONFIDENTIAL~~

BY dlb NARA, DATE 6/16/00

May 20, 1988

SIGNED

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: ROBERT B. OAKLEY *RBO*

SUBJECT: Presidential Determination for UNGOMAP

Attached at TAB I is a memorandum forwarding the determination for UNGOMAP to the President for his signature (TAB A).

We will need the signature urgently in order to authorize the airlift this weekend.

NE
Nicholas Rostow and Alison Fortier concur.

RECOMMENDATION

That you sign and forward the memorandum at TAB I to the President.

Approve _____

Disapprove _____

Prepared by:
Shirin Tahir-Kheli

Attachments:

TAB I Your Memorandum to the President

TAB A Presidential Determination

~~CONFIDENTIAL~~

DECLASSIFY ON: OADR

White House G
By *M-17*
August 28, 1997
Date *B/1/98*

UNCLASSIFIED
NSC/S PROFILE

RECORD ID: 8803838
RECEIVED: 20 MAY 88 18

TO: POWELL

FROM: LEVITSKY, M

DOC DATE: 20 MAY 88
SOURCE REF: 8816038

KEYWORDS: AFGHANISTAN

CONGRESSIONAL

PERSONS:

SUBJECT: CONGRESSIONAL CONSULTATION RE USE OF DRAWDOWN AUTHORITY / SECTION
552 OF FORN ASSISTANCE ACT FOR AFGHANISTAN

ACTION: FOR RECORD PURPOSES DUE DATE: 24 MAY 88 STATUS: C

STAFF OFFICER: NONE

LOGREF:

FILES: WH

NSCIF:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

FORTIER

OAKLEY

ROSTOW

TAHIR-KHELI

COMMENTS:

DISPATCHED BY _____ DATE _____ W/ATTCH: YES NO

OPENED BY: NSCLG

CLOSED BY: NSCLG

DOC 1 OF 1

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 8803838

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001

X 88052019 FOR RECORD PURPOSES

UNCLASSIFIED



May 20, 1988

3838

MEMORANDUM FOR COLIN L. POWELL
THE WHITE HOUSE

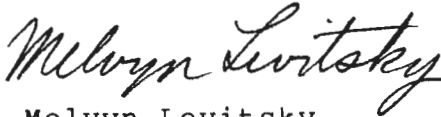
SUBJECT: Congressional Consultations on Use of Drawdown
Authority of Section 552 of the Foreign Assistance Act
for Afghanistan

This is to advise, per NSC's request, that State Department officials have consulted with the House Foreign Affairs and Senate Foreign Relations Committees as well as the two Appropriations Committees of our recommendation to the President that he exercise his authority under Section 552(c) of the Foreign Assistance Act.

The Department's representatives, with one exception, encountered no opposition to this recommended action. Support was expressed on behalf of HFAC Chairman Fascell and Ranking Republican Broomfield, SFRC Chairman Pell, House Appropriations Foreign Operations Subcommittee Chairman Obey and Ranking Republican Edwards, Senate Appropriations Foreign Operations Subcommittee Chairman Inouye and Ranking Republican Kasten as well as Senator Stevens, the Ranking Republican on the Senate Appropriations Defense Subcommittee. Concern was expressed, however, by the appropriators about the lack of time provided for consideration of the proposed action. In some instances, views were expressed strongly.

We failed to obtain support for the proposed undertaking from Senator Helms. Helms opposed because he contended that the Afghanistan settlement documents should be considered a treaty rather than an executive agreement.

Based on these consultations, the State Department recommends that the President exercise his authority under Section 552(c) of the Foreign Assistance Act.


Melvyn Levitsky
Executive Secretary

THE WHITE HOUSE
WASHINGTON

#3601

Oakley

May 19, 1988

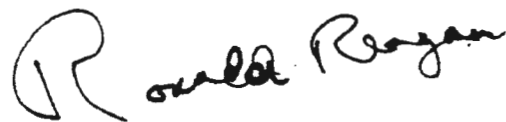
MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Furnishing of Transport Services for UNGOMAP
 Operations in Support of the Geneva Settlement

In accordance with section 652 of the Foreign Assistance Act of 1961, as amended (the "Act"), I authorize you to notify the Speaker of the House of Representatives and the Senate Foreign Relations Committee on my behalf that, pursuant to section 552(c) of the Act, I intend to authorize the Department of Defense to provide transportation assistance to the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) in connection with UNGOMAP's duties under the Geneva accords on Afghanistan. In making this notification, you should use the attached written justification. As soon as the notification has been made, I shall sign an appropriate determination authorizing such assistance.

