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Folder Title:

Chron File - June 1993 #3 [4]

Staff Office-Individual:

Defense Policy-Bell, Robert

Original OA/ID Number:

45

Row:	Section:	Shelf:	Position:	Stack:
31	3	2	1	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	Admiral William D. Smith [Personally Identifiable Information] [partial] (1 page)	06/23/1993	b(6)
001b. resume	Duplicate of vz4422_002b. [William D. Smith] (2 pages)	04/20/1993	b(6)
002a. memo	For Anthony Lake from Steven Andreasen. Subject: Talking Points for Your Meeting with Ambassador Renwick, July 1. Record ID: 9304888. (2 pages)	06/30/1993	P1/b(1)
002b. cable	re: Nuclear Testing. (3 pages)	06/30/1993	P1/b(1)
002c. cable	re: Anticipation of President's Decision. (2 pages)	06/30/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 45

FOLDER TITLE:

Chron File - June 1993 #3 [4]

2016-0152-F

vz4426

RESTRICTION CODES

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

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

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or
financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President
and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of
personal privacy [(a)(6) of the PRA]

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

C. Closed in accordance with restrictions contained in donor's deed
of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C.
2201(3).

RR. Document will be reviewed upon request.

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

June 28, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT BELL *RB*FROM: KEITH HAHN *KH*SUBJECT: Letter to the President from Representative Nadler
RE: Homosexuals in the Military

At Tab II Representative Jerrold Nadler has written the President to express his concern about recent news reports of a change in the President's support for lifting the ban on homosexuals in the military. He argues that the President must be true to his campaign promises and exercise the powers of Commander-in-Chief to overrule the objections of the Joint Chiefs of Staff. He is further convinced that Congressional opposition to lifting the ban is overestimated.

Concurrence by: Jeremy Rosner *JR*RECOMMENDATION

That you forward the memorandum at Tab I to the President.

Attachments

Tab I Memorandum for the President
Tab A Letter to Representative Nadler
Tab B Incoming Correspondence

[Handwritten signature/initials]

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
HOWARD PASTER

SUBJECT: Letter from Representative Nadler RE: Homosexuals
in the Military

Purpose

To respond to a letter from Representative Jerrold Nadler in which he expresses his concern about recent news reports that you have changed your support for lifting the ban on homosexuals in the military.

Background

Representative Nadler argues that the policy of non-discrimination for homosexuals in the military that you set forth in the campaign and at the outset of this Administration is the right policy. He asks that you exercise your powers as Commander-in-Chief to overrule the objections of the Joint Chiefs of Staff on this issue. Finally, he believes that the Congressional opposition to lifting the ban is overestimated.

RECOMMENDATION

That you sign the letter at Tab A.

Attachments

Tab A Letter to Representative Nadler
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Jerry:

I greatly appreciate your writing to express your support for lifting the ban on homosexuals in the military. I have consistently stated my commitment to ensuring that American citizens who want to serve their country should be able to do so unless their conduct disqualifies them from doing so. Furthermore, I believe that behavior can and should be strictly regulated. I do not think people should be disqualified merely on the basis of status.

Secretary of Defense Les Aspin has been working closely with the military and civilian leadership of the armed forces in an effort to develop a fair and workable solution to the very sensitive issue of homosexuals in the military. I will keep your views in mind as I consider his recommendations.

Sincerely,

The Honorable Jerrold Nadler
House of Representatives
Washington, D.C. 20515

JERROLD NADLER
8TH DISTRICT, NEW YORK

REPLY TO:

- WASHINGTON OFFICE:
424 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-6631
- DISTRICT OFFICE:
1841 BROADWAY
SUITE 800
NEW YORK, NY 10023
(212) 486-3520

Congress of the United States
House of Representatives
Washington, DC 20515

93 JUN 25 P1:56

June 24, 1993

Hon. William J. Clinton
The White House
Washington, D.C. 20500

Dear President Clinton:

I am writing to express my great dismay at news reports in recent days suggesting that you may be on the verge of adopting a "compromise" that essentially would leave in place the ban on military service by lesbians and gay men, with modifications only in the methods of enforcement to be employed. This is a far cry not only from your promises made during the campaign but--more important--from the principle of fairness and inclusion that you have articulated on this issue and in other contexts: that "we don't have a person to waste," and must not permit the biases of some to serve as a basis for excluding the contributions of others.

I was especially distressed to see the statements attributed to George Stephanopoulos in today's Washington Post. The fact that "the brass is not moving on this" hardly seems to me a basis for reversal of the essence of your previously stated policy. I do not believe anybody ever contemplated that the military leadership would welcome the change you have promised. The military is not, in any event, a democracy. Any military leader who desired to exercise the powers of Commander-in-Chief was at liberty to resign his commission and join you and your opponents up in New Hampshire in January of last year. Military leaders not comfortable with following your instructions should be referred to the Truman-MacArthur example.

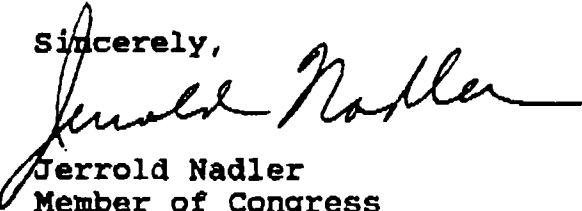
I am puzzled by the suggestion that a reversal of your policy on this matter might be dictated by the lack of sufficient votes in Congress to support your position. From the head counts of which I am aware, it appears to be far from a foregone conclusion that legislation to overturn an executive order ending the ban would pass both houses of Congress. And if it should--that's what the Presidential veto power is for. No head count I have seen suggests that opponents of lifting the ban have sufficient votes to override a veto.

47412
PUBLIC WORKS
TRANSPORTATION COMMITTEE
SUBCOMMITTEES:
ECONOMIC DEVELOPMENT
SURFACE TRANSPORTATION
WATER RESOURCES AND
ENVIRONMENT
JUDICIARY COMMITTEE
SUBCOMMITTEES:
CIVIL AND CONSTITUTIONAL
RIGHTS
INTERNATIONAL LAW,
IMMIGRATION AND REFUGEES
MEMBER, CONGRESSIONAL
ARTE CAUCUS
MEMBER, CONGRESSIONAL
CAUCUS FOR WOMEN'S
ISSUES

politically, I believe you have far more to lose from a
on this issue than from steadfastness. Your position on
issue is supported by most of your supporters and opposed by
of those who opposed your election in the first place and
opposed most of your program. Taking a strong stand on an
of principle--confronting, if necessary, Congress and some
leaders of the military--will only enhance your standing with the
American people, including many of those who disagree with you on
the merits. By contrast, a reversal on this issue would only
diminish your stature in the eyes of many. It would certainly
undermine the relatively strong support you have continued to
enjoy in my district.

