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Document ID: 9806277				
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NSC/RMO PROFILE

RECORD ID: 9806277
RECEIVED: 11 SEP 98 13

TO: BERGER

FROM: COHEN, W

DOC DATE: 09 SEP 98
SOURCE REF: 01201

KEYWORDS: CUBA MIGRATION
CM

DEFENSE BUDGET

PERSONS:

SUBJECT: BURDEN SHARING FOR MIGRANT OPERATIONS AT GUANTANAMO & OTHER OVERSEAS
FACILITIES

ACTION: OBE / ORIGINALS RETURNED TO NSC/RMO DUE DATE: 17 SEP 98 STATUS: C

STAFF OFFICER: BUSBY

LOGREF:

FILES: WH NSCP: 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

COMMENTS:

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DOC 1 OF 1

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E.O. 13526
White House Guidelines, September 11, 2006
By *mi* NARA, Date *4/2/16*
2016 1034-F

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ACTION DATA SUMMARY REPORT

RECORD ID: 9806277

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

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001 BUSBY

X 00010414 OBE / ORIGINALS RETURNED TO NSC/RMO
Z 98091113 PREPARE MEMO FOR BERGER

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

FOR ACTION
BUSBY

FOR CONCURRENCE
BOUCHARD

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BELL
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RAGAN
RUDMAN
SCHWARTZ
VON LIPSEY

COMMENTS:

OBE . Pls close at. (SB) 1/03/00

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OPENED BY: NSDRS

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DOC 1 OF 1

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White House Guidelines, September 11, 2006
By W NARA, Date 4/11/16
201-1034-F



~~CONFIDENTIAL~~
THE SECRETARY OF DEFENSE

WASHINGTON, THE DISTRICT OF COLUMBIA

09 SEP 1998



Mr. Samuel R. Berger
Assistant to the President for National Security Affairs
The White House
Washington, D.C. 20500

Dear ~~Mr. Berger:~~ *Sandy*

(U) This letter responds to your June 22 memorandum, "Burden-Sharing for Migrant Operations at Guantanamo and Other Overseas Facilities." The interagency process to transfer principal responsibility for migrant operations from the Defense Department to civilian agencies has been a lengthy one. I believe, however, that our work has paid off, and that this proposal is a sound working document to guide future interagency efforts. The majority of concerns raised by the Defense Department in reviewing earlier draft proposals have been addressed in this memorandum. To further illuminate the Defense Department's views, I attach the Joint Staff's comments on your paper.

~~(C)~~ As you may be aware, the manpower and operating budget of the Naval Base at Guantanamo Bay will be significantly reduced in Fiscal Year 1999. Sometime during the upcoming year, base personnel levels will fall to a level at which augmentation from the continental United States will become necessary to conduct even day-to-day migrant operations if no other arrangements have been made. At that time, I will need your assistance in obtaining full reimbursement from the Departments of Justice (DoJ) and State (DoS) to cover the costs of migrant operations.

~~(C)~~ I would like to clarify two specific issues raised in the paper. First, regarding security, you propose that DoD continue to be responsible for overall security at the perimeter of the migrant facility, and that DoD and DoJ discuss how best to manage the security of migrants inside the facility. Our respective staffs interpret this to mean that the facility would operate as a latchkey facility within the naval base. DoJ/DoS/contractor personnel would be responsible for the day-to-day maintenance of good order and discipline among the migrants inside that facility, while military personnel would provide overall base security, as well as backup during crisis situations. Second, regarding DoD's continuing support for infrastructure, our understanding is that consumables such as water and electricity would be provided on a reimbursable basis.

~~(C)~~ The NSC's designation of the Department of Justice as the lead agency for managing the migrant facility at Guantanamo is a helpful first step in coordinating future interagency support, and is consistent with our view of migrant interdiction as fundamentally a law enforcement

Classified by: Samuel R. Berger
Reason: 1.5(d)
Declassify On: 25 July 2007

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2011 10/21/16
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mission. Your memorandum is also useful in proposing that the Justice Department reimburse DoD for incremental costs associated with migrants awaiting status determination or repatriation, and that the State Department be responsible for the costs of migrants awaiting third country resettlement. My financial staff already has opened discussions with their counterparts at the Immigration and Naturalization Service (INS), DoJ, and DoS to begin developing a mechanism for cost reimbursement during FY1999.