Attachment:

TAB I Justification

Ronald Reagan

Justification for Presidential Determination
to Authorize the Furnishing of Air Transport
for UNGOMAP

Section 552(c) of the Foreign Assistance Act of 1961, as amended, authorizes the provision of services from the resources of any United States Government agency if the President determines that (1) an unforeseen emergency requires the immediate provision of assistance in support of a peacekeeping operation or other programs carried out in furtherance of the national security interests of the United States by an international organization in amounts in excess of funds available under Chapter 6 of Part II, and (2) such provision of assistance is important to the national interests of the United States.

The signing of the Geneva Settlement was a pivotal event in the effort to free Afghanistan from Soviet military occupation and domination. The fruition of this struggle during fiscal year 1988 was unforeseen and unforeseeable until very recently. It is essential for the United States to lend assistance without undue delay, along with our friends and allies who have pledged to assist, where called upon by the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP).

The United Nations has now formally requested US assistance to transport some of its UNGOMAP observers and support equipment to the area. They must be in place by May 15, the date of entry into force of the settlement. We are thus confronted with an emergency situation. UNGOMAP is a key part of the Afghanistan settlement, and our support for it is therefore clearly in the national interests.

UNGOMAP lacks available resources to pay for these services (which are estimated to cost approximately \$224,000). We, too, lack available fiscal year 1988 "Peacekeeping Operations" funds (all of which are inalterably earmarked). For these reasons, I have concluded that use of the emergency authorities provided by Section 552(c) are warranted and I am directing that the Defense Department provide the United Nations with the necessary services to transport by air UNGOMAP observers and equipment to Islamabad via London, Tel Aviv and perhaps another stop.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

THE WHITE HOUSE
WASHINGTON

3601

Received CC

1988 MAY 17 AM 10:34

May 17, 1988

PR

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM:

CP COLIN L. POWELL *CP*

SUBJECT:

Furnishing of Transport Services for
UNGOMAP Operations in Support of the
Geneva Settlement

Issue

Whether to authorize using Department of Defense services to provide air transport for observers and equipment of the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) under Chapter 6 of Part II of the Foreign Assistance Act.

Facts

State has requested authorization for use of \$224,000 under Section 552(c) of the Foreign Assistance Act to provide transportation to UNGOMAP.

Discussion

UNGOMAP has formally asked for USG assistance. Normally, such assistance could be funded under the "Peacekeeping Operations" account of the Foreign Assistance Act. However, all funds for the current fiscal year have already been earmarked. You can, however, direct the provision of these services under section 552(c) of the Foreign Assistance Act for an "unforeseen emergency" if it is important to the national interest. The need to provide such emergency services was unforeseen and unforeseeable at the time Congress last appropriated funds for foreign assistance, and assisting UNGOMAP, which is a key part of the Geneva settlement, is in the national interests of the United States.

cc Vice President
Chief of Staff (2)

~~CONFIDENTIAL~~

DECLASSIFY ON: OADR

~~CONFIDENTIAL~~

DECLASSIFIED
NLS F96-12811 #229
BY *dlb*
NARA, DATE 6/15/02

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

-2-

For these reasons, section 552(c)'s peacekeeping and related operations drawdown authority can and should be used for this purpose. Under section 652, the process is initiated by notifying the Speaker of the House and the Senate Foreign Relations Committee of your intention to exercise the drawdown authority. Once this notification has been made, it will be appropriate for you to sign a determination.

Recommendation

| | | |
|-----------|-----------|---|
| <u>OK</u> | <u>NO</u> | Sign the memorandum to the Secretary of State (TAB A) directing him to notify the Speaker of the House of Representatives and the Senate Foreign Relations Committee on your behalf of your intention to exercise your authority under Section 552(c) and to transmit the attached Justification. |
|-----------|-----------|---|

RR

Thereafter, I will inform you that notification has taken place and recommend that you sign a presidential determination under Section 552(c) authorizing the assistance.

Attachments:

TAB A Your Memorandum to the Secretary of State
TAB I Justification

TAB B Incoming Memorandum from Acting Secretary Armacost

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

DEPARTMENT OF STATE
WASHINGTON

May 12, 1988

~~CONFIDENTIAL~~

MEMORANDUM TO THE PRESIDENT

FROM: Michael H. Armacost, Acting *MA*

SUBJECT: Foreign Assistance Act Drawdown: Providing Air
Transport Assistance to the UN's Afghanistan
Settlement Good Offices Mission

The United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP) has formally requested USG assistance to transport observers and equipment to the area to expedite implementation of the Geneva Settlement through which the Soviet troops will be withdrawing. In particular, we have been asked to fly UNGOMAP observers and equipment to Islamabad via London, Tel Aviv and perhaps another stop. The Defense Department estimates the cost at \$224,000.