I feel certain that you still believe that the policy of
non-discrimination that you have articulated repeatedly in
connection with this issue is the right one on the merits. I
urge you to act on that conviction by adopting a policy of true
non-discrimination that permits lesbians and gay men to serve
their country on the same terms as all other Americans. Anything
less will be a great disappointment to millions of your strongest
supporters, gay and straight.

Sincerely,



Handwritten signature of Jerrold Nadler in cursive script.

Jerrold Nadler
Member of Congress

THE WHITE HOUSE

WASHINGTON

June 25, 1993

MEMORANDUM FOR WILLIAM ITOH

FROM: HOWARD G. PASTER *HP*
LEGISLATIVE AFFAIRS

SUBJECT: CONGRESSIONAL MAIL

Attached are copies of letters sent to the President from several members of Congress.

Since these letters address national security issues, I would appreciate your assistance in drafting a response.

The letters are as follows:

- 1) Dianne Feinstein (D-CA), concerning the Presidio of San Francisco;
- 2) Jim Leach (R-IA), concerning nuclear weapons;
- ✓ 3) Jerry Nadler (D-NY), concerning homosexuals, lesbians, and bisexuals in the military;
- 4) Bob Dole (R-KS), concerning Bosnia-Herzcegovina;
- 5) John LaFalce (D-NY) and others, concerning human rights;
- 6) Jim Ramstad (R-MN) and others, concerning troops to Macedonia; and
- 7) Glen Browder (D-AL), concerning base closures.

Thank you very much for your assistance. If you have any questions, please feel free to call LeeAnn Inadomi at x7500.

Enclosures

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

June 28, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT BELL *RB*FROM: KEITH HAHN *KH*SUBJECT: Letter to the President from Representative
Schroeder, et al, RE: Homosexuals in the Military

At Tab II the President has been asked by sixty-nine members of Congress to lift the ban on homosexuals in the military and support a policy of non-discrimination which recognizes that an individual's private life should not be subject to regulation by the armed services.

Concurrence by: Jeremy Rosner *JR*RECOMMENDATION

That you forward the memorandum at Tab I to the President.

Attachments

Tab I Memorandum for the President
Tab A Letters to Members of Congress
Tab B Incoming Correspondence

THE WHITE HOUSE

WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
HOWARD PASTER

SUBJECT: Letter from Representative Schroeder, et al, RE:
Homosexuals in the Military

Purpose

To respond to a letter from sixty-nine members of Congress asking you to lift the ban on homosexuals in the military.

Background

At Tab B the concerned members of Congress cite two principles that should be used in developing a new policy toward homosexuals in the military: an individual's private life, to the extent that it does not harm others, should not be subject to regulation by the armed services; and homosexuals should not be forced to live a lie within the military.

The response at Tab A notes that you are working with the military and civilian leadership of the Department of Defense, members of the gay community and congressional leadership to develop a policy that is equitable and workable for all concerned.

RECOMMENDATION

That you sign the letters at Tab A.

Attachments

Tab A Letters to Members of Congress
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Pat:

I greatly appreciate your writing to express your support for lifting the ban on homosexuals in the military. I have consistently stated my commitment to ensuring that American citizens who want to serve their country should be able to do so unless their conduct disqualifies them from doing so. Furthermore, I believe that behavior can and should be strictly regulated. I do not think people should be disqualified merely on the basis of status.

Secretary of Defense Les Aspin has been working closely with the military and civilian leadership of the armed forces in an effort to develop a fair and workable solution to the very sensitive issue of homosexuals in the military. I will keep your views in mind as I consider his recommendations.

Sincerely,

The Honorable Patricia Schroeder
House of Representatives
Washington, D.C. 20515

4738

Congress of the United States
House of Representatives
Washington, DC 20515

June 23, 1993

The President
The White House
Washington, D.C.

93 JUN 24 P4:08

Dear Mr. President:

We are writing to express our strong support for a fair and effective policy that will allow gay men, lesbians, and bisexuals to serve openly and with dignity in our armed services. We hope and anticipate that you will present such a policy to the Congress and the country.

Barry Goldwater, who served as Chairman of the Senate Armed Services Committee, recently wrote: "With all the good this country has accomplished and stood for, I know that we can rise to the challenge, do the right thing and lift the ban on gays in the military. Countries with far less leadership and discipline have traveled this way, and successfully." We agree.

We believe that two basic principles should form the foundation of any policy developed.

First, an individual's private life, to the extent that it does not harm others, should not be subject to regulation by the armed services. Currently, the private, consensual sexual activity of heterosexual adult servicemembers is not investigated or prosecuted by the military. The same approach should be adopted for private, consensual homosexual adult activity. This is appropriate, as many individuals--both homosexual and heterosexual--currently engage in private, consensual sexual activity that violates Article 125 of the Uniform Code of Military Justice.

By contrast, sexual misconduct, on-base, off-base, or out of uniform, should certainly be the business of our military. For example, sexual harassment, nonconsensual sex, sex with minors, and fraternization should be strictly regulated by our armed services for both homosexual and heterosexual servicemembers. The recent Tailhook scandal highlights the need for the military to develop and implement more effective methods for eliminating sexual harassment within the armed services. Thus, we strongly support the strict application of a code of conduct that will regulate and punish both heterosexual and homosexual sexual misconduct, particularly sexual harassment.

Second, gay people should not be forced to live a lie within the

military. The key military values of honesty, integrity, and honor are violated every time a gay person is forced to suppress the fact that he or she is gay. In the normal course of social interaction, people are asked numerous questions about their daily lives that require gay people to hedge or lie in order to avoid suspicion. Many active duty servicemembers have told us that this distancing and denial itself undermines unit cohesion. Gay men, lesbians, and bisexuals must be able to acknowledge their sexual orientation, when and if they feel comfortable in doing so. It is unfair for the military to require gay individuals to be silent, when heterosexual servicemembers are allowed to talk freely about their sexual orientation.

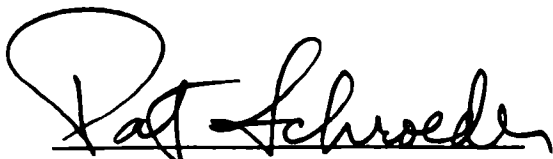
We recognize and respect the armed services' need to maintain good order, discipline, and morale. We see no conflict, however, between this military imperative and allowing gay men, lesbians, and bisexuals to serve openly. The military has the right to establish and enforce rules that prohibit activities that are disruptive within the military setting. But this right must be used sparingly so that activities that have no demonstrable impact on military order--such as a servicemember's statement or acknowledgement of his or her sexual orientation--are not punished. Moreover, any such rules of conduct must be applied equally to heterosexual and homosexual servicemembers.

