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E.O. 12958 (as amended) SEC 3.3
NSC Memo, 3/30/00, State Dept. Guidelines
By dal NARA, Date 11/23/10

SECRET - GDS

5035
ACTION
NOVEMBER 2, 1974

MEMORANDUM FOR: THE PRESIDENT
FROM: HENRY A KISSINGER
SUBJECT: PRESIDENTIAL DETERMINATION TO ASSIST SOVIET
REFUGEES GOING TO COUNTRIES OTHER THAN ISRAEL

ACTING SECRETARY OF STATE INGERSOLL HAS RECOMMENDED THAT YOU DETERMINE IT IS IN THE NATIONAL INTEREST TO MAKE AVAILABLE \$5 MILLION TO ASSIST SOVIET REFUGEES WHO CHOOSE TO SETTLE OUTSIDE OF ISRAEL (TAB C).

FUNDS PREVIOUSLY MADE AVAILABLE FOR THIS PURPOSE WERE EXHAUSTED ON OCTOBER 31 DUE TO AN UNEXPECTEDLY LARGE NUMBER OF REFUGEES RESETTLING OUTSIDE OF ISRAEL. THERE ARE NO FUNDS FOR THIS PURPOSE UNDER THE CONTINUING RESOLUTION AND THE \$40 MILLION EARMARKED FOR SOVIET REFUGEES IN FY 1975 HAS NOT BEEN APPROPRIATED.

UNDER THE FOREIGN ASSISTANCE ACT YOU HAVE THE AUTHORITY TO TRANSFER \$10 MILLION FROM FUNDS AUTHORIZED UNDER THE FOREIGN ASSISTANCE ACT TO THE DEPARTMENT OF STATE EACH YEAR TO PROVIDE ASSISTANCE TO SPECIFIED CATEGORIES OF REFUGEES. I RECOMMEND THAT YOU USE THIS AUTHORITY TO MAKE AVAILABLE \$5 MILLION NOW IN ORDER THAT VOLUNTARY AGENCIES CAN CONTINUE TO PROVIDE CARE AND RESETTLEMENT ASSISTANCE AT LEAST THROUGH APRIL 1975.

PRIVATE JEWISH GROUPS AS WELL AS SOME CONGRESSIONAL LEADERS HAVE URGED THAT YOU TAKE THIS STEP AS SOON AS POSSIBLE. IN LIGHT OF PAST US SUPPORT FOR THE FREEDOM OF MOVEMENT FOR SOVIET REFUGEES -- WHO ARE PREDOMINANTLY JEWISH -- YOUR DETERMINATION AT THIS TIME IS NOT LIKELY TO PROVOKE HOSTILE REACTION FROM THE SOVIET UNION. ARAB COUNTRIES ARE UNLIKELY TO CRITICIZE OUR WILLINGNESS TO HELP SOVIET JEWS SETTLE OUTSIDE OF ISRAEL.

OMB AGREES WITH MY RECOMMENDATION (TABD) BUT ALSO RECOMMENDS YOU DIRECT THAT:

--- DISBURSEMENT OF THE \$5 MILLION BE ON A MONTH-TO-MONTH BASIS,

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TAKING INTO ACCOUNT ACTUAL CASELOADS, AND

--- ALL SUCH DISBURSEMENTS BE REIMBURSED WHEN CONGRESS APPROPRIATES THE \$40 MILLION NOW AUTHORIZED FOR FY 75 ASSISTANCE TO SOVIET REFUGEES.

IN THE PAST THE EARMARKED APPROPRIATION FOR SOVIET REFUGEES HAS BEEN USED FOR SETTLEMENT OF PERSONS IN ISRAEL OR ELSEWHERE. HOWEVER, THE PROSPECT OF INCREASED NUMBERS OF REFUGEES FROM THE SOVIET UNION HAS LED SOME CONGRESSMEN TO SEEK TO RESTRICT THE NEW FUNDS TO USE ALMOST ENTIRELY WITHIN ISRAEL. OMB IS CONCERNED THAT THE \$5 MILLION YOU ARE NOW BEING ASKED TO TRANSFER FOR SOVIET REFUGEES WILL BE INADEQUATE, AND MORE FUNDS WILL HAVE TO BE DIVERTED IN FY 75 FROM THE LIMITED \$10 MILLION AUTHORITY WHICH IS INTENDED AS ASSISTANCE FOR ALL CATEGORIES OF REFUGEES. OMB NOTES THAT IF THESE TRANSFERRED AMOUNTS ARE NOT REIMBURSED FROM THE \$40 MILLION THE RESULT IN EFFECT WILL BE AN UNBUDGETED INCREASE IN AID TO SOVIET REFUGEES.