Normally, such assistance could be funded under the "Peacekeeping Operations" account of the Foreign Assistance Act of 1961. Unfortunately, all funds appropriated to this account for the current fiscal year have been earmarked (and exempted from any extraordinary earmark breaking authority). You can, however, direct the provision of these types of services under the authority of Section 552(c) of the FAA if you find that

(1) there is "an unforeseen emergency" which requires "the provision of assistance under this chapter in amounts in excess of funds otherwise available for such assistance," and

(2) providing such assistance is important to the national interest.

I believe that such a finding is warranted in this case. As more fully explained in the attached memorandum of justification, the effective implementation of the Accords of the Settlement requires that UNGOMAP be in place as soon as possible before May 15, when the instruments enter into force. Given the limited available time, it is essential that UNGOMAP

~~CONFIDENTIAL~~
DECL:OADR

DECLASSIFIED / RELEASED

NLS E94-128/1-230

BY 201 WARA DATE 3/2/06

~~CONFIDENTIAL~~

-2-

find a simple and expeditious means to get its personnel in place. The need to provide such emergency services was unforeseen and unforeseeable at the time Congress last appropriated funds for foreign assistance, and UNGOMAP, which is a key part of the pivotal Geneva settlement, is clearly in the national interests of the United States.

For these reasons, I believe that the peacekeeping and related operations drawdown authority can and should be used for this purpose. Under Section 652 of the FAA, the process would be initiated by informing the Speaker of the House, and the Chairmen of the Foreign relations and Appropriations Committees of each House of your intention to exercise the drawdown authority. Once consultations with Congress are concluded, I will inform you whether to sign the attached draft Determination.

Section 654(c) of the FAA requires that your Determination be published in the Federal Register, unless you conclude that such publication would be harmful to the national security. I do not believe that publication of this Determination would have harmful national security consequences.

RECOMMENDATION

That you approve my formal written notification to Congress that you intend to exercise your authority under Section 552(c) of the FAA, including transmittal of the attached justification.

Thereafter, I will inform you of Congressional reaction in anticipation of recommending that you sign the attached Determination under Section 552(c).

The Department of Defense supports this recommendation.

Attachments:

- Tab 1 - Draft Presidential Determination.
- Tab 2 - Memorandum of Justification.

~~CONFIDENTIAL~~

DECL:OADR

DRAFT

Presidential Determination
No. _____

MEMORANDUM FOR THE ACTING SECRETARY OF STATE

SUBJECT: Determination to Authorize the Furnishing of
Transport Services for UNGOMAP Operations in
Support of the Geneva Settlement

Pursuant to the authority vested in me by Section 552(c) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby determine that:

- (1) an unforeseen emergency exists which requires the provision of assistance in amounts in excess of funds otherwise available for such assistance; and
- (2) providing such assistance by immediate drawdown of resources of the Department of Defense is important to the national interest.

Therefore, I hereby authorize using Department of Defense services to provide air transport for observers and equipment of the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) under Chapter 6 of Part II of the Act.

This determination shall be reported to Congress immediately and published in the Federal Register.

Justification for Presidential Determination
to Authorize the Furnishing of Air Transport
for UNGOMAP

Section 552(c) of the Foreign Assistance Act of 1961, as amended, authorizes the provision of services from the resources of any United States Government agency if the President determines that (1) an unforeseen emergency requires the immediate provision of assistance in support of a peacekeeping operation or other programs carried out in furtherance of the national security interests of the United States by an international organization in amounts in excess of funds available under Chapter 6 of Part II, and (2) such provision of assistance is important to the national interests of the United States.

The signing of the Geneva Settlement was a pivotal event in the effort to free Afghanistan from Soviet military occupation and domination. The fruition of this struggle during fiscal year 1988 was unforeseen and unforeseeable until very recently. It is essential for the United States to lend assistance without undue delay, along with our friends and allies who have pledged to assist, where called upon by the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP).

The United Nations has now formally requested US assistance to transport some of its UNGOMAP observers and support equipment to the area. They must be in place by May 15, the date of entry into force of the settlement. We are thus confronted with an emergency situation. UNGOMAP is a key part of the Afghanistan settlement, and our support for it is therefore clearly in the national interests.