Finally, we believe that adopting a policy of non-discrimination for gay, lesbian, and bisexual members of the armed services will not lead to dramatic changes in the military. For example, under such a non-discrimination policy, the military will not have to grant marital benefits, including housing and health care to the partners of gay servicemembers. Such a non-discrimination policy will also not restrain the military from preventing public displays of affection that are disruptive to the military. And we do not believe that a policy of non-discrimination constitutes an endorsement of any particular sexual orientation. It simply represents a statement of justice, equality, and tolerance.

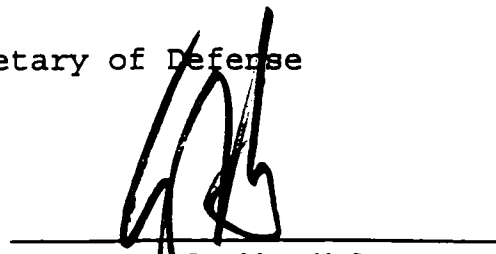
We look forward to supporting a proposal that incorporates these two principles. We will support your commitment to a fair and effective policy for gay men, lesbians, and bisexuals in the armed services and are ready to assist you in any manner.

Sincerely,

cc: The Honorable Les Aspin, Secretary of Defense



Patricia Schroeder, M.C.



Gerry Studds, M.C.

Ed Pastor

Ed Pastor, M.C.

Cynthia McKinney

Cynthia McKinney, M.C.

Harry Johnston

Harry Johnston, M.C.

John W. Oliver

John W. Oliver, M.C.

Eleanor Holmes Norton

Eleanor Holmes Norton, M.C.

Tom Andrews

Tom Andrews, M.C.

Marjorie Margo lies-Mezvinsky

Marjorie Margo lies-Mezvinsky

Xavier Becerra

Xavier Becerra, M.C.

Elizabeth Furse

Elizabeth Furse, M.C.

Marty Meehan

Marty Meehan, M.C.

Don Edwards

Don Edwards, M.C.

Charles E. Schumer

Charles E. Schumer, M.C.

Alcee L. Hastings

Alcee L. Hastings, M.C.

Ron Wyden

Ron Wyden, M.C.

Luis V. Gutierrez

Luis V. Gutierrez, M.C.

Melvin L. Watt

Melvin L. Watt, M.C.

Maurice Hinchey

Maurice Hinchey, M.C.

Neil Abercrombie

Neil Abercrombie, M.C.

Jolene Unsoeld

Jolene Unsoeld, M.C.

Carolyn B. Maloney

Carolyn B. Maloney, M.C.

Craig Washington

Craig Washington, M.C.

Barbara Kennelly

Barbara Kennelly, M.C.

Alan Wheat

Alan Wheat, M.C.

Norman Mineta

Norman Mineta, M.C.

Peter DeFazio

Peter DeFazio, M.C.

Frank Pallone, Jr.

Frank Pallone, Jr., M.C.

Mike Kopetski
Mike Kopetski, M.C.

Nancy Pelosi
Nancy Pelosi, M.C.

Jose E. Serrano
Jose E. Serrano, M.C.

Albert R. Wynn
Albert Wynn, M.C.

Jerrold Nadler
Jerrold Nadler, M.C.

Nydia Verazquez
Nydia Verazquez, M.C.

Ron V. Dellums
Ron V. Dellums, M.C.

Connie Morella
Connie Morella, M.C.

Christopher Shays
Christopher Shays, M.C.

Anthony Beilenson
Beilenson, Anthony, M.C.

Barbara-Rose Collins
Barbara-Rose Collins, M.C.

Pete Stark
Pete Stark, M.C.

Lynn C. Woolsey
Lynn C. Woolsey, M.C.

Carrie P. Meek
Carrie P. Meek

Lucien E. Blackwell
Lucien E. Blackwell, M.C.

Mel Reynolds
Mel Reynolds, M.C.

Barney Frank
Barney Frank, M.C.

Sidney K. Yates
Sidney K. Yates, M.C.

Maxine Waters
Maxine Waters, M.C.

Thomas W. Foglietta
Thomas Foglietta, M.C.

George Miller
George Miller, M.C.

Steve Gunderson
Steve Gunderson, M.C.

Edolphus Towns
Edolphus Towns, M.C.

Patsy T. Mink
Patsy T. Mink, M.C.

Edward J. Markey
Edward J. Markey, M.C.

Martin D. Sabo
Martin D. Sabo, M.C.

John Conyers
John Conyers, M.C.

Howard E. Berman
Howard Berman, M.C.

Eliot L. Engel
Eliot Engel, M.C.

George E. Brown
George Brown, M.C.

Major R. Owens
Major R. Owens, M.C.

William L. Clay
William L. Clay, M.C.

Lane Evans
Lane Evans, M.C.

Sam Gejdenson
Sam Gejdenson, M.C.

Henry H. Waxman
Henry H. Waxman, M.C.

Tom Lantos
Tom Lantos, M.C.

John Lewis, M.C.

Jim L McDermott, M.C.

Bernard Sanders, M.C.

Peter Deutsch, M.C.

Jane Harman, M.C.

THE WHITE HOUSE

WASHINGTON

June 24, 1993

MEMORANDUM FOR WILLIAM ITOH

FROM: HOWARD G. PASTER
LEGISLATIVE AFFAIRS *HP*

SUBJECT: CONGRESSIONAL MAIL

Attached are copies of letters sent to the President from various members of Congress.

Since these letters address national security issues, I would appreciate your assistance in drafting responses. The letters are as follows:

- ✓ 1) Pat Schroeder (D-CO) and others, concerning gay men, lesbians, and bisexuals in the military; and
- 2) Glen Browder (D-AL), concerning Fort McClellan, Alabama.

Thank you very much for your assistance. If you have any questions, please feel free to call LeeAnn Inadomi at x7500.

Enclosures

TO: LAKE

FROM: JONES
BELL

DOC DATE: 29 JUN 93
SOURCE REF:

KEYWORDS: MILITARY BASES

DEFENSE CONVERSION

PERSONS:

SUBJECT: DOD ASSESSMENT OF BASE CLOSURE COMMIS RECOMMENDATIONS / BRIEFING TO
NSC & NEC

ACTION: NOTED BY LAKE

DUE DATE: 02 JUL 93 STATUS: C

STAFF OFFICER: JONES

LOGREF:

FILES: PA

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
JONES
NSC CHRON

COMMENTS:

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSWEA

CLOSED BY NSMEM

DOC 1 OF 1

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

June 29, 1993

4839

Solder

INFORMATION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT G. BELL *RGB*

FROM: STEVEN R. JONES *SJR*

SUBJECT: DoD Assessment of Base Closure Commission
Recommendations - Briefing to NSC and NEC

Not Sec Advisor
has seen

NOTED

This memo provides background information for your joint NSC/NEC meeting with DoD on June 30 to assess the recommendations of the Base Closure Commission. The NSC has the lead role in receiving the DoD analysis, which will be briefed by John Deutch.

The agenda is at Tab A.