I AGREE THAT WE SHOULD ATTEMPT TO PAY FOR ALL SOVIET REFUGEE OPERATIONS FROM THE \$40 MILLION BUDGETED FOR THAT AMOUNT AND PROTECT YOUR OPTION TO USE THE LIMITED \$10 MILLION DISCRETIONARY AUTHORITY FOR OTHER CATEGORIES OF REFUGEES WHOM WE MIGHT WANT TO AID DURING FY 75.

HOWEVER, I SEE NO REASON TO DIRECT REIMBURSEMENT AT THIS TIME. I RECOMMEND INSTEAD THAT YOU AUTHORIZE ME TO DIRECT THE DEPARTMENT OF STATE TO INFORM CONGRESS OF OUR DESIRE TO USE THE \$40 MILLION WHEN APPROPRIATED, TO REIMBURSE AID FOR THE \$5 MILLION NOW BEING TRANSFERRED TO KEEP REFUGEE ASSISTANCE OPERATIONS GOING. I BELIEVE CONGRESS WOULD AGREE MORE READILY TO THIS APPROACH RATHER THAN TO A FAIT ACCOMPI. BILL TIMMONS AGREES.

THE LETTER AT TAB B WILL DIRECT MR. INGERSOLL TO COORDINATE THESE APPROACHES TO CONGRESS. THE MEMORANDUM AT TAB A EMBODIES YOUR DETERMINATION THAT IT IS IN OUR NATIONAL INTEREST TO MAKE \$5 MILLION AVAILABLE AT ONCE TO MAINTAIN OPERATIONS TO RESETTLE SOVIET REFUGEES OUTSIDE OF ISRAEL.

RECOMMENDATION

THAT YOU SIGN THE MEMORANDUM AT TAB A AND AUTHORIZE ME TO SIGN THE LETTER TO MR. INGERSOLL AT TAB B.

APPROVE *SP. 7*

DISAPPROVE



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TAB A (SIGNATURE)

THE WHITE HOUSE
WASHINGTON

PRESIDENTIAL DETERMINATION
NO.

MEMORANDUM FOR: THE SECRETARY OF STATE

SUBJECT: DETERMINATION PURSUANT TO SECTION 2(C) OF THE MIGRATION
AND REFUGEE ASSISTANCE ACT OF 1962 (THE "ACT")
AUTHORIZING THE TRANSFER OF UP TO \$5,000,000 OF
FUNDS MADE AVAILABLE UNDER THE FOREIGN ASSISTANCE
ACT OF 1961, AS AMENDED

IN ORDER TO MEET UNEXPECTED AND URGENT REFUGEE RELIEF NEEDS
ARISING IN CONNECTION WITH THE MIGRATION OF SOVIET REFUGEES
TO COUNTRIES OTHER THAN ISRAEL, I HEREBY DETERMINE, PURSUANT
TO SECTION 2(C) OF THE ACT, THAT IT IS IMPORTANT TO THE NATIONAL
INTEREST THAT UP TO \$5,000,000 OF FUNDS, MADE AVAILABLE FOR
USE IN FISCAL YEAR 1975 UNDER THE FOREIGN ASSISTANCE ACT OF
1961, AS AMENDED, BE TRANSFERRED TO AND CONSOLIDATED WITH
FUNDS MADE AVAILABLE TO THE DEPARTMENT OF STATE FOR THIS ACT.

THE SECRETARY OF STATE IS AUTHORIZED TO DIRECT THE TRANSFER OF
FUNDS FOR THIS PURPOSE FOR APPROPRIATION ACCOUNTS UNDER THE
FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED, AND TO CONSOLIDATE
THE FUNDS SO TRANSFERRED WITH FUNDS MADE AVAILABLE TO THE
DEPARTMENT OF STATE FOR THIS ACT.