UNGOMAP lacks available resources to pay for these services (which are estimated to cost approximately \$224,000). We, too, lack available fiscal year 1988 "Peacekeeping Operations" funds (all of which are inalterably earmarked). For these reasons, I have concluded that use of the emergency authorities provided by Section 552(c) are warranted and I am directing that the Defense Department provide the United Nations with the necessary services to transport by air UNGOMAP observers and equipment to Islamabad via London, Tel Aviv and perhaps another stop.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

May 13, 1988

MEMORANDUM FOR COLIN L. POWELL

FROM: ROBERT B. OAKLEY *ROB*

SUBJECT: Presidential Determination for UNGOMAP

Attached at Tab B is a memorandum from Acting Secretary of State Armacost requesting that the President authorize U.S. transportation of observers and equipment to Islamabad so that the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) may commence on schedule its mission pursuant to the Geneva accords on Afghanistan. This assistance will cost \$224,000, and would be authorized pursuant to section 552(c) of the Foreign Assistance Act of 1961, 22 U.S.C. 2348(a)(c). The section provides for such assistance "[i]f the President determines that, as the result of an unforeseen emergency, the provision of assistance under this part in excess of funds otherwise available for such assistance is important to the national interests of the United States". State informs us that other, normally available funds for "Peacekeeping Operations" already are earmarked for other purposes. In this instance, assistance would take the form of a "drawdown of commodities and services" from the Department of Defense.

Though this provision has never been used before, it is well understood in Congress and the State Department that "unforeseen emergency" in fact means a requirement for assistance that was unanticipated when the Administration made its previous request for foreign assistance appropriations.

Prior to making the necessary determination, the President must notify the Speaker of the House of Representatives and the Senate Foreign Relations Committee in writing of his intention to make a section 552(c) determination and his reasons for it. Accordingly, your memorandum (TAB I) asks the President to sign a memorandum to the Secretary of State directing him to make the necessary notification. Once such notification has been made, signature of a presidential determination is required to authorize the assistance.

~~CONFIDENTIAL~~

DECLASSIFY ON: OADR

DECLASSIFIED

NLS F96-128/1 #231BY dlb NARA, DATE 6/15/00

~~CONFIDENTIAL~~

-2-

^{R.}
Nicholas Rostow, Alison Fortier, and Robert Dean concur.

ST.R for

RECOMMENDATION:

That you sign the memorandum for the President at Tab I.

Approve

✓ SW

Disapprove

Attachments:

TAB I Memorandum for the President

TAB A Memorandum to The Secretary of State
TAB I Justification

TAB B Incoming Memorandum from
Acting Secretary Armacost

~~CONFIDENTIAL~~

#3601

Oakley

THE WHITE HOUSE

WASHINGTON

May 19, 1988

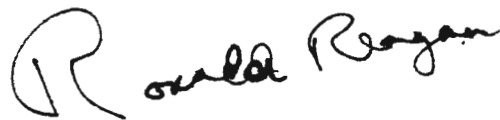
MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Furnishing of Transport Services for UNGOMAP
 Operations in Support of the Geneva Settlement

In accordance with section 652 of the Foreign Assistance Act of 1961, as amended (the "Act"), I authorize you to notify the Speaker of the House of Representatives and the Senate Foreign Relations Committee on my behalf that, pursuant to section 552(c) of the Act, I intend to authorize the Department of Defense to provide transportation assistance to the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) in connection with UNGOMAP's duties under the Geneva accords on Afghanistan. In making this notification, you should use the attached written justification. As soon as the notification has been made, I shall sign an appropriate determination authorizing such assistance.

Attachment:

TAB I Justification

Handwritten signature of Ronald Reagan in cursive script.

Justification for Presidential Determination
to Authorize the Furnishing of Air Transport
for UNGOMAP

Section 552(c) of the Foreign Assistance Act of 1961, as amended, authorizes the provision of services from the resources of any United States Government agency if the President determines that (1) an unforeseen emergency requires the immediate provision of assistance in support of a peacekeeping operation or other programs carried out in furtherance of the national security interests of the United States by an international organization in amounts in excess of funds available under Chapter 6 of Part II, and (2) such provision of assistance is important to the national interests of the United States.

The signing of the Geneva Settlement was a pivotal event in the effort to free Afghanistan from Soviet military occupation and domination. The fruition of this struggle during fiscal year 1988 was unforeseen and unforeseeable until very recently. It is essential for the United States to lend assistance without undue delay, along with our friends and allies who have pledged to assist, where called upon by the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP).

The United Nations has now formally requested US assistance to transport some of its UNGOMAP observers and support equipment to the area. They must be in place by May 15, the date of entry into force of the settlement. We are thus confronted with an emergency situation. UNGOMAP is a key part of the Afghanistan settlement, and our support for it is therefore clearly in the national interests.