- Your introductory remarks: You should note the President's desire to make his base closure decision as quickly as possible. This, however, can proceed only after a thorough DoD analysis and recommendation. Although we will not officially receive the Commission's report until Thursday, July 1, we can review the Commission's recommendations that were completed last weekend. The purpose of this meeting is for you and Bob Rubin to understand and be comfortable with the DoD analysis, and fine tune anything that is needed before Secretary Aspin briefs the President (probably on Friday, July 2).

- The DoD Analysis. Tab A lists the areas of analysis requested by the President. Before forwarding the list to Congress, the President must know if any of the Commission's changes severely damage our military capability, cannot be implemented, or create unacceptable cumulative economic impact in any community.

- The President's Decision Process. The decision process is summarized in the draft memorandum at Tab B (coming to you via the NEC for your approval and signature). Issues that may require discussion include:

- Timing of the meeting with Secretary Aspin.
- Participation by General Powell (we believe he should participate in the briefing but not the President's announcement).
- Bob Rubin may have issues to address regarding the "5-point plan" for base reuse that will be central to the President's announcement.

Legislative: Howard Paster has decided that the President should not meet with members of Congress regarding base closure issues prior to his decision, but has asked the staff to meet with community delegations to hear their concerns if required. Meetings with a New York delegation representing Plattsburgh AFB and another representing Griffiss AFB are currently being set up. Bob Bell or I will represent the NSC at these meetings.

Decision Memoranda: I have started drafting a decision memo for the President on the Commission's recommendations. The NEC is preparing a separate decision memo on the 5-point base re-use economic development plan.

Concurrences by: ^{After} Jeremy Rosner, Alan Kreczo, Don Steinberg
in draft *Copy Provided* *Copy Provided*

Attachments

Tab A Briefing Agenda and Attendees
Tab B NSC/NEC Memo on Base Closure Decision Process

AGENDA

Base Closure Meeting

June 30, 1993

2:30-3:00 pm

(Situation Room)

- | | | |
|----|--|------------------------|
| 1. | Introductory Comments | Mr. Lake |
| 2. | DoD Analysis of Commission Recommendations | Mr. Deutch |
| | - Changes from DoD recommendations | |
| | - Bases/Job loss by state | |
| | - Cumulative economic impact (including previous rounds) | |
| | - California impacts/rationale | |
| | - Implications for 1995 base closures | |
| | - Acceptability of Commission recommendations | |
| 3. | Concluding Discussion Regarding President's Decision Process | Mr. Lake/
Mr. Rubin |

Attendees:

Anthony Lake
Robert Rubin
David Gergen
George Stephanopoulos
NSC: Bob Bell
Steve Jones
Jim Reed
NEC: Bo Cutter
Gene Sperling
Sylvia Mathews
Dorothy Robyn
David Lane
OMB: Gordon Adams
OVP: Bill Wise
DoD: John Deutch
Rudy deLeon
Nora Slatkin

6/29/93
11:00 am

DRAFT

June 29, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: ROBERT RUBIN
ANTHONY LAKE

SUBJECT: DECISION PROCESS FOR ACTING ON THE RECOMMENDATIONS
OF THE BASE CLOSURE COMMISSION

The purpose of this memo is to inform you of the process in place for advising you on your decision to accept or reject the recommendations of the Base Closure and Realignment Commission. The process calls for consultations between you and the Department of Defense, with heavy involvement from senior White House staff.

Although the Base Closure Commission will not forward its final report to you until July 1, White House and DoD staff have been assessing the list since the weekend, when the Commission cast its final votes. The objective of this process is for you to be able to reach a final decision on the list by this weekend.

Following are the key steps in the process:

- On Monday, June 28, NSC and NEC policy staff reviewed the Base Closure Commission's final list of recommended closures with senior DoD staff. This meeting provided a progress report on analysis being performed by the Pentagon. Consultations will continue throughout the week between NSC/NEC staff and Pentagon officials.
- On Wednesday, June 30, the Department of Defense will brief senior White House staff with developed views on the Commission's recommendations. These views will reflect considerations of military, economic, and managerial/budgetary impacts. Three particular pieces of analysis will be provided, as requested by you:
 - deviation from Secretary Aspin's list
 - bases/jobs lost by state
 - cumulative economic impact, including previous closuresWhite House policy staffs will provide reaction and commentary to the DoD presentation and lead a discussion of broader issues with senior White House staff.

DRAFT

- On Thursday, July 1, the White House will receive the final report from the Commission.
- Also on Thursday, John Deutch and Bob Rubin, accompanied by appropriate DoD and NEC staff, will brief Members of Congress on your 5-point plan for speeding economic recovery of communities where military bases are targeted for closure.
- By Friday, July 2, Secretary Aspin will provide you with Department of Defense views and recommendations concerning the Commission's report. By end of day Friday we will present you with a decision memorandum for your consideration. *You will be receiving a separate decision memo on the NEC/DoD base re-use action plan.*
- George Stephanopoulos, Mark Gearan, and David Gergen have already begun development of a communications strategy.

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9304750
RECEIVED: 28 JUN 93 11

TO: PODESTA, J

FROM: LAKE

DOC DATE: 28 JUN 93
SOURCE REF:

KEYWORDS: MILITARY NOMINATIONS NAVY

PERSONS: SMITH, WILLIAM D

SUBJECT: NAVY FLAG OFFICER NOMINATION

ACTION: ITOH APPROVED RECOM

DUE DATE: 01 JUL 93 STATUS: C

STAFF OFFICER: BELL

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

BELL

NSC CHRON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSMEM

CLOSED BY: NSMEM

DOC 2 OF 2

UNCLASSIFIED

WHITE HOUSE STAFFING MEMORANDUM

DATE: June 26, 1993 ACTION/CONCURRENCE/COMMENT DUE BY: July 1, 1993 THURSDAYSUBJECT: Navy Flag Officer Nomination

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	MONTOYA	☐	☐
McLARTY	☐	☐	NUSSBAUM	☐	☐
GEARAN	☐	☐	PASTER	☐	☐
NEEL	☐	☐	RASCO	☐	☐
PANETTA	☐	☐	RUBIN	☐	☐
EMANUEL	☐	☐	SEGAL	☐	☐
GIBBONS	☐	☐	STEPHANOPOULOS	☐	☐
HALE	☐	☐	TYSON	☐	☐
HERMAN	☐	☐	VARNEY	☐	☐
LAKE	☐	☐	WATKINS	☐	☐
LINDSEY	☐	☐	WILLIAMS	☐	☐
McGINTY	☐	☐	<u>Bob Bell</u>	☒	☐

REMARKS:

RESPONSE:

June 28, 1993

The National Security Council staff concurs in the attached military nomination.


