

FOIA MARKER

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Folder Title:

Chron File - December 1993 #1 [5]

Staff Office-Individual:

Defense Policy-Bell, Robert

Original OA/ID Number:

48

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

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	For William Itoh from George Van Eron. Subject: JCS Request for Authorization to Distribute....Record ID: 9321396. (2 pages)	12/21/1993	P1/b(1)
001b. memo	For Colonel T. R. Patrick from William Itoh. Subject: JCS Request for Authorization to Distribute....Record ID: 9321396. (1 page)	12/21/1993	P1/b(1)
002. email	To Witkowsky@A1@OEOB, VAX_MAIL@OEOB, SCHWARTZ@A1@OEOB from White House Situation Room. Subject: Landmine Export Moratorium Demarche. (5 pages)	12/09/1993	P1/b(1)
003a. memo	For Executive Secretary, National Security Council. Subject: Significant Military Exercise - INSPIRED VENTURE 94. (1 page)	12/23/1993	P1/b(1)
003b. cable	re: Part I Significant Military Exercise Brief (SMEB). [Inspired Venture 94] (2 pages)	11/18/1993	P1/b(1)
004a. memo	For William Itoh from Keith Hahn. Subject: Significant Military Exercise - WINGED CRUSADER. Record ID: 9309984. (1 page)	12/27/1993	P1/b(1)
004b. memo	For Executive Secretary, National Security Council. Subject: Significant Military Exercise - WINGED CRUSADER. (1 page)	12/21/1993	P1/b(1)
004c. cable	re: Part I Significant Military Exercise Brief [Winged Crusader] (1 page)	11/09/1993	P1/b(1)
005a. memo	For Nancy Soderberg from Robert Bell. Subject: Letter from Keith Ferguson. Record ID: 9310059. (1 page)	12/28/1993	b(6)
005b. memo	For Nancy Hernrich from Nancy Soderberg. Subject: Letter from Keith Ferguson. Record ID: 9310059. (1 page)	12/28/1993	b(6)
005c. memo	Duplicate of vz4384_001. (7 pages)	04/15/1993	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

FOLDER TITLE:

Chron File - December 1993 #1 [5]

2016-0152-F

vz4511

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]
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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]
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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005d. note	To Bob Bell from Brooke Darby. (1 page)	12/27/1993	b(6)
005e. letter	To the President. (1 page)	12/14/1993	b(6)
006. memo	For James W. Reed from Richard Clarke. Subject: RE: C-A-L Lunch Agenda. (2 pages)	12/28/1993	P1/b(1)
007a. cable	re: Significant Military Exercise Brief. [Keen Edge] (1 page)	12/28/1993	P1/b(1)
007b. memo	For Executive Secretary, National Security Council. Subject: Significant Military Exercise - KEEN EDGE 94. (1 page)	12/23/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

FOLDER TITLE:

Chron File - December 1993 #1 [5]

2016-0152-F

vz4511

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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.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

December 21, 1993

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT BELL *26/3*

FROM: PETER FEAVER *PDF*

SUBJECT: Proposed Executive Orders Entitled "Order of Succession for the Department of the Army" and "Order of Succession for the Department of the Air Force"

At Tab II are two proposed executive orders, prepared by the Department of Defense, providing the order of succession for the Departments of the Army and the Air Force. The proposed orders are in accordance with Executive Order No. 11030, as amended.

Concurrences by: *J* Steven Jones and *NW for* Alan Kreczko

RECOMMENDATION

That you sign and forward the memorandum at Tab I concurring in the proposed executive orders.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

MEMORANDUM FOR ROBERT G. DAMUS

FROM: WILLIAM H. ITOH

SUBJECT: Proposed Executive Orders Entitled "Order of Succession for the Department of the Army" and "Order of Succession for the Department of the Air Force"

The National Security Council Staff concurs in the proposed executive orders.



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

Staff
9929

December 15, 1993

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Robert G. Damus *RGD*
Acting General Counsel

SUBJECT: Proposed Executive Orders Entitled "Order of
Succession for the Department of the Army" and
"Order of Succession for the Department of the Air
Force"

Attached are two proposed Executive orders entitled "Order of Succession for the Department of the Army" and "Order of Succession for the Department of the Air Force."

They were prepared by the Department of Defense, in accordance with the provisions of Executive Order No. 11030, as amended.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning these proposals. If you have any comments or objections, they should be received no later than close of business Tuesday, December 21, 1993. Please be advised that agencies that do not respond by the December 21, 1993 deadline will be recorded as not objecting to the proposals.

Comments or inquiries may be submitted by telephone to Mr. Mac Reed of this office (Phone: 395-3563; Fax: 395-7294).

Thank you.

Attachments - Distribution List
Proposed Executive Order

cc: Alice Rivlin
Chris Edley
Gordon Adams
John Angell
Martha Foley
T.J. Glauthier
Joe Minarik
Isabelle Sawhill
Nancy-Ann Min
Al Burman
Barry Toiv
Jim Murr

DISTRIBUTION LIST

Honorable Les Aspin
Secretary
Department of Defense

Honorable Janet Reno
United States Attorney General

Honorable Anthony Lake
Assistant to the President
for National Security Affairs

Honorable Bernard W. Nussbaum
Counsel to the President

Honorable John Podesta
Assistant to the President
and Staff Secretary

Honorable Jack Quinn
Chief of Staff to the Vice President

EXECUTIVE ORDER NO. _____

ORDER OF SUCCESSION FOR THE DEPARTMENT OF THE ARMY

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 3347 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Succession to Act of Secretary of the Army.

(a) In the event of the death, permanent disability, or resignation of the Secretary of the Army, the incumbents holding the positions designated below shall, in the order indicated, act as and exercise the powers of the Secretary of the Army:

1. The Under Secretary of the Army.

2. The Assistant Secretaries and General Counsel of the Army, in the order fixed by their length of service as permanent appointees in such positions.

3. The Chief of Staff of the Army.

(b) In the event of the absence or temporary disability of the Secretary of the Army, the incumbents holding the Department of the Army positions designated in paragraph (a) of this section shall, in the order indicated, act for and exercise the powers of the Secretary of the Army.

1. The designation of an Acting Secretary of the Army under this subsection applies only for the duration of

NOT TO BE USED FROM 030 LNS 1001000

the Secretary's absence or disability, and does not affect the authority of the Secretary to resume the powers of the Secretary's office.

2. When the Secretary of the Army is absent from the position, the Secretary may continue to exercise the powers and fulfill the duties of the Secretary during the absence, notwithstanding the provisions of this order.

(c) Precedence among those officers designated in paragraph (a) of this section who have the same date of appointment shall be determined by the Secretary of the Army at the time such appointments are made.

(d) An officer shall not act for or exercise the powers of the Secretary of the Army under this order if that officer serves only in an acting capacity in the position that would otherwise entitle the officer to do so.

Sec. 2. Temporary Nature of Succession. Succession to act for and exercise the powers of the Secretary of the Army pursuant to this order shall be on a temporary or interim basis and shall not have the effect of vacating the statutory appointment held by the successor.

EXECUTIVE ORDER NO. _____**ORDER OF SUCCESSION FOR THE DEPARTMENT OF THE AIR FORCE**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 3347 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Succession to Act of Secretary of the Air Force.

(a) In the event of the death, permanent disability, or resignation of the Secretary of the Air Force, the incumbents holding the positions designated below shall, in the order indicated, act as and exercise the powers of the Secretary of the Air Force:

1. The Under Secretary of the Air Force.
2. The Assistant Secretaries and General Counsel of the Air Force, in the order fixed by their length of service as permanent appointees in such positions.
3. The Chief of Staff of the Air Force.

(b) In the event of the absence or temporary disability of the Secretary of the Air Force, the incumbents holding the Department of the Air Force positions designated in paragraph (a) of this section shall, in the order indicated, act for and exercise the powers of the Secretary of the Air Force.

1. The designation of an Acting Secretary of the Air Force under this subsection applies only for the

duration of the Secretary's absence or disability, and does not affect the authority of the Secretary to resume the powers of the Secretary's office.

