Case Number: 2016-0152-F

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Folder Title:				
Chron File - August 1994 #1 [5]				
Staff Office-Individual:				
Defense Policy-Bell, Robert				
Original OA/ID Number:				
265				
Row:	Section:	Shelf:	Position:	Stack:
31	3	4	3	V

Withdrawal/Redaction Sheet
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	For William Itoh from Steven Andreasen. Subject: Approval Requested to Brief Galvin Task Force. Record ID: 9420940. (1 page)	08/08/1994	P1/b(1)
002a. cable	Duplicate of vz4607_002a. (2 pages)	07/02/1994	P1/b(1)
002b. cable	Duplicate of vz4607_002a. (2 pages)	07/02/1994	P1/b(1)
003. memo	Duplicate of 001. (1 page)	08/08/1994	P1/b(1)

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 [5]

2016-0152-F
vz4609

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

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

August 5, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT G. BELL RGB

FROM: STEVEN R. JONES

SUBJECT: Enrolled Bill H.R. 4429, Naval Vessel Transfer Authorization Act (EB Request #280)

The attached enrolled bill authorizes the transfer of specified naval vessels to certain foreign countries. The bill is strongly supported by DoD and the Navy, who want to see its passage and signature into law expedited. It has passed the House and is currently awaiting passage in the Senate. Because of the extremely tight OMB suspense, after checking with OMB and the Navy, I phoned in concurrence to Holly Fitter on August 4 at 1:50 p.m.

Concurrence by: Bill Danvers

RECOMMENDATION

That you sign the memorandum at Tab I.

Attachments
Tab I Memorandum for Signature
Tab II Incoming Correspondence

Declassifiy on: OADR

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

MEMORANDUM FOR HOLLY FITTER

FROM: WILLIAM H. ITOH

SUBJECT: Enrolled Bill H.R. 4429, Naval Vessel Transfer Authorization Act (EB Request #280)

The National Security Council staff concurs with the subject enrolled bill authorizing certain naval vessel transfers to foreign countries.

6317

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

August 2, 1994

ENROLLED BILL REQUEST

EB Request #280

TO: LEGISLATIVE LIAISON OFFICERS
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
TREASURY - Richard S. Carro - (202)622-1146 - 228
NSC - William H. Itoh - (202)395-3723 - 249

OMB CONTACT: Holly FITTER (395-3233)

Concurrence Called in 8/4/96 @ 1350.

SUBJECT: ENROLLED BILL - HR 4429
Naval Vessel Transfer Authorization Act

COMMENTS See pages S 9130-33 and H 6515-6 of the July 15, 1994, and the August 1, 1994, Congressional Record, respectively. As a further assist, attached is a copy of HR 4429 as amended by the House on 8/1/94. The Senate will pass the attached version this week.

In accordance with OMB Circular No. A-19, your written views and recommendation for Presidential action are requested on the subject enrolled bill.

Please consult section 10 of OMB Circular No. A-19, pages 12-14, for instructions regarding the preparation of enrolled bill letters and the procedures to be followed on enrolled bills.

Within TWO DAYS (including Saturdays and holidays but excluding Sundays) after receipt of the facsimile, an original and one copy of your reply should be hand delivered to the New Executive Office Building (NEOB).

In order to expedite the handling of your reply, please

- mark the envelope "Enrolled Bill";
- indicate the legislative analyst's name and phone number on the envelope; and
- instruct your messenger to call the legislative analyst from the NEOB lobby to pick up the envelope. (The envelope should NOT be left in the mail room in the NEOB lobby.)

Your cooperation in meeting this deadline is needed to provide maximum time for Presidential action on the enrolled bill.

A regular facsimile of the enrolled bill is being sent to you by the messenger service.

It is also of considerable assistance to us if you fax advance copies of letters, signing statements, and veto messages.

JAMES C. MURR
Assistant Director for
Legislative Reference

Navy: Pam White 703-697-5759

Suspend the Rules and Concur in Senate Amendments to H.R. 4429 with Further Amendments

(Amendment 12 is Modified)

103d CONGRESS
2d Session

H.R. 4429

To authorize the transfer of naval vessels to certain foreign countries

---

August 1, 1994

Printed with the amendments of the Senate numbered

A BILL

To authorize the transfer of naval vessels to certain foreign countries.