(U) During the past month considerable work has been done at the staff level, involving DoD, DoJ, INS, DoS, and your office, to help develop the more detailed documents needed to implement this proposed arrangement. A draft Memorandum of Understanding among the relevant agencies is nearing completion, a draft Memorandum of Agreement to establish financial arrangements has been developed, and a Statement of Work is now being prepared to define services necessary to support a migrant facility, in order to draw up contracts.

(U) Finally, it is my understanding that some uncertainty still exists regarding the Justice Department's legal authority to detain and process migrants outside of the U.S. I am advised that your staff hopes to clearly define this authority soon, either in a final burden-sharing memorandum or a separate document, such as an amendment to an existing Executive Order. Establishment of DoJ's authority in this area will be a necessary prerequisite to implementing the arrangements proposed in your memorandum.

(U) Thank you for the opportunity to comment on this proposal. I look forward to working closely with you as we implement these new arrangements.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Clinton", with a stylized flourish at the end.

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NSC/RMO PROFILE

RECORD ID: 9904560
RECEIVED: 14 JUN 99 17

TO: RENO, J

FROM: BERGER

DOC DATE: 18 JUN 99
SOURCE REF:

KEYWORDS: CHINA P R

IMMIGRATION

PERSONS:

SUBJECT: BURDEN-SHARING ON CHINESE MIGRANT OPERATION

ACTION: BERGER SGD MEMO

DUE DATE: 19 JUN 99 STATUS: C

STAFF OFFICER: BUSBY

LOGREF:

FILES: PA

NSCP:

CODES:

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

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DOC 3 OF 3

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ACTION DATA SUMMARY REPORT

RECORD ID: 9904560

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

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DISPATCH DATA SUMMARY REPORT

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DISPATCH FOR INFO

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**NATIONAL SECURITY COUNCIL
THE WHITE HOUSE**

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	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<i>K</i> JACOBSON	_____	_____	_____
POWELL	_____	_____	_____
RICE Sargeant	<u>X</u>	_____	_____
DAVIES	<u>1</u>	<u>g 6/14</u>	_____
KERRICK	_____	_____	_____
STEINBERG	<u>2</u>	<u>[Signature]</u>	_____
BERGER	<u>3</u>	<u>[Signature]</u>	_____
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RECORDS MGMT.	_____	_____	_____
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A = ACTION I = INFORMATION D = DISPATCH R = RETAIN N = NO FURTHER ACTION

SEC 1/4/76

COMMENTS:

Memo to Reno re Burdenhardt
on Chinese Migrant Operations

EXEC SEC OFFICE HAS DISKETTE up

June 18, 1999

MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: Burden-sharing on Chinese Migrant Operation

Thank you for sharing your concerns regarding funding for the interdiction operation involving Chinese aliens in the Pacific. As you know, the NSC staff is coordinating an interagency effort to resolve this issue as quickly as possible.

We have convened several meetings with relevant agencies at which a burden-sharing arrangement has been discussed. Our goal is to reach interagency agreement on a general burden-sharing framework and then apply it to the current Chinese migrant operation in the Pacific, although I do not want to rule out any long-term solutions that may be available.

Before finalizing such an arrangement, however, we are seeking legal and policy input from the various agencies involved, including the Department of Justice. We would welcome your written views as soon as possible on my burden-sharing proposal of last year (attached) as well as your ideas on seeking long-term legislative solutions.

This matter has my personal attention and I am committed to resolving the issues you have raised.


Samuel R. Berger
Assistant to the President
for National Security Affairs

Attachment

Tab A Memorandum on Burden-Sharing for Migrant Operations