UNGOMAP lacks available resources to pay for these services (which are estimated to cost approximately \$224,000). We, too, lack available fiscal year 1988 "Peacekeeping Operations" funds (all of which are inalterably earmarked). For these reasons, I have concluded that use of the emergency authorities provided by Section 552(c) are warranted and I am directing that the Defense Department provide the United Nations with the necessary services to transport by air UNGOMAP observers and equipment to Islamabad via London, Tel Aviv and perhaps another stop.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

THE WHITE HOUSE
WASHINGTON

3601

Received CC

1988 MAY 17 AM 10:34

May 17, 1988

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: COLIN L. POWELL

SUBJECT: Furnishing of Transport Services for
UNGOMAP Operations in Support of the
Geneva Settlement

Issue

Whether to authorize using Department of Defense services to provide air transport for observers and equipment of the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) under Chapter 6 of Part II of the Foreign Assistance Act.

Facts

State has requested authorization for use of \$224,000 under Section 552(c) of the Foreign Assistance Act to provide transportation to UNGOMAP.

Discussion

UNGOMAP has formally asked for USG assistance. Normally, such assistance could be funded under the "Peacekeeping Operations" account of the Foreign Assistance Act. However, all funds for the current fiscal year have already been earmarked. You can, however, direct the provision of these services under section 552(c) of the Foreign Assistance Act for an "unforeseen emergency" if it is important to the national interest. The need to provide such emergency services was unforeseen and unforeseeable at the time Congress last appropriated funds for foreign assistance, and assisting UNGOMAP, which is a key part of the Geneva settlement, is in the national interests of the United States.

cc Vice President
Chief of Staff (2)

~~CONFIDENTIAL~~

DECLASSIFY ON: OADR

DECLASSIFIED

NLS #96-128/1 #232

BY dlb NARA, DATE 6/15/00

~~CONFIDENTIAL~~

For these reasons, section 552(c)'s peacekeeping and related operations drawdown authority can and should be used for this purpose. Under section 652, the process is initiated by notifying the Speaker of the House and the Senate Foreign Relations Committee of your intention to exercise the drawdown authority. Once this notification has been made, it will be appropriate for you to sign a determination.

Recommendation

OK

NO

Sign the memorandum to the Secretary of State (TAB A) directing him to notify the Speaker of the House of Representatives and the Senate Foreign Relations Committee on your behalf of your intention to exercise your authority under Section 552(c) and to transmit the attached Justification.

RR

Thereafter, I will inform you that notification has taken place and recommend that you sign a presidential determination under Section 552(c) authorizing the assistance.

Attachments:

TAB A Your Memorandum to the Secretary of State

TAB I Justification

TAB B Incoming Memorandum from Acting Secretary Armacost

DEPARTMENT OF STATE
WASHINGTON

May 12, 1988

~~CONFIDENTIAL~~

MEMORANDUM TO THE PRESIDENT

FROM: Michael H. Armacost, Acting *MX*

SUBJECT: Foreign Assistance Act Drawdown: Providing Air
Transport Assistance to the UN's Afghanistan
Settlement Good Offices Mission

The United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP) has formally requested USG assistance to transport observers and equipment to the area to expedite implementation of the Geneva Settlement through which the Soviet troops will be withdrawing. In particular, we have been asked to fly UNGOMAP observers and equipment to Islamabad via London, Tel Aviv and perhaps another stop. The Defense Department estimates the cost at \$224,000.

Normally, such assistance could be funded under the "Peacekeeping Operations" account of the Foreign Assistance Act of 1961. Unfortunately, all funds appropriated to this account for the current fiscal year have been earmarked (and exempted from any extraordinary earmark breaking authority). You can, however, direct the provision of these types of services under the authority of Section 552(c) of the FAA if you find that

- (1) there is "an unforeseen emergency" which requires "the provision of assistance under this chapter in amounts in excess of funds otherwise available for such assistance," and
- (2) providing such assistance is important to the national interest.

I believe that such a finding is warranted in this case. As more fully explained in the attached memorandum of justification, the effective implementation of the Accords of the Settlement requires that UNGOMAP be in place as soon as possible before May 15, when the instruments enter into force. Given the limited available time, it is essential that UNGOMAP

~~CONFIDENTIAL~~
DECL:OADR

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NLS F96-122/1 * 733

BY *AMK*, NARA, DATE *3/2/06*

~~CONFIDENTIAL~~

-2-

find a simple and expeditious means to get its personnel in place. The need to provide such emergency services was unforeseen and unforeseeable at the time Congress last appropriated funds for foreign assistance, and UNGOMAP, which is a key part of the pivotal Geneva settlement, is clearly in the national interests of the United States.