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

~~SECTION 1. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.~~

(1)~~(a) Argentina.—The Secretary of the Navy is authorized to transfer to the Government of Argentina the 'NEWPORT' class tank landing ship LA MOURE COUNTY (LST-1194). Such transfer shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).~~

(2)~~(b) Australia.--The~~ *(a) Australia.--Subject to section 6, the* Secretary of the Navy is authorized to transfer to the Government of Australia the 'NEWPORT' class tank landing ships SAGINAW (LST 1188) and FAIRFAX COUNTY (LST 1193). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(3)~~(c) Brazil.--The~~ *Subject to section 6, the* Secretary of the Navy is authorized to transfer to the Government of Brazil the 'NEWPORT' class tank landing ship CAYUGA (LST 1186) and the 'KNOX' class frigates MILLER (FF 1091) and VALDEZ (FF 1096). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(4)~~(d) Chile.--The Secretary of the Navy is authorized to transfer to the Government of Chile the 'NEWPORT' class tank landing ships FREDERICK (LST 1184) and SAN BERNARDINO (LST 1189). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).~~

~~(e) Malaysia.--The Secretary of the Navy is authorized to transfer to the Government of Malaysia the 'NEWPORT' class tank landing ship SPARTANBURG COUNTY (LST 1192). Such transfer shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).~~

(5)~~(f) Morocco.--The~~ *(c) Morocco.--Subject to section 6, the*

Secretary of the Navy is authorized to transfer to the Government of Morocco the 'NEWPORT' class tank landing ship BRISTOL COUNTY (LST 1198). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

(6)~~(g) Spain.--The~~ *(d) Spain.--Subject to section 6, the* Secretary of the Navy is authorized to transfer to the Government of Spain the 'NEWPORT' class tank landing *(7)*~~ships HARLAN COUNTY (LST 1196) and~~ *ship* BARNSTABLE COUNTY (LST 1197). Such *(8)*~~transfers~~ *transfer* shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(9)~~(h) Taiwan.--The Secretary of the Navy is authorized to transfer to the Coordination Council for North American Affairs (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the 'NEWPORT' class tank landing ships SCHENECTADY (LST 1185), BOULDER (LST 1190), and RACINE (LST 1191). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).~~

~~(i) Venezuela.--The Secretary of the Navy is authorized to transfer to the Government of Venezuela the 'NEWPORT' class tank landing ships PEORIA (LST 1183 and TUSCALOOSA (LST 1187). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).~~

SECTION 2. WAIVER OF REQUIREMENTS FOR NOTIFICATION TO CONGRESS.

The following provisions do not apply with respect to the transfers authorized by this Act:

(1) In case of a grant under section 516 of the Foreign Assistance Act of 1961, subsection (c) of that section and any similar provision *(10) of law*.

(2) In the case of a sale under section 21 of the Arms Export Control Act, section 525 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103-87) and any similar, successor provision *(11) of law*.

(3) In the case of a lease under section 61 of the Arms Export Control Act, section 62 of that Act (except that section 62 of that Act shall apply to any renewal of the lease).

SECTION 3. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this Act shall be charged to the recipient.

SECTION 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1 of this Act shall expire at the end of the 2-year period beginning on the date of the enactment of this Act, except that leases entered into during that period under section 1 may be renewed.

SECTION 5. REPAIR AND REFURBISHMENT OF VESSELS IN THE UNITED STATES.

It is the sense of the Congress that the Secretary of the Navy should request that each country to which a naval vessel is transferred under this Act have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at shipyards located in the United States, including United States navy shipyards.

(12) *SECTION 6. CONDITION FOR TRANSFER.*

No vessel may be transferred under this Act ~~or any other provision of law~~ until the Secretary of Defense certifies in writing to Congress that, after the transfer--

(1) the amphibious lift capacity remaining available in the Navy is sufficient in all lift categories to transport 2 1/2 Marine Corps expeditionary brigades simultaneously; and

(2) the amphibious lift capacity planned to be available in the Navy under the future-years defense program will be sufficient in all lift categories, throughout the period covered by the future-years defense program, to transport 2 1/2 Marine Corps expeditionary brigades simultaneously.

~~SECTION 7. USE OF PROCEEDS~~

~~The proceeds derived from a transfer authorized by this Act that are received in a fiscal year shall be credited to the appropriation for~~

1 ~~the Navy for such fiscal year for operation and maintenance and shall~~

2 ~~be available, for the same period as the appropriation to which~~

3 ~~credited, for operation and maintenance of amphibious vessels.~~

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	For William Itoh from Steven Andreasen. Subject: Approval Requested to Brief Galvin Task Force. Record ID: 9420940. (1 page)	08/08/1994	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

Chron File - August 1994 #1 [5]

2016-0152-F
vz4609

RESTRICTION CODES

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

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

b(1) National security classified information [(b)(1) of the FOIA]
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The Secretary of Energy
Washington, DC 20585

August 5, 1994

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

Dear Mr. Itoh:

The National Security Subgroup of the Galvin Task Force is requesting a briefing on the Presidential Decision Directives which establish the Administration's requirements for the Nation's nuclear weapons-related programs.

From the group's inception, the members recognized that a good understanding of the Administration's directives regarding nuclear weapons-related programs was a necessary element for any assessment of the weapons laboratories. Therefore, they would be most appreciative if Mr. Steve Andreasen could provide a review of the relevant PDDs on August 9 at 12:00 noon, during the Subgroup's visit to Lawrence Livermore National Laboratory.

Each of the subgroup members hold the appropriate clearances required for such a review.