Anthony Lake

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
Ext. 2702

THE WHITE HOUSE

WASHINGTON

June 25, 1993 35 JUN 25 P4:43

MEMORANDUM FOR THE PRESIDENT

FROM:


JOHN A. GAUGHAN
DIRECTOR, WHITE HOUSE MILITARY OFFICE

SUBJECT:

Navy Flag Officer Nomination

Forwarded for your approval and signature is the nomination of Admiral William D. Smith, United States Navy, for appointment to the grade of admiral on the retired list.

This nomination has been staffed by the Acting Secretary of the Navy and approved by the Deputy Secretary of Defense.

Recommendation

That you approve and sign the attached.

Attachment



THE DEPUTY SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-1000



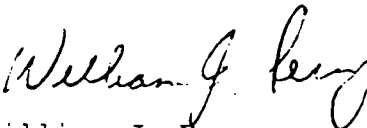
23 JUN 1993

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Navy Flag Officer Nomination

On behalf of the Secretary of Defense, I recommend the nomination of Admiral William D. Smith, United States Navy, for appointment to the grade of admiral on the retired list.

Admiral Smith, who is 60 years of age, is currently serving as U. S. Representative to the NATO Military Committee.


William J. Perry

Attachments

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	Admiral William D. Smith [Personally Identifiable Information] [partial] (1 page)	06/23/1993	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 45

FOLDER TITLE:

Chron File - June 1993 #3 [4]

2016-0152-F
vz4426

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 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.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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

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

The White House

Washington

To the Senate of the United States:

I nominate:

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be Admiral

Admiral William D. Smith, U. S. Navy, (b)(6)

[001a]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001b. resume	Duplicate of vz4422_002b. [William D. Smith] (2 pages)	04/20/1993	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 45

FOLDER TITLE:

Chron File - June 1993 #3 [4]

2016-0152-F
vz4426

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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RR. Document will be reviewed upon request.

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

IMMEDIATE RELEASE

No.

(703) 697-5131 (info)

(703) 697-3189 (copies)

(703) 697-5737 (public/industry)

FLAG OFFICER ANNOUNCEMENT

Secretary of Defense Les Aspin announced today that the President has nominated Admiral William D. Smith, U.S. Navy, to be placed on the retired list in his current grade. Admiral Smith is scheduled to retire on October 1, 1993, after completion of more than thirty-eight years of active service. He is currently serving as U. S. Representative to the NATO Military Committee in Brussels, Belgium.

-END-

TO: PETERSON, R

FROM: ITOH

DOC DATE: 30 JUN 93
SOURCE REF:

KEYWORDS: DEFENSE POLICY

LEGISLATIVE REFERRAL

PERSONS:

SUBJECT: DOD PROPOSED RPT ON HR-548 AWARD OF PURPLE HEART TO FRIENDLY-FIRE
VICTIMS

ACTION: KENNEY SGD MEMO

DUE DATE: 02 JUL 93 STATUS: C

STAFF OFFICER: HAHN

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

BELL
EXECSEC
HAHN

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSMEM

CLOSED BY: NSMEM

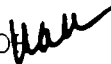
DOC 3 OF 3

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

June 30, 1993

MEMORANDUM FOR RONALD K. PETERSON

FROM:

WILLIAM H. ITO 

SUBJECT:

Defense-Proposed Report on H.R. 558, Award of
Purple Heart to Friendly-Fire Victims

The National Security Council Staff has reviewed and concurs in
the DOD-proposed response.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

June 29, 1993

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT G. BELL *RGB*

FROM: KEITH HAHN *KH*

SUBJECT: Defense-Proposed Report on H.R. 558

Attached at Tab II is a DOD-proposed response on H.R. 558, a bill to provide for the award of the Purple Heart to persons wounded in action by friendly fire. We have reviewed and concur in the response.

Concurrence: Jeremy Rosner *JR*

RECOMMENDATION

That you sign the memorandum to Ronald Peterson at Tab I.

Attachments

Tab I Memorandum to Ronald Peterson
Tab II Incoming Correspondence

4807

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

June 24, 1993

SPECIAL

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-729

TO: Legislative Liaison Officer -

NSC - William H. Itoh - (202)395-3723 - 249

FROM: RONALD K. PETERSON (for) *Ronald K. Peterson*
Assistant Director for Legislative Reference

OMB CONTACT: MIKE GOAD (395-7301)
Secretary's line (for simple responses): 395-6194

SUBJECT: Defense Proposed Report RE: HR 558, Award of
Purple Heart to Friendly-Fire Victims

DEADLINE: TUESDAY, July 13, 1993

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
T. Stanners

_____ Concur

_____ No objection

_____ No comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this
response sheet

DRAFT
FOR
OCT 19-19
REVIEW

Honorable Ronald V. Dellums
Chairman, Committee on Armed Services
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Secretary of Defense on H.R. ⁵⁵⁸~~588~~, 103d Congress, a bill "To amend title 10, United States Code, to provide for the award of the Purple Heart to persons wounded in action by friendly fire."

The Department opposes enactment of H.R. 588. This bill would include a statutory provision to expressly authorize the award of the Purple Heart to victims of friendly fire injured while in action with the enemy. It is unnecessary because award of the Purple Heart already is authorized to casualties wounded by friendly fire who are in the heat of battle with the enemy. See Executive Order Number 11016 (1962), as amended.

The critical factor we use to determine eligibility for the Purple Heart in "friendly fire" situations is whether or not the Service member was actively engaged with the enemy. Therefore, for over fifty years, the Military Services have awarded the Purple Heart to all military members wounded in action.

Our historic policy governing the award of the Purple Heart has provided us the appropriate degree of flexibility to honor deserving individuals while preserving the integrity and prestige of this important decoration. Consequently, we do not believe a change to either the current law or Executive Order is warranted or necessary. Additionally, it should be noted that any such change would generate significant and unnecessary concern among our veterans of past conflicts.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for consideration ^{to} the Committee.

Sincerely,

TO: PETERSON, R

FROM: ITOH

DOC DATE: 30 JUN 93
SOURCE REF:

KEYWORDS: DEFENSE POLICY

LEGISLATIVE REFERRAL

PERSONS: SERNA, MARCELINO

SUBJECT: DOD PROPOSED RPT ON HR-117 MEDAL OF HONOR AWARD LIMITATIONS WAIVER

ACTION: KENNEY SGD MEMO

DUE DATE: 02 JUL 93 STATUS: C

STAFF OFFICER: HAHN

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

BELL

EXECSEC

HAHN

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSMEM

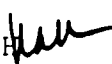
CLOSED BY: NSMEM

DOC 3 OF 3

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

June 30, 1993

MEMORANDUM FOR RONALD K. PETERSON

FROM: WILLIAM H. ITOH 

SUBJECT: Defense Proposed Report on H.R. 117, Medal of
Honor Award Limitations Waiver

The National Security Council Staff has reviewed and concurs in the draft response.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

June 29, 1993

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT BELL *R.B.*

FROM: KEITH HAHN *K.H.*

SUBJECT: Defense-Proposed Report on H.R. 117

Attached at Tab II is a DOD draft response to H.R. 117, to waive certain statutory time limitations with respect to the award of military decorations in the case of the award of the Medal of Honor to Marcelino Serna. We have reviewed the draft response and concur.