2. When the Secretary of the Air Force is absent from the position, the Secretary may continue to exercise the powers and fulfill the duties of the Secretary during the absence, notwithstanding the provisions of this order.

(c) Precedence among those officers designated in paragraph (a) of this section who have the same date of appointment shall be determined by the Secretary of the Air Force at the time such appointments are made.

(d) An officer shall not act for or exercise the powers of the Secretary of the Air Force under this order if that officer serves only in an acting capacity in the position that would otherwise entitle the officer to do so.

Sec. 2. Temporary Nature of Succession. Succession to act for and exercise the powers of the Secretary of the Air Force pursuant to this order shall be on a temporary or interim basis and shall not have the effect of vacating the statutory appointment held by the successor.

Bob --

21396

See blue for revisions by staff.

The lawyers felt that if approval is given to distribute outside CONUS on a case by case basis, that decision will apply to any agency requests, not just JCS, therefore the sentence that read "authorize JCS distribution of policy documents" (See OPTIONS #2 page 1) now reads, "authorize distribution of policy documents -- the reference to JCS has been dropped.

The lawyers also recommended that the decision to distribute SHOULD NOT be made at the point of dispatch, but upon request of the interested agency. (see Para 3, pg2 and outgoing approval memo to JCS). I changed the memo accordingly.

Do you still concur?

Yes
Bob

←

Van

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	For William Itoh from George Van Eron. Subject: JCS Request for Authorization to Distribute....Record ID: 9321396. (2 pages)	12/21/1993	P1/b(1)

COLLECTION:

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National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

FOLDER TITLE:

Chron File - December 1993 #1 [5]

2016-0152-F
vz4511

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NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

MEMORANDUM FOR Col. T.R. Patrick
Secretary
Joint Staff

SUBJECT: JCS Request for Authorization to Distribute
PDDs/PRDs to CINCs Outside CONUS

Following careful consideration of your request, the current policy prohibiting distribution of Policy Documents (PDDs/PRDs) outside of CONUS is re-affirmed.

These documents are strictly controlled and require very limited distribution.

William H. Itoh
Executive Secretary

cc: Col. Robert P. McAleer
Executive Secretary
DOD

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001b. memo	For Colonel T. R. Patrick from William Itoh. Subject: JCS Request for Authorization to Distribute....Record ID: 9321396. (1 page)	12/21/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
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FOLDER TITLE:

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2016-0152-F
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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

December 21, 1993

ACTION

MEMORANDUM FOR WILLIAM ITOH

FROM: ALAN KRECZKO *AK*
ANNE WITKOWSKY *AW*

SUBJECT: IWG on Protocol I and on the Conventional Weapons Convention (CWC)

Attached is a memorandum from you calling an Interagency Working Group Meeting for Tuesday, January 4, 2:00-4:00 p.m.

Over the past several months the Department of Defense has been engaged in a process of reviewing the CWC as well as Protocol I to the 1949 Geneva Conventions on the Laws of War, with a view to taking decisions on U.S. ratification of both. It is time to hold an Interagency Working Group meeting to assess DOD's progress on both reviews, particularly in light of strong Senate interest in moving forward soon with ratification of the CWC.

Concurrences by: *RB* Robert Bell, Mike Andricos *MA*

RECOMMENDATION

That you sign the memo at Tab I.

Attachment
Tab I Meeting Announcement

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

MEMORANDUM FOR MR. MARC GROSSMAN
Executive Secretary
Department of State

COL. ROBERT P. McALEER
Executive Secretary
Department of Defense

COL. T. R. PATRICK
Secretary
Joint Chiefs of Staff

MS. BARBARA STARR
Executive Secretary
Arms Control and Disarmament Agency

SUBJECT: IWG on Protocol I and on the Conventional Weapons
Convention (CWC)

There will be a meeting of the Interagency Working Group on Tuesday, January 4, 2:00-4:00 p.m. in Room 180, to discuss the state of play with respect to DOD's review of the Conventional Weapons Convention and Protocol I to the Geneva Conventions of the Laws of War.

Agencies' representatives should provide name and date of birth by COB January 3, to the Office of NSC Legal Advisor, Alan Kreczko, 456-6538.

William H. Itoh
Executive Secretary

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

December 22, 1993

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH:

ROBERT BELL *RB*

FROM:

KEITH HAHN *KH*

SUBJECT:

Defense Proposed Report on Concurrent Receipt of
Military Retired Pay and VA Disability
Compensation

Tab II provides a supplemental report to a DoD submission to Congress in September on the current provisions of law, philosophy and rationale concerning the offset of disability compensation paid by the Department of Veterans Affairs from military retired pay. This document is being expedited to prevent sections of the FY94 Authorization bill directing dual compensation from becoming effective January 1st.

If dual compensation were implemented, it would result in both increased outlays from the Military Retirement Fund and increased accrual payments of approximately \$50.8 billion in present value of unfunded government liabilities. Furthermore, this type of dual compensation would vary from standard practice in both government and the private sector where disability compensation is paid only during the normal working life of an employee. Military retired pay and VA disability compensation differ in that rather than apply in mutually exclusive periods of life, one is offset against the other, effectively achieving the same result, only better because the higher benefit is always payable.

Concurrence by:

Jeremy Rosner *JR*

RECOMMENDATION

That you sign the memorandum at Tab I concurring in the proposed Defense report.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20508

MEMORANDUM FOR ROBERT J. PELLICCI

FROM: WILLIAM H. ITOH

SUBJECT: Defense Proposed Report on Concurrent Receipt of
Military Retired Pay and VA Disability
Compensation

The National Security Council staff concurs in the proposed
Defense report.

7919

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

December 21, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-985

TO: Legislative Liaison Officer -

COMMERCE - Michael A. Levitt - (202)482-3086 - 324
TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
VA - Robert Coy - (202)535-8113 - 229
NSC - William H. Itoh - (202)395-3723 - 249
OPM - James N. Woodruff - (202)606-1424 - 331
HHS - Frances White - (202)690-7760 - 328

FROM: *Robert J. Pellicci*
Robert J. PELLICCI (for)
Assistant Director for Legislative Reference

OMB CONTACT: Melissa COOK (395-3924)
Secretary's line (for simple responses): 395-7362

SUBJECT: DEFENSE Proposed Report on Concurrent Receipt
of Military Retired Pay and VA Disability
Compensation

DEADLINE: C.O.B. December 22, 1993

COMMENTS: This document supplements the DOD report on this same subject that we circulated in September. DOD has asked us to expedite clearance of this supplemental document in order to prevent Sec. 634, pertaining to special pay for certain disabled members, in its Authorization bill from becoming effective January 1st. Therefore, if we do not hear from you by the deadline, we will assume that you concur with this supplemental report.

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.

Page 2
LRM #M-985

CC:

Jim Fish
Wendell Waites
Todd Grams
Don Blanchon
Chris Bertram
Bob Rideout
Carol Johnson

Barry Clendenin
Harry Meyers
Jeff Payne
Bob Danus
Howard Paster
Janet Forsgren

Jennifer Palmieri

DEC 21 '93 12:02 FROM OSD-LRS

TO FORSGREN

PAGE.003

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

Dear Mr. Chairman:

On September 24, 1993, I sent you the Department of Defense (DoD) report required by section 641, Public Law 102-484, October 23, 1992. This is a Supplement to that report concerning the concurrent receipt of military retired pay along with disability compensation from the Department of Veterans Affairs (VA). This supplement completes the requirement set forth in section 634(e)(2), Public Law 103-160, November 30, 1993. Consequently, the special pay for certain disabled members, enacted in section 634(a), Public Law 103-160, shall not be effective.

Enclosure 1 provides projections of the budget changes that would result from enactment of concurrent receipt. Both increased outlays from the Military Retirement Fund (MRF) and increased accrual payments are projected. If full concurrent receipt were enacted, it would add \$50.8 Billion in present value of unfunded Government liabilities. Also, the \$50.8 Billion has been discounted so as not to include the future interest the Government would have to pay to keep the unfunded liability from increasing each year.

