

FOIA MARKER

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Folder Title:

Chron File - August 1994 #1 [4]

Staff Office-Individual:

Defense Policy-Bell, Robert

Original OA/ID Number:

265

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31	3	4	3	v

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Legislative Referral Memorandum LRM #M-1695. [CIA Act] [partial] (1 page)	08/02/1994	P3/b(3)
002a. letter	[Thomas M. Montgomery] [Personally Identifiable Information] [partial] (1 page)	06/22/1994	b(6)
002b. resume	Resume of Service Career of Thomas M. Montgomery. (3 pages)	05/06/1994	b(6)
003. memo	Legislative Referral Memorandum LRM #I-3541. [CIA Act] [partial] (1 page)	08/04/1994	P3/b(3)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

Chron File - August 1994 #1 [4]

2016-0152-F
vz4608

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]

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20508

August 3, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT BELL *for*FROM: JIM SEATON *JB*

SUBJECT: Congressional Draft Bill on Digital Telephony

At Tab II is a draft bill amending current regulations pertaining to telecommunication intercepts. It generates new requirements for telecommunications companies to assist the government in tracing communication transmissions and also requires government reimbursement for equipment modifications.

Concurrence by: *W* Bill DanversRECOMMENDATION

That you sign the memorandum at Tab I concurring with the draft bill.

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: Congressional Draft Bill on Digital Telephony

The National Security Council staff concurs with the draft bill.

Withdrawal/Redaction Marker

Clinton Library

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625 +

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

August 2, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-1695

TO: Legislative Liaison Officer -

**JUSTICE - Sheila F. Anthony - (202) 514-2161 - 217
COMMERCE - Michael A. Levitt - (202) 482-3151 - 324
TREASURY - Richard S. Carro - (202) 622-1146 - 228
FCC - Steve Klitzman - (202) 632-6405 - 260
NEC - Sonyia Matthews - (202) 456-6630 - 429
NSC - William H. Itoh - (202) 395-3723 - 249
CIA - (b)(3)
DEFENSE - Samuel T. Brick, Jr. - (703) 697-1305 - 325**

[001]

FROM: JAMES J. JUKES (for) *Off of Wiley for Dir Jukes*
Assistant Director for Legislative Reference

**OMB CONTACT: RONALD JONES (395-3386)
Secretary's line (for simple responses): 395-3454**

SUBJECT: Congressional Draft Bill on DIGITAL TELEPHONY

DEADLINE: 4:00 pm August 3, 1994

COMMENTS: FBI reports Judiciary staff plan to introduce this bill on Thursday. It is purported to be a joint Senate and House staff draft.

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:

**John Podesta
Greg Simon
Mike Nelson
Tom Kalil
Tina Westby
Bruce McConnell
Ed Springer
Tim Fain**

**Jonas Neihardt
Chris Brown
Louisa Koch
Mark Schwartz
Jim Murr
Ron Peterson
GESSAMAN**

If your response to this request for views is simple (e.g., concur/no comment) we prefer that you respond by faxing us this response sheet. If the response is simple and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a secretary.

You may also respond by (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); (2) sending us a memo or letter; or (3) if you are an OASIS user in the Executive Office of the President, sending an E-mail message. Please include the LRM number shown above, and the subject shown below.

TO: RONALD JONES (395-3386)
Office of Management and Budget
Fax Number: (202) 395-3109
Analyst/Attorney's Direct Number: (202) 395-3386
Branch-Wide Line (to reach secretary): (202) 395-3454

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

SUBJECT: Congressional Draft Bill on DIGITAL TELEPHONY

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur
_____ No objection
_____ No comment
_____ See proposed edits on pages _____
_____ Other: _____
_____ FAX RETURN of _____ pages, attached to this
_____ response sheet

DRAFT - AUGUST 1, 1994

SECTION 1. INTERCEPTING DIGITAL AND OTHER COMMUNICATIONS.

Title 18, United States Code, is amended by adding the following new chapter:

"CHAPTER 120 -- TELECOMMUNICATIONS CARRIER ASSISTANCE TO THE GOVERNMENT

"Sec. 2601. Assistance requirements.

"(a) CAPABILITY REQUIREMENTS. -- Except as provided in subsections (b), (c) and (d) of this section and subsection (c) of section 2606, a telecommunications carrier shall ensure that its services or facilities that provide a customer or subscriber with the ability to originate, terminate or direct communications have the capability to --

(i) expeditiously isolate and enable the government to intercept, to the exclusion of any other communications, all wire and electronic communications carried by the carrier within a service area to or from equipment, facilities or services of a subscriber of such carrier concurrent with their transmission to or from the subscriber's service, facility or equipment or at such later time as may be acceptable to the government;

(ii) expeditiously isolate and enable the government to access call identifying information which is reasonably available to the carrier --

(1) either before, during or immediately after the transmission of a wire or electronic communication (or

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at such later time as may be acceptable to the government); and

(2) in a manner that allows it to be associated with the communication to which it pertains,

except that, with regard to information acquired solely pursuant to the authority for pen registers and trap and trace devices as defined in chapter 206 of this title, such call identifying information shall not include any information that may disclose the physical location of the subscriber, beyond what may be determined from the telephone number;

(iii) deliver intercepted communications and call identifying information to the government in a format such that they may be transmitted by means of facilities or services procured by the government to a location away from the premises of the carrier; and

(iv) facilitate authorized communications interceptions and call identifying information access unobtrusively and with a minimum of interference with any subscriber's telecommunications service and in a manner that protects the privacy and security of communications and call identifying information not authorized to be intercepted and protects information regarding the government's interception of communications and access to call identifying information.

"(b) LIMITATIONS. This chapter does not authorize any law enforcement agency or officer to require the specific design

of features or system configurations to be adopted by providers of wire or electronic communication service, nor does it authorize any law enforcement agency or officer to prohibit the adoption of any feature or service by providers of wire or electronic communication service. The requirements of subsection (a) do not apply to (i) information services or (ii) services or facilities that support the transport or switching of communications for the sole purpose of interconnecting telecommunications carriers or private networks.

"(c) EMERGENCY OR EXIGENT CIRCUMSTANCES. In emergency or exigent circumstances, including but not limited to those described in sections 2518(7), 2518(11)(b) and 3125 of this title or in section 1805(a) of title 50, a carrier may fulfill its responsibilities under subparagraph (a)(iii) by allowing monitoring at its premises if that is the only means of accomplishing the interception or access.

"(d) MOBILE SERVICE ASSISTANCE REQUIREMENTS. A telecommunications carrier offering a feature or service that allows subscribers to redirect, hand off, or assign their wire or electronic communications to another service area or another service provider, or to utilize facilities in another service area or of another service provider, shall ensure that, when the carrier that had been providing assistance for the interception of wire or electronic communications or access to call identifying information pursuant to a court order or lawful authorization no longer has access to the content of such

communications or call identifying information within the service area where interception has been occurring as a result of the subscriber's use of such feature or service, information is available to the government, either before, during or immediately after the transfer of such communications, identifying the provider of wire or electronic communication service that has acquired access to the communications.

"Sec. 2602. Notice of capacity requirements.

"(a) NOTICE OF MAXIMUM AND INITIAL CAPACITY REQUIREMENTS.

Within one year from the date of enactment of this Act, and after consulting with state and local law enforcement agencies, telecommunications carriers, providers of telecommunications support services, and manufacturers of telecommunications equipment, the Attorney General shall publish in the Federal Register and provide to appropriate telecommunications carrier associations, standards bodies and fora --

- (i) notice of the maximum capacity required to accommodate all the communications interceptions, pen registers and trap and trace devices that the Attorney General estimates government agencies authorized to conduct electronic surveillance may conduct and use simultaneously; and
- (ii) notice of the number of all communications interceptions, pen registers, and trap and trace devices, representing a portion of the maximum capacity set pursuant to (a)(i), that the Attorney General estimates government agencies authorized to conduct electronic surveillance may

conduct and use simultaneously four years from the date of enactment of this Act.

Such notices may be based upon the type of equipment, type of service, number of subscribers, geographic location, or other measure.

"(b) **COMPLIANCE WITH CAPACITY NOTICES.** Within three years of the publication by the Attorney General of a notice of capacity needs, or within four years from the date of enactment of this Act, whichever is longer, a telecommunications carrier shall ensure that its systems are capable of --

(i) expanding to the maximum capacity set forth in the notice provided pursuant to section (a)(1); and

(ii) accommodating simultaneously the number of interceptions, pen registers and trap and trace devices for which notice has been provided pursuant to section (a)(1).

Thereafter, a telecommunications carrier shall ensure that it can accommodate expeditiously any increase in the number of interceptions, pen registers and trap and trace devices that authorized agencies may seek to conduct and use, up to the maximum capacity specified pursuant to section (a)(1).

"(c) **PERIODIC INCREASES IN NOTICE OF MAXIMUM CAPACITY REQUIREMENTS.** The Attorney General shall periodically provide to telecommunications carriers written notice of any necessary increases in the maximum capacity specified pursuant to section (a)(1). Within three years after receiving written notice of such increased capacity requirements, or within such longer time

period as may be specified by the Attorney General, a telecommunications carrier shall ensure that its systems are capable of expanding to the increased maximum capacity set forth in such notice.

