

FOIA MARKER

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Folder Title: Chron File - October 1993 #1 [6]				
Staff Office-Individual: Defense Policy-Bell, Robert				
Original OA/ID Number: 47				
Row: 31	Section: 3	Shelf: 2	Position: 3	Stack: V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	For Anthony Lake from Robert Bell. Subject: Possible Breakthrough on CD Expansion Issue. Record ID: 9307700. (2 pages)	10/06/1993	P1/b(1)
001b. cable	re: Conference on Disarmament: Guidance on Membership Expansion. (1 page)	10/05/1993	P1/b(1)
002a. memo	For Anthony Lake from Peater Feaver. Subject: Promotion of 38 Army Officers...Two with Adverse Information. Record ID: 9307177. [partial] (2 pages)	10/07/1993	b(7)(C), b(6)
002b. memo	For John Podesta from Anthony Lake. Subject: Promotion of 38 Army Officers...Two with Adverse Information. Record ID: 9307177. [partial] (2 pages)	10/07/1993	b(7)(C), b(6)
002c. list	[Personally Identifiable Information] [partial] (2 pages)	09/15/1993	b(6)
002d. report	[Adverse Information Report] (2 pages)	09/15/1993	b(7)(C), b(6)
002e. report	[Adverse Information Report] (2 pages)	09/15/1993	b(7)(C), b(6)
002f. letter	To Sam Nunn from Lieutenant General Robert M. Alexander. [partial] (1 page)	09/15/1993	b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 47

FOLDER TITLE:

Chron File - October 1993 #1 [5]

2016-0152-F

vz4483

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]
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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.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001b. cable	re: Conference on Disarmament: Guidance on Membership Expansion. (1 page)	10/05/1993	P1/b(1)

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National Security Council
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NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

October 6, 1993

INFORMATION

MEMORANDUM FOR RICHARD CLARKE

THROUGH: ROBERT BELL *RB*

FROM: PETER FEAVER *PDF*

SUBJECT: A Defense of Administration Policy in Somalia

Bob Bell suggested I share my thinking with you regarding our current options in Somalia.

The hostage situation radically transforms the politics of the Somalia operation, but not in the way the media and Administration opponents in Congress are suggesting. Aideed's actions now make it politically impossible to withdraw U.S. forces immediately, and politically imprudent to do so without a credible claim of victory.

The Administration should take the rhetorical offensive against those who are clamoring for a pell-mell retreat. The Administration can outline a simple exit criterion that is consistent with the original humanitarian mission and will resonate with the American people. The way out, however, involves a substantial increase in American firepower in the short run.

The Political Impact of Hostages

The Administration obviously cannot give the impression of abandoning U.S. servicemen in Somalia. This is the single most explosive issue in this crisis. Yet Congressional and media pressure to withdraw would do precisely that. "Political negotiations" to release the hostages would trap the Administration in a lose-even-you-win situation: American hostages would only be released if the U.S. capitulated by withdrawing, surrendering Aideed's lieutenants, or some combination of the two. The Administration would be tagged with the label of being weak on hostage-takers.

The point stands even if Aideed kills the hostages instead of releasing them. American sensibilities demand that criminals be brought to justice. Americans view Aideed's actions as criminal -- a view made all the more visceral by the horrible images of Somalis dancing on the bodies of American servicemen. Just as former President Bush was haunted during the election by a dogged Saddam Hussein, the President can ill afford a taunting Aideed.

Pulling out precipitously without a credible demonstration of victory plays to a caricatured criticism of this Administration:

that we will capitulate in the face of challenges. If we pull out now, the story will be unspinnable. Somalia will be Exhibit X in an allegedly long string of policy reversals. Whether or not it was a mistake to let television drag us into Somalia, it is emphatically a mistake to let television drag us out.

Policy Implication: Increasing American Forces

Ironically, Aideed's actions provide not only the clear exit criterion the Administration needs but also the necessary rationale for increasing American forces to meet it. The exit criterion is now the collapse of Aideed's forces, either through his death, capture or exile. Whether or not it was wise to focus on Aideed before, recent events make that focus unavoidable. No amount of attention paid to the success of the humanitarian mission in the countryside will distract from the spectacle of U.S. casualties in Mogadishu.

This is consistent with the original mission of securing the situation to allow humanitarian efforts to continue. Aideed made himself a demonstrable threat to humanitarian efforts. U.S. troops need not remain until Somalia has a fully functioning democracy. But they must remain so long as a warlord is actively destabilizing the situation.

Meeting this objective will probably involve substantially increasing U.S. forces in the short run. Piecemeal increases are unlikely to accomplish the objective and open the Administration up to criticisms that American troops are outgunned. (In the long run, perhaps the most damaging story that has surfaced in recent days is the report that American commanders requested armored support a month ago and that request was blocked.) Worst of all, the incremental approach unavoidably recalls the graduated escalation in Vietnam.

If the President decides against increasing American forces significantly, the political logic dictates at a minimum staying the course.

The Poverty of Other Exit Criteria

The "high road only" option of emphasizing the themes of multilateralism and UN obligations play into the hands of opponents of the Somalia operation. For better or worse, Americans do not want to hear that servicemen are dying for the UN flag. Moreover, securing Mogadishu against all threats is the classic open-ended commitment. The broader mission of providing a secure environment should serve primarily as the back-drop for a more narrow formulation. But it is inadequate as a stand-alone justification: it provides no way out until the UN mission of state-building is completed.

The modified "high road" option would simply add a date certain for departure: we will secure Mogadishu until a certain date. This guarantees failure since Aideed, or whomever, need only wait out the U.S. until the date passes. At that point, U.S. forces leave and the situation returns to chaos. And the Administration

is left open to the question: what made the protection of Mogadishu a national interest on D-1 but not D+1?

Critics may charge that focussing on Aideed's center of power needlessly and foolishly personalizes the conflict. This may have been sound criticism before June but it has been overtaken by events. The recent actions have personalized it for Americans.

Geostrategic Arguments for Not Withdrawing

Regardless of how victory is defined, geostrategic logic amply supports the basic principle of not withdrawing without a credible victory. The commitment of significant U.S. troops by former President Bush created a national security interest in Somalia, even if none existed before. Without stating it so clearly, perhaps without understanding it fully themselves, the Bush Administration unwittingly created an irreducible minimum exit criterion: credible success. Credible success could have been claimed in the spring, prior to Aideed's attack on the Pakistani troops, but emphatically cannot be claimed now.

Leaving under the current circumstances without credible success jeopardizes all future commitments of American troops. Leaving now sends the message: regardless of how formidable the American order of battle appears, it makes sense to attack Americans if you have a reasonable chance of scoring casualties.

The great puzzle of the Gulf War was why Hussein failed to capitulate even in the face of the overwhelming forces arrayed against him. The answer to that puzzle lies in rubble of the Beirut Marine barracks bombing. Hussein believed, and had reason to believe, that the U.S. had no stomach for casualties. President Reagan's disastrous Beirut policy thus made Desert Storm necessary.

Pulling out without a demonstrable collapse in Aideed's position makes it more likely the U.S. will have to fight even larger battles in the future.

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

October 6, 1993

INFORMATION

MEMORANDUM FOR ANTHONY LAKE

FROM: ROBERT BELL *RGB*

SUBJECT: Transcript of Remarks RE: Somalia

I thought you might be interested in reading the remarks Senator Nunn made yesterday in reference to our options in Somalia.

Concurrence by: Richard Clarke *RC*

Attachment

Tab A Transcript of Remarks

NOT PROOFED

Senator Sam Nunn
Transcript of Remarks
Interview w/ Judy Woodruff, CNN
October 5, 1993
RE: Somalia

Judy Woodruff: For more on Somalia, we are joined now by the Chairman of the Senate Armed Services Committee, Senator Sam Nunn. Thank you for joining us. You were briefed yesterday and again today both by military officials and by Secretary Christopher and Secretary Aspin. What is your understanding, now, of U.S. forces position in Somalia. You said earlier that you didn't think we had enough military power to protect our own forces. Do you still stand by that?

SN: Yes, Judy, I think we have a mismatch between our strategy there -- the mission and the overall force levels. We have the paradox of having a narrow mission when we went in, purely humanitarian, a safe environment for humanitarian, but that was when we had the maximum number of United States troops and power there. Then we reduced our force but we broadened the mission, we being the United Nations. The mission now is much more into disarming the factions and the clans and also nation building. I think that is the mismatch that has to be addressed and addressed, I think, rather urgently.

JW: So, what was the mistake that was made, just to clarify? Was the mistake for the United States to go along with the U.N. in expanding the mission?

SN: Yes, I do not think we should have expanded the mission. If the U.N. wanted to do it, we should have told the U.N., okay we will support you politically and economically but we have done our military job, now. We have done a marvelous job there and I think we ought to understand that we have saved a lot of lives.

JW: Yesterday, Senator, I think you were quoted as saying that the United Nations did not have any long-term plan about how this mission would end. Today, a U.N. spokesman said, "with all due respect, Senator, you are wrong." He said, "we do have a long range plan and it is to restore Somalia as a functioning entity to the people of Somalia." How do you respond?

SN: Well, that is long-range, I would say. That is very, very long-range. Our question is whether we want to be a part of that. As I said, Judy, we really have two or three options now. One option, the Administration I think is clearly engaged on and that is what I would call status quo plus. They are beefing up our forces somewhat. I certainly agree we ought to get the kind of equipment in there we need to protect our forces as long as they are there.

A second option would be, as some of our colleagues are calling for, is to move out, and say, "we are through and we are going to leave." A third option would be to substantially reinforce the military mission we have there with equipment and manpower and thereby be able to carry out that mission which we certainly can do if we want to pay the price in terms of, both money and military commitment. I would prefer none of those options, they all have downsides and they have upsides but I would prefer what I call an exit strategy option.

First of all, we need to cut out the urban warfare element in terms of American forces going after one or two or three or four individuals. The other forces there, the other United Nations forces in Somalia, are guarding certain areas. They are not moving around. The U.S. is bearing the brunt of going after Aideed. I hope we get him but I don't want to pay a huge price in American lives. I don't think it is worth it. I would change the tactical mission to the United States around Mogadishu by having our forces protect the key areas, the airports and the ports.