Enclosure 2 is a statement of the current provisions of law and the philosophy and rationale for the current system. Many members of Congress have requested this type of information to use in writing to constituents. Based upon the many inquiries we have had it is worth noting that the standard practice throughout the Government and the private sector is to pay disability compensation only during the normal working life of an employee, replacing it with retired pay when the disabled worker attains retirement eligibility. In other words, the two programs normally are mutually exclusive. Military retired pay and VA disability compensation differ in that rather than apply in mutually exclusive periods of life, one is offset against the other, effectively achieving the same result, only better because the higher benefit is always payable.

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

12/21/93

13:57

OMB LRD/ESGG

005

DEC 21 '93 12:02 FROM OSD-LRS

TO FORSGREN

PAGE.004

I have sent a similar letter to the Chairman and Ranking Republican of the House Committee on Armed Services.

Sincerely,

Edwin Dorn

Enclosures:
As Stated

cc:
Honorable Strom Thurmond
Ranking Republican

DEC 21 '93 12:03 FROM OSD-LRS

TO FORSGREN

PAGE.005

PROJECTED IMPACT OF CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND DISABILITY COMPENSATION FROM THE DEPARTMENT OF VETERANS AFFAIRS (VA)

Fiscal Year	Increased Outlays	Increased Accrual Payments	Increased Normal Cost Percentage
1994	\$2.210 Billion	\$.660 Billion	1.8%
1995	\$2.285 Billion	\$.674 Billion	1.8%
1996	\$2.359 Billion	\$.686 Billion	1.8%
1997	\$2.434 Billion	\$.659 Billion	1.7%
1998	\$2.508 Billion	\$.713 Billion	1.8%
1999	\$2.627 Billion	\$.710 Billion	1.7%

These projections assume concurrent receipt of both full military retired pay plus all disability compensation payable by the Department of Veterans Affairs (VA). Any of the other options postulated in the DoD report of September 24, 1993, would carry costs proportional to the above amounts. The applicable proportion would be determined according to the estimated cost of the option in our September 24 report in relation to the original estimated cost of full concurrent receipt, \$2.085 Billion. All numbers assume that full concurrent receipt applies for the entire fiscal year.

Enactment of full concurrent receipt would create an unfunded liability (new, unpromised benefits for service previously performed) of \$50.8 Billion. This is the amount of the increased revenue needed today to pay the newly enacted benefits for past service. Interest on this amount would also have to be paid in future years to keep the liability from growing. In addition, the amount shown in the increased accruals column above would have to be paid each year for the accruing liability associated with future service.

Enclosure 1

DEC 21 '93 12:03 FROM OSD-LRS

TO FORSGREN

PAGE.006

**CURRENT PROVISIONS OF LAW, PHILOSOPHY,
AND RATIONALE
CONCERNING THE OFFSET OF
DISABILITY COMPENSATION PAID BY
THE DEPARTMENT OF VETERANS AFFAIRS
(VA)
FROM MILITARY RETIRED PAY**

The current provisions of law requiring the offset are set forth in sections 5304 and 5305, title 38, United States Code. These two sections of law prevent the duplication of benefits by prohibiting more than one award of "pension, compensation, ..., regular, or reserve retirement pay, ... concurrently to any person based upon such person's own service..." In practice, multiple awards may be made, but the person receiving benefits must waive an equal amount of retired pay as is to be paid in disability compensation. The interaction of VA disability compensation and various forms of separation and severance pays are established in sections 1212, 1174, 1174a, and 1175 of title 10, United States Code.

Thus, all payments compensating the discontinuance of military service require an offset of VA disability compensation, or vice versa. Disability severance pay, involuntary separation pay, and the special separation benefit (SSB) are offset from VA compensation while VA disability compensation is offset from military retired pay and the Voluntary Separation Incentive (VSI).

The prohibition against dual awards has existed in law since the Act of March 3, 1891, chapter 548 (26 stat. 1082). This law prohibited payment of pensions (disability compensation) to active or retired members of the Armed Forces. The prohibition was intended to restrain spending and limit the amount of compensation based on military service. Numerous proposals have been made over the years to either overcome or modify the existing prohibition against the payment of disability compensation from the Department of Veterans' Affairs concurrently with military retired pay, but none has been adopted to date.

Enclosure 2

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PHILOSOPHY AND RATIONALE

The interaction of these benefits described above reflects a philosophy that a separating member should receive post-service compensation under the most favorable provision or combination of provisions applicable, but should not be fully compensated according to each provision for the same period or circumstance of service. Both the VA disability entitlement and the military retired pay program provide continuing income based on the circumstance of a veteran's military service. The basic difference in the two programs is the cause for the termination of service or the need for income replacement. In one case it is disability and in the other it is longevity of service. Each program provides a means of replacing some of the income previously derived from military service.

Five important philosophical aspects of post-service compensation are explored below; that post-service compensation: (1) is income maintenance, (2) stems from military employment, (3) is built on a foundation of VA benefits, (4) is supplemented with payments determined from circumstances of military service, and (5) parallels other disability compensation programs.

1. Income Maintenance

The basic purpose of post-service compensation is income maintenance; i.e., it is provided to help the member maintain his/her income level following the termination of military service. Payments may be in the form of a lump sum or a continuing monthly payment.

When compensation is paid in a lump sum, it is based on length of service, or the degree of disability, and the level of income at the time of separation (basic pay for the existing grade and length of service). A lump sum is paid when the length of service is less than 20 years and the degree of disability is less than 30 percent. Longer service or greater disability qualify the member for a continuing monthly payment.

Lump sum payments include involuntary separation pay, Special Separation Benefit (SSB), and disability severance pay. The Voluntary Separation Incentive (VSI), although not a lump sum, is a fixed dollar amount paid in annual installments over a fixed period of time. The member may use a lump sum payment to help transition from military service into new employment, to cope with a period of unemployment or employment at a reduced income level, to pursue retraining, to make an investment, and/or to start a business.

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When post-service compensation is paid in the form of a monthly amount at a rate based on the member's basic pay at the time of separation, such payment effectively replaces a portion of that previous income level. This form of compensation recognizes a length of service or degree of disability great enough to merit continuing income in the years following the member's period of service. In the case of military service this is 20 years or more of service and/or 30 percent or greater disability. However, monthly VA disability compensation may be payable for any disability percentage.

Monthly payments of post-service compensation include VA disability compensation, military disability retired pay, and military retired pay for length of service (member may be retired because of age, but retired pay will be based on length of service). VA disability compensation is based only on the disability percentage. Military retired pay is based on the member's income level at the time of separation multiplied by either the disability percentage or a length-of-service percentage. The purchasing power of each of these payments is typically maintained through a Cost-of-Living Adjustment (COLA) or an annual legislative increase, helping the recipient cope with economic uncertainties of the future.

2. Stems from Military Service

Whenever a person enters military service, a degree of income security flows from that service relationship in the form of post-service compensation payments. No person may qualify for any of these payments except through serving in the Uniformed Services.

The government recognizes an obligation to provide a separated member some help in maintaining his/her income at a portion of the level existing at the time of separation if the member's service employment relationship is terminated under certain conditions pertaining to length of service and whether the separation is voluntary or involuntary. Such conditions and the associated type of payments include:

- Substantial service (20 years or more), whether the termination is voluntary or involuntary, results in a regular monthly payment. This establishes a degree of income security for life following career service.
- Significant service (more than five or six years but less than 20 years), when the termination of service is for the convenience of the government (most involuntary separations, including separation for minor disabilities, plus voluntary separations under force reduction programs), results in a

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lump sum entitlement. This helps a member transition from military service to a different career.

- Virtually any length of service when termination is for substantial disability results in a regular monthly entitlement. This establishes a degree of income security for life (covers the period of service denied short of career service plus the remainder of the member's life thereafter).

3. Built on a Foundation of VA Benefits

The Government recognizes an obligation to help any separating veteran who served satisfactorily maintain his/her income level. VA benefits form the foundation of this obligation. VA benefits help all veterans transition from military to civilian employment. These benefits include education, home loans and rehabilitation programs as well as disability compensation.