"Sec. 2603. Systems security and integrity.

"A telecommunications carrier shall ensure that any court ordered or lawfully authorized interception of communications or access to call identifying information effected within its switching premises can be activated only with the affirmative intervention of an individual officer or employee of such carrier.

"Sec. 2604. Cooperation of equipment manufacturers and providers of telecommunications support services.

"A telecommunications carrier shall consult, as necessary, in a timely fashion with manufacturers of its telecommunications transmission and switching equipment and its providers of telecommunications support services for the purpose of identifying any service or equipment, including hardware and software, that may require modification so as to permit compliance with the provisions of this chapter. A manufacturer of telecommunications transmission or switching equipment and a provider of telecommunications support services shall, on a reasonably timely basis and at a reasonable charge, make available to the telecommunications carriers using its equipment or services such modifications as are necessary to permit such carriers to comply with the provisions of this section.

"Section 2605. Technical requirements and standards for implementation of section 2601 requirements.

"(a) SAFE HARBOR. To ensure the efficient and industry-wide implementation of the requirements established in section 2601 of title 18, United States Code, the Attorney General, in coordination with other Federal, State, and local law enforcement agencies, shall consult with appropriate associations and standards setting bodies of the telecommunications industry. A telecommunications carrier shall be in compliance with the capability requirements of section 2601 if it is in compliance with publicly available technical requirements or standards which meet the requirements of section 2601 adopted by an industry association or standards setting body. The absence of technical requirements or standards for implementing the requirements of section 2601 shall not preclude any carrier from deploying a technology or service nor shall the absence of standards relieve any carrier of the obligations imposed by section 2601.

"(b) FCC AUTHORITY. In the event of a dispute about technical requirements or standards or if industry associations or bodies fail to issue technical requirements or standards, any person may petition the Federal Communications Commission to establish, by notice and comment rulemaking or other such proceedings as it may be authorized to conduct, specifications or standards that meet the requirements established in section 2601 of title 18, United States Code, protect the privacy and security of communications not authorized to be intercepted, and serve the policy of the

United States to encourage the provision of new technologies and services to the public. In a proceeding under this section initiated by a telecommunications carrier, manufacturer of telecommunications transmission and switching equipment, or provider of telecommunications support services, the Commission, to recover the costs of its actions under this section, may assess and collect a fee against the carriers, manufacturers or providers that are parties to the proceeding. Such fee shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Commission and shall be available without fiscal year limitation.

"(c) **EXTENSION OF COMPLIANCE DATE FOR FEATURES AND SERVICES.** A telecommunications carrier proposing to deploy, or having deployed, a feature or service within four years after the date of enactment of this Act may petition the Commission for one or more extensions of the deadline for complying with the requirements established in section 2601 of title 18, United States Code. The Commission may, after affording a full opportunity for hearing and after consultation with the Attorney General, grant an extension under this paragraph, if it determines that compliance with the requirements of section 2601 of title 18, United States Code, is not reasonably achievable through application of technology available within the compliance period. An extension under this paragraph shall extend for no longer than the earlier of (i) the date determined by the

commission as necessary for the carrier to comply with the requirements of section 2601 of title 18, United States Code; or (ii) in no event beyond two years after the date on which the initial extension is granted. An extension under this subsection shall apply to only that part of the carrier's business on which the new feature or service is used.

"Sec. 2606. Enforcement orders.

"(a) If a court authorizing an interception under chapter 119, under a State statute, or under the Foreign Intelligence Surveillance Act, or authorizing use of a pen register or a trap and trace device under chapter 206 or under a State statute finds that a telecommunications carrier has failed to comply with the requirements in this chapter, the court may direct that the carrier comply forthwith and may direct that a provider of support services to such carrier or the manufacturer of the carrier's transmission or switching equipment furnish forthwith modifications necessary for the carrier to comply.

"(b) The Attorney General may apply to the appropriate United States District Court for, and the District Courts shall have jurisdiction to issue, an order directing that a telecommunications carrier, a provider of telecommunications carrier support services or a manufacturer of telecommunications transmission or switching equipment comply with this chapter.

"(c) A court shall issue an order under subsections (a) or (b) only if it finds that --

(i) alternative technologies or capabilities or the

facilities of another carrier are not reasonably available to law enforcement for implementing the interception of communications or access to call identifying information; and

(ii) compliance with the requirements of this chapter is reasonably achievable through the application of available technology to the feature or service at issue or would have been reasonably achievable if timely action had been taken.

A court may not issue an order where the government's demands for interception of communications and acquisition of call identifying information exceed the capacity for which notice has been provided under section 2602.

"(d) A court issuing an order under this section may impose a civil penalty of up to \$10,000 per day for each day in violation after the issuance of the order or after such future date as the court may specify. In determining whether to impose a fine and in determining its amount, the court shall take into account the nature, circumstances, and extent of the violation, and, with respect to the violator, ability to pay, good faith efforts to comply in a timely manner, effect on ability to continue to do business, the degree of culpability or delay in undertaking efforts to comply, and such other matters as justice may require. The Attorney General may file a civil action in the appropriate United States District Court to collect, and the United States District Courts shall have jurisdiction to impose, such fines.

"Sec. 2507. Definitions.

"As used in this chapter --

"(1) the terms defined in section 2510 of this title have, respectively, the definitions given such terms in that section;

"(2) 'telecommunications carrier' means any person or entity engaged in the transmission or switching of wire or electronic communications as a common carrier for hire, as defined by section 3(h) of the Communications Act of 1934, and includes (i) any person or entity engaged in providing commercial mobile service, as defined in section 6002(b) of Public Law 103-66, and (ii) any person or entity engaged in providing wire or electronic communication switching or transmission service to the extent that the Commission finds that such service is a replacement for a substantial portion of the local telephone exchange service and that it is in the public interest to deem such person or entity to be a common carrier for purposes of this Act.

"(3) 'provider of telecommunications support services' means any person or entity that provides products, software, or services to a telecommunications carrier that are integral to the switching or transmission of wire or electronic communications;

"(4) 'government' means the Government of the United States and any agency or instrumentality thereof, the District of Columbia, any commonwealth, territory or possession of the United States, and any state or political subdivision thereof authorized by law to conduct electronic surveillance;

"(5) 'information services' means the offering of a

capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control or operation of a telecommunications system or the management of a telecommunications service;

"(5) 'call identifying information' means all dialing or signalling information associated with the origin, direction, destination, or termination of each communication generated or received by the subscriber equipment, facility or service of such carrier that is the subject of a court order or lawful authorization, but does not include any information that may disclose the physical location of the subscriber beyond what may be inferred from the telephone number."

SECTION 2. EFFECTIVE DATE. Sections 2601 and 2603 of title 18 as added by section 1 of this Act shall take effect four years after the date of enactment of this Act. Unless otherwise specified, all other provisions of this Act shall become effective on the date of enactment.

SECTION 3. REIMBURSEMENT AND FUNDING.

(a) The Attorney General shall reimburse telecommunications carriers for all reasonable costs directly associated with (1) the modifications performed by carriers prior to the effective date of section 2601 or prior to the expiration of any extension granted under section 2605(c) of title 18, United States Code, as added by this Act, to establish the capabilities necessary to

comply with section 2601; (2) establishing the maximum capacity requirements set pursuant to section 2602 of title 18; and (3) expanding existing facilities to accommodate simultaneously the number of interceptions, pen registers and trap and trace devices for which notice has been provided pursuant to section 2602.

Notwithstanding any other provision of law, the Attorney General is authorized to establish any procedures and regulations deemed necessary to effectuate timely and cost-efficient reimbursement to telecommunications carriers for reimbursable costs incurred under this Act, under chapters 119 and 121 of Title 18, United States Code, and under the Foreign Intelligence Surveillance Act.

If there is a dispute between the Attorney General and a telecommunications carrier regarding the amount of reasonable costs to be reimbursed, the dispute shall be resolved and the amount determined, in a proceeding initiated at the Federal Communications Commission under section 2605 of title 18 or by the court from which an enforcement order is sought under section 2606.

(b) For fiscal years 1995 through 1998, there are authorized to be appropriated a total of \$500,000,000. For fiscal years 1999 and thereafter, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

(c) (i) On or before November 30, 1999, and on or before the same day each year for five years thereafter, the Attorney General shall submit to the Congress a report on the amounts paid during the preceding fiscal year in reimbursement to carriers for

costs incurred in making modifications to comply with the provisions of this Act. Said reports shall include but not be limited to (1) a detailed accounting of the amounts paid to each carrier and the technology, feature or service for which the amounts were paid and (2) projections of the amounts expected to be paid in the then ongoing fiscal year, the carriers to which reimbursement is expected to be paid, and the technologies, services, or features for which reimbursement is expected to be paid.

(ii) On or before April 1, 1996 and April 1, 1998, the General Accounting Office shall, after consultation with the Attorney General and the telecommunications industry, submit to the Congress a report reflecting its audit of the sums paid by the Attorney General to carriers in reimbursement. Such report shall include the findings and conclusions of the Comptroller General on the costs to be incurred after the compliance date, including projections of the amounts expected to be incurred and the technologies, services, or features for which expenses are expected to be incurred.