The second thing I would do is tell the United Nations that we are going to depart. We are not going to stay here forever and we want you to tell us how you are going to substitute for American forces. Finally, I would say the U.N., itself, and we are a member of it, I would say the U.N., itself needs to rethink its strategy on nation building. I think that is too long-term and I think they are biting off too much.

JW: So, just to be clear, you are saying, "stay there long enough to get the captured U.S. troops but then get out as quickly as possible." Even if that means that General Aideed is in charge and even if it means that Somalia returns to a situation of starvation which is what Secretary Christopher said today that he did not want to have happen.

SN: Well, none of us want that to happen. I believe that we certainly should do everything we can to get our troops back. I believe we ought to coordinate any departure with our allies. I would not pull the rug out from under our allies. We have an obligation to them. As far as Aideed is concerned, we don't have to leave all of Somalia at once in order to isolate Aideed. The best thing to do is to isolate him in southern Mogadishu and not try to hunt him down in an urban area. We are really playing his game when we go into his territory with a few lightly armed people and that puts them at risk.

JW: Yes or no, Senator, are sending adequate forces in now to protect our own troops?

SN: No, we are not sending in adequate forces if we are going to continue the same mission we have now. We need to narrow that

mission and we need to have an understanding with the U.N. on an exit strategy for the U.S.

JW: Alright, Senator Sam Nunn, we thank you for being with us.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

October 6, 1993

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH:

ROBERT BELL *Rab*

FROM:

PETER FEAVER *PDF*

SUBJECT: Interior Proposed Report on Section 122 of HR 2446, the Military Construction Appropriation Act

Tab I is a proposed report, prepared by the Department of the Interior, objecting to Section 122 of HR 2446. Section 122 would transfer approximately 100 acres from the Woodbridge Research Facility to the Architect of the Capitol. The Woodbridge Research Facility, under the control of the Department of the Army, is slated for closure in September 1994. The Architect of the Capitol plans to build up to 18 warehouse-type buildings on the property. The Department of the Interior argues that the building projects would do serious environmental damage to the largest undisturbed tract of open grasslands and wet meadow left in Northern Virginia and render the area uninhabitable for several endangered species. The Department of the Interior recommends section 122 be deleted.

Concurrences by:

PDF for Eileen Clausen and Jeremy Rosser *[Signature]*

RECOMMENDATION

That you sign and forward the memorandum at Tab I.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

MEMORANDUM FOR RONALD K. PETERSON

FROM: WILLIAM H. ITOH

SUBJECT: Interior Proposed Report on Section 122 of HR
2446, the Military Construction Appropriation Act

The National Security Council staff concurs in the proposed report.

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

7662
URGENT

October 5, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-739

TO: Legislative Liaison Officer -

DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
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: INTERIOR Proposed Report on Section 122 of HR
2446, the Military Construction Appropriation
Act

DEADLINE: 3:00 P.M., Wednesday, October 6, 1993

COMMENTS: The Department of the Interior has revised its
report on this bill (see LRM #M-614). Please review and
provide comment by the deadline noted above.

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:

S. Cameron
C. Kieffer
K. McGinty
H. Paster
J. Palmieri

2nd draft; 10/5/93

Honorable Robert Byrd
Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing in opposition to section 122 of the Military Construction Appropriation Act, H.R. 2446, as passed by the House of Representatives.

If enacted, this section would transfer to the Architect of the Capitol, for use by the Library of Congress, approximately 100 acres at the Woodbridge Research Facility (Facility) of the Department of the Army (formerly known as the Harry Diamond Laboratory) in Woodbridge, Virginia. The Facility is scheduled for closure in September 1994, and if the Library receives this acreage, over the next few years it plans to build up to 16 warehouse-type buildings for book storage.

The Facility covers 580 acres, is largely undeveloped, and offers a diversity of wildlife habitat not generally found near a major metropolitan area. The area proposed for transfer to the Library represents the largest undisturbed tract of open grasslands and wet meadow left in northern Virginia. It is surrounded on three sides by tidal and forested wetlands and is immediately adjacent to the existing Marumsco National Wildlife Refuge.

Over 180 species of birds use this habitat, including the endangered bald eagle and the loggerhead shrike (a small insectivorous bird with the unusual trait of storing its kill on thorns for later consumption) that is a candidate species for listing under the Endangered Species Act. The upland area proposed for transfer to the Library is habitat for at least 27 species of neo-tropical migratory birds (such as warblers and tanagers), a category of species that is receiving special budgetary and management emphasis by the Department of the Interior due to rapid population declines. Numerous other species of birds and animals also occupy the site.

The Library's proposal for construction will result in a significant adverse impact to wildlife values and a reduction of species diversity. Bald eagles and loggerhead shrikes would probably cease to use the area, and the neo-tropical migrant species would be severely impacted.

Chairman Robert Byrd
Page 2

The value of the neighboring Marumeco refuge to migratory birds could also be adversely affected.

As you know, I place a special emphasis on protection of biological diversity in carrying out the mission of the Department. I therefore urge the Committee to strike section 122 of H.R. 2446.

Sincerely,

Bruce Babbitt
Secretary

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

October 7, 1993

REMARKS BY THE PRESIDENT
TO THE NATION

The Oval Office

5:02 P.M. EDT

THE PRESIDENT: Today I want to talk with you about our nation's military involvement in Somalia. A year ago, we all watched with horror as Somali children and their families lay dying by the tens of thousands -- dying the slow, agonizing death of starvation. Of starvation brought on not only by drought, but also by the anarchy that then prevailed in that country.

This past weekend we all reacted with anger and horror as an armed Somali gang desecrated the bodies of our American soldiers and displayed a captured American pilot -- all of them soldiers who were taking part in an international effort to end the starvation of the Somali people themselves. These tragic events raise hard questions about our effort in Somalia. Why are we still there? What are we trying to accomplish? How did a humanitarian mission turn violent? And when will our people come home?

These questions deserve straight answers. Let's start by remembering why our troops went into Somalia in the first place. We went because only the United States could help stop one of the great human tragedies of this time. A third of a million people had died of starvation and disease. Twice that many more were at risk of dying. Meanwhile, tons of relief supplies piled up in the capital of Mogadishu because a small number of Somalis stopped food from reaching their own countrymen.

Our consciences said, enough. In our nation's best tradition, we took action with bipartisan support. President Bush sent in 28,000 American troops as part of a United Nations humanitarian mission. Our troops created a secure environment so that food and medicine could get through. We saved close to one million lives. And throughout most of Somalia -- everywhere but in Mogadishu -- life began returning to normal. Crops are growing. Markets are reopening. So are schools and hospitals.

Nearly a million Somalis still depend completely on relief supplies, but at least the starvation is gone. And none of this would have happened without American leadership and America's troops.

Until June, things went well, with little violence. The United States reduced our troop presence from 28,000 down to less than 5,000, with other nations picking up where we left off. But then in June, the people who caused much of the problem in the beginning started attacking American, Pakistani and other troops who were there just to keep the peace.

Rather than participate in building the peace with others, these people sought to fight and to disrupt, even if it means returning Somalia to anarchy and mass famine. And make no mistake about it: If we were to leave Somalia tomorrow, other nations would leave, too. Chaos would resume. The relief effort would stop, and starvation soon would return.

MORE

That knowledge has led us to continue our mission. It is not our job to rebuild Somalia's society, or even to create a political process that can allow Somalia's clans to live and work in peace. The Somalis must do that for themselves. The United Nations and many African states are more than willing to help. But we -- we in the United States -- must decide whether we will give them enough time to have a reasonable chance to succeed.

We started this mission for the right reasons, and we're going to finish it in the right way. In a sense, we came to Somalia to rescue innocent people in a burning house. We've nearly put the fire out, but some smoldering embers remain. If we leave them now, those embers will reignite into flames and people will die again. If we stay a short while longer and do the right things, we've got a reasonable chance of cooling off the embers and getting other firefighters to take our place.

We also have to recognize that we cannot leave now and still have all our troops present and accounted for. And I want you to know that I am determined to work for the security of those Americans missing or held captive. Anyone holding an American right now should understand, above all else, that we will hold them strictly responsible for our soldiers' well-being. We expect them to be well-treated, and we expect them to be released.

So now we face a choice. Do we leave when the job gets tough, or when the job is well done? Do we invite a return of mass suffering, or do we leave in a way that gives the Somalis a decent chance to survive?

Recently, General Colin Powell said this about our choices in Somalia. "Because things get difficult, you don't cut and run, you work the problem and try to find a correct solution." I want to bring our troops home from Somalia. Before the events of this week, as I said, we had already reduced the number of our troops there from 28,000 to less than 5,000. We must complete that withdrawal soon, and I will. But we must also leave on our terms. We must do it right. And here is what I intend to do.

This past week's events make it clear that even as we prepare to withdraw from Somalia, we need more strength there. We need more armor, more air power, to ensure that our people are safe and that we can do our job. Today, I have ordered 1,700 additional Army troops and 104 additional armored vehicles to Somalia to protect our troops and to complete our mission. I've also ordered an aircraft carrier and two amphibious groups with 3,600 combat Marines to be stationed offshore. These forces will be under American command.

Their mission, what I am asking these young Americans to do, is the following: First, they are there to protect our troops and our bases. We did not go to Somalia with a military purpose. We never wanted to kill anyone. But those who attack our soldiers must know they will pay a very heavy price.

Second, they are there to keep open and secure the roads, the port and the lines of communication that are essential for the United Nations and the relief workers to keep the flow of food and supplies and people moving freely throughout the country so that starvation and anarchy do not return.

Third, they are there to keep the pressure on those who cut off relief supplies and attacked our people. Not to personalize the conflict, but to prevent a return to anarchy.

Fourth, through their pressure and their presence, our troops will help to make it possible for the Somali people, working

with others, to reach agreements among themselves so that they can solve their problems and survive when we leave. That is our mission.

I am proposing this plan because it will let us finish leaving Somalia on our own terms and without destroying all that two administrations have accomplished there. For, if we were to leave today, we know what would happen. Within months, Somali children again would be dying in the streets. Our own credibility with friends and allies would be severely damaged. Our leadership in world affairs would be undermined at the very time when people are looking to America to help promote peace and freedom in the post-Cold War world. And all around the world, aggressors, thugs and terrorists will conclude that the best way to get us to change our policies is to kill our people. It would be open season on Americans.