VA disability compensation is an integral part of this foundation and recognizes that a veteran with a service-connected disability also suffers an impaired earning capacity correlated to the extent or percentage of disability. VA disability compensation is not based on grade, length of service, level of income, or the degree of disability at the time of separation from service. Instead it is based only on the existing percentage of disability and can be reevaluated and the compensation adjusted accordingly. The disability percentage is computed according to the VA Schedule for Rating Disabilities (VASRD). In the process of computing a disability percentage, various disabilities are only partially, not fully, additive. VA disability compensation provides military members a general assurance of future income regardless of how disabled they might become as a result of military service. The veteran is also extended the medical treatment necessary to restore him/her as close to whole as possible. Qualification for VA benefits is based on minimal acceptable, not career, service. Career service members are not denied the compensation available to other veterans with less than career service, guaranteeing the career member equal or greater compensation in comparison to the non-career veteran.

4. Supplemental Service Payments

In addition to the VA programs, members often merit some form of compensation from the Military Department. Payments from the Military Departments are more selective and are generally determined according to specific service-related factors as they exist at the time of separation, including the degree of

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disability (medical unfitness for duty), grade, length of service, and level of income attained. Usually a member will draw any VA disability payment first, then any added disability retired pay, and finally any added longevity amount.

The nature and interaction of these benefits compensates length of service with an increased level of income maintenance. However, the percentage of compensation for length of service does not add to any percentage for medical disabilities. Instead, it serves as a minimum percentage. If medical disabilities exceed this minimum, the higher percentage governs; if not, the longevity percentage governs. Tax exemptions, if any, are based only on medical impairment.

5. Parallel to Other Disability Compensation Programs

The typical philosophy behind disability compensation is that it replaces the income lost due to an inability to work as a result of disability during the normal working life of the employee. The worker, upon reaching normal retirement age, becomes a retired employee, no longer expected to work for income. Status as an employee seeking work, but unable due to disability, is ended. Only one income replacement entitlement is applicable at a time.

The military retirement system has some differences from most other retirement, but it is much like other systems in that workers are not typically eligible for additive entitlements of disability compensation and longevity retirement. Notably, this is even true for civilian employees of the Federal government. If Federal civilian employees are injured on the job and receive compensation for injuries, they may not also receive a pension based on length of service, even if they meet the appropriate age and service requirements for retirement. The philosophy of non-additive income replacement under various qualifications holds for these employees, even those who are disabled by an injury on the job. Another parallel example is the Social Security System. Recipients may receive a monthly disability check or an old age pension, but not both.

However, it is true that persons who use their military time in retirement from Federal Civil Service are not required to waive any portion of their civilian retired pay in order to receive their VA disability compensation. This appears to be an inconsistency, but acceptability of this difference in treatment has been upheld in the Federal Court decision of Absher v. United States, 9 Cl. Ct. 223, affirmed 805 F. 2d 1025 (Federal Circuit 1986), cert. denied, 481 U.S. 1028 (1987). In that case the claims court, in response to the plaintiff's assertion that the prohibition against concurrent receipt unconstitutionally denied

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them equal protection under the law, found the circumstances of military and civilian retirees to be very different in the areas of military benefits, liberality of criteria to qualify for retirement, and the fact that military members do not contribute to a retirement fund. The United States Court of Appeals for the Federal Circuit affirmed, holding that, "[t]he balance (Congress) has struck is not only rational, it also bears a demonstrably fair and substantial relation to legitimate legislative objectives and does so without denying equal protection."

12/22/93

DECEMBER 1993

<u>FILE#</u>	<u>TO</u>	<u>SUBJECT</u>	<u>DATE</u>	<u>LOG#</u>	<u>CLASS</u>
1	Itoh	AFRHB Draft Bill Authorizing an Increase in the Payroll Deduction for the Armed Forces Retirement Home	12/1	9331	(U)
2	Lake	Proposed Members for Roles and Missions Commission	12/1	9433	(U)
3	Itoh	Request for Net Assessment Study	12/3	9506	(U)
4	Lake	Military Nomination	12/3	9489	(U)
5	Itoh	Significant Military Exercise BEACON FLASH 94-1	12/3	9513	(C)
6	Lake	Letter from Admiral Murphy RE: Sale of Patriot Missile in Korea	12/3	8224	(U)
7	Lake	Letter to the President from Rep. Dickey RE: Resignation of Secretary Aspin	12/6	9243	(U)
8	Lake	Chairman, Joint Chiefs of Staff Brief to the President	12/8	9596	(S)
9	Lake	Proposed Members for Roles and Missions Commission (REVISED 12/16/93)	*12/1	9433	(U)
10	Lake	Military Nominations	12/13	9746	(U)
11	Lake	Letter from Sheehan of Johnstown RE: Appointment of Rear Admiral Lynch to Superintendent in Naval Academy	12/14	9770	(U)
12	Lake	Military Nominations	12/15	9812	(U)
13	Lake	Military Nomination	12/15	9816	(U)
14	Lake	Military Nominations	12/15	9817	(U)
15	Lake	Military Nomination	12/15	9818	(U)
16	Lake	Military Nominations	12/15	9819	(U)
17	Agencies	SPNFZ Sub-IWG Meeting Notice	12/15	NON-LOG	(S)

18	Lake	Military Nominations	12/16 9857	(U)
19	Lake	Nomination for Admiral William A. Owens to be Vice Chairman, Joint Chiefs of Staff	12/16 9812 A/O	(U)
20	Itoh	National Security Strategy Report (PRD-35)	12/16 21441	(S)

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<u>FILE#</u>	<u>TO</u>	<u>SUBJECT</u>	<u>DATE</u>	<u>LOG#</u>	<u>CLASS</u>
1	Lake	Letter to the President from Senator Specter RE: Philadelphia Naval Shipyard	12/1	8734	(U)
2	Lake	Background Information for Meeting with President on NASA and NSF FY 1995 Budgets	12/2	9439	(U)
3	Lake	Letter to the President from Senator Wofford RE: Philadelphia Naval Shipyard	12/16	9608	(U)

DECEMBER 1993

<u>FILE#</u>	<u>TO</u>	<u>SUBJECT</u>	<u>DATE</u>	<u>LOG#</u>	<u>CLASS</u>
1	Agencies	IWG Meeting on Open Skies PRD	12/1	NON-LOG	(C)
2	Itoh	ACDA Proposed Response on Land Mine Moratorium	12/2	9038	(U)
3	Agencies	Open Skies IWG Subcommittee Meeting	12/14	NON-LOG	(C)

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9898

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20508

December 23, 1993

MEMORANDUM FOR NANCY SODERBERG

THROUGH:

BOB BELL *Rbb*
DAN PONEMA *DP*

FROM:

ANNE WITKOWSKY *AW*
STEVE AOKI *SA*

SUBJECT: Landmine Export Moratorium

We wish we could take credit for this initiative, but it really should go to State and to USUN. Principal Deputy Assistant Secretary/PM Ted McNamara chairs the Interagency Working Group on "demining" which has under consideration a wide range of initiatives to promote solutions to the problem of civilian casualties from landmines. The NSC participates.

The attached New York Times article refers specifically to a December demarche asking landmine-producing countries to adopt unilaterally a three-to-five year export moratorium on anti-personnel landmines (Tab B). The U.S. has just extended its own one-year moratorium for three more years, as mandated by Congress. The UN Resolution on a moratorium (Tab C), to which the article refers, was in fact introduced by the United States. It was co-sponsored by 66 countries and passed by consensus in the UN General Assembly. Agencies view such a moratorium as a first step in what might become an internationally-negotiated restraint regime.

The moratorium is part of a broader effort. For example, the U.S. has a demining assistance program which pays for training local citizens to identify mines ("mine awareness") and to clear them ("demining"). Also, agencies will soon take a decision on how the Administration might proceed with ratification of the 1980 Conventional Weapons Convention, whose Protocol II restricts the use of landmines. The Convention was signed during the Carter Administration, but never submitted to the Senate.