SECTION 4. DEFINITION.

Section 2510(4) of title 18 is amended by adding at the end thereof, before the semicolon, ", except that with regard to the transmission of a communication encrypted by a subscriber, a telecommunications carrier shall not be responsible for decrypting, or ensuring the government's ability to decrypt, the communication, unless the encryption was provided by the service

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provider and the service provider possesses the information necessary to decrypt the communication".

SECTION 5. CORDLESS TELEPHONES.

(a) Definitions. - Section 2510 of title 18, United States Code, is amended -

(1) in paragraph (1), by striking "but such term does not include" and all that follows through "base unit"; and

(2) in paragraph (12), by striking subparagraph (A) and redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C) respectively.

(b) Penalty. - Section 2511 of title 18, United States Code, is amended -

(1) in subsection (4)(b)(i), by inserting "a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit," after "cellular telephone communication,"; and

(2) in subsection (4)(b)(ii), by inserting "a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit," after "cellular telephone communication,".

SECTION 6. RADIO-BASED DATA COMMUNICATIONS.

Section 2510(16) of title 18, United States Code, is amended by striking the word "or" at the end of subparagraph (D) and inserting an "or" at the end of subparagraph (E) and adding the following new subparagraph:

"(F) an electronic communication;"

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SECTION 7. PENALTIES FOR MONITORING RADIO COMMUNICATIONS THAT ARE NOT SCRAMBLED, ENCRYPTED, OR NON-PUBLIC.

Section 2511(4)(b) of title 18, United States Code is amended by deleting the phrase "or unencrypted, then -" and inserting the following:

" , encrypted, or transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of such communication, then -"

SECTION 8. TECHNICAL CORRECTION.

Section 2511(2)(a)(1) of title 18 is amended by striking out "used in the transmission of a wire communication" and inserting in lieu thereof "used in the transmission of a wire or electronic communication".

SECTION 9. FRAUDULENT ALTERATION OF COMMERCIAL MOBILE RADIO INSTRUMENTS.

(a) Section 1039(a) of title 18 is amended by striking the word "or" at the end of subparagraph (3) and adding the following new subparagraphs:

"(5) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a telecommunications instrument that has been modified or altered to obtain unauthorized use of telecommunications services; or

"(6) knowingly and with intent to defraud uses, produces,

traffic in, has control or custody of, or possesses (i) a scanning receiver or (ii) hardware or software used for altering or modifying telecommunications instruments to obtain unauthorized access to telecommunications services."

(b) Section 1029(c)(2) of title 18 is amended by striking "(a)(1) or (a)(4)" and inserting in lieu thereof "(a)(1), (a)(4), (a)(5) or (a)(6)".

(c) Section 1029(a)(1) of title 18 is amended by inserting "electronic serial number, mobile identification number, personal identification number, or other telecommunications service, equipment, or instrument identifier," after "account number,".

(d) Section 1029(e) of title 18 is amended by striking the word "and" at the end of subparagraph (5), by striking the period at the end of subparagraph (6) and adding "; and", and by adding the following new subparagraph:

"(7) the term 'scanning receiver' means any device or apparatus that can be used to intercept a wire or electronic communication in violation of chapter 119 of this title."

SECTION 10. TRANSACTIONAL DATA.

(a) Section 2703(c)(1)(B) of title 18, United States Code, is amended by adding at the end thereof the following:

"Records or other information disclosed under this subparagraph shall not include any interactive information generated by the subscriber or customer or any information identifying services used by the subscriber or customer, except the dialling or signalling information utilized in

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call or message processing.";

(b) Section 3221 of title 18, United States Code, is amended by redesignating subsection (c) as (d), and adding a new subsection (c) as follows:

"(c) Limitation. -- A government agency authorized to install and use a pen register under this chapter, or under state law, shall use technology reasonably available to it that restricts the recording or decoding of electronic or other impulses to the dialling and signalling information utilised in call processing."

SECTION 11. REPORTING OF INTERCEPTIONS ENCOUNTERING ELECTRONICALLY ENCRYPTED COMMUNICATIONS.

Section 2512(2) of title 18, United States Code, is amended by deleting everything after the semicolon in subparagraph (2) and inserting the following:

"(g) the number of interceptions encountering electronically encrypted communications, specifying the number of such interceptions that could not be decrypted; and

"(h) The information required by paragraphs (b) through (g) of this subsection with respect to orders or extensions obtained in a preceding calendar year."

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20508

August 3, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH:

ROBERT BELL *R68*

FROM:

JIM SEATON *JBS*

SUBJECT:

Vice Presidential Support for Proposed FF-21 Sale
to UAE

The United Arab Emirates are expected to award a contract for four Multipurpose Frigates during the next year. Newport News Shipbuilding (NNS) is the only American shipyard selected by the UAE to submit a second proposal. Competing shipyards are located in France, Germany, the United Kingdom, and The Netherlands. NNS is vital to the Virginia economy and to the welfare of other businesses throughout the United States. As a shipyard, over 2,000 production jobs would be dedicated solely for designing and producing the FF-21 frigates. In addition, thousands of other jobs are generated or preserved through subcontracts.

Visible government support for NNS's proposal is both important to winning this contract and consistent with the President's emphasis on promoting U.S. trade and economic revitalization. American contractors are commonly at a disadvantage to government subsidized European defense industries. Backing has already occurred at the DoD- and Commerce-levels, but a meeting by Vice President Gore with the UAE Foreign Minister on the margins of his participation in the GCC Foreign Minister's Conference in Jeddah during his upcoming Middle East trip could underscore the Administration's strong support for the NNS proposal.

Concurrence by:

Martin Indyk *MI*RECOMMENDATION

That you forward the memorandum and talking points at Tab I to the Vice President.

Attachments

Tab I Memorandum to the Vice President

Tab A Talking Points for the Vice President

THE WHITE HOUSE

WASHINGTON

ACTION

MEMORANDUM FOR THE VICE PRESIDENT

FROM: ANTHONY LAKE

SUBJECT: Support for Proposed FF-21 Sale to UAE

Purpose

To provide talking points and background information concerning Newport News Shipbuilding's (NNS) proposed FF-21 sale to the UAE.

Background

The UAE is expected to award a contract for four Multipurpose Frigates next year. NNS is the only U.S. shipyard selected to submit a second proposal. Competing shipyards are located in France, Germany, the UK, and The Netherlands.

NNS is vital to the Virginia economy and to the welfare of other businesses throughout the United States. As a shipyard, over 2,000 production jobs rest on this contract; thousands of other jobs are generated or preserved through subcontracts. The UAE contract will help preserve our naval shipbuilding base and likely reduce overhead costs for future U.S. Navy ship orders.

DoD and Commerce Secretary Brown have already lent strong support to the NNS proposal. Further visible support for NNS's proposal (similar to the Administration's promotion of commercial aircraft sales to Saudi Arabia) is both important to winning this contract and consistent with the President's emphasis on promoting U.S. trade and economic revitalization.

RECOMMENDATION

That you meet with the UAE Foreign Minister on the margins of the GCC Foreign Ministers Conference during your upcoming trip to the region and affirm the Administration's support for the Newport News Shipbuilding proposal.

Attachment

Tab A Talking Points

**TALKING POINTS FOR NEWPORT NEWS SHIPBUILDING'S PROPOSED FF-21 SALE
TO UNITED ARAB EMIRATES**

- The FF-21 presents an opportunity to build on the long-term security cooperation relationship between the UAE and the U.S. government.
- The UAE can marry up with a premier U.S. naval shipbuilder and the most technologically advanced naval shipyard in the world (Newport News Shipbuilding). NNS has produced every American nuclear-powered aircraft carrier and 47 nuclear submarines.
- NNS has instant credibility as a U.S. Navy repair facility. NNS can best optimize the UAE's ship repair/construction capability and capacity, by providing the experience and expertise of NNS and its long standing relationship with the U.S. Navy. (This refers to the offset program where NNS substantially expands the Abu Dhabi Dry Docks.)
- The FF-21 provides enhanced operational interoperability with the U.S. Navy.

August 4, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT G. BELL *RGB*

FROM: STEVEN R. JONES *SJ*

SUBJECT: Defense Proposed Report RE: H.R. 4272, Civilian Admissions to
Naval Postgraduate School and Air Force Institute of Technology
(LRM #I-3504)

OMB has requested NSC views on the proposed Defense report commenting on the subject legislation. DoD supports the legislation and states that this no-cost initiative would allow mutually beneficial civilian enrollment on a space available basis and enhance the effectiveness and efficiency of the schools. The NSC staff concurs with the DoD position.

Concurrence by: Bill Danvers *BD*

RECOMMENDATION

That you sign the memorandum at Tab I.

Attachment

Tab A Memorandum for Signature

Tab B Incoming Correspondence

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

6226

MEMORANDUM FOR RONALD K. PETERSON

FROM: WILLIAM H. ITOH

SUBJECT: Defense Proposed Report RE: H.R. 4272, Civilian Admissions to the
Naval Postgraduate School and the Air Force Institute of Technology
(LRM #I-3504)

The National Security Council staff concurs with DoD's report supporting the proposed legislation.