That is why I am committed to getting this job done in Somalia, not only quickly, but also effectively. To do that, I am taking steps to ensure troops from other nations are ready to take the place of our own soldiers. We've already withdrawn some 20,000 troops, and more than that number have replaced them from over two dozen other nations. Now we will intensify efforts to have other countries deploy more troops to Somalia to assure that security will remain when we're gone.

And we'll complete the replacement of U.S. military logistics personnel with civilian contractors who can provide the same support to the United Nations. While we're taking military steps to protect our own people and to help the U.N. maintain a secure environment, we must pursue new diplomatic efforts to help the Somalis find a political solution to their problems. That is the only kind of outcome that can endure.

For fundamentally, the solution to Somalia's problems is not a military one, it is political. Leaders of the neighboring African states, such as Ethiopia and Eritrea, have offered to take the lead in efforts to build a settlement among the Somali people that can preserve order and security. I have directed my representatives to pursue such efforts vigorously. And I've asked Ambassador Bob Oakley, who served effectively in two administrations as our representative in Somalia, to travel again to the region immediately to advance this process.

Obviously, even then there is no guarantee that Somalia will rid itself of violence and suffering. But at least we will have given Somalia a reasonable chance. This week some 15,000 Somalis took to the streets to express sympathy for our losses, to thank us for our effort. Most Somalis are not hostile to us, but grateful. And they want to use this opportunity to rebuild their country.

It is my judgment and that of my military advisors that we may need up to six months to complete these steps and to conduct an orderly withdrawal. We'll do what we can to complete the mission before then. All American troops will be out of Somalia no later than March the 31st, except for a few hundred support personnel in noncombat roles.

If we take these steps, if we take the time to do the job right, I am convinced we will have lived up to the responsibilities of American leadership in the world. And we will have proved that we are committed to addressing the new problems of a new era.

When our troops in Somalia came under fire this last weekend, we witnessed a dramatic example of the heroic ethic of our American military. When the first Black Hawk helicopter was downed this weekend, the other American troops didn't retreat,

although they could have. Some 90 of them formed a perimeter around the helicopter and they held that ground under intensely heavy fire. They stayed with their comrades. That's the kind of soldiers they are. That's the kind of people we are.

So let us finish the work we set out to do. Let us demonstrate to the world, as generations of Americans have done before us, that when Americans take on a challenge, they do the job right.

Let me express my thanks and my gratitude and my profound sympathy to the families of the young Americans who were killed in Somalia. My message to you is, your country is grateful, and so is the rest of the world, and so are the vast majority of the Somali people. Our mission from this day forward is to increase our strength, do our job, bring our soldiers out, and bring them home. Thank you, and God bless America.

END

5:11 P.M. EDT

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

October 7, 1993

REMARKS BY THE PRESIDENT
TO THE NATION

The Oval Office

5:02 P.M. EDT

THE PRESIDENT: Today I want to talk with you about our nation's military involvement in Somalia. A year ago, we all watched with horror as Somali children and their families lay dying by the tens of thousands -- dying the slow, agonizing death of starvation. Of starvation brought on not only by drought, but also by the anarchy that then prevailed in that country.

This past weekend we all reacted with anger and horror as an armed Somali gang desecrated the bodies of our American soldiers and displayed a captured American pilot -- all of them soldiers who were taking part in an international effort to end the starvation of the Somali people themselves. These tragic events raise hard questions about our effort in Somalia. Why are we still there? What are we trying to accomplish? How did a humanitarian mission turn violent? And when will our people come home?

These questions deserve straight answers. Let's start by remembering why our troops went into Somalia in the first place. We went because only the United States could help stop one of the great human tragedies of this time. A third of a million people had died of starvation and disease. Twice that many more were at risk of dying. Meanwhile, tons of relief supplies piled up in the capital of Mogadishu because a small number of Somalis stopped food from reaching their own countrymen.

Our consciences said, enough. In our nation's best tradition, we took action with bipartisan support. President Bush sent in 28,000 American troops as part of a United Nations humanitarian mission. Our troops created a secure environment so that food and medicine could get through. We saved close to one million lives. And throughout most of Somalia -- everywhere but in Mogadishu -- life began returning to normal. Crops are growing. Markets are reopening. So are schools and hospitals.

Nearly a million Somalis still depend completely on relief supplies, but at least the starvation is gone. And none of this would have happened without American leadership and America's troops.

Until June, things went well, with little violence. The United States reduced our troop presence from 28,000 down to less than 5,000, with other nations picking up where we left off. But then in June, the people who caused much of the problem in the beginning started attacking American, Pakistani and other troops who were there just to keep the peace.

Rather than participate in building the peace with others, these people sought to fight and to disrupt, even if it means returning Somalia to anarchy and mass famine. And make no mistake about it: If we were to leave Somalia tomorrow, other nations would leave, too. Chaos would resume. The relief effort would stop, and starvation soon would return.

MORE

That knowledge has led us to continue our mission. It is not our job to rebuild Somalia's society, or even to create a political process that can allow Somalia's clans to live and work in peace. The Somalis must do that for themselves. The United Nations and many African states are more than willing to help. But we -- we in the United States -- must decide whether we will give them enough time to have a reasonable chance to succeed.

We started this mission for the right reasons, and we're going to finish it in the right way. In a sense, we came to Somalia to rescue innocent people in a burning house. We've nearly put the fire out, but some smoldering embers remain. If we leave them now, those embers will reignite into flames and people will die again. If we stay a short while longer and do the right things, we've got a reasonable chance of cooling off the embers and getting other firefighters to take our place.

We also have to recognize that we cannot leave now and still have all our troops present and accounted for. And I want you to know that I am determined to work for the security of those Americans missing or held captive. Anyone holding an American right now should understand, above all else, that we will hold them strictly responsible for our soldiers' well-being. We expect them to be well-treated, and we expect them to be released.

So now we face a choice. Do we leave when the job gets tough, or when the job is well done? Do we invite a return of mass suffering, or do we leave in a way that gives the Somalis a decent chance to survive?

Recently, General Colin Powell said this about our choices in Somalia. "Because things get difficult, you don't cut and run, you work the problem and try to find a correct solution." I want to bring our troops home from Somalia. Before the events of this week, as I said, we had already reduced the number of our troops there from 28,000 to less than 5,000. We must complete that withdrawal soon, and I will. But we must also leave on our terms. We must do it right. And here is what I intend to do.

This past week's events make it clear that even as we prepare to withdraw from Somalia, we need more strength there. We need more armor, more air power, to ensure that our people are safe and that we can do our job. Today, I have ordered 1,700 additional Army troops and 104 additional armored vehicles to Somalia to protect our troops and to complete our mission. I've also ordered an aircraft carrier and two amphibious groups with 3,600 combat Marines to be stationed offshore. These forces will be under American command.

Their mission, what I am asking these young Americans to do, is the following: First, they are there to protect our troops and our bases. We did not go to Somalia with a military purpose. We never wanted to kill anyone. But those who attack our soldiers must know they will pay a very heavy price.

Second, they are there to keep open and secure the roads, the port and the lines of communication that are essential for the United Nations and the relief workers to keep the flow of food and supplies and people moving freely throughout the country so that starvation and anarchy do not return.

Third, they are there to keep the pressure on those who cut off relief supplies and attacked our people. Not to personalize the conflict, but to prevent a return to anarchy.

Fourth, through their pressure and their presence, our troops will help to make it possible for the Somali people, working

with others, to reach agreements among themselves so that they can solve their problems and survive when we leave. That is our mission.

I am proposing this plan because it will let us finish leaving Somalia on our own terms and without destroying all that two administrations have accomplished there. For, if we were to leave today, we know what would happen. Within months, Somali children again would be dying in the streets. Our own credibility with friends and allies would be severely damaged. Our leadership in world affairs would be undermined at the very time when people are looking to America to help promote peace and freedom in the post-Cold War world. And all around the world, aggressors, thugs and terrorists will conclude that the best way to get us to change our policies is to kill our people. It would be open season on Americans.

That is why I am committed to getting this job done in Somalia, not only quickly, but also effectively. To do that, I am taking steps to ensure troops from other nations are ready to take the place of our own soldiers. We've already withdrawn some 20,000 troops, and more than that number have replaced them from over two dozen other nations. Now we will intensify efforts to have other countries deploy more troops to Somalia to assure that security will remain when we're gone.

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So let us finish the work we set out to do. Let us demonstrate to the world, as generations of Americans have done before us, that when Americans take on a challenge, they do the job right.

Let me express my thanks and my gratitude and my profound sympathy to the families of the young Americans who were killed in Somalia. My message to you is, your country is grateful, and so is the rest of the world, and so are the vast majority of the Somali people. Our mission from this day forward is to increase our strength, do our job, bring our soldiers out, and bring them home. Thank you, and God bless America.

END

5:11 P.M. EDT

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002a. memo	For Anthony Lake from Peater Feaver. Subject: Promotion of 38 Army Officers...Two with Adverse Information. Record ID: 9307177. [partial] (2 pages)	10/07/1993	b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 47

FOLDER TITLE:

Chron File - October 1993 #1 [5]

2016-0152-F
vz4483

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).

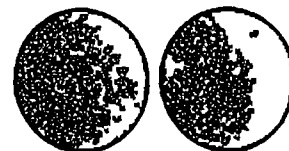
RR. Document will be reviewed upon request.

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

October 7, 1993



ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH:

ROBERT BELL *RGB*

FROM:

PETER FEAVER *PDF*

SUBJECT: Promotion of 38 Army Officers to Brigadier General
Including Two with Adverse Information

Tab A of Tab I is a White House Staffing memorandum from John Podesta soliciting the views of the National Security Council staff on the promotion of 38 Army officers to Brigadier General, including two with adverse information. Tab I is a draft letter from you to John Podesta indicating NSC staff concurrence in the promotion of the officers.

The National Security Council staff briefly held the list to gather more information on the two officers whose personnel records contained adverse information: Colonel (b)(6), (b)(7)c and Colonel (b)(6), (b)(7)c. OSD decided to re-examine the two cases and convened a special panel consisting of Assistant Secretary Dorn, Rudy DeLeon and a representative of the Office of the General Counsel. Tab B of Tab I summarizes the information gleaned from this follow-up review.