Concurrence: Jeremy Rosner *JR*

RECOMMENDATION

That you sign the memo to Ronald Peterson at Tab I.

Attachments

Tab I Memorandum to Ronald Peterson
Tab II Incoming Correspondence

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

June 24, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-726

TO: Legislative Liaison Officer -

✓ NSC - William H. Itoh - (202)395-3723 - 249

FROM: RONALD K. PETERSON (for) *Ronald K Peterson*
Assistant Director for Legislative Reference

OMB CONTACT: MIKE GOAD (395-7301)
Secretary's line (for simple responses): 395-6194

SUBJECT: Defense Proposed Report RE: HR 117, Medal of
Honor Award Limitations Waiver

DEADLINE: MONDAY, July 12, 1993

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
T. Stanners

**DRAFT
FOR
OMB A-19
REVIEW**

The Honorable Ronald V. Dellums
Chairman, Committee on Armed Services
House of Representatives
Washington, DC 20515-6035

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Defense on H.R. 117, 103rd Congress, a bill "To waive certain statutory time limitations with respect to the award of military decorations in the case of the award of the Medal of Honor to Marcelino Serna."

The Department of Defense opposes the legislation. We believe that the time for consideration and reconsideration of World War I decorations has passed long since and that the time limitations fixed by Congress are wise and fair provisions. These provisions have protected the integrity, honor, and prestige of the Nation's highest award for valor.

H.R. 117 would extend significantly the statutory time limitations for award of our Nation's highest military decoration. Currently, a written award recommendation must be prepared and submitted into official channels within two years and the decoration presented within three years of the act, service, or achievement to be recognized. In the case of World War I veterans, the statutory limitation was extended to May 1928. One exception to the statutory time limitation would permit the Medal of Honor to be awarded if an otherwise properly submitted recommendation were lost or not acted on. The Department of Defense is unaware of any recommendation for the Medal of Honor or any other award for valor submitted on behalf of Marcelino Serna before May 1928.

This legislation would revise these time limitations to permit the President to award the Medal of Honor posthumously to Marcelino Serna for acts of heroism performed while serving as a private in the United States Army during World War I, despite the statutory time requirements for the submission of a recommendation for award. The criteria for the award of military decorations is subjective, and therefore, well-meaning and sincere men and women inevitably will disagree as to which award, if any, is appropriate to recognize a specific action. Since such disagreements are apt to continue indefinitely, the best

that can be established is a system that requires all decisions to be made when facts and circumstances can be evaluated with a reasonable degree of accuracy, and when events in question are fresh in the minds of eyewitnesses. To do otherwise is to create a system where--long after the incident when witnesses are no longer available or their memories are clouded--outside factors, other influences, and speculation form the basis on which to award a decoration.

If the legislation to waive statutory time limitations with respect to the award of the Medal of Honor to Marcelino Serna is enacted, it would single out one soldier for preferential treatment over others whose accomplishments and service were adjudicated under more stringent criteria and over others where there is a similar and sincere belief that the Medal of Honor should have been awarded. For the foregoing reasons, the Department of Defense recommends that the bill not be considered favorably.

The enactment of this bill will cause no apparent increase in the budgetary requirements of the Department of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

TO: LAKE

FROM: ANDREASEN
BELL

DOC DATE: 30 JUN 93
SOURCE REF:

KEYWORDS: GREAT BRITAIN
ARMS CONTROL

ANSA

PERSONS: RENWICK, ROBIN

SUBJECT: TALKER FOR LAKE MTG W/ UK AMB ON 1 JUL

ACTION: NOTED BY LAKE

DUE DATE: 03 JUL 93 STATUS: C

STAFF OFFICER: ANDREASEN

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

FOR ACTION

FOR CONCURRENCE

FOR INFO
ANDREASEN
BELL
NSC/CHRON

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By VZ NARA, Date 10/2/2016
2016-0152-F

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSWEA

CLOSED BY: NSJDA

DOC 1 OF 1

ACTION DATA SUMMARY REPORT

DOC ACTION OFFICERCAO ASSIGNED ACTION REQUIRED

001 LAKE

Z 93063020 FOR INFORMATION

001

X 93071409 NOTED BY LAKE

National Security Council
The White House

rec'd 6/30
8:25pm

PROOFED BY: ms LOG # 4888
URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT
BYPASSED WW DESK: _____ DOCLOG PR A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
DepExecSec	<u>1</u>	<u>Walt</u>	
ExecSec			
Staff Director			
D/APNSA	<u>2</u>	<u>cy provided</u>	
APNSA	<u>3</u>	<u>Natl Sec Advisor</u> <u>has seen</u>	
Situation Room			
West Wing Desk	<u>4</u>		<u>N</u>
NSC Secretariat			

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: VP McLarty Other _____

Should be seen by: _____
(Date/Time)

COMMENTS:

30 JUN 93 7:53

DISPATCH INSTRUCTIONS:

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
--------------------------	---------------	------	-------------

002a. memo	For Anthony Lake from Steven Andreasen. Subject: Talking Points for Your Meeting with Ambassador Renwick, July 1. Record ID: 9304888. (2 pages)	06/30/1993	P1/b(1)
------------	---	------------	---------

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 45

FOLDER TITLE:

Chron File - June 1993 #3 [4]

2016-0152-F
vz4426

RESTRICTION CODES

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

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

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
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b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002b. cable	re: Nuclear Testing. (3 pages)	06/30/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 45

FOLDER TITLE:

Chron File - June 1993 #3 [4]

2016-0152-F
vz4426

RESTRICTION CODES

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

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

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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002c. cable	re: Anticipation of President's Decision. (2 pages)	06/30/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 45

FOLDER TITLE:

Chron File - June 1993 #3 [4]

2016-0152-F
vz4426

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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RR. Document will be reviewed upon request.

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

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UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9304842
RECEIVED: 29 JUN 93 17

TO: ITOH

FROM: PETERSON, R

DOC DATE: 29 JUN 93
SOURCE REF:

KEYWORDS: DEFENSE POLICY

LEGISLATIVE REFERRAL

PERSONS:

SUBJECT: DOD DRAFT BILL RE ARMED FORCES LOGISITICAL SUPPORT SUPPLIES &
SERVICES ACQUISITION AUTHORIZATION

ACTION: SEE 9304702 FOR FINAL ACTION

DUE DATE: 02 JUL 93 STATUS: C

STAFF OFFICER: HAHN

LOGREF: 9304702

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

BELL
EXECSEC
HAHN
HOOKER
RICE
ROSNER

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSASK

CLOSED BY: NSKDB

DOC 1 OF 1

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9304842

DOC ACTION OFFICER

001 HAHN
001

CAO ASSIGNED ACTION REQUIRED

Z 93062917 PREPARE MEMO ITOH TO PETERSON
X 93071520 SEE 9304702 FOR FINAL ACTION

UNCLASSIFIED

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

July 14, 1993

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT G. BELL *RGB*

FROM: RICHARD HOOKER *RH*

SUBJECT: DOD 103-018: Draft Bill U.S. Armed Forces Logistic Support, Supplies and Services Acquisition Authorization

We have reviewed and recommend that you concur with the proposed legislation. This bill authorizes the Department to borrow or loan military equipment, supplies and services to the United Nations for peacekeeping or humanitarian assistance operations, as is currently authorized for NATO and certain other countries. The legislation also permits these exchanges for deployed units engaged in overseas training or other operations where declared hostilities do not exist and where readiness is not affected. These limitations are waived upon determination of active hostilities. The Joint Staff concurs with the Department's views on this issue.