For these reasons, I believe that the peacekeeping and related operations drawdown authority can and should be used for this purpose. Under Section 652 of the FAA, the process would be initiated by informing the Speaker of the House, and the Chairmen of the Foreign relations and Appropriations Committees of each House of your intention to exercise the drawdown authority. Once consultations with Congress are concluded, I will inform you whether to sign the attached draft Determination.

Section 654(c) of the FAA requires that your Determination be published in the Federal Register, unless you conclude that such publication would be harmful to the national security. I do not believe that publication of this Determination would have harmful national security consequences.

RECOMMENDATION

That you approve my formal written notification to Congress that you intend to exercise your authority under Section 552(c) of the FAA, including transmittal of the attached justification.

Thereafter, I will inform you of Congressional reaction in anticipation of recommending that you sign the attached Determination under Section 552(c).

The Department of Defense supports this recommendation.

Attachments:

- Tab 1 - Draft Presidential Determination.
- Tab 2 - Memorandum of Justification.

~~CONFIDENTIAL~~

DECL:OADR

DRAFT

Presidential Determination
No. _____

MEMORANDUM FOR THE ACTING SECRETARY OF STATE

SUBJECT: Determination to Authorize the Furnishing of
Transport Services for UNGOMAP Operations in
Support of the Geneva Settlement

Pursuant to the authority vested in me by Section 552(c) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby determine that:

- (1) an unforeseen emergency exists which requires the provision of assistance in amounts in excess of funds otherwise available for such assistance; and
- (2) providing such assistance by immediate drawdown of resources of the Department of Defense is important to the national interest.

Therefore, I hereby authorize using Department of Defense services to provide air transport for observers and equipment of the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) under Chapter 6 of Part II of the Act.

This determination shall be reported to Congress immediately and published in the Federal Register.

Justification for Presidential Determination
to Authorize the Furnishing of Air Transport
for UNGOMAP

Section 552(c) of the Foreign Assistance Act of 1961, as amended, authorizes the provision of services from the resources of any United States Government agency if the President determines that (1) an unforeseen emergency requires the immediate provision of assistance in support of a peacekeeping operation or other programs carried out in furtherance of the national security interests of the United States by an international organization in amounts in excess of funds available under Chapter 6 of Part II, and (2) such provision of assistance is important to the national interests of the United States.

The signing of the Geneva Settlement was a pivotal event in the effort to free Afghanistan from Soviet military occupation and domination. The fruition of this struggle during fiscal year 1988 was unforeseen and unforeseeable until very recently. It is essential for the United States to lend assistance without undue delay, along with our friends and allies who have pledged to assist, where called upon by the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP).

The United Nations has now formally requested US assistance to transport some of its UNGOMAP observers and support equipment to the area. They must be in place by May 15, the date of entry into force of the settlement. We are thus confronted with an emergency situation. UNGOMAP is a key part of the Afghanistan settlement, and our support for it is therefore clearly in the national interests.

UNGOMAP lacks available resources to pay for these services (which are estimated to cost approximately \$224,000). We, too, lack available fiscal year 1988 "Peacekeeping Operations" funds (all of which are inalterably earmarked). For these reasons, I have concluded that use of the emergency authorities provided by Section 552(c) are warranted and I am directing that the Defense Department provide the United Nations with the necessary services to transport by air UNGOMAP observers and equipment to Islamabad via London, Tel Aviv and perhaps another stop.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

May 13, 1988

MEMORANDUM FOR COLIN L. POWELL

FROM: ROBERT B. OAKLEY *RB*

SUBJECT: Presidential Determination for UNGOMAP

Attached at Tab B is a memorandum from Acting Secretary of State Armacost requesting that the President authorize U.S. transportation of observers and equipment to Islamabad so that the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) may commence on schedule its mission pursuant to the Geneva accords on Afghanistan. This assistance will cost \$224,000, and would be authorized pursuant to section 552(c) of the Foreign Assistance Act of 1961, 22 U.S.C. 2348(a)(c). The section provides for such assistance "[i]f the President determines that, as the result of an unforeseen emergency, the provision of assistance under this part in excess of funds otherwise available for such assistance is important to the national interests of the United States". State informs us that other, normally available funds for "Peacekeeping Operations" already are earmarked for other purposes. In this instance, assistance would take the form of a "drawdown of commodities and services" from the Department of Defense.

Though this provision has never been used before, it is well understood in Congress and the State Department that "unforeseen emergency" in fact means a requirement for assistance that was unanticipated when the Administration made its previous request for foreign assistance appropriations.

Prior to making the necessary determination, the President must notify the Speaker of the House of Representatives and the Senate Foreign Relations Committee in writing of his intention to make a section 552(c) determination and his reasons for it. Accordingly, your memorandum (TAB I) asks the President to sign a memorandum to the Secretary of State directing him to make the necessary notification. Once such notification has been made, signature of a presidential determination is required to authorize the assistance.