Concurrence by: Eric Schwartz *in draft*

Attachments

Tab A NYT Article
Tab B Landmine Demarche
Tab C UN Resolution
Tab D Public Affairs Backgrounder
on U.S. Demining Strategy

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By *VR* NARA, Date *10/1/06*

2016-0152-5

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Arafat, the Toast of London, ✓ Is Sanguine on Mideast Peace

By WILLIAM E. SCHMIDT
Special to The New York Times

LONDON, Dec. 15 — Basking in the warmth of his first official visit to Britain, Yasir Arafat gave few hints today that he is troubled by the growing thicket of problems facing the accord between the P.L.O. and Israel.

Only days after the P.L.O. chairman and Prime Minister Yitzhak Rabin of Israel agreed to scrap Monday as a target date for beginning Israel's withdrawal from Jericho and the Gaza Strip, Mr. Arafat seemed sanguine when asked about the possibilities of resolving the dispute, despite growing violence in Gaza and the West Bank and mounting criticism of his role by many of his own supporters.

Having agreed to a 10-day postponement after their meeting in Cairo on Sunday, Mr. Arafat said he hoped he and Mr. Rabin would "overcome all the problems which have arisen," when they meet again, probably next week. "It will be a new era, a new page, in the Middle East," he said at a news conference here.

Red Carpet Treatment

Since arriving in London on Tuesday, Mr. Arafat has been accorded the status of a head of state, and has clearly reveled in his new status as international statesman and peacemaker. Speeding around London in a Jaguar limousine with Palestinian flags fluttering from its fenders, he has been dogged at every turn by photographers who seem to chase him as if he were a member of the royal family.

In separate meetings over the last two days, the P.L.O. leader has been applauded by Members of Parliament,

P.L.O. leader is welcomed as a world leader.

received by prominent British Jews, and has attended private meetings with Prime Minister John Major and the Archbishop of Canterbury, Dr. George Carey.

On Tuesday night, Mr. Arafat and his wife, Suha, spent more than an hour greeting well-wishers at an Egyptian Embassy reception. At a luncheon at the Foreign Office earlier in the day, he was described by other guests as the very soul of gentility and bonhomie. Sitting across the table from two prominent British Jews, Mr. Arafat referred to them "our cousins."

This evening, before leaving for Dublin, the last stop on a European tour that has taken him to France and the Netherlands, he met with former Prime Minister Margaret Thatcher.

The P.L.O. had described Mr. Arafat's trip to London, in part, as "a remedy to heal historical wounds," a reference to Britain's role as former administrative authority in Palestine in the formation of the state of Israel.

Asked about those old wounds today, Mr. Arafat replied: "We cannot be hostages to the past. We have to look to a future, a brighter future."

In visiting Britain and Europe, Mr. Arafat has been looking to affirm support for the accord he signed in Washington in September, calling for limited Palestinian autonomy around Jericho and in the Gaza Strip.

THE NEW YORK TIMES, THURSDAY, DECEMBER 16, 1993

Makers of Anti-Personnel Mines Are Urged by U.S. to Ban Exports ✓

By PAUL LEWIS
Special to The New York Times

UNITED NATIONS, Dec. 15 — The Clinton Administration has asked more than 40 countries that produce land mines to ban exports of anti-personnel mines for three to five years, senior American officials said today.

The Administration, which wrote to the governments on Dec. 7, has also told them that it wants a new agreement to stop the spread of mines. The accord would be based on an existing agreement, the Missile Technology Control Regime, intended to limit the spread of missile technology.

Congress has agreed to extend a one-year ban on United States mine exports for three years, and the United Nations General Assembly is expected to give unanimous support to a nonbinding resolution calling for a global moratorium on such exports.

There are already 80 million to 100 million land mines sown around the world.

The Main Sources

The General Assembly has already adopted a European-sponsored resolution calling on all aid and development agencies to include mine-clearing in their work and asking the Secretary General to consider a fund to finance such work.

The countries the Administration is pressing for a moratorium include China, Italy and the former Soviet republics, which some officials say are probably the biggest mine exporters, as well as Brazil, Argentina, North and South Korea and the East European countries.

United States officials have set an initial goal of ending trade in anti-personnel mines rather than anti-tank and ship.

In order to ease resist-

ance from some defense ministries and arms makers.

But they also argue that the inexpensive devices, which are hard to detect, are often scattered indiscriminately in areas where they become a major threat to civilians, complicating the task of furnishing aid to war victims and hindering the return of refugees.

A Dangerous Randomness

According to a State Department report last summer, the use of mines has changed in recent decades in ways that make them a major threat to civilians.

In contrast with World War II, when both sides laid "rigorously mapped minefields," the report said: "Mines are now generally laid without maps in areas designed to protect economic targets or to instill fear in opposition soldiers and civilians. Unfortunately, in this terror style of mine warfare, it is the civilians who suffer the most."

Afghanistan remains the most heavily mined country, with 9 million to 10 million mines — and possibly as many as 35 million — unaccounted for. Between 5 million and 10 million mines are thought to be planted in Angola, a similar number in Iraq, and four million to seven million in Cambodia, or one for every two inhabitants.

Cambodia's 12-year-old civil war is thought to be the first in which more people have been killed by mines than by any other weapon. This has left Cambodia with the world's highest percentage of disabled people: one Cambodian out of every 238 has lost a limb.

Mozambique, Somalia, Western Sahara and Bosnia and Herzegovina are each thought to have one million to 10 million mines, the report said.

To Dan
Brennan -
What's this
Who did it
Ch. 10 - 15 p. 100
N.

Mideast Impasse

In the Israeli-Palestinian Agreement, The Devil Is in the Absence of Details

By CLYDE HABERMAN

Special to The New York Times

JERUSALEM, Dec. 15 — Its formal name is a mouthful: Declaration of Principles on Interim Self-Government Arrangements. Most people know it better as the agreement that shook the world, the one that Israel and the Palestine Liberation Organization signed at the White House on Sept. 13.

News The marvel of this document is its language. It was flexible enough for Israeli and P.L.O. negotiators, who had met secretly for months in Norway, to strike a deal last summer even though it meant leaving key details to be filled in later. Back then, the important thing was to get an agreement, thus showing that Israelis and Palestinians were finally ready to come to terms after blood-soaked decades.

Analysis But the document's language is also its nightmare. It is so ambiguous on critical issues that it allows distrustful enemies to interpret entire phrases almost any way they wish. And that is indeed what they have done. As a result, the talks are now stalemated, and an important target date this week was missed for starting an Israeli withdrawal and shift of authority to Palestinians in the Gaza Strip and the West Bank town of Jericho.

The implications of the deadlock are still unclear.

Haggling Is Expected

Neither Prime Minister Yitzhak Rabin of Israel nor Yasir Arafat, the P.L.O. chairman, is talking like a man in crisis. Israeli officials, in particular, liken the negotiations to a Middle Eastern bazaar, where one must first endure an exhausting amount of huffing and posturing and stalling before the inevitable bargain is reached.

But marketplace analogies cannot erase the fact that the two sides are not only divided on the issues but also have widely differing perceptions of what it is they are negotiating.

Mr. Arafat intends to have a Palestinian state, with himself as president, and he wants to start in Gaza and Jericho with an array of national symbols and powers. Mr. Rabin simply does not want to hear any of this.

He is talking, he insists, only about what the document says, "interim self-governing arrangements" — a trial run to see if Palestinians can run their own affairs and Israelis can feel safe. The agreement, the Israeli leader notes, sets the territories' final status — including the possibility of Palestinian statehood, which in any event he opposes — aside for several years.

Issue of Border Control

Their perceptual differences are most clearly displayed on the main issue dividing them, one that is not even mentioned in the "declaration of principles": Who controls the border crossings between Jericho and Jordan and between Gaza and Egypt?

Mr. Arafat says he does, for the idea is to have links from the neighboring Arab countries to the new Palestinian self-rule zones, not to Israel.

No, replies Mr. Rabin, he himself does, for the agreement gives Israel responsibility for "external security," and that means border control.

To which the P.L.O. leader says the accord also calls ambiguously for "arrangements for coordination and co-operation." Coordinating, as he sees it, means that Palestinians guard the Allenby Bridge link to Jordan while the Israelis may stand by to make sure that unwelcome people do not enter the West Bank.