Concurrences by:

In draft
Keith Hahn, Susan Rice and Jeremy Rosner *JR*

RECOMMENDATION

That you sign the memo of concurrence at Tab I.

Attachments

Tab I Memo of Concurrence
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20508

MEMORANDUM FOR RONALD K. PETERSON

FROM: WILLIAM H. ITOH

SUBJECT: DOD 103-018 Defense Draft Bill U.S. Armed Forces
Logistic Support, Supplies and Services
Acquisition Authorization

The National Security Council staff has reviewed and concurs with the proposed legislation.

SPECIAL

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

4842

June 29, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #D-275
DRAFT #291

TO: Legislative Liaison Officer -

JUSTICE - Faith Burton - (202) 514-2141 - 217
NSC - William H. Itoh - (202) 395-3723 - 249
STATE - Julie C. Norton - (202) 647-2137 - 225

FROM: *[Signature]*
RONALD K. PETERSON (for)
Assistant Director for Legislative Reference

OMB CONTACT: MIKE GOAD (395-7301)
Secretary's line (for simple responses): 395-6194

SUBJECT: DEFENSE Draft Bill US Armed Forces Logistic
Support, Supplies, and Services Acquisition
Authorization (DOD 103-018)

DEADLINE: 4:00 P.M., FRIDAY, July 2, 1993

COMMENTS: This LRM supercedes LRM #D-275, dated June 22, 1993,
and establishes a new deadline for comments. Please respond
by the deadline noted above. Please note that the Department
of Defense draft bill has not been modified.

OMB requests the views of your agency on the above subject before
advising on its relationship to the program of the President, in
accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or
receipts for purposes of the the "Pay-As-You-Go" provisions of
Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
D. Costello
K. MacIntyre
B. Thiervechter
T. Davis

Page 7pg

Honorable Albert Gore
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

Enclosed is a draft of proposed legislation "To amend subchapter I of chapter 138 of title 10, United States Code, to provide the Secretary of Defense the authority to acquire and transfer logistic support, supplies, and services in exercises and operations with the United Nations Organization or any regional international organization of which the United States is a member, to authorize the temporary provision of limited items of military equipment, to remove the limitations on the amounts that may be obligated or accrued during a contingency operation and for other purposes."

The proposed legislation is part of the Department of Defense Legislation Program for the 103rd Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for consideration of the Congress.

Purpose of the Legislation

Subchapter I of chapter 138 of title 10, United States Code, currently authorizes United States armed forces deployed outside of the United States to acquire and transfer logistic support, supplies, and services with NATO countries, NATO subsidiary bodies and certain eligible or designated non-NATO countries. This proposal would extend that authority to the United Nations Organization or any regional international organization of which the United States is a member in support of humanitarian or peacekeeping operations such as the United Nations' sanctioned operations in Somalia.

This proposal would also permit deployed United States armed forces to loan or borrow general purpose vehicles and other items of military equipment which would not affect readiness. The authority to temporarily exchange logistic support of this nature with designated countries and international organizations would facilitate greater cooperation during an exercise or military operation. Section 65 of the Arms Export Control Act, which permits loans only for research and development purposes, would not be affected by this proposal.

Dollar limitations in the current legislative authority remain in place until the determination of active hostilities. Application of these limitations to extended military activities short of a state of declared hostilities, however, could prevent use of these authorities when they are most needed. Therefore, it is proposed that the dollar limitations be waived during operations conducted in support of humanitarian and refugee

assistance, disaster and famine relief, peacekeeping, peace enforcement or contingency operations. United States armed forces participating in multinational operations, like Operation Desert Shield/Storm and Operation Restore Hope, could benefit from this proposal by taking advantage of available coalition resources during activities conducted leading up to or that fall short of active hostilities.

The organizational restrictions and preconditions currently found in sections 2341, 2342, 2344, 2347 and 2350 of title 10, United States Code, are inconsistent with exercise scenarios and likely United States' involvement in contingency operations in the future. They inhibit military cooperation and the efficient use of logistic resources that would otherwise be possible because of rationalization, standardization and interoperability initiatives. The enclosed proposal would correct such inconsistencies.

Cost and Budget Data

This proposal greatly benefits the United States armed forces by increasing reciprocal logistic support with our allies and with international organizations. The improved efficiency in the use of logistic resources would result in dollar savings and reduced lead-time for logistic services and supplies required by United States armed forces deployed outside the United States. Savings cannot be reliably estimated because they will depend on the number and scope of transactions concluded in the future and the degree of United States involvement in future operations.

Sincerely,

Enclosure:
As Stated

A B I L L

To amend subchapter I of chapter 138 of title 10, United States Code, to provide deployed United States armed forces the authority to acquire and transfer logistic support, supplies, and services in exercises and operations with the United Nations Organization or any regional international organization of which the United States is a member, to authorize the temporary provision of limited items of military equipment, to remove the limitations on the amounts that may be obligated or accrued during a contingency operation and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ACQUIRE LOGISTIC SUPPORT, SUPPLIES, AND SERVICES FOR ELEMENTS OF THE ARMED FORCES DEPLOYED OUTSIDE OF THE UNITED STATES

Section 2341 of title 10, United States Code, is amended in subsection (1) by replacing "and" with "," and adding "and from the United Nations Organization or any regional international organization of which the United States is a member" between "... subsidiary bodies," and "logistic support. . .".

SECTION 2. CROSS-SERVICING AGREEMENTS.

Section 2342 of title 10, United States Code, is amended as follows:

(a) In subsection (a)(1)(B) by striking out "or"; renumber subsection (a)(1)(C) as subsection (a)(1)(D); and adding new subsection (a)(1)(C) as "(C) the United Nations Organization or any regional international organization of which the United States is a member",

(b) In subsection (a)(2) by replacing "subsidiary body" wherever it appears with "organization"; and

(c) In subsection (c) by replacing "a routine" with "an ordinary"; and by adding at the end of the paragraph "However, subject to section 2348, the Secretary of Defense may use the authority of this subchapter in peacetime to facilitate routine mutual logistic support of and by United States armed forces in training, exercises, and operations and to permit better use of host nation resources for recurring logistic support requirements of deployed United States armed forces."