~~CONFIDENTIAL~~

DECLASSIFY ON: OADR

DECLASSIFIED
NLS F96-128/1 #234BY dlb, NARA, DATE 6/15/00

^{R.}
Nicholas Rostow, Alison Fortier, and Robert Dean concur.

ST.K for

RECOMMENDATION:

That you sign the memorandum for the President at Tab I.

Approve

Disapprove

Attachments:

TAB I Memorandum for the President

TAB A Memorandum to The Secretary of State
TAB I Justification

TAB B Incoming Memorandum from
Acting Secretary Armacost

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

3601
Add-on

THE WHITE HOUSE

WASHINGTON

May 20, 1988

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: WHITE HOUSE EXECUTIVE CLERK *for*

FROM: COLIN L. POWELL *for*

SUBJECT: Presidential Determination for Airlifting
United Nations Observers and Equipment to Pakistan

SIGNED

Issue

Whether to sign the determination at TAB A authorizing the furnishing of services in support of the Geneva Settlement.

Facts

State requested authorization for use of \$224,000 under Section 552(c) of the Foreign Assistance Act to provide assistance to United Nations observers.

Discussion

A two-stage process is required under the law. Under the first requirement, on May 19, 1988, you already approved the notification to Congress of your intention to authorize the assistance, and notification has taken place. The second requirement is that you determine that:

- (1) an unforeseen emergency requires provision of assistance in excess of available funds;
- (2) that such assistance is in the national interest.

Following your signature, the determination will be forwarded to Congress. Thereafter, the Department of Defense will be authorized to provide the requisite services to the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP).

Recommendation

| | | |
|-----------|-----------|--|
| <u>OK</u> | <u>NO</u> | That you sign the Presidential Determination at TAB A directing the Secretary of State to notify Congress on your behalf of your authorization of the use of funds under Section 552(c) for UNGOMAP. |
| <i>RR</i> | ___ | |

Attachments:
TAB A Presidential Determination

cc Vice President
Chief of Staff (2)

~~CONFIDENTIAL~~
DECLASSIFY ON: OADR

~~CONFIDENTIAL~~

DECLASSIFIED
F96-1281 #235
NLS
BY *dlb* NARA, DATE *6/15/00*

WASHFAX RECEIPT

THE WHITE HOUSE

C

UNCLASSIFIED

MESSAGE NO. _____ CLASSIFICATION _____ PAGES ONE

FROM PAUL S. STEVENS 456-2224
(NAME) (EXTENSION) (ROOM NUMBER)

MESSAGE DESCRIPTION PD 88-15 UNGOMAP (LOG 3601)

| TO (AGENCY) | DELIVER TO: | DEPT/ROOM NO. | EXTENSION |
|-------------|------------------|------------------|-----------|
| STATE | MELVYN LEVITSKY | EXEC SECRETARIAT | |
| DEFENSE | COL WILLIAM MATZ | EXEC SECRETARIAT | |
| | | | |
| | | | |
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URGENT

REMARKS PLEASE RETRIEVE EARLIER CYS OF THIS PD (IDENTIFIED AS 88-14)

AND DESTROY; SEE MESSAGE NO. 0740. THIS IS THE CORRECT NUMBER & VERSION.

BT MERCHANT
NSC SECRETARIAT

URGENT

URGENT

URGENT

WASHINGTON RECEIPT

THE WHITE HOUSE

C

URGENT

UNCLASSIFIED

MESSAGE NO. _____ CLASSIFICATION _____ PAGES ONE

FROM PAUL S. STEVENS *MLC* 456-2224 PKs. 360
(NAME) (EXTENSION) (ROOM NUMBER)

MESSAGE DESCRIPTION UNGOMAP

| <u>TO (AGENCY)</u> | <u>DELIVER TO:</u> | <u>DEPT/ROOM NO.</u> | <u>EXTENSION</u> |
|--------------------|---------------------|----------------------|------------------|
| STATE | MR. MELVYN LEVITSKY | EXEC. SEC. | |
| DEFENSE | COL. WILLIAM MATZ | EXEC. SEC. | |
| | | | |
| | | | |
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URGENT

REMARKS _____

URGENT

URGENT

NATIONAL SECURITY COUNCIL
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DATE 20 MAY 88