Mr. Rabin's reply, again, is no. For him, it is more than a security concern, although that, too, is crucial. Controlling borders means having powers normally accorded a sovereign state, that is unacceptable to Israel at this point.

Similarly, the Israelis have rejected symbols of sovereignty sought by the P.L.O. like a Palestinian currency — or even replying to an Arafat letter sent to Mr. Rabin on stationery that bore the letterhead "Office of the President of Palestine" and showed a map of Palestine of the British Mandate era, including what is now Israel.

"Arafat wants already to see symbolic elements of a Palestinian state, and this is totally unacceptable," said Shlomo Gazit, a researcher at Tel Aviv University's Jaffee Center for Strategic Studies. "Not that there won't be a Palestinian state at the end. But this is an open-ended issue under the agreement, not one to be taken up now."

Other Issues in Dispute

There are two other big disputes — the size of the autonomous Jericho area and how Jewish settlements in the Gaza Strip will be protected.

Both also fall victim to lack of clarity in the accord, which refers, for example, both to an Israeli troop withdrawal "from" and a redeployment "in" Gaza.

Nonetheless, security experts argue that these issues can be resolved through compromise if the will is there — shaping Jericho a few miles more or



Negotiations over limited Palestinian autonomy in Jericho and in the Gaza Strip are stalemated.

less this way or that, and making similar adjustments to military zones around settlements. After all, only a few months after self-rule starts in Gaza and Jericho, it is supposed to be extended throughout the West Bank.

But border control is a tougher matter, and the Israelis seem little disposed to grand gestures. Partly, it is because many officials here say Mr. Arafat has gone too far. And partly, it is because Mr. Rabin, faced with growing public doubts about this agreement, feels he must draw a line on security to show rightist critics that he is as firm as anyone.

No Change on the Ground

Mr. Arafat has his own constituency: a public that wants Israeli troops out of its life. That change was supposed to begin on Monday in Gaza and Jericho, but nothing happened. It proves, frustrated Palestinians say, that Israel's commitment to peace is suspect.

Israeli experts say Mr. Rabin probably has the upper hand because his forces are already on the borders and Mr. Arafat does not want to lose any more time getting self-rule under way. But even if the P.L.O. backs down, it will not end disenchantment with the vagueness of the agreement.

Take the dispute over the size of what the accord calls, without elaboration, the "Jericho area." A lawyer allied with Mr. Rabin said, "It's like writing down, New York, but without saying whether it's New York City or New York State."

BRITAIN APPROVES NUCLEAR-FUEL UNIT

Reprocessing Plant to Open Despite U.S. Concerns on Spread of Plutonium

By RICHARD W. STEVENSON

Special to The New York Times

LONDON, Dec. 15 — The British Government today approved the start-up of a nuclear-fuel reprocessing plant despite Americans' concerns that the tons of plutonium the project would yield each year might undermine efforts to halt the spread of nuclear arms.

The plant, which was completed early this year, will reprocess used fuel from nuclear power generators around the world, and has already accepted shipments of spent fuel from Japan. It is expected to produce as much as seven tons a year of plutonium, the primary material in a nuclear bomb, adding to a worldwide plutonium stockpile estimated by Greenpeace, the environmental group, at 150 tons.

Along with a smaller operation in France, the new British plant, in Sellafield, in northwestern England, is one of only two in the world designed to reprocess nuclear fuel for nonmilitary purposes. The plutonium and uranium generated by the reprocessing are intended to be reused by nuclear power plants, although there is now a glut of the materials available on world markets and little new demand.

Objections in Congress

The Clinton Administration, which has stepped up efforts at curbing the spread of nuclear weapons, did not take a specific position on the British plant. But in a letter in October to Representative Pete Stark, a Democrat from California who has sought to halt the British plant, Mr. Clinton said the production of plutonium for civil uses "is not justified on either economic or national security grounds, and its accumulation creates serious proliferation and security dangers."

Representative Stark is one of 36 members of Congress from the United States who have objected to the opening of the British plant, which is known as Thorp, for Thermal Oxide Reprocessing Plant.

In announcing to the House of Commons today that the plant would be opened next month, the Environment Secretary, John Gummer, said the Government had weighed the risks as well as the benefits, which include supporting 1,200 jobs and meeting a potentially profitable demand for reprocessing from nuclear power plants. The plant, which will be run by a state-owned company, British Nuclear Fuels Ltd., cost \$4.2 billion.

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002. email	To Witkowsky@A1@OEOB, VAX_MAIL@OEOB, SCHWARTZ@A1@OEOB from White House Situation Room. Subject: Landmine Export Moratorium Demarche. (5 pages)	12/09/1993	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
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FOLDER TITLE:

Chron File - December 1993 #1 [5]

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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]

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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]

UNITED
NATIONS

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General Assembly

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A/C.1/48/L.42
4 November 1993

ORIGINAL: ENGLISH

Forty-eighth session
FIRST COMMITTEE
Agenda item 71

GENERAL AND COMPLETE DISARMAMENT

Afghanistan, Argentina, Austria, Belgium, Belize, Bulgaria,
Cambodia, Canada, Chad, Croatia, Denmark, El Salvador, Ethiopia,
Finland, France, Guatemala, Hungary, Ireland, Japan, Kuwait,
Lebanon, Liberia, Luxembourg, Madagascar, Malawi, Maldives,
Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua,
Nigeria, Norway, Philippines, Poland, Portugal, Romania, Sierra
Leone, Sweden, Togo and United States of America: draft
resolution

Moratorium on the export of anti-personnel land mines

The General Assembly,

Noting that there are as many as 85 million un-cleared land mines throughout the world, particularly in rural areas,

Expressing deep concern that such mines kill or maim hundreds of people each week, mostly unarmed civilians, obstruct economic development and have other severe consequences, which include inhibiting the repatriation of refugees and the return of internally displaced persons,

Recalling with satisfaction the adoption of resolution 48/7 of 28 October 1993 by which it, inter alia, requested the Secretary-General to submit a comprehensive report on the problems caused by mines and other unexploded devices,

Convinced that a moratorium by States exporting anti-personnel mines that pose grave dangers to civilian populations would reduce substantially the human and economic costs resulting from the use of such devices and would complement the aforementioned initiatives,

Noting with satisfaction that several States have already declared moratoriums on the export, transfer or purchase of anti-personnel land mines and related devices,

A/C.1/48/L.42

English

Page 2

1. Calls upon States to agree to a moratorium on the export of anti-personnel land mines that pose grave dangers to civilian populations;
2. Urges States to implement such a moratorium;
3. Requests the Secretary-General to prepare a report concerning progress on this initiative, including possible recommendations regarding further appropriate measures to limit the export of anti-personnel land mines, and to submit it to the General Assembly at its forty-ninth session under the item entitled "General and complete disarmament".

U.S. RESPONDS TO THE WORLDWIDE LANDMINE THREAT

Landmines pose grave dangers to many citizens of today's world. According to the State Department's Report on International Demining: Hidden Killers, 85 to 110 million uncleared landmines infest 62 countries, killing an estimated 150 civilians each week. Although some of the mines are the result of international military conflicts dating back to WW I, the vast majority have been laid in the last 15 years as the result of internal civil war and ethnic conflict.

The United States is taking action to reduce this threat and the devastating impact of landmines on civilian populations. On December 16, 1993, the UN General Assembly will pass a U.S. sponsored resolution calling for all nations to agree on a moratorium on the export of anti-personnel landmines that pose grave dangers to civilian populations. The Clinton Administration is leading a diplomatic effort to get all landmine producers to adopt moratoria immediately to fulfill the UN mandate. The United States has already adopted such a moratorium. Additionally, the U.S. is helping nations in Latin America, Africa, South Asia and the Middle East establish landmine-awareness and removal programs to help affected populations deal with their uncleared landmine problems. An interagency group within the U.S. Government is working to find practical and political measures to end this long term menace to civilian populations around the globe.