**SECTION 2. METHODS OF PAYMENT FOR ACQUISITIONS AND TRANSFERS
BY THE UNITED STATES**

Section 2344 of title 10, United States Code, is amended by adding at subsection (b)(4) ", the United Nations Organization or any regional international organization of which the United States is a member" between "bodies" and "under."

**SECTION 4. LIMITATION ON AMOUNTS THAT MAY BE OBLIGATED OR
ACCURED BY THE UNITED STATES**

Section 2347 of title 10, United States Code, is amended as follows:

(a) In subsection (a)(1) by adding ", the United Nations Organization or any regional international organization of which the United States is a member" between "subsidiary bodies of the North Atlantic Treaty Organization" and "may not exceed";

(b) In subsection (b)(1) by adding ", the United Nations Organization or any regional international organization of which the United States is a member" between "subsidiary bodies of the North Atlantic Treaty Organization" and "may not exceed"; and

(c) By adding a new subsection as "(c) When the armed forces of the United States are involved in operations conducted in support of humanitarian and refugee assistance, disaster and famine relief, peacekeeping, peace enforcement or contingency operations, the restrictions set forth in subsections (a) and (b) above are waived for the purposes and the duration of these operations."

SECTION 5. DEFINITIONS.

Section 2350 of title 10, United States Code, is amended as follows:

(a) In subsection (1) by adding "(including airlift)" between "transportation" and "petroleum"; by adding "calibration services" between "maintenance services" and "and port services."; and by adding at the end of the paragraph "Also, included on a loan basis only, are general purpose vehicles and other items of military equipment not designated as part of the United States Munitions List pursuant to section 38(a)(1) of the Arms Export Control Act and for purposes other than research and development pursuant to section 65 of the Arms Export Control Act."; and

(b) Delete subsection (3) in its entirety and substitute new subsection (3) as "(3) The term 'transfer' means selling (whether for payment in currency, replacement-in-kind, or exchange of supplies or services of equal value), loaning, or otherwise temporarily providing logistic support, supplies, and services under the terms of a cross-servicing agreement."

SECTION 6. EFFECTIVE DATE

The amendments made by this Act shall be effective with regard to acquisitions and transfers of logistic support, supplies, and services under the authority of this subchapter that are initiated after the date of enactment of this Act.

4702

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503**

June 22, 1993

LEGISLATIVE REFERRAL MEMORANDUM

**LRM #D-275
DRAFT #291**

TO: Legislative Liaison Officer -

JUSTICE - Faith Burton - (202)514-2141 - 217

NSC - William H. Itoh - (202)395-3723 - 249

STATE - Julie C. Norton - (202)647-2137 - 225

**FROM: RONALD K. PETERSON (for) 
Assistant Director for Legislative Reference**

**OMB CONTACT: MIKE GOAD (395-7301)
Secretary's line (for simple responses): 395-6194**

**SUBJECT: DEFENSE Draft Bill US Armed Forces Logistic
Support, Supplies, and Services Acquisition
Authorization (DOD 103-018)**

DEADLINE: TUESDAY, July 6, 1993

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

**CC:
D. Costello
K. MacIntyre
B. Thierwechter**

Honorable Albert Gore
President of the Senate
Washington, D.C. 20510

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The proposed legislation is part of the Department of Defense Legislation Program for the 103rd Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for consideration of the Congress.

Purpose of the Legislation

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Dollar limitations in the current legislative authority remain in place until the determination of active hostilities. Application of these limitations to extended military activities short of a state of declared hostilities, however, could prevent use of these authorities when they are most needed. Therefore, it is proposed that the dollar limitations be waived during operations conducted in support of humanitarian and refugee

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Cost and Budget Data

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A B I L L

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As it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

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Section 2342 of title 10, United States Code, is amended as follows:

(a) In subsection (a)(1)(B) by striking out "or"; renumber subsection (a)(1)(C) as subsection (a)(1)(D); and adding new subsection (a)(1)(C) as "(C) the United Nations Organisation or any regional international organization of which the United States is a member",

(b) In subsection (a)(2) by replacing "subsidiary body" wherever it appears with "organization"; and

(c) In subsection (c) by replacing "a routine" with "an ordinary"; and by adding at the end of the paragraph "However, subject to section 2348, the Secretary of Defense may use the authority of this subchapter in peacetime to facilitate routine mutual logistic support of and by United States armed forces in training, exercises, and operations and to permit better use of host nation resources for recurring logistic support requirements of deployed United States armed forces."

**SECTION 3. METHODS OF PAYMENT FOR ACQUISITIONS AND TRANSFERS
BY THE UNITED STATES**

Section 2344 of title 10, United States Code, is amended by adding at subsection (b)(4) ", the United Nations Organisation or any regional international organization of which the United States is a member" between "bodies" and "under."

**SECTION 4. LIMITATION ON AMOUNTS THAT MAY BE OBLIGATED OR
ACCRUED BY THE UNITED STATES**

Section 2347 of title 10, United States Code, is amended as follows:

(a) In subsection (a)(1) by adding ", the United Nations Organisation or any regional international organization of which the United States is a member" between "subsidiary bodies of the North Atlantic Treaty Organisation" and "may not exceed";

(b) In subsection (b)(1) by adding ", the United Nations Organisation or any regional international organization of which the United States is a member" between "subsidiary bodies of the North Atlantic Treaty Organisation" and "may not exceed"; and

(c) By adding a new subsection as "(c) When the armed forces of the United States are involved in operations conducted in support of humanitarian and refugee assistance, disaster and famine relief, peacekeeping, peace enforcement or contingency operations, the restrictions set forth in subsections (a) and (b) above are waived for the purposes and the duration of these operations."

SECTION 5. DEFINITIONS.

Section 2350 of title 10, United States Code, is amended as follows:

(a) In subsection (a) by adding "(including airlift)" between "transportation" and "petroleum"; by adding "calibration services" between "maintenance services" and "and port services."; and by adding at the end of the paragraph "Also, included on a loan basis only, are general purpose vehicles and other items of military equipment not designated as part of the United States Munitions List pursuant to section 38(a)(1) of the Arms Export Control Act and for purposes other than research and development pursuant to section 65 of the Arms Export Control Act."; and

(b) Delete subsection (3) in its entirety and substitute new subsection (3) as "(3) The term "transfer" means selling (whether for payment in currency, replacement-in-kind, or exchange of supplies or services of equal value), loaning, or otherwise temporarily providing logistical support, supplies, and services under the terms of a cross-servicing agreement."

SECTION 6. EFFECTIVE DATE

The amendments made by this Act shall be effective with regard to acquisitions and transfers of logistic support, supplies, and services under the authority of this subchapter that are initiated after the date of enactment of this Act.