SUBJECT: PD 88-15 / TO AUTHORIZE FURNISHING OF TRANSPORT SERVICES FOR UNGOMAP
DOCUMENT CLASSIFICATION: UNCLASSIFIED

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|--|-----------------------------|--------------|------------------------|
| SHULTZ, G STATE RM 7241 | <u>5/20/88</u> ORIGINAL+ | <u>13:42</u> | <u>Wynne V. Walker</u> |
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| LEVITSKY, M STATE RM 7224 | <u>5/20/88</u> | <u>13:42</u> | <u>Wynne V. Walker</u> |
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| DUSAULT, P OMB RM 8201 NEOB | <u>5/23/88</u> | <u>1005</u> | <u>M. Blair</u> |
| | COPY: <u>2</u> | | |
| GEISLER, R WH RECORDS OFFICE RM 5 OEOB | <u>23 May 88</u> | <u>1310L</u> | <u>[Signature]</u> |
| | COPY: <u>2</u> | | |

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NATIONAL SECURITY COUNCIL
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DATE TIME SIGNATURE

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RM 7224

✓ COPY: 2

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AID
RM 5945 / NEW STATE

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DUSAULT, P
OMB
RM 8201 NEOB

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WH RECORDS OFFICE
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PAGE 01 OF 01 PAGES

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RM 5 OEOB

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~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

3601
Add-on

Handwritten initials/signature

May 20, 1988

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: ROBERT B. OAKLEY *RBO*

SUBJECT: Presidential Determination for UNGOMAP

Attached at TAB I is a memorandum forwarding the determination for UNGOMAP to the President for his signature (TAB A).

We will need the signature urgently in order to authorize the airlift this weekend.

Nicholas Rostow and Alison Fortier concur.

RECOMMENDATION

That you sign and forward the memorandum at TAB I to the President.

Approve _____

Disapprove _____

Prepared by:
Shirin Tahir-Kheli

Attachments:

TAB I Your Memorandum to the President

TAB A Presidential Determination

~~CONFIDENTIAL~~

DECLASSIFY ON: OADR

DECLASSIFIED
White House Guidelines, August 28, 1997
By: *MJD* NARA Date: *3/1/98*

May 20, 1988

SIGNED

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: ROBERT B. OAKLEY *RBO*

SUBJECT: Presidential Determination for UNGOMAP

Attached at TAB I is a memorandum forwarding the determination for UNGOMAP to the President for his signature (TAB A).

We will need the signature urgently in order to authorize the airlift this weekend.

N
Nicholas Rostow and Alison Fortier concur.

RECOMMENDATION

That you sign and forward the memorandum at TAB I to the President.

Approve _____

Disapprove _____

Prepared by:
Shirin Tahir-Kheli

Attachments:

TAB I Your Memorandum to the President

TAB A Presidential Determination

DECLASSIFIED
NLS *fgb-128/1 #236*
BY *clb*, NARA, DATE *6/15/00*

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: WHITE HOUSE EXECUTIVE CLERK
FROM: COLIN L. POWELL
SUBJECT: Presidential Determination for Airlifting
United Nations Observers and Equipment to Pakistan

Issue

Whether to sign the determination at TAB A authorizing the furnishing of services in support of the Geneva Settlement.

Facts

State requested authorization for use of \$224,000 under Section 552(c) of the Foreign Assistance Act to provide assistance to United Nations observers.

Discussion

A two-stage process is required under the law. Under the first requirement, on May 19, 1988, you already approved the notification to Congress of your intention to authorize the assistance, and notification has taken place. The second requirement is that you determine that:

- (1) an unforeseen emergency requires provision of assistance in excess of available funds;
- (2) that such assistance is in the national interest.

Following your signature, the determination will be forwarded to Congress. Thereafter, the Department of Defense will be authorized to provide the requisite services to the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP).

Recommendation

| | | |
|-----------|-----------|--|
| <u>OK</u> | <u>NO</u> | That you sign the Presidential Determination at TAB A directing the Secretary of State to notify Congress on your behalf of your authorization of the use of funds under Section 552(c) for UNGOMAP. |
| _____ | _____ | |

Attachments:
TAB A Presidential Determination

DECLASSIFIED
 NLS F96-128/1 #237
 BY alb, NARA, DATE 6/15/00

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B

A

THE WHITE HOUSE

WASHINGTON

Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination to Authorize the Furnishing of
Transport Services for UNGOMAP Operations in
Support of the Geneva Settlement

Pursuant to the authority vested in me by Section 552(c) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby determine that:

- (1) an unforeseen emergency exists which requires the provision of assistance in amounts in excess of funds otherwise available for such assistance; and
- (2) providing such assistance by immediate drawdown of resources of the Department of Defense is important to the national interest.

Therefore, I hereby authorize using Department of Defense services to provide air transport for observers and equipment of the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) under Chapter 6 of Part II of the Act.

This determination shall be reported to Congress immediately and published in the Federal Register.