(b)(6), (b)(7)c was investigated by the V Corps Inspector General and subsequently reprimanded by the Deputy Commander, V Corps, for improper use of a government vehicle from domicile to place of duty. OSD's follow-up review determined that although Colonel (b)(6), (b)(7)c did in fact improperly use government vehicles, he did so unintentionally based on a misunderstanding of the regulations. Moreover, such misunderstanding of the regulations was commonplace in Army units assigned to Europe. This information was not mentioned in the original nomination package. OSD believes these mitigating factors weigh in (b)(6), (b)(7)c favor and it has reaffirmed its nomination. [002a]

(b)(6), (b)(7)c was investigated by the Army Criminal Investigation Command and received a letter of censure from the Commander, 2d Armored Division for making a false official statement to customs officers. In order to have 84 bottles of wine flown from Germany to CONUS, (b)(6), (b)(7)c falsely declared that the entire shipment was a gift from the German citizens to the soldiers of the 1st Brigade. In fact, a portion of the wine was the personal property of the 1st Brigade Commander who had tasked (b)(6), (b)(7)c with transporting his wine to CONUS. OSD's follow-up review determined that although (b)(6), (b)(7)c technically rendered a false statement, he did so on the counsel of customs officials who recommended that all the wine be declared as unit property. This fact was not clear in the

original nomination package. OSD decided that since Colonel (b)(6), (b)(7)c had received erroneous advice from the proper officials, his actions, though wrong, were unintentional and did not benefit him personally.

In light of the new information on both officers, the National Security Council staff concurs in the recommendation that Colonel (b)(6), (b)(7)c be promoted with the other officers on the Brigadier General list.

In a meeting today with Rudy DeLeon and Assistant Secretary Dorn, Bob Bell reviewed these two cases and asked OSD to devise a new format for military nominations involving adverse information. Future adverse information letters should not only include a paragraph describing the negative action or actions committed by the officer but also a paragraph describing the career accomplishments of the individual as well as any mitigating considerations. In short, Bob described our need for a narrative that more fully explains how OSD reached the conclusion that the individual should be promoted notwithstanding the adverse information. Rudy directed Assistant Secretary Dorn to adopt this format. [002a]

RECOMMENDATION

That you sign and forward the memoranda at Tab I and Tab A of Tab I indicating NSC concurrence in the promotion of the officers.

Attachments

Tab I Memorandum to John Podesta
 Tab A White House Staffing Memorandum
 Tab B Supplemental Information on (b)(6), (b)(7)c and (b)(6), (b)(7)c

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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002b. memo	For John Podesta from Anthony Lake. Subject: Promotion of 38 Army Officers...Two with Adverse Information. Record ID: 9307177. [partial] (2 pages)	10/07/1993	b(7)(C), b(6)
------------	---	------------	---------------

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 47

FOLDER TITLE:

Chron File - October 1993 #1 [5]

2016-0152-F
vz4483

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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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)]

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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]

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR JOHN PODESTA

FROM: ANTHONY LAKE

SUBJECT: Promotion of 38 Army Officers to Brigadier General
Including Two with Adverse Information

Tab A is a memorandum from you soliciting the views of the National Security Council staff on the promotion of 38 Army officers to Brigadier General, including two with adverse information.

The National Security Council staff briefly held the list to gather more information on the two officers whose personnel records contained adverse information: (b)(6), (b)(7)c and (b)(6), (b)(7)c. OSD decided to re-examine the two cases and convened a special panel consisting of Assistant Secretary Dorn, Rudy DeLeon and a representative of the Office of the General Counsel. Tab B summarizes the information gleaned from this follow-up review.

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(b)(6), (b)(7)c was investigated by the Army Criminal Investigation Command and received a letter of censure from the Commander, 2d Armored Division for making a false official statement to customs officers. In order to have 84 bottles of wine flown from Germany to CONUS, (b)(6), (b)(7)c falsely declared that the entire shipment was a gift from the German citizens to the soldiers of the 1st Brigade. In fact, a portion of the wine was the personal property of the 1st Brigade Commander who had tasked (b)(6), (b)(7)c with transporting his wine to CONUS. OSD's follow-up review determined that although Colonel O'Neal technically rendered a false statement, he did so on the counsel of customs officials who recommended that all the wine be declared as unit property. This fact was not clear in the original nomination package. OSD decided that since Colonel (b)(6), (b)(7)c had received erroneous advice from the proper officials, his actions, though wrong, were unintentional and did not benefit him personally.

In light of the new information on both officers, the National Security Council staff concurs in the recommendation that Colonel (b)(6), (b)(7)c be promoted with the other officers on the Brigadier General list.

[002b]

In a meeting today with Rudy DeLeon and Assistant Secretary Dorn, Bob Bell reviewed these two cases and asked OSD to devise a new format for military nominations involving adverse information. Future adverse information letters should not only include a paragraph describing the negative action or actions committed by the officer but also a paragraph describing the career accomplishments of the individual as well as any mitigating considerations. In short, Bob described our need for a narrative that more fully explains how OSD reached the conclusion that the individual should be promoted notwithstanding the adverse information. Rudy directed Assistant Secretary Dorn to adopt this format.

Attachments

Tab A White House Staffing Memorandum

Tab B Supplemental Information on (b)(6), (b)(7)c

(b)(6), (b)(7)c

WHITE HOUSE STAFFING MEMORANDUM

DATE: 9/21/93ACTION/CONCURRENCE/COMMENT DUE BY: 9/24/93SUBJECT: MILITARY NOMINATIONS --38 OFFICERS FOR PROMOTION TO GRADE OF
BRIGADIER GENERAL, USA

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	PASTER	☐	☐
McLARTY	☐	☐	RASCO	☐	☐
NEEL	☐	☐	RUBIN	☐	☐
PANETTA	☐	☐	SEGAL	☐	☐
BAGGETT	☐	☐	SEIDMAN	☐	☐
EMANUEL	☐	☐	STEPHANOPOULOS	☐	☐
GEARAN	☐	☐	TYSON	☐	☐
GERGEN	☐	☐	VARNEY	☐	☐
GIBBONS	☐	☐	WATKINS	☐	☐
HALE	☐	☐	WILLIAMS	☐	☐
HERMAN	☐	☐	BELL, Bob	☒	☐
LAKE	☐	☐	CLERK	☐	☒
LINDSEY	☐	☐		☐	☐
McGINTY	☐	☐		☐	☐
MONTOYA	☐	☐		☐	☐
NUSSBAUM	☐	☐		☐	☐

REMARKS:

Do you have any objections?

RESPONSE:

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

Anthony Lake

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

THE WHITE HOUSE

WASHINGTON

September 17, 1993

MEMORANDUM FOR THE PRESIDENT

FROM:

JOHN A. GAUGHAN

DIRECTOR, WHITE HOUSE MILITARY OFFICE

SUBJECT:

General Officer Nomination

Forwarded for your review and signature is a nomination containing the names of 38 officers for promotion to the grade of brigadier general, in the United States Army.

This nomination is submitted by the Deputy Secretary of Defense after considering adverse information pertaining to two officers which has been provided by the Deputy Assistant Secretary of Defense (Military Manpower & Personnel Policy) (Tab A). If you approve this nomination, the adverse information will be provided to the Senate Armed Services Committee.

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

Attachment



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



15 SEP 1993

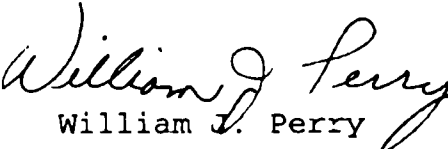
MEMORANDUM FOR THE PRESIDENT

SUBJECT: General Officer Nomination

On behalf of the Secretary of Defense, I recommend you nominate the 38 officers whose names are on the attached list for appointment to the grade of brigadier general in the United States Army. This nomination is based on the results of a selection board I approved on behalf of the Secretary of Defense.

I have personally reviewed adverse information concerning two of the officers and will provide the information to the White House Military Office separately. Should you approve this nomination recommendation, the same information will be provided to the Senate Armed Services Committee.

This action will not cause the Army to exceed the number of officers authorized to be serving in the grade of brigadier general.


William J. Perry

Attachment

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002c. list	[Personally Identifiable Information] [partial] (2 pages)	09/15/1993	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 47

FOLDER TITLE:

Chron File - October 1993 #1 [5]

2016-0152-F

vz4483

RESTRICTION CODES

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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 officers for promotion in the Regular Army of the United States to the grade indicated, under the provisions of Title 10, United States Code, Sections 611(a) and 624:

To be Permanent Brigadier General

Colonel Edwin P. Smith, (b)(6)

Colonel Neil N. Snyder III, (b)(6)

Colonel Mark R. Hamilton,
Colonel Emmitt E. Gibson,
Colonel Robert D. Shadley,
Colonel Charles R. Viale, (b)(6)

Colonel George F. Close, Jr., (b)(6)

[002c]

Colonel Dale R. Nelson,
Colonel Joseph E. Oder, (b)(6)

Colonel Michael W. Ackerman, (b)(6)

Colonel Boyd E. King, Jr.,
Colonel John M. Le Moyne,
Colonel Michael L. Dodson,
Colonel John J. Ryneska,
Colonel Roy E. Beauchamp, (b)(6)

Colonel Richard A. Black,

Colonel John B. Sylvester,

Colonel James P. O'Neal,

Colonel Thomas W. Garrett,

(b)(6)

Colonel John D. Thomas, Jr.,

Colonel James E. Shane, Jr.,

Colonel John G. Meyer, Jr.,

(b)(6)

Colonel Joseph M. Cosumano, Jr.,

(b)(6)

Colonel Robert B. Flowers,

Colonel Robert R. Ivany,

Colonel Michael T. Byrnes,

Colonel David S. Weisman,

Colonel Ralph G. Wooten,

(b)(6)

Colonel Julian H. Burns, Jr.,

(b)(6)

Colonel Robert T. Clark,

(b)(6)

Colonel Christopher C. Shoemaker,

(b)(6)

Colonel Kevin P. Byrnes,

(b)(6)

Colonel John M. McDuffie,

Colonel Gregory A. Rountree,

(b)(6)

Colonel Larry J. Lust,

(b)(6)

Colonel Peter C. Franklin,

(b)(6)

Colonel David L. Grange,

Colonel Kenneth R. Bowra,

(b)(6)

[002c]

X

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002d. report	[Adverse Information Report] (2 pages)	09/15/1993	b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 47

FOLDER TITLE:

Chron File - October 1993 #1 [5]

2016-0152-F

vz4483

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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002e. report	[Adverse Information Report] (2 pages)	09/15/1993	b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 47

FOLDER TITLE:

Chron File - October 1993 #1 [5]

2016-0152-F
vz4483

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]
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- 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]
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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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002f. letter	To Sam Nunn from Lieutenant General Robert M. Alexander. [partial] (1 page)	09/15/1993	b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 47

FOLDER TITLE:

Chron File - October 1993 #1 [5]

2016-0152-F

vz4483

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]



PERSONNEL AND
READINESS

THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON DC 20301-4000



Honorable Sam Nunn
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The Secretary of Defense has recommended the President nominate 38 officers for appointment to the grade of brigadier general in the United States Army. The Secretary made that recommendation after considering potentially adverse information concerning Colonels [REDACTED] (b)(6), (b)(7)c

[002f]

(b)(6), (b)(7)c

While serious, this information should not preclude confirmation. The Department appreciates your help in facilitating the confirmation of this and other pending nominations.