BACKGROUND

Section 1364 of the National Defense Authorization Act for fiscal year 1993 (October 23, 1992, P.L. 102-484) asked the President to report to Congress regarding international mine clearing efforts in situations involving repatriation and resettlement of refugees and displaced persons. By Executive Order, this task was delegated to the Secretary of State and the Political-Military Affairs Bureau prepared and submitted the report. It has thus been little more than a year since the Administration initiated a closer examination of the global problem of uncleared landmines.

During the past 13 months, the U.S. Government has:

- Assessed the scope of the uncleared landmine problem worldwide and compiled a comprehensive database of countries requiring demining assistance in the form of our Hidden Killers report submitted to Congress August 2, 1993;

- Initiated demining programs in Nicaragua and assisted ongoing programs in Afghanistan, Cambodia, Mozambique, and Somalia;

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--Established an Interagency Working Group chaired by Department of State's Bureau of Political-Military Affairs and co-chaired by Secretary of Defense's Office of Democracy and Peacekeeping to provide direction and policy guidance for the U.S. Government's demining effort;

--Established a unilateral moratorium on the export, transfer, and sale of anti-personnel landmines for a total of four years until October 1996;

--Introduced and achieved consensus support in First Committee for a UN General Assembly resolution calling on all states to agree to a moratorium on the export of anti-personnel landmines that pose grave dangers to civilian populations;

--Requested landmine producing nations to establish moratoria on all landmine exports, sales, and transfers;

--Begun discussions with primary landmine producing and exporting countries on the content and scope of a permanent export control regime; and

--Devoted additional funds to demining programs, including mine awareness and demining training programs and new research and development efforts on demining.

SCOPE OF THE PROBLEM

The study of the landmine situation revealed a deadly problem of global proportions that has only just recently reached the consciousness of much of the developed world. Estimates of the problem follow:

85 to 110 million uncleared landmines remain in 62 countries.

65 million of these have been emplaced since 1978 and more are being used daily.

Over 2000 different types of landmines are in use, most of which are not self neutralizing and, therefore, remain active for years (mines emplaced in WW II are still causing casualties today).

Landmines are the weapon of choice for many governments and insurgent groups around the world. They are cheap, easy to use, difficult to detect, expensive and dangerous to remove.

As a standard practice, combatants do not remove landmines after the conflict ends. They are left for governments and populations to deal with after the conflict.

Most significantly, uncleared landmines cause approximately 150 recorded civilian casualties worldwide every week. Half of these casualties occur in Afghanistan and Cambodia alone. The toll is staggering: one out of every 226 Cambodians is an amputee.

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IMPACT ON FOREIGN POLICY

The State Department study revealed that landmines are used in both international and internal conflicts. They pose problems long after the conflict ends. In many regions, they threaten stability, assistance programs, local governments and, most important from a humanitarian perspective, local civilian populations.

They are often used in unconventional and indiscriminate ways against civilians to generate fear and create chaos in countries with fragile governments.

Landmines disrupt the return of refugees, the rebuilding of infrastructure, the plowing of fields, and the conduct of peacekeeping and democratization operations.

WHAT THE U.S. HAS TO OFFER

The United States is providing diplomatic leadership on the landmine issue. The UN General Assembly resolution calling for nations to adopt export moratoria was initiated by the U.S. The U.S. Government is encouraging all landmine producing nations to fulfill the UN mandate, calling for an international moratorium on landmine exports.

The United States can provide the technical and procedural expertise and research and development capability to address the practical aspects of the demining problem. Educational materials and training programs can assist with landmine awareness and demining training for populations struggling with landmine problems.

DEMINING STRATEGY

The Administration has formed an Interagency Working Group to coordinate efforts and develop a comprehensive demining strategy that complements U.S. foreign policy objectives. The strategy is based on four complementary goals.

- Reduce global proliferation and illegitimate use of anti-personnel landmines through domestic and international agreements.
- Provide mine awareness programs in nations with significant landmine problems to help affected populations cope with uncleared landmines.
- Establish demining training programs to help countries solve their landmine problem.
- Develop technologies which can assist in international mine detection and clearing.

-3-

-4-

- o REDUCING PROLIFERATION: The United States originally adopted a one-year unilateral export moratorium on anti-personnel landmines. With overwhelming support demonstrated by a 100-0 vote in the Senate, Congress recently extended the unilateral U.S. export moratorium by three years through a provision in the National Defense Authorization Act for fiscal year 1994. Congress also urged the Administration to develop an international agreement prohibiting the sale, transfer, or export of anti-personnel landmines.
- o To this end, the United States introduced a resolution in the First Committee of the United Nations General Assembly asking states to agree to a moratorium on the export of anti-personnel landmines that pose grave danger to civilian populations. Its purpose is to raise consciousness of the mine problem in the international community and set the stage for international cooperation to reduce the problem. The resolution passed by consensus in the First Committee with 66 cosponsors. The resolution comes to a vote in the General Assembly on December 16.
- o Now that all UN member nations have agreed in principle to a moratorium, we are asking all landmine-producing nations to adopt a three-to-five-year moratorium on the export, sale and transfer of all anti-personnel landmines. Such moratoria would implement the UN resolution and also serve to precede an eventual permanent landmine export control regime. We have recently approached the governments of producing countries to encourage them to take such steps.
- o A moratorium, by definition, is a temporary measure. It is important that the U.S. use the time it provides to work with other landmine-producing countries to develop more ambitious steps including a workable regime that controls landmine exports by presenting a more detailed set of restrictions and allowable exceptions.
- o Addressing the global landmine problem is a step-by-step process, beginning with the UN General Assembly resolution and working towards a permanent international export regime. This process could work in parallel with the Second Protocol of the Conventional Weapons Convention of 1980, which only deals with the use of landmines and does not address export.
- o The diplomatic initiatives will help raise the consciousness of the international community and are intended to help reduce the commercial availability of landmines in the future. These are the first steps to an international effort to reach an enduring solution. Those initiatives only address part of the problem.
- o The 85 million landmines previously emplaced must be removed. To that end, mine awareness training and demining training programs are designed to provide direct assistance to nations with landmines.

-5-

- o INCREASING MINE AWARENESS: The U.S. is working with host governments, international organizations, and NGOs to train local populations to deal with landmines until they can be permanently removed. Returning refugee populations suffer terribly from mine detonations, and we are working to implement training programs aimed at specific audiences. Many demining training initiatives actually begin with mine awareness programs as well.
- o The mine awareness program the U.S. has developed for countries with landmine problems is wide-reaching. Local populations are trained in mine identification, mine and minefield marking, techniques for avoidance of and movement around mines, communication and reporting skills, first aid practices, and mine clearing.
- o DEMINING TRAINING PROGRAMS: A good investment in mine clearing is to "train the trainer." Working on the premise that U.S. troops shall not actually do demining themselves, we would like to establish training programs for local military, government, or NGO groups. This involves close cooperation between State, Defense and the regional U.S. military commanders to craft programs appropriate for different nations. An additional benefit of this program is that it contributes to national self-esteem -- local people gain confidence in their government when they see the direct benefit of demining in cleared fields for crops, open roads for transport, and accessible water sources for livestock.
- o We propose to execute the mine awareness and demining training elements of the program using special forces, international/regional organizations, and/or contractors. The U.S. Special Operations Forces have had success training local demining teams in Cambodia, El Salvador, and Afghanistan. Contractors were used successfully in Kuwait. The UN is involved in programs in Afghanistan, Mozambique, Cambodia and Somalia. The Organization of American States is conducting programs in Latin America. The U.S. is involved in supporting these programs with funds, equipment and training.
- o DEMINING RESEARCH AND DEVELOPMENT: DOD and State are creating an R&D plan for developing simple technologies to assist in the detection and clearing of landmines.

The demining program contributes to U.S. foreign policy objectives. The United States is in a unique position to lead the international community to solutions to the indiscriminate uses of landmines. We also have a moral and practical responsibility to contribute to an international effort to clean up the remains from past conflicts that are now posing grave dangers to civilian populations. In the long run, the program will support our national interests, promote nation building and save human lives.