THE SECRETARY OF STATE IS REQUESTED TO INFORM THE APPROPRIATE
COMMITTEES OF CONGRESS OF THIS DETERMINATION AND THE TRANSFER
OF FUNDS MADE UNDER THIS AUTHORITY.

Handwritten signature: Gerald R. Ford

TAB B:



MEMORANDUM FOR:

THE ACTING SECRETARY OF STATE

SUBJECT: PRESIDENTIAL DETERMINATION TO ASSIST SOVIET REFUGEES
GOING TO COUNTRIES OTHER THAN ISRAEL

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THE PRESIDENT HAS DETERMINED THAT IT IS IN THE NATIONAL INTEREST TO MAKE AVAILABLE, UNDER SECTION 2(C) OF THE FOREIGN ASSISTANCE ACT, \$5 MILLION FOR USE IN FY 75 IN CONNECTION WITH THE MIGRATION OF SOVIET REFUGEES TO COUNTRIES OTHER THAN ISRAEL.

THE PRESIDENT DESIRES THAT YOU COORDINATE CONSULTATIONS WITH APPROPRIATE MEMBERS OF CONGRESS TO WIN AGREEMENT TO THE REIMBURSEMENT OF THE FOREGOING AMOUNT FROM THE \$40 MILLION WHICH IS PENDING APPROPRIATION FOR ASSISTANCE TO SOVIET REFUGEES IN THIS FISCAL YEAR. THE PRESIDENT WISHES TO FOLLOW THIS COURSE BECAUSE IT IS

- CONSISTENT WITH PAST PRACTICE., AND
- WOULD HAVE THE ADVANTAGE OF LEAVING OPEN HIS OPTIONS UNDER THE LIMITED \$10 MILLION HE MAY TRANSFER EACH YEAR FOR OTHER CATEGORIES OF REFUGEES, TO RESPOND TO NEEDS WHICH CANNOT BE FORESEEN AT THE MOMENT.

IN THE INTERIM, THE PRESIDENT WOULD LIKE DISBURSEMENTS FROM THE \$5 MILLION TO BE MADE ON A MONTH TO MONTH BASIS BASED ON ACTUAL CASELOADS.

IN THE EVENT OF STRONG OBJECTIONS TO THIS REIMBURSEMENT, THE PRESIDENT DESIRES A REPORT AND YOUR RECOMMENDATIONS ON THE BEST ALLOCATION OF FUNDS AVAILABLE UNDER BOTH THE SPECIAL APPROPRIATION FOR SOVIET REFUGEES AND ALSO UNDER THE GENERAL \$10 MILLION TRANSFER AUTHORITY FOR REFUGEE ASSISTANCE IN THE FOREIGN ASSISTANCE ACT.

HENRY A. KISSINGER

TAB C

DEPARTMENT OF STATE
WASHINGTON
OCTOBER 23, 1974



~~CONFIDENTIAL~~

MEMORANDUM FOR: THE PRESIDENT

FROM: ROBERT S. INGERSOLL, ACTING SECRETARY

SUBJECT: PRESIDENTIAL DETERMINATION TO ASSIST SOVIET REFUGEES GOING TO COUNTRIES OTHER THAN ISRAEL

A PRESIDENTIAL DETERMINATION TRANSFERRING \$5.0 MILLION FROM FOREIGN ASSISTANCE FUNDS TO THE DEPARTMENT OF STATE IS REQUIRED TO ASSIST THE GREATLY INCREASED NUMBERS OF SOVIET REFUGEES

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GOING TO COUNTRIES OTHER THAN ISRAEL. IN 1973, ABOUT 33,000 SOVIET REFUGEES MIGRATED TO ISRAEL WHILE 3,000 CHOSE OTHER COUNTRIES, PRIMARILY THE UNITED STATES. UP TO SEPTEMBER OF THIS YEAR 12,400 MIGRATED TO ISRAEL WHILE THE NUMBERS OPTING FOR OTHER COUNTRIES INCREASED TO ALMOST 4,500, OF WHOM 1,450 RETURNED TO WESTERN EUROPE AFTER RELATIVELY BRIEF PERIODS OF RESIDENCE IN ISRAEL.