6226

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

August 1, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-3504

TO: Legislative Liaison Officer -

EDUCATION - John Kristy - (202)401-2670 - 207
NSC - William H. Itoh - (202)395-3723 - 249

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

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

SUBJECT: DEFENSE Proposed Report RE: HR 4272, Permit
Civilian Admissions to the Naval Postgraduate
School and the Air Force Institute of
Technology

DEADLINE: 10:00 A.M. August 8, 1994

THIS TRANSMISSION CONTAINS 3 PAGE(S) (total).

COMMENTS: If you do not respond by the deadline, this office
will assume that you have no comments.

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:

J. Schuhart
T. Westby
P. Vickers

Honorable Ronald V. Dellums
Chairman
Committee on Armed Forces
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Defense on H.R. 4272, 103d Congress, a bill "to Amend Title 10, United States Code, to Expand the Authority of the United States Naval Postgraduate School to Admit Civilians as Students and to Authorize the United States Air Force Institute of Technology to Admit Civilians as Students."

The Department of Defense supports the legislation.

H.R. 4272 would allow civilians to attend the Naval Postgraduate School and the Air Force Institute of Technology on a space available or reciprocal basis at no net cost to the government. This flexibility would allow for mutually beneficial enrollment of civilians and enhance the effectiveness and efficiency of the two schools.

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,

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9406226
RECEIVED: 01 AUG 94 17

TO: PETERSON, R

FROM: ITOH

DOC DATE: 04 AUG 94
SOURCE REF:

KEYWORDS: DEFENSE POLICY

LEGISLATIVE REFERRAL

PERSONS:

SUBJECT: DEFENSE PROPOSED RPT RE HR 4272 CIVILIAN ADMISSION TO NAVAL
POSTGRADUATE SCHOOL & AIR FORCE INSTITUTE OF TECHNOLOGY

ACTION: SENS SGD MEMO

DUE DATE: 04 AUG 94 STATUS: C

STAFF OFFICER: JONES

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
EXECSEC
JONES

COMMENTS:

DISPATCHED BY MBN DATE 8/8 BY HAND W/ATTCH

OPENED BY: NSASK

CLOSED BY: NSMBN

DOC 3 OF 3

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9406226

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 JONES

Z 94080117 PREPARE MEMO ITOH TO PETERSON

002 ITOH

Z 94080810 FOR SIGNATURE

003

X 94080810 SENS SGD MEMO

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 940804 PETERSON, R

UNCLASSIFIED

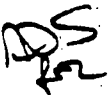
NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

6226

August 5, 1994

MEMORANDUM FOR RONALD K. PETERSON

FROM:

WILLIAM H. ITOH 

SUBJECT:

Defense Proposed Report RE: H.R. 4272, Civilian Admissions to the
Naval Postgraduate School and the Air Force Institute of Technology
(LRM #I-3504)

The National Security Council staff concurs with DoD's report supporting the proposed
legislation.

August 4, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT G. BELL *RGB*FROM: STEVEN R. JONES *SJR*

SUBJECT: Defense Proposed Report RE: H.R. 4272, Civilian Admissions to
Naval Postgraduate School and Air Force Institute of Technology
(LRM #I-3504)

OMB has requested NSC views on the proposed Defense report commenting on the subject legislation. DoD supports the legislation and states that this no-cost initiative would allow mutually beneficial civilian enrollment on a space available basis and enhance the effectiveness and efficiency of the schools. The NSC staff concurs with the DoD position.

Concurrence by: Bill Danvers *BD*RECOMMENDATION

That you sign the memorandum at Tab I.

Attachment

Tab A Memorandum for Signature

Tab B Incoming Correspondence

6226

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

August 1, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-3504

TO: Legislative Liaison Officer -

EDUCATION - John Kristy - (202)401-2670 - 207
NSC - William H. Itoh - (202)395-3723 - 249

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

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

SUBJECT: DEFENSE Proposed Report RE: HR 4272, Permit
Civilian Admissions to the Naval Postgraduate
School and the Air Force Institute of
Technology

DEADLINE: 10:00 A.M. August 8, 1994

THIS TRANSMISSION CONTAINS 3 PAGE(S) (total).

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OMB requests the views of your agency on the above subject before
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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:
J. Schuhart
T. Westby
P. Vickers

_____ Concur
_____ No objection
_____ No comment
_____ See proposed edits on pages _____
_____ Other: _____
_____ FAX RETURN of _____ pages, attached to this
_____ response sheet

07-20-1994 14:31

Honorable Ronald V. Dellums
Chairman
Committee on Armed Forces
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Defense on H.R. 4272, 103d Congress, a bill "to Amend Title 10, United States Code, to Expand the Authority of the United States Naval Postgraduate School to Admit Civilians as Students and to Authorize the United States Air Force Institute of Technology to Admit Civilians as Students."

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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,

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO. 2695
CONNECTION TEL 92283780
CONNECTION ID
START TIME 08/04 07:36
USAGE TIME 00'58
PAGES 2
RESULT OK

UNCLASSIFIED
FAX TRANSMITTAL SHEET

THE NATIONAL SECURITY COUNCIL
DEFENSE POLICY/ARMS CONTROL
DIRECTORATE

FROM: Robert Bell

PHONE: (202) 395-3330

FAX: (202) 395-1185

TO FAX PHONE

Monica Chavez 228-3780

SASC

UNCLASSIFIED
FAX TRANSMITTAL SHEET

THE NATIONAL SECURITY COUNCIL
DEFENSE POLICY/ARMS CONTROL
DIRECTORATE

FROM: Robert Bell

PHONE: (202) 395-3330

FAX: (202) 395-1185

TO	FAX	PHONE
----	-----	-------

<u>Monica Chavez</u>	<u>228-3780</u>	
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SASC

NUMBER OF PAGES INCLUDING COVER SHEET 2

SPECIAL
INSTRUCTIONS: _____

UNCLASSIFIED

GEORGE BUSH

July 18, 1994

Dear Senator Lugar,

I understand that the Senate will be voting on the Chemical Weapons Convention soon, and I wanted to ensure that you and your colleagues were aware of my strong support for the earliest possible ratification and entry into force of this landmark agreement.

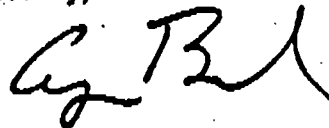
As you know, my own involvement in efforts to ban chemical weapons began in 1984, when I presented the initial U.S. draft treaty next to the Conference on Disarmament in Geneva. Convinced of the threat posed by chemical weapons proliferation and of the importance of banning these weapons from the face of the earth, I made completion of the Chemical Weapons Convention one of the top foreign policy priorities of my Administration. It was, therefore, particularly gratifying to be able to send Secretary of State Eagleburger to Paris in January 1993 to sign the Convention on behalf of the United States.

My longstanding commitment to banning chemical weapons has been shared by many others, on both sides of the aisle. Indeed, your own efforts and those of your Senate colleagues were instrumental both in completing the negotiations successfully and in ensuring that the Convention itself was the very best that could be achieved.

The United States worked hard to ensure that the Convention could be effectively verified. At the same time, we sought the means to protect both United States security interests and commercial capabilities. I am convinced that the Convention we signed served both objectives, effectively banning chemical weapons without creating an unnecessary burden on legitimate activities.

This Convention clearly serves the best interests of the United States in a world in which the proliferation and use of chemical weapons is a real and growing threat. United States leadership played a critical role in the successful conclusion of the Chemical Weapons Convention. United States leadership is required once again to bring this historic agreement into force. I urge the Senate to demonstrate the U.S. commitment to abolishing chemical weapons by promptly giving its advice and consent to ratification.

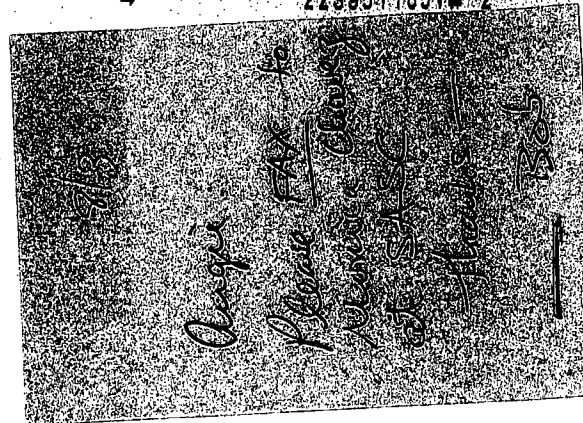
Sincerely,



**The Honorable Richard G. Lugar
United States Senate
Washington, D.C. 20510**

GEORGE BUSH

July 18, 1994



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Sincerely,

The Honorable Richard G. Lugar
United States Senate
Washington, D.C. 20544

PHOTOCOPY PRESERVATION

TO: ITOH

FROM: KELIHER, J

DOC DATE: 04 AUG 94
SOURCE REF:

KEYWORDS: DEFENSE POLICY
INTELLIGENCE

PDD

PERSONS:

SUBJECT: ENERGY COMMENTS ON DRAFT PDD ON NATL SECURITY POLICY
COORDINATION

ACTION: FOR RECORD PURPOSES

DUE DATE: 05 AUG 94 STATUS: C

STAFF OFFICER: MISLOCK

LOGREF: 9420743

FILES: IFD

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
MISLOCK
NSC CHRON
TENET

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSKDB

CLOSED BY: NSKDB

DOC 8 OF 8

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9420915

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001	X	94080214	FOR RECORD PURPOSES
002	X	94080216	FOR RECORD PURPOSES
003	X	94080314	FOR RECORD PURPOSES
004	X	94080314	FOR RECORD PURPOSES
005	X	94080316	FOR RECORD PURPOSES
006	X	94080515	FOR RECORD PURPOSES
007	X	94080518	FOR RECORD PURPOSES
008	X	94080909	FOR RECORD PURPOSES

UNCLASSIFIED



Department of Energy
Washington, DC 20585

20915

August 4, 1994

Mr. William H. Itoh
Executive Secretary
National Security Council
Washington, D.C. 20506

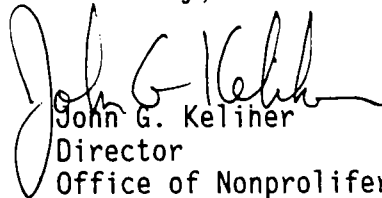
Dear Mr. Itoh:

Pursuant to your request, we have reviewed and commented on the proposed Presidential Decision Directive. This transmittal letter communicates our views regarding the provisions of the document.

We were pleased to see that the efforts of the Joint Security Commission have been embodied in the draft. This agency is agreeable to many of the recommendations, and strongly supports them in principle. Also, we strongly support the concept of the national level Security Executive Committee, and are equally pleased to observe that the original, multi-agency structure has been reestablished.

Our only comment to the proposal is that the representative from this agency will be our Under Secretary, as that office has cognizance over our National Security activities. I look forward to discussing the next steps in this process, and the Department of Energy is anxious to embark on this collaborative enterprise.

Sincerely,



John G. Keliher
Director
Office of Nonproliferation and
National Security



WHITE HOUSE STAFFING MEMORANDUM

DATE: 8/4/94

ACTION/CONCURRENCE/COMMENT DUE BY: 8/10

SUBJECT: Nomination of Major General Thomas M. Montgomery, USA, for appointment to the grade of lieutenant general and a recommendation for his assignment as U.S. Representative to the North Atlantic Treaty Organization Military Committee.

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	McGINTY	☐	☐
PANETTA	☐	☐	MYERS	☐	☐
McLARTY	☐	☐	QUINN	☐	☐
LADER	☐	☐	RASCO	☐	☐
ICKES	☐	☐	RUBIN	☐	☐
RIVLIN	☐	☐	SEGAL	☐	☐
BAGGETT	☐	☐	SEIDMAN	☐	☐
CUTLER	☐	☐	STEPHANOPOULOS	☐	☐
EMANUEL	☐	☐	TYSON	☐	☐
GEARAN	☐	☐	VARNEY	☐	☐
GERGEN	☐	☐	WILLIAMS	☐	☐
GIBBONS	☐	☐	<i>Bell</i>	☒	☐
GRIFFIN	☐	☐	<i>Clerk</i>	☒	☒
HALE	☐	☐		☐	☐
HERMAN	☐	☐		☐	☐
LAKE	☐	☐		☐	☐
LINDSEY	☐	☐		☐	☐

REMARKS:

RESPONSE:

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

Anthony Lake

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

THE WHITE HOUSE
WASHINGTON

August 1, 1994

94 AUG 14 All: 21

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *for TK*
FROM: ALPHONSO MALDON, JR. *for W. J. Power*
DEPUTY ASSISTANT TO THE PRESIDENT AND
DIRECTOR, WHITE HOUSE MILITARY OFFICE
SUBJECT: General Officer Nomination

Forwarded for your approval and signature is the nomination of Major General Thomas M. Montgomery, United States Army, for appointment to the grade of lieutenant general and a recommendation for his assignment as U. S. Representative to the North Atlantic Treaty Organization Military Committee.

The Secretary of Defense has attached an evaluation of General Montgomery's performance in two joint assignments from the Chairman of the Joint Chiefs of Staff.

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

Recommendation

That you approve and sign the attached.

Attachment



THE SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1000

29 JUL 1994

MEMORANDUM FOR THE PRESIDENT

SUBJECT: General Officer Nomination

I recommend you assign Major General Thomas M. Montgomery, United States Army, as United States Representative to the North Atlantic Treaty Organization Military Committee. I further recommend you nominate General Montgomery, age 53, for appointment to the grade of lieutenant general. This position of importance and responsibility was previously designated to carry the grade of lieutenant general. He currently serves as Special Assistant to the Chief of Staff of the Army, Office of the Chief of Staff, United States Army. He will succeed Lieutenant General Daniel W. Christman, United States Army, who is being nominated for another position.

In order to carry out the duties and responsibilities of the proposed assignment, a general officer must have demonstrated highly effective performance in senior leadership positions. He must possess a thorough understanding of the NATO structure and the requirements of the European theater of operations. General Montgomery meets these qualifications.

As required by Title 10, United States Code, Section 601(d)(1), I have attached an evaluation of General Montgomery from the Chairman of the Joint Chiefs of Staff while assigned to two joint assignments.

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

A handwritten signature, likely of William J. Perry, is written in the lower right area of the page. The signature is in cursive and appears to read "William J. Perry".

Attachment



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

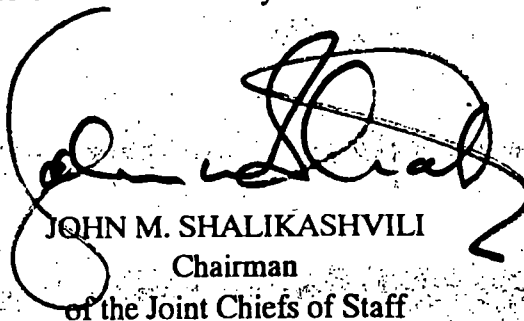
WASHINGTON, D.C. 20318-9999

**CN-294-94
22 June 1994**

**MEMORANDUM FOR: Secretary of Defense
Deputy Secretary of Defense**

Subject: General Officer Nomination

1. In accordance with the provisions of title 10, United States Code, and DOD Instruction 1320.4, the Secretary of the Army has recommended Major General Thomas M. Montgomery for assignment as US Representative to the North Atlantic Treaty Organization Military Committee and appointment to the grade of lieutenant general.
2. I have reviewed Major General Montgomery's performance in two joint assignments. As Deputy Defense Advisor, US Mission to the North Atlantic Treaty Organization, Brussels, Belgium, he assured the continuity, coordination, and implementation of the Defense Advisor's policies, and managed the integration of efforts by the various elements of the Defense Advisor's staff. He oversaw the Ambassador's relations and contacts with the most senior military officers and headquarters of the NATO structure and of the US forces, as well as with foreign senior diplomats, flag officers, and ambassadorial and other senior officials of the Departments of Defense and State. As Deputy Force Commander, United Nations Operations Somalia II/Commander, US Forces, Somalia, he was key to forging a 29-nation coalition to conduct military operations in the Horn of Africa. Under his leadership, UNOSOM II performed unprecedented peace enforcement operations. He organized the redeployment of major coalition forces, including the Canadian Airborne, French, Belgium, and Italian brigades, as well as the withdrawal of US forces from the theater of operations. I am confident he is well qualified for this assignment and advancement.
3. I concur in the Secretary's nomination of Major General Montgomery for this assignment and appointment to the grade of lieutenant general and recommend you forward the enclosed nomination to the President for approval.


JOHN M. SHALIKASHVILI
Chairman
of the Joint Chiefs of Staff

Enclosure

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002a. letter	[Thomas M. Montgomery] [Personally Identifiable Information] [partial] (1 page)	06/22/1994	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

Chron File - August 1994 #1 [4]

2016-0152-F

vz4608

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]

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.

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

The White House

Washington

To the Senate of the United States:

I nominate:

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be Lieutenant General

Major General Thomas M. Montgomery, (b)(6) United States Army

[002a]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002b. resume	Resume of Service Career of Thomas M. Montgomery. (3 pages)	05/06/1994	b(6)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

Chron File - August 1994 #1 [4]

2016-0152-F
vz4608

RESTRICTION CODES

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

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IMMEDIATE RELEASE

No.

(703) 697-5131 (media)

(703) 697-3189 (copies)

(703) 697-5737 (public/industry)

GENERAL OFFICER ANNOUNCEMENT

Secretary of Defense William J. Perry announced today that the President has nominated Major General Thomas M. Montgomery, United States Army, for appointment to the grade of lieutenant general and assignment as United States Representative to the North Atlantic Treaty Organization Military Committee. Since March 1994, he has served as the Special Assistant to the Chief of Staff of the Army, Office of the Chief of Staff, United States Army, Washington, DC.

Major General Montgomery was born on January 23, 1941, in Indianapolis, Indiana.