Sincerely,

ROBERT M. ALEXANDER
Lieutenant General, USAF
Deputy Assistant Secretary
(Military Manpower & Personnel Policy)

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

October 7, 1993

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT BELL *RB*

FROM: PETER FEAVER *PDF*

SUBJECT: DOD Proposed Report RE HR-1203 Detail of Members
of Armed Forces to Correctional Boot Camps &
Transfer Real Property to Camps

At Tab II is a proposed report, prepared by the Department of Defense, objecting to HR 1203. HR 1203 is a bill to amend Title 10, U.S. Code, "to detail members of the Armed Forces for duty as advisors and instructors at correctional facilities..."

While the National Security Council staff concurs in DoD's basic objection to the bill, it believes the report can make the case more persuasively.

As written, the proposed DoD report raises one erroneous and two contradictory objections to the bill. First, the DoD claims that the legislation "would dilute the Defense Department's statutory authority." On the contrary, the bill increases the statutory authority by authorizing the Secretary of Defense, if he or she chooses, to detail members. The bill is written "the Secretary of Defense may detail"; it is not written "the Secretary of Defense shall." The National Security Council staff recommends deleting the first two sentences of the third paragraph and moving the third sentence of the third paragraph to a new section dealing explicitly with redundancies in the bill.

Second, the proposed report objects to the bill on the one hand because it "would expand military involvement" and, on the other hand, because the bill needlessly duplicates existing authority and programs. This apparent contradiction masks DoD's true objection. Defense objects to the policy of detailing troops to perform law enforcement activities, but DoD does not object to training programs that advise law enforcement officials since those advisory programs are already in operation. The National Security Council staff recommends revising the report to convey this concern more clearly by replacing the first two sentences of the second paragraph with the following:

"The Department of Defense opposes HR 1203 because it may authorize actions that violate national policy as expressed in section 375 of chapter 18 (Military Support for Civilian Law Enforcement Agencies) and section 1385 of title 18. National policy prohibits direct participation of military personnel in civilian law enforcement activities. Military personnel may, and currently do, conduct training sessions

for civilian instructors who are law enforcement officers. But military personnel may not perform the civilian law enforcement function directly. By authorizing the Secretary of Defense to "detail members of the armed forces to a State or local correctional agency for temporary duty as advisors or instructors...", "HR 1203 blurs the clear line between military roles and civilian law enforcement functions."

Concurrence by: Jeremy Rosner 

RECOMMENDATION

That you sign and forward the memorandum at Tab I concurring in the proposed report subject to revisions.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

MEMORANDUM FOR JANET R. FORSGREN

FROM: WILLIAM H. ITOH

SUBJECT: DOD Proposed Report RE HR-1203 Detail of Members
of Armed Forces to Correctional Boot Camps &
Transfer Real Property to Camps

The National Security Council staff concurs in the proposed report subject to the following revisions:

- o deleting the first two sentences of the third paragraph and moving the third sentence of the third paragraph to a new section dealing explicitly with redundancies in the bill.
- o replacing the first two sentences of the second paragraph with the following:

"The Department of Defense opposes HR 1203 because it may authorize actions that violate national policy as expressed in section 375 of chapter 18 (Military Support for Civilian Law Enforcement Agencies) and section 1385 of title 18. National policy prohibits direct participation of military personnel in civilian law enforcement activities. Military personnel may, and currently do, conduct training sessions for civilian instructors who are law enforcement officers. But military personnel may not perform the civilian law enforcement function directly. By authorizing the Secretary of Defense to "detail members of the armed forces to a State or local correctional agency for temporary duty as advisors or instructors...", HR 1203 blurs the clear line between military roles and civilian law enforcement functions."

7232

7p40

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

September 22, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-1315

TO: Legislative Liaison Officer -

TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226

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

JUSTICE - Sheila F. Anthony - (202)514-2141 - 217

GSA - William Ratchford - (202) 501-0562

**FROM: JANET R. FORSGREN (for) *Janet R. Forsgren*
Assistant Director for Legislative Reference**

OMB CONTACT: Melissa COOK (395-3924)

Secretary's line (for simple responses): 395-7362

**SUBJECT: DEFENSE Proposed Report RE: HR 1203, Detail
of Members of the Armed Forces to
correctional Boot Camps and Transfer of Real
Property to Camps**

DEADLINE: 3:30PM October 4, 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:

**{ Tom Stanners
Wendell Waites
Chris Bertram
Cora Beebe
Joe Lackey
OFPP
Cookie Walden
Howard Paster
Jennifer Palmieri
Bernie Martin
Janet Forsgren
Delphine Motley
David Haun**

SEP 21 '93 8:49 FROM OSD-LRS

PAGE.002



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
WASHINGTON, D.C. 20301-1600

21 September 1993

Bernard H. Martin
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Martin:

The views of the Department of Defense have been requested on H.R. 1203, 103d Congress, a bill "To amend title 10, United States Code, to authorize the Secretary of Defense to detail members of the Armed Forces for duty as advisors and instructors at correctional facilities of States and local governments operated as military-style boot camps and to authorize the transfer of excess defense property, including real property at military installations being closed or realigned, to States and local governments for use by these camps."

Advice is requested as to whether there is any objection to the submission of the attached report to the Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel T. Brick, Jr.", written over a printed name.

Samuel T. Brick, Jr.
Director, Legislative Reference
Service

Enclosure

SEP 21 '93 8:58 FROM OSD-LRS

PAGE.003



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D.C. 20301-1000

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

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Defense on H.R. 1203, 103rd Congress, a bill "To amend title 10, United States Code, to authorize the Secretary of Defense to detail members of the Armed Forces for duty as advisors and instructors at correctional facilities of States and local governments operated as military-style boot camps and to authorize the transfer of excess defense property, including real property at military installations being closed or realigned, to States and local governments for use by these camps."

The Department of Defense opposes this proposed legislation. It would expand military involvement with civilian correctional agencies with no corresponding military benefit and no reimbursement. It does not adequately define the role that military personnel would play and it conflicts with existing national policy as expressed in section 375 of chapter 18 (Military Support For Civilian Law Enforcement Agencies), title 10, as well as section 1385 of title 18, United States Code, which prohibit direct participation of military personnel in civilian law enforcement activities. The provision to transfer property to State and local governments is not necessary as current provisions of Chapter 10, Title 40, United States Code, already govern the disposal of Federal property.

This legislation would dilute the Defense Department's statutory authority under chapter 18 of title 10, United States Code. Specifically, it would provide authority for use of Department of Defense personnel--independent of their role of preserving our national security--to advise and instruct at State and local government military-style bootcamp correctional facilities without reimbursement. It would further amend title 10 by authorizing the transfer of excess defense property, including real property, to States and local governments for use by these camps. This is already authorized under chapter 10, title 40, United States Code.

Both the United States Army and Marine Corps currently operate advisory courses to train civilian correctional personnel

SEP 21 '93 8:50 FROM OSD-LRS

PAGE.004

in military-style boot camps for first time offenders. The Army has operated the Rehabilitation Training Instructor Course at Fort McClellan, Alabama, for over a year and has trained over 180 civilian correctional personnel to date. The Department of Defense pays for the training and billeting of the civilian personnel, while the sending institution pays only for their transportation to and from Fort McClellan. This program provides the most cost effective and least burdensome advisory assistance. Its cost to the State and local governments is minimal and it only requires a small cadre of military personnel to conduct the training.

Section 377 of title 10 requires reimbursement for Department of Defense support unless the support is provided in the normal course of military training or operations, or results in a benefit to the Department that is substantially equivalent to that which would otherwise be obtained from military training. It is, therefore, likely that reimbursement by the States and local governments would be required in this case.

As each State and local government has different rules and policies, to detail military correctional specialists to serve as advisors or instructors at the actual boot camp facilities would be both difficult and impractical. The pool of trained military correctional personnel is small and the burden on this career field would be severe. The Army has the largest role in military corrections. Currently, there are only 506 Army soldiers in grades E6 and E7 who hold the Military Occupational Specialty of Corrections Noncommissioned officer. These two grades represent the vast majority of drill sergeants. While the number of soldiers trained as drill sergeants, who instruct basic training or "boot camp," is much higher, they have no specific training in correctional duties or activities.

The Federal Property and Administrative Services Act of 1949, as amended, currently provides for the disposal of Department of Defense real property to States and local governments for correctional purposes. Section 203, (p) (1), of the Act authorizes the conveyance or transfer of property to a State or any political subdivision or instrumentality thereof, when it is determined by the Attorney General that such property is required for correctional use.

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,

Jamie S. Gorelick

I

103D CONGRESS
1ST SESSION

H. R. 1203

To amend title 10, United States Code, to authorize the Secretary of Defense to detail members of the Armed Forces for duty as advisors and instructors at correctional facilities of States and local governments operated as military-style boot camps and to authorize the transfer of excess defense property, including real property at military installations being closed or realigned, to States and local governments for use by these camps.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 1993

Mr. REGULA introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To amend title 10, United States Code, to authorize the Secretary of Defense to detail members of the Armed Forces for duty as advisors and instructors at correctional facilities of States and local governments operated as military-style boot camps and to authorize the transfer of excess defense property, including real property at military installations being closed or realigned, to States and local governments for use by these camps.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DETAIL OF MEMBERS OF THE ARMED FORCES**
 2 **TO CORRECTIONAL BOOT CAMPS AND TRANS-**
 3 **FER OF REAL PROPERTY TO CAMPS.**

4 **(a) DETAIL OF MEMBERS AUTHORIZED.**—(1) Chap-
 5 ter 41 of title 10, United States Code, is amended by
 6 inserting after section 713 the following new section:

7 **§714. Detail to duty at State or local correctional**
 8 **boot camps**

9 **“(a) DETAIL AUTHORIZED.**—The Secretary of De-
 10 fense may detail members of the armed forces to a State
 11 or local correctional agency for temporary duty as advisors
 12 and instructors at a correctional facility operated as a
 13 military-style boot camp if the Secretary determines that
 14 the members could contribute to the rehabilitative pur-
 15 poses of the facility. The detail of members under this sec-
 16 tion shall be made without reimbursement from the correc-
 17 tional agency assisted by the members.