WITH U.S. FINANCIAL ASSISTANCE, VOLUNTARY AGENCIES HAVE BEEN PROVIDING CARE AND MAINTENANCE AND RESETTLEMENT ASSISTANCE. THESE FUNDS HAVE UNTIL THIS MONTH BEEN TAKEN FROM CONGRESSIONAL APPROPRIATIONS TO HELP JEWS AND OTHER REFUGEES FROM THE SOVIET UNION GOING TO ISRAEL OR OTHER COUNTRIES. FOR FY 1975, CONGRESS HAS AUTHORIZED \$40 MILLION. HOWEVER, CONGRESS MAY RESTRICT THESE FUNDS TO USE IN ISRAEL. AS YET NO MONEY HAS BEEN APPROPRIATED FOR THIS PURPOSE, AND THE CONTINUING RESOLUTION DOES NOT INCLUDE FUNDS FOR SOVIET REFUGEES.

IN FY 1974 WE ALLOCATED \$3.4 MILLION PLUS TRAVEL EXPENSES FOR SOVIET REFUGEES NOT GOING TO ISRAEL. WE ESTIMATED THIS AMOUNT WOULD CARRY US THROUGH CY 1974. THIS HAS NOT BEEN THE CASE. NOT ONLY WERE THE NUMBERS UNDERESTIMATED BUT RESETTLEMENT OF SOVIET REFUGEES HAS BEEN PARTICULARLY DIFFICULT AND COSTLY. AVAILABLE FUNDS WILL BE EXHAUSTED BY THE END OF OCTOBER. THE ONLY RECOURSE AVAILABLE TO HELP THEM IS THROUGH A TRANSFER OF FUNDS FROM FOREIGN ASSISTANCE TO THE DEPARTMENT BY PRESIDENTIAL DETERMINATION. WE ESTIMATE THAT \$5.0 MILLION WILL CARRY US THROUGH APRIL 1975. BY THAT TIME CONGRESSIONAL INTENT WITH REGARD TO FURTHER ASSISTANCE WILL HAVE BECOME KNOWN.

IT IS IMPORTANT TO THE NATIONAL INTEREST TO TRANSFER FUNDS FOR THIS PROGRAM FOR THE FOLLOWING REASONS: WE ARE ALREADY COMMITTED TO THIS PROGRAM; FAILURE TO PROVIDE THESE FUNDS WILL MEAN THAT VOLUNTARY AGENCIES WILL BE UNABLE TO CONTINUE THEIR ASSISTANCE AND THESE REFUGEES WILL BE DESTITUTE IN WESTERN EUROPE AND COULD POSSIBLY BECOME UNRULY. THIS COULD LEAD TO THE REFUSAL OF WESTERN EUROPEAN COUNTRIES TO ADMIT SOVIET REFUGEES IN TRANSIT, PARTICULARLY IF THERE IS ANY INCREASE IN SOVIET MIGRATION. HELPING THESE REFUGEES WOULD ALSO CONFIRM US SUPPORT OF FREEDOM OF MOVEMENT.

RECOMMENDATION:

THAT YOU SIGN THE ATTACHED DETERMINATION AUTHORIZING THE TRANSFER OF \$5.0 MILLION FROM FOREIGN ASSISTANCE FUNDS TO THE DEPARTMENT TO ASSIST SOVIET REFUGEES NOT GOING TO ISRAEL.

ATTACHMENT:

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PRESIDENTIAL DETERMINATION

TAB D

CONFIDENTIAL GDS

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
OCTOBER 31, 1974

MEMORANDUM FOR JOHN H. MURPHY

SUBJECT: PRESIDENTIAL DETERMINATION TO AID SOVIET REFUGEES

OMB AGREES WITH THE PROPOSED PRESIDENTIAL DETERMINATION TRANSFERRING UP TO \$5 MILLION OF ECONOMIC AND APPROPRIATIONS TO THE STATE DEPARTMENT TO ASSIST SOVIET REFUGEES GOING TO COUNTRIES OTHER THAN ISRAEL (PRIMARILY THE US). HOWEVER, WE RECOMMEND THAT THE PRESIDENT PLACE THREE CONDITIONS ON THE TRANSFER IN A LETTER TO THE SECRETARY OF STATE:

- (1) THAT THEY BE MADE ONLY MONTH TO MONTH BASED ON ACTUAL CASELOADS,
- (2) THAT THEY CEASE ONCE THE EXPECTED CONGRESSIONALLY-INITIATED \$40 MILLION 1975 APPROPRIATION FOR SOVIET REFUGEES IS ENACTED AND
- (3) THAT ALL COSTS FOR THESE REFUGEES BE FINANCED FROM THE EXPECTED \$40M APPROPRIATION, INCLUDING PAYING BACK WHAT-EVER FUNDS WERE TRANSFERRED FROM ECONOMIC AID APPROPRIATIONS UNDER THIS DETERMINATION.



DURING 1973 AND 1974 ALL COSTS FOR REFUGEES GOING TO COUNTRIES OTHER THAN ISRAEL WERE FINANCED FROM THE SPECIAL APPROPRIATIONS INITIATED BY THE CONGRESS FOR ASSISTANCE FOR SOVIET REFUGEES. THE HOUSE FOREIGN AFFAIRS COMMITTEE AND REPRESENTATIVE PASSMAN, CHAIRMAN OF THE HOUSE APPROPRIATIONS SUB-COMMITTEE THAT WILL INITIATE THE EXPECTED 1975 APPROPRIATION OF \$40 MILLION, HAVE INDICATED THAT THE \$40 MILLION SHOULD BE SPENT FOR REFUGEES IN ISRAEL, AND ONLY LIMITEDLY USED FOR REFUGEES GOING ELSEWHERE. HOWEVER, WITH THE SHARP INCREASE IN REFUGEES COMING TO THE US, THE STATE DEPARTMENT NOW ESTIMATED LARGE, ADDITIONAL REQUIREMENTS FOR THE REMAINING MONTHS OF 1974 AND THROUGH 1975. THESE COSTS HAVE NOT BEEN PROVIDED FOR IN OTHER 1975 APPROPRIATIONS. THE

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\$5 MILLION PRESIDENTIAL DETERMINATION IS JUSTIFIED BY THE DEPARTMENT AS AN INTERIM MEASURE UNTIL THE DEPARTMENT CAN DECIDE WHAT TO DO.

IN SPITE OF THE CONGRESSIONAL ATTITUDE, WE BELIEVE THAT THE COSTS OF ALL REFUGEES SHOULD BE FINANCED FROM THE SPECIAL SOVIET REFUGEE APPROPRIATION. PRESIDENT NIXON DID NOT PROPOSE SUCH APPROPRIATIONS IN ANY OF HIS BUDGETS AND, WE UNDERSTAND, THE DEPARTMENT DOES NOT WANT PRESIDENT FORD TO PROPOSE APPROPRIATIONS IN VIEW OF OUR CURRENT, DELICATE RELATIONSHIPS WITH THE ARAB GOVERNMENTS. THERE APPEARS THEREFORE TO BE LITTLE ALTERNATIVE OTHER THAN FINANCING THESE COSTS FROM THE SPECIAL APPROPRIATION AS THEY HAVE BEEN IN THE PAST. WE SEE LITTLE REASON FOR POSTPONEMENT OF THE DECISION UNTIL NEXT SPRING, WHEN THERE WILL PROBABLY BE THE NEED FOR ANOTHER DETERMINATION AND FURTHER TRANSFERS OF ECONOMIC AID MONEY. FURTHERMORE, EXPERIENCE INDICATES THERE WILL PROBABLY BE OTHER URGENT REFUGEE NEEDS (PALESTINE REFUGEES, ETC.) ARISING BEFORE NEXT JUNE WHICH MAY REQUIRE UTILIZATION OF THE REMAINING \$5 MILLION OF TRANSFER AUTHORITY.

CONSEQUENTLY, WE BELIEVE THE DEPARTMENT SHOULD EXPLAIN THE SITUATION TO APPROPRIATE CONGRESSIONAL LEADERS AND CONTINUE TO FINANCE 1975 NEEDS AS THEY HAVE BEEN IN THE PAST.

/S/JAMES M. FREY
DEPUTY ASSOCIATE DIRECTOR
FOR INTERNATIONAL AFFAIRS

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