-END-

TO: LAKE

FROM: PENA, F

DOC DATE: 05 AUG 94
SOURCE REF:

KEYWORDS: DEFENSE POLICY
INTELLIGENCE

PDD

PERSONS:

SUBJECT: TRANSPORTATION COMMENTS ON DRAFT PDD ON NATL SECURITY
POLICY COORDINATION

ACTION: FOR RECORD PURPOSES

DUE DATE: 05 AUG 94 STATUS: C

STAFF OFFICER: MISLOCK

LOGREF: 9420743

FILES: IFD

NSCP:

CODES:

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

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL

MISLOCK

NSC CHRON

TENET

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSKDB

CLOSED BY: NSKDB

DOC 9 OF 9

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9420915

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001	X	94080214	FOR RECORD PURPOSES
002	X	94080216	FOR RECORD PURPOSES
003	X	94080314	FOR RECORD PURPOSES
004	X	94080314	FOR RECORD PURPOSES
005	X	94080316	FOR RECORD PURPOSES
006	X	94080515	FOR RECORD PURPOSES
007	X	94080518	FOR RECORD PURPOSES
008	X	94080909	FOR RECORD PURPOSES
009	X	94080909	FOR RECORD PURPOSES

UNCLASSIFIED



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

20915

AUG 5 1994

The Honorable W. Anthony Lake
Assistant to the President
for National Security Affairs
The White House
Washington, D.C. 20500

Dear Mr. Lake:

Thank you for your letter regarding the draft Presidential Decision Directive on National Security Policy Coordination. I concur with the policies, practices and procedures outlined in this Directive to achieve our national security goals.

I appreciate the opportunity for the Department of Transportation (DOT) to participate as a member of the Security Policy Forum. I assume that U.S. Coast Guard, as a "military department" under DOT, will also be afforded membership. I also request that DOT be represented on the Overseas Policy Board. DOT, primarily through international aviation and maritime issues, has considerable interests and responsibilities in international security policy and should have representation on this Board.

Thank you for the opportunity to comment on this draft directive.

Sincerely,

A handwritten signature in cursive script, which appears to read 'Federico Peña', is written above the printed name.

Federico Peña



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

400 Seventh St., S.W.
Washington, D.C. 20590

AUG 5 1994

Mr. William H. Itoh
Executive Secretary
National Security Council
Washington, DC 20506

Dear Mr. Itoh:

Enclosed is a copy of Secretary Peña's response to Mr. Lake concerning the Draft PDD on National Security Policy Coordination.

Sincerely,

Margarita Roque

Margarita Roque
Director
Executive Secretariat

Enclosure

August 5, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM:

ROBERT BELL *RBB*

SUBJECT:

Reply to Senators on Idaho Training Range

Senators Inouye, Reid and Campbell have written the President expressing their strong opposition to the establishment in Southwestern Idaho of a new bombing range for the 366th Composite Wing at Mountain Home Air Force Base, Idaho (Tab B). The range, known as the Idaho Training Range (ITR), is strongly supported by the Air Force, OSD, Governor Andrus and the Idaho Congressional Delegation. The ITR is strongly opposed by the national environmental groups, Members of Congress with strong pro-environment records and Congressional delegations from states that adjoin Southwestern Idaho.

According to Phil Lader, Defense has been asked to take another three weeks to refine certain issues related to the draft Environmental Impact Statement (EIS) before the White House makes a final decision on having the Air Force release the EIS. That will also afford us time to coordinate a substantive reply to the Senators' letter. In the meantime, per your instructions the proposed reply at Tab A will serve as an interim response.

Concurrence by:

[Signature]
Eileen Claussen

RECOMMENDATION

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

Attachments

Tab I	Memo to the President
Tab A	Letter to Members of Congress
Tab B	Incoming Correspondence

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
PHIL LADER
SUSAN BROPHY

SUBJECT: Letter to Senators RE: Idaho Training Range

Purpose

To provide an interim reply to a July 27 letter from Senators Inouye, Reid and Campbell (Tab B) expressing their strong opposition to the establishment of the Idaho Training Range (ITR).

Background

As you know, the senior White House staff has held a number of meetings over the past several months on the question of the Air Force's proposal to establish the ITR in Southwestern Idaho. You have spoken to Governor Andrus and Teresa Heinz, among others, about this issue. Secretary Widnall and Deputy Secretary Deutch are continuing to address a number of specific issues related to the Air Force's Environmental Impact Statement (EIS) before you make a final decision later this summer whether to have the Air Force release the EIS.

The proposed interim reply at Tab A notes that you will consider the Senators' views carefully before you make any final decisions concerning ITR and promises to get back to them soon concerning the specific issues raised in their letter.

RECOMMENDATION

That you sign the letters to the Senators at Tab A.

Attachments

Tab A Letter to Members of Congress
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Danny:

Thank you for your July 27 letter concerning the proposed establishment of the Idaho Training Range (ITR). As I continue to review the legal, environmental, national security and Native American concerns that bear on this decision, I appreciate knowing of your strong opposition to this proposal.

The points you raise in your letter are important points and deserve careful answers. I will be back in touch with you before I make any final decisions on this important issue.

Sincerely,

The Honorable Daniel K. Inouye
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

Dear Harry:

Thank you for your July 27 letter concerning the proposed establishment of the Idaho Training Range (ITR). As I continue to review the legal, environmental, national security and Native American concerns that bear on this decision, I appreciate knowing of your strong opposition to this proposal.

The points you raise in your letter are important points and deserve careful answers. I will be back in touch with you before I make any final decisions on this important issue.

Sincerely,

The Honorable Harry M. Reid
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

Dear Ben:

Thank you for your July 27 letter concerning the proposed establishment of the Idaho Training Range (ITR). As I continue to review the legal, environmental, national security and Native American concerns that bear on this decision, I appreciate knowing of your strong opposition to this proposal.

The points you raise in your letter are important points and deserve careful answers. I will be back in touch with you before I make any final decisions on this important issue.

Sincerely,

The Honorable Ben Nighthorse Campbell
United States Senate
Washington, D.C. 20510

United States Senate

WASHINGTON, DC 20510-2803

July 27, 1994

The Honorable William J. Clinton
President of the United States
The White House
Washington, DC 20500

Dear Mr. President:

We are writing to express our concern over an Air Force proposal to create a new bombing range in Southwestern Idaho. This project, referred to as the Idaho Training Range (ITR), would support units assigned to Mountain Home Air Force Base, Idaho. This proposal is ill-advised, violates federal law, and would irreparably harm Native Americans.

We are concerned that the Department of the Interior will be circumventing the intent of the Engle Act by transferring land to the State of Idaho to be used by the Air Force for defense related purposes. The Engle Act mandates that withdrawal of public land for defense purposes shall be done by an act of Congress. This plan to ignore the Engle Act undermines the role of the Congress, and we do not believe it would be acceptable to the Senate.

The numerous adverse impacts on Native Americans are particularly disturbing. Increased low-level overflights at the Duck Valley Indian Reservation will create major disruptions to the daily lives of the Shoshone-Paiute Tribes. Even more serious is the destruction of sacred religious and burial sites by the proposed bombing range. Finally, the Tribes have notified the Secretary of the Interior that the federal lands proposed to be converted to a bombing range cannot be legally conveyed to the State of Idaho for use as an Air Force bombing range because they are aboriginal lands belonging to the tribes. This issue needs to be resolved before any decision can be made on creating the proposed range.

We are also concerned about creating additional Defense infrastructure at a time when we are trying to close bases. It is not really clear that the Air Force really needs another range. Existing ranges should be able to meet the training needs of the units stationed at Mountain Home. This would require coordination and scheduling actions with other users of the existing ranges. This effort would be significantly less costly

Page 2

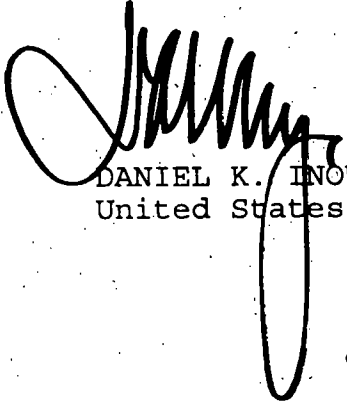
than creating, operating, maintaining, and eventually disposing of this new bombing range.

While the benefits of the proposed range appear to have limited military or public benefit, there are a number of serious adverse environmental impacts that will occur as a result of the proposed range. Hunting and other outdoor recreation opportunities will have significant reductions in quality. Low level overflights associated with the bombing range will severely impact the serene natural setting normally associated with these activities.

This new bombing range does not seem to be a well thought-out proposal. It appears that the Air Force is trying to reach a hasty decision on an idea developed by the State of Idaho. They are planning to implement the new range based on decisions made by appointed officials rather than having the decision made by elected officials as required by the Engle Act. The Congress addressed this issue during last year's appropriations process by directing the Secretary of Defense to certify the military necessity on the new range. This certification has still not been provided.

We ask that you direct the Secretaries of Defense and the Interior to consider the points raised above before they make any decisions related to the proposed Idaho Training Range. The need for a new bombing range must be clearly documented to the Congress as part of a request for a public lands withdrawal in accordance with the Engle Act. If the range is truly needed, then Congress can include appropriate conditions in the legislation authorizing the land withdrawal.