18 **“(b) TREATMENT OF SERVICE BY MEMBERS.**—A
 19 member detailed under this section shall be entitled to
 20 credit for all service while so detailed. The Secretary of
 21 Defense shall ensure that duty under this section shall not
 22 adversely affect the eligibility of members detailed for that
 23 duty for promotions or assignments after that duty.”.

24 **(2)** The table of sections at the beginning of such
 25 chapter is amended by inserting after the item relating
 26 to section 713 the following new item:

“714. Detail to duty at State or local correctional boot camps.”.

1 **(b) TRANSFER OF PERSONAL PROPERTY AUTHOR-**
 2 **IZED.**—Section 1208(a)(1)(A) of the National Defense
 3 Authorization Act for Fiscal Years 1990 and 1991 (Public
 4 Law 101-189; 103 Stat. 1566; 10 U.S.C. 372 note) is
 5 amended by inserting before the semicolon the following:
 6 “or at a correctional facility operated as a military-style
 7 boot camp”.

8 **(c) TRANSFER FOR REAL PROPERTY AUTHOR-**
 9 **IZED.**—Section 2687 of title 10, United States Code, is
 10 amended by adding at the end the following new sub-
 11 section:

12 **“(f) As part of the actions taken with respect to the**
 13 **disposal or transfer of real property and facilities at a mili-**
 14 **tary installation to be closed or realigned under this sec-**
 15 **tion, title II of the Defense Authorization Amendments**
 16 **and Base Closure and Realignment Act, the Defense Base**
 17 **Closure and Realignment Act of 1990, or any other law,**
 18 **the Secretary of Defense may transfer (without reimburse-**
 19 **ment) to the State or local government in which the instal-**
 20 **lation is located such property or facilities for conversion**
 21 **and use as a correctional facility operated as a military-**
 22 **style boot camp.”.**

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

October 7, 1993

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT BELL *RGB*

FROM: PETER FEAVER *PPF*

SUBJECT: NEC Proposed Amendment on Subtitle E Export Vessel Act

Tab II is a proposed amendment, coordinated by the NEC, to amend the Merchant Marine Act, 1936. The National Security Council staff has discussed this amendment with John Goodman, the appropriate action officer on the NEC, and concur in the changes he is directing.

Concurrences by: Jeremy Rosner, Michael Froman and Bob Fauver *MF* *MF*

RECOMMENDATION

That you sign and forward the memorandum at Tab I.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

MEMORANDUM FOR JAMES J. JUKES

FROM: WILLIAM H. ITOH

SUBJECT: NEC Proposed Amendment on Subtitle E Export Vessel
Act

The National Security Council staff has discussed this amendment with John Goodman, the appropriate action officer on the NEC, and concur in the changes he is directing.

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

7661

October 5, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #N-737

TO: Legislative Liaison Officer -

COMMERCE - Michael A. Levitt - (202)482-3086 - 324
DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
LABOR - Robert A. Shapiro - (202)219-8201 - 330
STATE - Julia C. Norton - (202)647-4463 - 225
TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
TREASURY - Richard S. Carro - (202)622-1146 - 228
CEA - Francine Obermiller - (202)395-5036 - 242
NEC - Sonia Mathews - (202)456-6722 - 429
NSC - William H. Itoh - (202)395-3723 - 249
OSTP - Chris Clary - (202)456-7116 - 288
USTR - Fred Montgomery - (202)395-3475 - 223

FROM: JAMES J. JUKES (for) *Jim*
Assistant Director for Legislative Reference

OMB CONTACT: Jim BROWN (395-3473)
Secretary's line (for simple responses): 395-3454
Meg DiBARI (Wimmer) (395-3834)

SUBJECT: NEC Proposed Amendment(s) on Subtitle E
"Export Vessel Act"

DEADLINE: 5:00 P.M. Today October 5, 1993

COMMENTS: This is a draft amendment to H.R. 2401, the Defense Authorization Bill. The following individuals at the following agencies should be given this draft for review: Commerce, Kent Hughes; NSC, Keith Haun; USTR, Donald Phillips; Treasury, Robert Gillingham; DOD, Bill Linn, Deborah Christy; Justice, John Clark; State, Jeff Ogden; Labor, Joe Talbott; and OSTP, Lionel Johns. This language must be provided to conferees tomorrow. If we do not hear from you by the deadline, we will therefore assume that you have no objection to it.

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:
✓ Michael Deich
✓ Jim Carman
✓ John Goodman
✓ John Baker
✓ Ken Schwartz
✓ Roger Adkins
✓ Meg DiBari
✓ Ed Rea
✓ Art Stigile
✓ Bob Damus
✓ John McClelland
✓ Robert Dotson
✓ Don Gessaman
✓ Ron Peterson
✓ Michael Goad
✓ Chris Edley
✓ Gordon Adams
✓ Howard Paster
✓ Mike Schmidt
✓ Cookie Walden

Section-by-Section Analysis

Section 1 of the bill states the short title for this bill, the "Export Vessel Act of 1993."

Section 2 of the bill makes several changes to the existing Title XI loan guarantee program for ship construction found in the Merchant Marine Act, 1936, 46 App. U.S.C. 1271 et seq (the Act). Subsection 2(a) amends existing section 1101(c) of the Act, which defines the key term "obligation" in terms of "section 1104." This technical amendment is needed, since section 1104 has been supplanted by sections 1104A, 1104B, and, with the passage of this bill, 1104C.

Subsection 2(b) amends section 1104A(c) of the Act by increasing the annual guarantee fees presently prescribed for delivered and undelivered vessels for which applications for ship financing guarantees were received after September 30, 1993, by 1/2 of one percent. The present fee requirements are 1/2 to 1 percent for delivered vessels and 1/4 to 1/2 percent for undelivered vessels, both dependent on the financial strength of the applicant. The intent of this amendment is to reduce the cost of the shipping program borne directly by the U.S. taxpayer and to pass along that portion of the cost to the purchaser of a vessel or an export vessel, as the case may be, whose financial obligations have been guaranteed by the Secretary. Even with the increase in fee, it is still anticipated that a large majority of purchasers of United States built vessels will continue to find the program financially attractive.

Subsection 2(c) creates a new section 1104C as part of the existing authority in Title XI of the Act. The new section 1104C extends Title XI loan guarantees to foreign buyers of ships built in United States shipyards.

The new subsection 1104C(a) defines the term "export vessel" to mean all types of vessels, including the ones listed in section 1101(b) of the Act, except for fishing vessels, which vessels have or will be constructed, reconstructed, or reconditioned in the United States. Fishing vessels have been excluded because they are not within the traditional authority of the Secretary of Transportation, and this legislation does not seek to alter this aspect of the Secretary's authority. It is the intent of this legislation that such vessels may be owned by citizens of any country (except by U.S. citizens as defined in Section 2 of the Shipping Act, 1916, and citizens of "hostile" countries as provided by section 1104C(c)). to conform these Title XI loans for export vessels to OECD policy regarding export credits, the citizens of the country extending the credit, in this case the United States, may not benefit. Export vessels could be documented under the laws of any country in which they are eligible, including the foreign registry of the United States. Section 1104C(a) is not restrictive of vessel type, because the marketplace will and should determine the appropriate export vessels.

The new section 1104C(b) permits a citizen of any country to apply for a loan

guarantee of an export vessel and authorizes the Secretary of Transportation, upon such terms and conditions as the Secretary may prescribe, to guarantee or make a commitment to guarantee the payment of principal of and interest on an obligation which aids in the financing of a contract for construction, reconstruction, or reconditioning of an export vessel or the refinancing of such obligations. The intent of this section is to empower the Secretary of Transportation to enter into such financing and refinancing guarantees and commitments in generally the same manner as the Secretary is presently empowered under section 1104A(a)(1) and 1104A(a)(5), except as to (i) the nationality of the applicant and the owner of the vessels financed or refinanced and (ii) the geographic trading area of the vessel. The new paragraph 1104C(b)(2) permits the Secretary to refinance only such obligations as the Secretary has previously guaranteed under Section 1104C. The one year restriction in refinancing private loans is the same as applied in the domestic program under current regulations. There is no need to restrict refinancing of Title XI commitments since lower interest rates, for instance, always inure to the Government's benefit.

The new section 1104(c) prohibits the making of a commitment to guarantee or a guarantee of an obligation if the applicant for said commitment or guarantee or the intended owner of the export vessel is a national of a country hostile to the interests of the United States, as determined by the Secretary, in consultation with the appropriate Departments, and unless the applicant or intended owner agrees that the export vessel shall not be documented in, used to transport goods to or from, nor be transferred to a national of any such country. Despite the end of the Cold War, there remain a few countries hostile to the United States' interests, and this provision is intended to coordinate this program with our foreign policy.

The new section 1104C(d) states that this export vessel authority shall expire five years from the effective date of this enactment unless there is no international agreement ending international ship building subsidies. The program is intended to be transitional in the context of a level playing field of foreign competitive shipyards. If there is a level playing field, it is anticipated that a private capital market will arise for export of United States built vessels and the Government program will no longer be needed. If there is not a level playing field, there is no need to end the program.

The new section 1104C(e) incorporates by reference the same ancillary and technical authorities which support and define the Secretary's authority to carry out the present Title XI program and are necessary to carry out the new authority to be granted by section 1104C. The amendment to section 1104A(b)(6) is based on the recognition that the receipt of marine inspection certificates from foreign flag authorities who are co-signatories with the United States to a treaty, convention, or other international agreement bearing on the safety of a vessel and its equipment is sufficient assurance, taken together with the other requirements of section

1104A(b)(6), that the collateral taken by the United States will be adequately maintained.