-5-

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10020

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

December 27, 1993

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH:

ROBERT BELL *RGB*

FROM:

KEITH HAHN *KH*

SUBJECT: Significant Military Exercise INSPIRED VENTURE 94

Attached at Tab I is a proposed memorandum to the Executive Secretary, Department of Defense, approving military exercise INSPIRED VENTURE 94. At Tab II Defense recommends approval and State concurs with this recommendation with provisos.

INSPIRED VENTURE 94 is designed to provide unique training opportunities for U.S. forces in high altitude mountain operations. The exercise will include parachute training in a high altitude drop zone and training with uniquely-qualified Pakistanis specially trained in operations above the 20,000 foot level.

State has attached provisos that, in accordance with Pressler Amendment prohibitions, DoD will ensure that there will be no sales or transfers of U.S. military equipment or technology to Pakistan and no funding of expenses or provision of commodities, services or other assistance to benefit the Pakistanis in connection with this exercise.

The critical cancellation date is December 28, 1993.

Concurrence by:

Ellen Laing *EL*

RECOMMENDATION

That you sign the memorandum at Tab I approving the exercise.

Attachments

Tab I Memorandum for Signature

Tab II OSD Executive Secretary Memorandum, December 23, 1993

~~SECRET~~

Declassify on: OADR

~~SECRET~~

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By *W* NARA, Date *10/31/06*

216-0152-F

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

MEMORANDUM FOR COL. ROBERT P. MCALEER
Executive Secretary
Department of Defense

SUBJECT: Significant Military Exercise INSPIRED VENTURE 94

Military exercise INSPIRED VENTURE 94 is approved.

William H. Itoh
Executive Secretary

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003a. memo	For Executive Secretary, National Security Council. Subject: Significant Military Exercise - INSPIRED VENTURE 94. (1 page)	12/23/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

FOLDER TITLE:

Chron File - December 1993 #1 [5]

2016-0152-F

vz4511

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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- 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]
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003b. cable	re: Part I Significant Military Exercise Brief (SMEB). [Inspired Venture 94] (2 pages)	11/18/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

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2016-0152-F

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United States Department of State

Washington, D.C. 20520

23 December 93

Mr. Maxwell Alston
Acting Director
ODUSD (P)/EX
The Pentagon, Room 1D460
Washington, DC 20301-2200

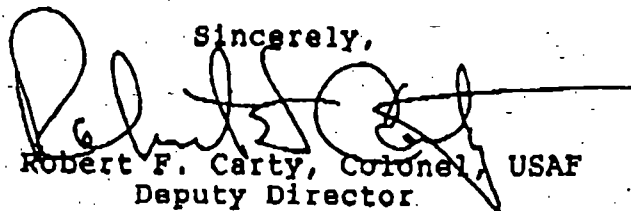
Dear Mr. Alston:

In response to your letter, I-93/17097, the Department of State poses no objection to the conduct of exercise INSPIRED VENTURE 94 as described in the attached Significant Military Exercise Brief dated November 18, 1993 and OASD(RSA) letter dated December 23, 1993, provided that all necessary measures are taken to ensure strict compliance with the prohibitions of the Pressler Amendment.

As reflected in the attachments, this exercise is expected to provide unique training opportunities for U.S. forces in high altitude mountain operations that are not available elsewhere. The exercise will include parachute training in a high altitude drop zone and training with uniquely-qualified Pakistanis specially trained in high mountain operations above the 20,000-foot level where special techniques are required for survival. It will focus on individual and collective skills, small unit tactics, high altitude equipment operations and maintenance, and combined staff procedures.

The Department of State understands that, in accordance with Pressler Amendment prohibitions, DoD will ensure that there will be no sales or transfers of U.S. military equipment or technology to Pakistan and no funding of expenses or provision of commodities, services or other assistance to benefit the Pakistanis in connection with this exercise. No funds under the Developing Countries Combined Exercise Program may be expended for this exercise.

Sincerely,


Robert F. Carty, Colonel, USAF
Deputy Director
Office of International Security
and Peacekeeping Operations

Attachments:
As Stated

cc: RADmiral Robert Ellis Jr.
Dr. Anthony Gray OSAD/ISA (GA)
CAPT. Stephen Woodall J-7 (JETD)
Captain Kileth Hahn NSC

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004a. memo	For William Itoh from Keith Hahn. Subject: Significant Military Exercise - WINGED CRUSADER. Record ID: 9309984. (1 page)	12/27/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

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NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

MEMORANDUM FOR COL. ROBERT P. MCALEER
Executive Secretary
Department of Defense

SUBJECT: Significant Military Exercise WINGED CRUSADER
Military exercise WINGED CRUSADER is approved.

William H. Itoh
Executive Secretary

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004b. memo	For Executive Secretary, National Security Council. Subject: Significant Military Exercise - WINGED CRUSADER. (1 page)	12/21/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

FOLDER TITLE:

Chron File - December 1993 #1 [5]

2016-0152-F
vz4511

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004c. cable	re: Part I Significant Military Exercise Brief [Winged Crusader] (1 page)	11/09/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

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2016-0152-F
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005a. memo	For Nancy Soderberg from Robert Bell. Subject: Letter from Keith Ferguson. Record ID: 9310059. (1 page)	12/28/1993	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

FOLDER TITLE:

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2016-0152-F
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005b. memo	For Nancy Hernrich from Nancy Soderberg. Subject: Letter from Keith Ferguson. Record ID: 9310059. (1 page)	12/28/1993	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

FOLDER TITLE:

Chron File - December 1993 #1 [5]

2016-0152-F

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005c. memo	Duplicate of vz4384_001. (7 pages)	04/15/1993	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

FOLDER TITLE:

Chron File - December 1993 #1 [5]

2016-0152-F
vz4511

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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- P3 Release would violate a Federal statute [(a)(3) 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)]

- b(1) National security classified information [(b)(1) of the FOIA]
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005d. note	To Bob Bell from Brooke Darby. (1 page)	12/27/1993	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

FOLDER TITLE:

Chron File - December 1993 #1 [5]

2016-0152-F

vz4511

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005e. letter	To the President. (1 page)	12/14/1993	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

FOLDER TITLE:

Chron File - December 1993 #1 [5]

2016-0152-F
vz4511

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. memo	For James W. Reed from Richard Clarke. Subject: RE: C-A-L Lunch Agenda. (2 pages)	12/28/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

FOLDER TITLE:

Chron File - December 1993 #1 [5]

2016-0152-F

vz4511

RESTRICTION CODES

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10041

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

December 28, 1993

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT BELL *RB*

FROM: KEITH HAHN *KH*

SUBJECT: Significant Military Exercise KEEN EDGE 94

Attached at Tab I is a proposed memorandum to the Executive Secretary, Department of Defense, approving military exercise KEEN EDGE 94. At Tab II Defense recommends approval and State concurs.

KEEN EDGE 94 is a U.S./Japan computer simulation command post exercise designed to evaluate plans, procedures and communications relating to the interoperability of U.S. forces and Japan Self Defense Forces for the defense of Japan (OPLANS 5051 and 5053). It will take place January 26 to February 4 in Japan and its territorial waters.

The critical cancellation date is January 5, 1993.

Concurrence by: *SK* Sandra Kristoff

RECOMMENDATION

That you sign the memorandum at Tab I approving the exercise.

Attachments

Tab I Memorandum for Signature

Tab II OSD Executive Secretary Memorandum, December 23, 1993

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *VR* NARA, Date *10/3/2016*
2016-052-F

~~CONFIDENTIAL~~

Declassify on: OADR

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

MEMORANDUM FOR COL. ROBERT P. MCALEER
Executive Secretary
Department of Defense

SUBJECT: Significant Military Exercise KEEN EDGE 94

Military exercise KEEN EDGE 94 is approved.

William H. Itoh
Executive Secretary

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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007a. cable	re: Significant Military Exercise Brief. [Keen Edge] (1 page)	12/28/1993	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

FOLDER TITLE:

Chron File - December 1993 #1 [5]

2016-0152-F

vz4511

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007b. memo	For Executive Secretary, National Security Council. Subject: Significant Military Exercise - KEEN EDGE 94. (1 page)	12/23/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 48

FOLDER TITLE:

Chron File - December 1993 #1 [5]

2016-0152-F

vz4511

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