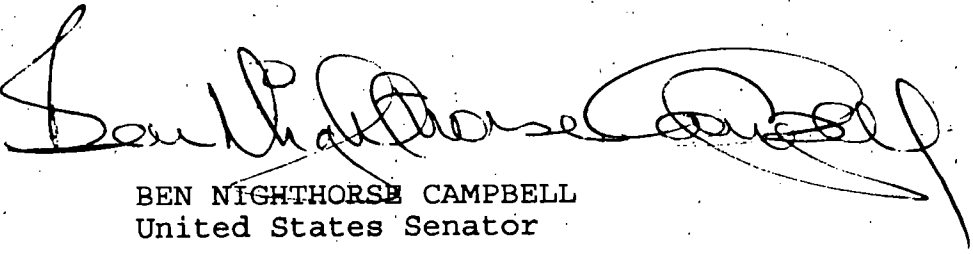
Sincerely,



DANIEL K. INOUE
United States Senator



HARRY REID
United States Senator



BEN NIGHTHORSE CAMPBELL
United States Senator

August 5, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT G. BELL *RGB*

FROM: STEVEN R. JONES *SJ*

SUBJECT: Proposed Statement of Administration Policy RE: H.R. 4489
NASA Authorizations, FY 95-96 (LRM #I-3541)

OMB has requested NSC views on the attached House Authorization bill for NASA. NASA has numerous concerns about various provisions of the subject bill, but the OMB, NASA and OSTP staff consensus is that the Administration should support the bill while continuing to work for changes as the legislative process continues.

The proposed change in wording of the Administration position has been discussed with both OMB and OSTP. I recommend that Section 119 specifically be cited as a section for which we will continue to seek changes. This section links several overly obtrusive reporting and Presidential certification requirements with approval for the transfer of any NASA funds authorized by this bill to Russia, including those for the Space Station. Draft NASA comments regarding the Section 119 are included at Tab II for reference.

Concurrences by: *WJ* Bill Danvers, *RG* Rose Gottemoeller

RECOMMENDATION

That you sign the memorandum at Tab I.

Attachment

Tab I Memorandum for Signature
Tab II NASA Draft Comments on Section 119
Tab III Incoming Correspondence

MEMORANDUM FOR JAMES J. JUKES

FROM: WILLIAM H. ITOH

SUBJECT: Proposed Statement of Administration Policy RE: H.R. 4489
NASA Authorizations, FY 95-96 (LRM #I-3541)

The National Security Council staff recommends that the Statement of Administration Policy on the subject NASA Authorization bill be revised to cite our intent to continue to seek changes in Section 119, "Limitations on Payments to Russia," while supporting passage of the bill. This position has been discussed with Mr. Jeffrey Weinberg of your office.

Excerpt From
NASA Draft Comments on
NASA Authorization Bill

11.

expanded to permit us to award such contracts not related to the Space Station program. Accordingly, we would recommend that the word "for the Space Station program" be deleted in subsection 117(a).

Section 117(b) would only allow NASA to use funds for termination liability purposes which were originally available for performance of the contract which was terminated, or "unobligated appropriations authorized for Human Space Flight under this Act or any subsequent Act..." This limitation would exclude a significant amount of funds which are or may be available in the future to satisfy these obligations. Accordingly, we would recommend the insertion of the words "or other unobligated appropriations currently available for any purpose or from funds appropriated to make termination payments," between the second use of the word "Act" and the word "that," in subsection (b)(2).

Section 118, "Voluntary Separation Incentives," would direct NASA, to the maximum extent practicable, to offer voluntary separation incentive payments pursuant to the Federal Workforce Restructuring Act. NASA has already exercised buyout authority under this statute. NASA currently has no plans to offer another buyout.



Section 119, "Limitation on Transfers to Russia," provides that no funds authorized to be appropriated to NASA may be paid or otherwise transferred to Russia unless authorized by this legislation; the payment/transfer is made for goods and services in accordance with a written agreement between NASA and Russia; Russia provides a monthly report that fully accounts for the disposition of the funds; and the President certifies to Congress before such payment and annually thereafter that the presence of any troops of, and any action by, the Russian Federation or the Commonwealth of Independent States in Estonia, Latvia, Lithuania or any other state of the former Soviet Union do not violate the sovereignty of those independent states.

NASA strongly objects to Section 119. This section would impose a number of requirements and restrictions on NASA, and in effect, the Government of Russia. These various restrictions and requirements are not realistic and would impose onerous reporting and certification requirements with no obvious relevance to the NASA mission. These restrictions and requirements would appear to be inconsistent with current and anticipated international agreements and contractual arrangements. The NASA Authorization bill also should not be used as a forum for the statement of United States foreign policy. We have the following specific comments:

12.

Subsection (a) states that no funds authorized by this Act "may be paid or otherwise transferred to Russia unless" five requirements are met. While the phrase "paid or otherwise transferred" is not defined, it would apparently encompass payments pursuant to a contract, grant, cooperative agreement, or other agreement, so long as the funds authorized by this Act were to be transferred to Russia. This subsection would only apply to funds transferred to the Government of Russia, as defined in subsection (b), which would cover most NASA contracts and, obviously, all of our international agreements. This subsection does not specify whether it would cover payments or transfers made by NASA only, or transfers by others that have received appropriated funds. If such appropriated funds fell within subsection (a), the funds could not be transferred unless all of the following (5) requirements had been met.

First, paragraph (1) requires the purpose of the payment be authorized by this Act. This restriction is redundant, because all funds authorized by this Act may only be used as "authorized by this Act."

Paragraph (2) authorizes NASA to transfer funds appropriated by this Act to Russia "in exchange for goods and services that have been provided to [NASA] and Russia...." Accordingly, this provision would authorize NASA to transfer funds pursuant to a contract with Russia for goods and services, such as that recently negotiated. However, the present contract between NASA and the Russian Space Agency provides for advance payments, which were critical to the successful negotiation of the contract. Paragraph (2) states that the transfer is to be "made in exchange for goods and services...." This limitation would appear to preclude the transfer of funds authorized by the bill for making advance payments, and would be inconsistent with our current contract. In addition, NASA has a number of cooperative agreements with Russia, and anticipates the award of cooperative agreements and grants in the future. However, this paragraph only permits the transfer of funds "for goods and services." The Federal Grants and Cooperative Agreements Act, 31 U.S.C. 6301 et seq, requires agencies to award procurement contracts if the intent is to acquire property or services. (31 U.S.C. 6306). Accordingly, it seems that paragraph (2) only contemplates and permits the use of funds authorized by this bill for procurement contracts, not cooperative agreements or grants. Funds subject to this provision could not be used to fund present or future cooperative agreements or grants with Russia.

Paragraph (3) requires a monthly report and specifies the topics to be addressed. Paragraph (4) imposes an additional requirement that a payment may not be made unless Russia has

provided "all monthly reports" pursuant to paragraph (3). The NASA/Russian Space Agency (RSA) \$400 million contract requires that the RSA submit a quarterly report which includes the information detailed in paragraph (3). This term was included in the contract to satisfy Congressional requirements for financial reporting on funds received by the RSA. The condition requiring Russia to provide this information monthly, and to limit further payments to the RSA in the absence of a monthly report is unnecessary, burdensome and counterproductive to the successful implementation of the international Space Station program.

Finally, paragraph (a)(5) would require the President to certify, before NASA makes any payment to Russia, that the presence of any troops of, or any action by, the Russian Federation or the Commonwealth of Independent States in Estonia, Latvia, Lithuania, or any other state of the former Soviet Union, does not violate the sovereignty of those independent states. These issues are important, but NASA objects to the fact that this paragraph would predicate funding for the space program on the execution of a certification on foreign policy considerations beyond NASA-related programmatic issues. Additionally, we believe this provision is unworkable as NASA will, according to its contract with the RSA, make hundreds of individual payments during the course of the contract. Not only will the White House not be able to certify all these payments, the extra delay introduced will impede the conduct of the activities under the contract. We defer to the State Department and the Administration to comment further on the foreign policy implications of this paragraph and the other aspects of Section 119. For all the reasons noted above, NASA strongly opposes this entire provision.

Section 120, "Space Station Spending Cap," would limit the total amount of spending for the Space Station to \$2,120.9 million for FY 1995 and \$2,122.1 million for FY 1996. This limitation would "not apply to amounts provided for payments to Russia for Phase I of the international Space Station." NASA would prefer that a Space Station funding cap not be included in this legislation. However, if this provision is retained, the stated FY 1996 Space Station funding cap of \$2,122.1 million should be changed to \$2,140.7 million to reflect the President's estimate.