The new section 1104C(f) caps the aggregate unpaid principal amount of obligations guaranteed under the provisions at any one time at \$3 billion.

Section 3 of the bill establishes a new section 1111 of the Act, authorizing the appropriation of \$100 million for the subsidy or risk costs, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 660 et seq.) of guaranteed loans authorized by this Title. This authorization is intended to be available for commitments to guarantee and guarantees of financial obligations of vessels under sections 1104A and 1104B and of export vessels under section 1104C. Section 1353 of the bill also states that the effective date is the effective date of final regulations issued by the Secretary of Transportation to implement the provisions of this amendment.

Section p4 of the bill amends provisions of Chapter 313 of Title 46, United States Code (the legislative successor to the Ship Mortgage Act, 1920). These amendments have two purposes. First, the amendments are necessary to assure the Secretary is not disadvantaged in enforcing vessel mortgages in United States courts. The Secretary normally requires a mortgage on the vessel financed to ensure that, in the event of default, the Secretary can recover from the shipowner the amount paid to bondholders under the guarantee. Under existing law, a mortgage on a vessel documented in a foreign country would be enforceable in the various United States district courts as a "foreign mortgage." Foreign mortgages are ranked below liens for necessities which are in turn junior to preferred ship mortgages. Thus, these amendments rank the Secretary's mortgage on the same footing for export vessels as for domestic vessels. Secondly, the Secretary's mortgages are more likely to be enforced under substantive U.S. law when and if subject to an admiralty proceeding in a foreign jurisdiction if the mortgages are formed and recorded under U.S. law. The application of United States substantive law in a foreign foreclosure should facilitate the United States recovery on its collateral in these cases.

A BILL

"To amend Title XI of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1271 et seq.) to establish a loan guarantee program for export vessels."

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That this Act may be cited as the "Export Vessel Act of 1993."

Sec 2. (a) Section 1101(c) of Title XI of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1271(c)) is amended by deleting the phrase "subsection (a) of section 1104 of this title;" and inserting "sections 1104A, 1104B, or 1104C of this title;"

(b) The second and third sentences of Section 1104A(e) of Title XI of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1274) are amended to read as follows:

"For applications for ship financing guarantees received after September 30, 1993, if the security for the guarantee of an obligation under this title relates to a delivered vessel, such fee shall not be less than 1 per centum per annum nor more than 1 and one-half per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1108 of this Act. If the security for the guarantee of an obligation under this title relates to a vessel to be constructed, reconstructed, or reconditioned, such fee shall not be less than three-quarters of 1 per centum per annum, nor more

than 1 per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1108 of this Act."

(c) Title XI of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1271, ~~et seq.~~), is amended by adding a new Section 1104C following Section 1104B, to read as follows:

"SEC. 1104C. (a) For purposes of this section, the term 'export vessel' means any type of vessel, including the vessel types listed in section 1101(h) but excluding a fishing vessel, which --

"(1) has been or will be constructed, reconstructed, or reconditioned in the United States,

"(2) is owned by a person other than a citizen of the United States, as defined by Section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), and

"(3) will, upon delivery or redelivery, be placed under or continue to be documented under the laws of the United States or a country other than the United States.

"(b) Upon application by a citizen of any country, the Secretary, upon such terms as the Secretary may prescribe, may guarantee or make a commitment to guarantee, payment of the principal of and interest on an obligation which aids in:

"(1) financing, including reimbursement to an obligor for expenditures previously made, of a contract for construction, reconstruction, or reconditioning of an export vessel, principally designed for research or for commercial use; Provided, however, That no guarantee shall be entered into later than one year after delivery or redelivery in the case of construction,

reconstruction or reconditioning of any such vessel; or

"(2) refinancing existing obligations issued for the purposes specified in (b)(1) and guaranteed under this section, including, but not limited to, short-term obligations incurred for the purpose of obtaining temporary funds with the view to refinancing from time to time.

"(c) No commitment to guarantee, or guarantee of an obligation may be made by the Secretary under this section if the applicant or the intended owner of the export vessel is a national of any country designated by the Secretary, in consultation with appropriate Departments, as a country whose interests are hostile to the interests of the United States and unless the applicant or the intended owner agrees that the export vessel shall not be documented in, used to transport goods to or from, nor be transferred to a national of any such country.

"(d) The Secretary's authority to issue commitments of guarantees under this section shall expire five years from the effective date of the enactment of this section, if the Senate has ratified, within that time, an international agreement to eliminate government loan guarantees for shipbuilding.

"(e) The program created by this section shall, in addition to the requirements of this section, be subject to the provisions of sections 1101, 1102, 1103(b) through 1103(e), 1104A(b)(1), (3), (4), (5), and (6) (except that in lieu of being required to receive the marine inspection certificates of the United States Coast Guard, an export vessel may satisfy this requirement with the marine inspection certificates of the appropriate national flag authorities under a treaty, convention, or other international agreement to which the United States is a party), 1104A(c), 1104A(d), 1104A(e), 1104A(f)-(h), 1105, and 1108 of this title.

"(f) the aggregate unpaid principal amount of obligations guaranteed under

this section and outstanding at any one time may not exceed \$3,000,000,000."

Sec. 3. Title XI of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1271, et seq.) is amended by adding a new section following Section 1110, to read as follows:

"SEC. 1111. (a) Funds are authorized to be appropriated, not to exceed \$100,000,000, for the costs, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a), of guaranteed loans authorized by this title, to remain available for a period of five years from the effective date of this section, provided there is within that time an international agreement to eliminate shipbuilding subsidies or, if not, until expended.

"(b) These provisions shall become effective upon the effective date of final regulations issued by the Secretary of Transportation to implement the provisions in this amendment."

Sec. 4. (a) Section 30101 of Title 46, United States Code, is amended by --

(1) redesignating definitions (2) through (9) as definitions (3) through (10);

and

(2) inserting a new definition numbered (2) to read as follows:

"(2) 'export vessel' means a vessel which has been financed, in part or in whole, with financial obligations guaranteed by the Secretary of

Transportation pursuant to the provisions of section 1104C of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1271 ~~et seq.~~).".

(b) Section 31322(a)(1)(C) of Title 46, United States Code, is amended by --

(1) deleting "and" at the end of clause (ii) and inserting "or" in lieu thereof;

and

(2) adding a new clause numbered (iii) to read as follows:

"(iii) covers an export vessel which secures one or more guarantees issued by the Secretary of Transportation pursuant to the provisions of Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 ~~et seq.~~); and."

STATEMENT OF PURPOSE AND NEED

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) authorizes the Secretary of Transportation to guarantee the financial obligations of United States companies which contract with United States yards to construct, reconstruct, or recondition vessels in the United States. This bill would amend Title XI to authorize the Secretary of Transportation to guarantee the construction, reconstruction, or reconditioning of vessels in the United States for export. The guarantee by the United States of the financial obligations needed to construct, reconstruct, or recondition such "export vessels" should increase the international competitive standing of the United States shipbuilding industry by allowing foreign entrepreneurs to receive loans equivalent to those in countries in the Organization for Economic and Cooperative Development (OECD) when contracting for significant shipyard work in the United States.

By providing this new guarantee authority, equaling that found in the international community, the Government would be providing assistance in the transition of United States shipyards to commercial activities and in the preservation of shipbuilding assets that would be essential in time of war or national emergency.

##

10/6 (Bill version)

FIRST APPROPRIATIONS BILL
FOR FY 1995

The proviso in Title IV of Public Law 102-395 that the guaranteed loans made by the Secretary of Transportation, at the request of the Secretary of Defense, are only for types and classes of military useful vessels determined by the Secretary of Defense, in consultation with the Secretary of Transportation, is deleted in its entirety.

In addition to the appropriations provided under this Act, unexpended balances of the funds provided under the heading Military Useful Vessel Obligation Guarantees in Public Law 103-50 may also be used for the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans and administrative expenses authorized by the Merchant Marine Act of 1936, as amended, for export vessels.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

7775

October 7, 1993

ACTION

TO: ANTHONY LAKE
LEON PANETTA

FROM: ROBERT BELL *RGB*
GORDON ADAMS *GA*

SUBJECT: Options for Resolving Defense Budget Outlay
Scoring Issue

Background

The defense authorization conference has begun and the defense appropriations conference will commence as soon as the Senate completes action on its version of that bill. The leaders of the four congressional defense committees are especially anxious to know exactly where the Administration stands on a number of crucial issues, especially the \$2.0 billion CBO/OMB defense outlay scoring dispute. Chairmen Nunn and Dillums wrote a joint letter to Secretary Aspin on October 1 asking for a clear statement of Administration views this week on a series of pivotal questions (Tab I), starting with outlay scoring.

In particular, the appropriations committees have produced defense bills that make choices driven, in part, by the lower defense outlay ceilings the appropriators received as a result of differences between OMB and CBO scoring of outlays in the FY 1994 defense budget. As a result of this problem, these bills (and those of the authorizers), are laying out choices which could hurt the modernization and readiness of our Armed Forces.

- The Senate Appropriations Committee (SAC) cut our R&D request by \$5 billion (13%), while its House counterpart (HAC) cut R&D by \$2.1 billion (5%).
- The HAC added nearly \$1 billion for defense conversion above the level the President requested.
- The HAC and SAC cut O&M by \$2.0 billion and \$1.5 billion, respectively.
- The Senate and House Armed Services Committees (SASC & HASC) respected our request to fund the new carrier (CVN-76) in FY 1995, but the SAC funded the carrier in FY 1994 using budget authority freed up from cuts to fast spending R&D and O&M accounts.

Resolving the outlay scoring issue would make a crucial contribution to sorting out these choices in the two conferences. If OMB outlay estimates were used, this would give the committees \$2 billion more in outlays to work with, allowing them to use

this level have failed before, and Sasser/Sabo may dig their heels in even more if put on the spot in front of their defense committee counterparts. On the other hand, holding this meeting would not preclude elevating our intervention to the President's level if the meeting fails.

3. Meeting(s) with the President

If we believe that appeals from you, Secretary Aspin and/or the defense committee chairmen are likely to fall on deaf ears and that only the President has a chance of getting through to Sabo/Sasser, we could invite the two Budget committee chairmen, either together or separately, to the White House to discuss this with the President in the Oval Office. A less effective alternative would be for the President to make his points in phone calls to the two chairmen. With this option, we would need to advise the President that there is a good chance that he will be rebuffed.