Section 120', Consortium for International Earth Science Information Network (CIRESIN) Building, would prohibit the obligation of more than \$27 million for a new CIRESIN building and or before 90 days after the completion of a building prospectus by the General Services Administration. NASA concurs with the limitation in obligation of \$27 million for the construction of a new building for CIRESIN. However, we do not agree with the requirement for a building prospectus by the

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. memo	Legislative Referral Memorandum LRM #I-3541. [CIA Act] [partial] (1 page)	08/04/1994	P3/b(3)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 265

FOLDER TITLE:

Chron File - August 1994 #1 [4]

2016-0152-F
vz4608

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]

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

August 4, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-3541

TO: Legislative Liaison Officer -

COMMERCE - Michael A. Levitt - (202)482-3151 - 324
DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
STATE - Julia C. Norton - (202)647-4463 - 225
TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
NASA - Jeff Lawrence - (202)358-1948 - 219
NEC - Sonyia Matthews - (202)456-6630 - 429
NSC - William H. Itoh - (202)395-3723 - 249
CIA - (b)(3)
INTERIOR - Jane Lyder - (202)208-4371 - 329
OSTP - Rossella D'Allessandro - (202)456-6014 - 288
USTR - Fred Montgomery - (202)395-3475 - 223
SBA - Kris Swadin - (202)205-6702 - 315

[003]

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

OMB CONTACT: Jeffrey WEINBERG (395-3457)
Secretary's line (for simple responses): 395-3454

SUBJECT: Proposed Statement of Administration Policy
RE: HR 4489, NASA Authorizations, FYs 95-96

DEADLINE: 3:30PM August 4, 1994

THIS TRANSMISSION CONTAINS 3 PAGE(S) (total).

COMMENTS: HR 4489 is scheduled for House floor action on the suspension calendar on Monday, August 8th.

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:

Greg Simon
Suzanne Ramos
Rich Dalbello
Jeff Hofgard
Kathy Peroff
Jack Fellows

Bruce Campbell
Steve Isakowitz
Jeff Payne
Jae Rhee
Matthew Blum, OPFPP

You may also respond by (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); (2) sending us a memo or letter; or (3) if you are an OASIS user in the Executive Office of the President, sending an E-mail message. Please include the LRM number shown above, and the subject shown below.

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur _____

_____ No objection _____

_____ No comment _____

_____ See proposed edits on pages _____

_____ Other: _____

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

DRAFT

August 4, 1994
(House)

H.R. 4489 - National Aeronautics and Space Administration
Authorization, Fiscal Years 1995 and 1996
(Brown (D) CA)

The Administration supports House passage of H.R. 4489 and will seek improvements as the bill moves through the legislative process, *changes*

, specifically in Sections 119, —, and —,

*other sections
provided by
NASA, OSTP.*

August 5, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM:

ROBERT BELL *RBB*

SUBJECT:

Reply to Senators on Idaho Training Range

Senators Inouye, Reid and Campbell have written the President expressing their strong opposition to the establishment in Southwestern Idaho of a new bombing range for the 366th Composite Wing at Mountain Home Air Force Base, Idaho (Tab B). The range, known as the Idaho Training Range (ITR), is strongly supported by the Air Force, OSD, Governor Andrus and the Idaho Congressional Delegation. The ITR is strongly opposed by the national environmental groups, Members of Congress with strong pro-environment records and Congressional delegations from states that adjoin Southwestern Idaho.

According to Phil Lader, Defense has been asked to take another three weeks to refine certain issues related to the draft Environmental Impact Statement (EIS) before the White House makes a final decision on having the Air Force release the EIS. That will also afford us time to coordinate a substantive reply to the Senators' letter. In the meantime, per your instructions the proposed reply at Tab A will serve as an interim response.

Concurrence by:

[Signature]
Eileen Claussen

RECOMMENDATION

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

Attachments

Tab I	Memo to the President
Tab A	Letter to Members of Congress
Tab B	Incoming Correspondence

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
PHIL LADER
SUSAN BROPHY

SUBJECT: Letter to Senators RE: Idaho Training Range

Purpose

To provide an interim reply to a July 27 letter from Senators Inouye, Reid and Campbell (Tab B) expressing their strong opposition to the establishment of the Idaho Training Range (ITR).

Background

As you know, the senior White House staff has held a number of meetings over the past several months on the question of the Air Force's proposal to establish the ITR in Southwestern Idaho. You have spoken to Governor Andrus and Teresa Heinz, among others, about this issue. Secretary Widnall and Deputy Secretary Deutch are continuing to address a number of specific issues related to the Air Force's Environmental Impact Statement (EIS) before you make a final decision later this summer whether to have the Air Force release the EIS.

The proposed interim reply at Tab A notes that you will consider the Senators' views carefully before you make any final decisions concerning ITR and promises to get back to them soon concerning the specific issues raised in their letter.

RECOMMENDATION

That you sign the letters to the Senators at Tab A.

Attachments

Tab A Letter to Members of Congress
Tab B Incoming Correspondence

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Danny:

Thank you for your July 27 letter concerning the proposed establishment of the Idaho Training Range (ITR). As I continue to review the legal, environmental, national security and Native American concerns that bear on this decision, I appreciate knowing of your strong opposition to this proposal.

The points you raise in your letter are important points and deserve careful answers. I will be back in touch with you before I make any final decisions on this important issue.

Sincerely,

The Honorable Daniel K. Inouye
United States Senate
Washington, D.C. 20510

THE WHITE HOUSE
WASHINGTON

Dear Harry:

Thank you for your July 27 letter concerning the proposed establishment of the Idaho Training Range (ITR). As I continue to review the legal, environmental, national security and Native American concerns that bear on this decision, I appreciate knowing of your strong opposition to this proposal.

The points you raise in your letter are important points and deserve careful answers. I will be back in touch with you before I make any final decisions on this important issue.

Sincerely,

The Honorable Harry M. Reid
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

Dear Ben:

Thank you for your July 27 letter concerning the proposed establishment of the Idaho Training Range (ITR). As I continue to review the legal, environmental, national security and Native American concerns that bear on this decision, I appreciate knowing of your strong opposition to this proposal.

The points you raise in your letter are important points and deserve careful answers. I will be back in touch with you before I make any final decisions on this important issue.

Sincerely,

The Honorable Ben Nighthorse Campbell
United States Senate
Washington, D.C. 20510

HARRY REID
NEVADA

United States Senate

WASHINGTON, DC 20510-2803

July 27, 1994

The Honorable William J. Clinton
President of the United States
The White House
Washington, DC 20500

Dear Mr. President:

We are writing to express our concern over an Air Force proposal to create a new bombing range in Southwestern Idaho. This project, referred to as the Idaho Training Range (ITR), would support units assigned to Mountain Home Air Force Base, Idaho. This proposal is ill-advised, violates federal law, and would irreparably harm Native Americans.

We are concerned that the Department of the Interior will be circumventing the intent of the Engle Act by transferring land to the State of Idaho to be used by the Air Force for defense related purposes. The Engle Act mandates that withdrawal of public land for defense purposes shall be done by an act of Congress. This plan to ignore the Engle Act undermines the role of the Congress, and we do not believe it would be acceptable to the Senate.

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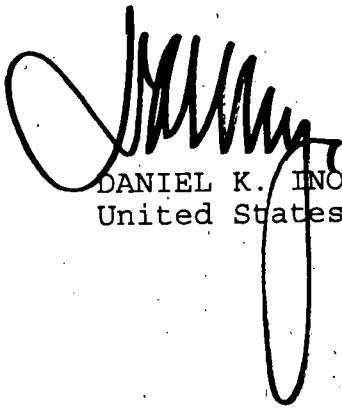
than creating, operating, maintaining, and eventually disposing of this new bombing range.

While the benefits of the proposed range appear to have limited military or public benefit, there are a number of serious adverse environmental impacts that will occur as a result of the proposed range. Hunting and other outdoor recreation opportunities will have significant reductions in quality. Low level overflights associated with the bombing range will severely impact the serene natural setting normally associated with these activities.

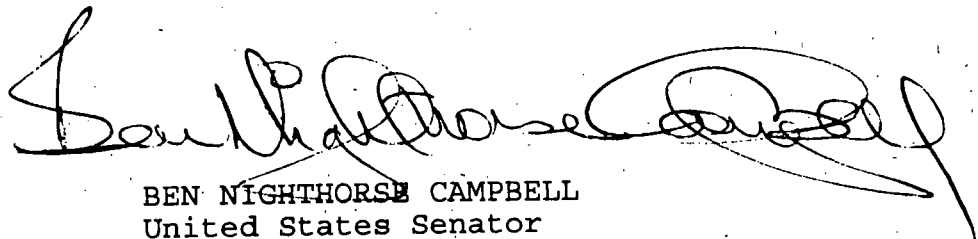
This new bombing range does not seem to be a well thought-out proposal. It appears that the Air Force is trying to reach a hasty decision on an idea developed by the State of Idaho. They are planning to implement the new range based on decisions made by appointed officials rather than having the decision made by elected officials as required by the Engle Act. The Congress addressed this issue during last year's appropriations process by directing the Secretary of Defense to certify the military necessity on the new range. This certification has still not been provided.

We ask that you direct the Secretaries of Defense and the Interior to consider the points raised above before they make any decisions related to the proposed Idaho Training Range. The need for a new bombing range must be clearly documented to the Congress as part of a request for a public lands withdrawal in accordance with the Engle Act. If the range is truly needed, then Congress can include appropriate conditions in the legislation authorizing the land withdrawal.

Sincerely,


DANIEL K. INOUE
United States Senator


HARRY REID
United States Senator


BEN NIGHTHORSE CAMPBELL
United States Senator