Recommendation

Preferred Approach: Option 3. We recommend that you direct us to prepare a scheduling proposal for the President to meet with Chairman Sabo. If that meeting fails, there would be no point in his meeting with Senator Sasser. If Sabo agreed to the President's request, we could assess then whether Sasser would follow Sabo's lead or whether a separate meeting with the President was required.

Fall-Back: Option 2. If the President does not want to risk a personal turn-down, we recommend the "summit meeting." Even if the prospects for success are remote, it would still be worth trying if for no other reason than to assure the defense committee chairmen that we had tried.

Concurrence: Jeremy Rosner 

Attachment:

Tab I: Letter to Aspin from Dellums/Nunn

more budget authority (about \$3-4 billion) for readiness and modernization. Using CBO estimates has encouraged the committees to replace faster spending programs with slower spending procurement funding (i.e., moving the CVN-76 in FY 1994).

If we think we have a reasonable chance of persuading Chairmen Sabo and Sasser to direct CBO to score the defense bills based on the OMB estimates in the budget (and we are willing to make a serious run at persuading them), we need to act on that decision without delay. The greatest help would be for the Chairmen to direct CBO to adjust its spending estimate for the DOD bill downward by the amount of the difference between the OMB and CBO estimates (\$2.0 b.). The Budget Committees have done this in the past.

An alternative, less helpful approach would be for the Chairmen to direct CBO to adjust total government spending by the amount of the government-wide scoring differences between CBO and OMB (about \$1.3 billion) and to apply a proportionate share to the DOD bill. This could provide Defense with roughly \$600-700 m. of outlay relief.

If we have reluctantly concluded that the Budget committee chairmen cannot be moved and CBO scoring will therefore prevail, we need to let the four defense committees know that as soon as possible.

Why does this matter? Put simply, with CBO scoring there is no way for the committees to meet the outlay targets without major damage to the fast-spending operating and modernization accounts. Moreover, since Defense may well face new demands within existing budgets in FY 1994 (Bosnia, Somalia), outlay relief now could ease some of the coming budgetary pain.

Options

1. Do Nothing

We may feel that we have done all we can to move Sabo (including previous entreaties from you and the President) and that there is no chance that he can be persuaded to direct CBO to use the OMB estimates for scoring purposes. Two factors should be taken into account, though, in assessing this option. First, the President has not met with Sabo or Sasser solely on this issue. Second, even if further efforts failed, there could be value to showing our defense champions on the Hill that we tried again at the highest levels. In short, we may want to ensure there is no perception that the White House tacitly agreed with Defense's taking this hit.

2. Convene a "Summit Meeting" Here

Rudy DeLeon and John Hamre (the DOD Comptroller-designate) have recommended that you chair a meeting as soon as possible with Nunn, Inouye, Dellums, Murtha, Sasser, Sabo and Secretary Aspin to try to resolve the issue in a way that either relies on the OMB estimates or at least mitigates the damage of the CBO estimates. The disadvantage of this option is that efforts at

SAM RUDIN GEORGIA CHAIRMAN
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 CHARLES S. ROSS VIRGINIA
 JOSEPH I. LIEBERMAN CONNECTICUT
 RICHARD M. BRYAN NEVADA
 STROM THURMOND SOUTH CAROLINA
 JOHN W. WADSWORTH VIRGINIA
 WILLIAM S. COHEN MAINE
 JOHN MCCAIN ARIZONA
 TRENT LOTT MISSISSIPPI
 DAN COATS INDIANA
 BOB SMITH NEW HAMPSHIRE
 DIRK KEMPTHORNE IDAHO
 LAUCH FAIRCLOTH NORTH CAROLINA
 KAY BAKER HUTCHISON TEXAS

United States Senate

COMMITTEE ON ARMED SERVICES

WASHINGTON, DC 20510-8050

ARNOLD L. PUNARO, STAFF DIRECTOR
 RICHARD L. REYNARD, STAFF DIRECTOR FOR THE MINORITY

October 1, 1993

Honorable Les Aspin
 Secretary of Defense
 The Pentagon
 Washington, D.C. 20301

Dear Les:

As we prepare for the conference on the National Defense Authorization Act for Fiscal Year 1994, we look forward to working closely with you to craft a conference agreement that will maintain a strong and capable military establishment. The results of your Bottom-Up Review have laid the groundwork for a strong defense program, and we will work with you to see that it is implemented.

Before the conference can get down to work, however, there are several key issues where we need to have a clear understanding of the Administration's position. We would like to ask several questions on these issues, and we hope to have your response by the middle of next week.

1. What is the Administration's position on the continuing scoring disagreement between CBO and OMB on FY1994 defense outlays, and what is being done in the Administration to reach a final resolution of this problem? Do you want Congress to rearrange the priorities in your original defense budget request to meet the CBO outlay scoring, or do you want us to follow the original priorities in your defense budget request as you submitted it to the Congress?

2. What are your views on the proposed funding levels for O&M and R&D in the House and Senate versions of the authorization and appropriations bills for FY1994? For example, what impact would the 14% reduction in the FY1994 R&D budget request proposed by the Senate Appropriations Defense Subcommittee have on future modernization programs in the Department of Defense and on the Administration's efforts under the Technology Reinvestment Program? What impact would the reduction in O&M funding in the House and Senate versions of the FY1994 Defense Appropriations Bills have on the readiness of our forces?

3. The Bottom-Up Review concluded that we should fund a new aircraft carrier in FY1995. What are your views on the proposal to provide \$3.4 billion to fund an aircraft carrier in FY1994, particularly in light of the reductions in other areas such as defense conversion and the other R&D accounts, to make room for

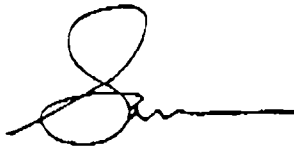
the carrier? How would funding the aircraft carrier in FY1994 affect our ability to fund such other priorities as troop end strengths, military pay raises, and peacekeeping operations in future year budgets?

4. If Congress funds a new aircraft carrier in FY1994, should Congress also fund continued construction of the third Seawolf submarine as called for in the Bottom-Up Review?

5. The President has made a strong commitment to mitigating the impact of the defense drawdown on industries and local communities. Are the levels of defense conversion funding for industries and local communities contained in the House and Senate versions of the National Defense Authorization Act for 1994 consistent with the President's commitment?

6. What are your views on earmarking defense conversion funds for specific industries or for specific projects in local communities, as was done in the House Appropriations Committee report?

Les, as you can understand, we need to have your views on these issues before we can come up with a final conference agreement on the Authorization Bill this year. We appreciate your attention to these issues, and we look forward to hearing from you next week.



Sam Nunn
Chairman

Sincerely,



Ronald V. Dellums
Chairman

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

October 7, 1993

ACTION

MEMORANDUM FOR NANCY SODERBERG

THROUGH:

DANIEL PONEMAN *DP*

FROM:

ELISA D. HARRIS *EDH*

SUBJECT:

Invitation to Address Program on "Strengthening
the Biological Weapons Convention" --
October 21, 1993

I have been invited to participate in a program on strengthening the Biological Weapons Convention in New York on October 21. The program is being sponsored by the UN Department of Disarmament Affairs, the Federation of American Scientists, and the NGO Committee on Disarmament. I would make a brief statement on the new U.S. policy toward the BWC, as set out in PDD-13. My transportation costs would be covered by the sponsors.

Concurrences by:

mdraft *mdraft* *mdraft*
Bob Bell, Alan Kreczko, Don Steinberg

RECOMMENDATION

That you approve my acceptance of the invitation at Tab I.

Approve _____ Disapprove _____

Attachment

Tab I Invitation



SUNY Purchase
Division of Natural Sciences



September 30, 1993

Ms. Elisa Harris
National Security Council
The White House
Washington, DC 20500

Dear Ms. Harris:

The Federation of American Scientists, the UN Office of Disarmament Affairs and the NGO Committee on Disarmament at the UN will sponsor a program on "Strengthening the Biological Weapons Convention" at the UN on October 21, 1993. The program is intended to provide information to the States Parties to the BWC, which have just received the final Report of the Ad Hoc Group of Governmental Experts to Examine Potential Verification Measures (Verex) and are considering the possibility of calling a special conference.

We are inviting several States Parties that were active in the Verex process to make a brief statement or comment at the end of the program. Would it be possible for you to do so, representing the United States? If so, the Chairman will announce your participation at the opening of the program.

We can cover your transportation to New York for this event. Please let me know as soon as possible if you plan to come.

I look forward to hearing from you and hope to see you again in New York.

Yours sincerely,

Barbara Hatch Rosenberg, Ph.D.
Director, Federation of American
Scientists Chemical and Biological
Verification Program

bhr/aw

State University of New York at Purchase
735 Anderson Hill Road
Purchase, New York 10577-1400
Telephone, 914-251-~~8008~~ 6643
Fax: 914-251-6635

FORUM

STRENGTHENING THE BIOLOGICAL WEAPONS CONVENTION

Sponsored by the UN Office of Disarmament Affairs, the
Federation of American Scientists and the NGO Committee
on Disarmament

Thursday, October 21, 1993

5:00 PM - 7:15 PM

Dag Hammarskjold Auditorium, United Nations

Refreshments will be served at 5:00 PM
Program will commence at 5:30 PM

Chairman: AMBASSADOR TIBOR TOTH (Hungary)
Chairman, Ad Hoc Group of Governmental Experts (Verex)

AMBASSADOR TIBOR TOTH	The Outcome of the Verex Process
MR. GORDON VACHON (Canada) Head, Canadian delegation, and FOC, Verex	Weighing the Value of Potential Verification Measures
DR. ALI AKBAR MOHAMMADI (Iran) Director, Razi Vaccine and Serum Research Institute; Vice Chairman, Ad Hoc Group of Governmental Experts	Limitations of Biological Weapons Verification
DR. GRAHAM PEARSON (UK) Director, Chemical and Bio- logical Defense Establishment; FOC, Verex, on Measures in Com- bination	Forging an Effective Regime
AMBASSADOR GERARD ERRERA (France) Vice Chairman, Ad Hoc Group of Governmental Experts	Moving Forward After Verex (?)

COMMENTS AND QUESTIONS FROM THE FLOOR
STATES PARTIES TO THE BWC ARE INVITED TO PARTICIPATE