Due to the obvious time constraints imposed on the Subgroup's work, your timely response would be greatly appreciated.

Sincerely,

Pete Didisheim

Peter F. Didisheim
Special Assistant to the Secretary and
Acting Executive Director of the
Secretary of Energy Advisory Board

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

6263

August 8, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT BELL RGB

FROM: JIM SEATON JAS

SUBJECT: Significant Military Exercise POLISH PFP EXERCISE 1994

Attached at Tab I is a proposed memorandum to the Executive Secretary, Department of Defense, concurring in military exercise POLISH PFP EXERCISE 1994. At Tab II Defense recommends approval and State concurs.

POLISH PFP EXERCISE 1994 is a Partnership for Peace (PFP) exercise designed to exercise cooperation and interoperability procedures between NATO and partner nations for multi-national peacekeeping operations. Approximately 122 U.S. troops will participate in the September 12-16 exercise.

The critical cancellation date is August 31, 1994.

Concurrence by: In draft Daniel Fried

RECOMMENDATION

That you authorize Will Itoh to sign the memorandum at Tab I concurring in the exercise.

Approve ______ Disapprove ______

Attachments
Tab I Memorandum for Signature
Tab II Incoming Correspondence

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By VL NARA, Date 1/3/2017
2016-0152-F

~~CONFIDENTIAL~~
Declassify on: OADR

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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

SUBJECT: Significant Military Exercise POLISH PFP EXERCISE 1994

The National Security Council staff concurs in military exercise POLISH PFP EXERCISE 1994.

William H. Itoh
Executive Secretary

~~CONFIDENTIAL~~

6263

OFFICE OF THE SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

02 AUG 1994

MEMORANDUM FOR EXECUTIVE SECRETARY, NATIONAL SECURITY COUNCIL

SUBJECT: Significant Military Exercise - POLISH PFP EXERCISE 1994

The Department of Defense recommends NSC approval of the attached Significant Military Exercise Brief, Exercise POLISH PFP EXERCISE 1994. The Department of State concurs with this recommendation.

Please note the critical cancellation date is 31 August 1994.

Robert P. McAleer

Robert P. McAleer
Executive Secretary

Attachment:
As stated

Sec Def Cont Nr. X71629

This memo is UNCLASSIFIED when separated from its attachment.

~~CONFIDENTIAL~~

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002a. cable	Duplicate of vz4607_002a. (2 pages)	07/02/1994	P1/b(1)

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National Security Council
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OA/Box Number: 265

FOLDER TITLE:

Chron File - August 1994 #1 [5]

2016-0152-F
vz4609

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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 [5]

2016-0152-F
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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

August 8, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT G. BELL RGB

FROM: STEVEN R. JONES

SUBJECT: Proposed Testimony on International Law of the Sea (LRM #M-1704)

OMB has requested NSC views on the August 10 testimony of Dr. D. James Baker, National Oceanic and Atmospheric Administration, before the Senate Committee on Foreign Relations. Dr. Baker's testimony supports the Administration decision to sign on July 29 the Agreement amending the 1982 United Nations Convention on the Law of the Sea (UNCLOS 82) and offers to work closely with the Committee to secure Senate consent to United Sates ratification of UNCLOS. I recommend the NSC concurrence with this testimony. Because of the extremely short suspense, I phoned in this position to Jeffrey Payne of OMB at noon, August 8.

Concurrences by: Bill Danvers

RECOMMENDATION

That you sign the memorandum at Tab I.

Attachment
Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

MEMORANDUM FOR RONALD K. PETERSON

FROM: WILLIAM H. ITOH

SUBJECT: Proposed Testimony on International Law of the Sea (LRM #M-1704)

The National Security Council staff has no objections to the proposed testimony of Dr. Baker on the International Law of the Sea.

URGENT

6407

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

August 5, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-1704

TO: Legislative Liaison Officer -

TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
ENERGY - Bob Rabben - (202)586-6718 - 209
INTERIOR - Jane Lyder - (202)208-4371 - 329
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
LABOR - Robert A. Shapiro - (202)219-8201 - 330
STATE - Julia C. Norton - (202)647-4463 - 225
TREASURY - Richard S. Carro - (202)622-1146 - 228
EPA - Thomas C. Roberts - (202)260-5414 - 326
CEQ - Liaison Officer (vacant) - (202)395-5750 - 256
NEC - Sonyia Matthews - (202)456-6630 - 429
NSC - William H. Itoh - (202)395-3723 - 249
USTR - Fred Montgomery - (202)395-3475 - 223

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

OMB CONTACT: Jeffrey PAYNE (395-3914)

SUBJECT: Proposed Testimony on International Law of the Sea

DEADLINE: 2:00 P.M. Monday August 8, 1994

THIS TRANSMISSION CONTAINS 81 PAGE(S) (total).

COMMENTS: State, Coast Guard, and Defense will also be testifying at this hearing. If you do not respond by the deadline, we assume that you have no objection to this testimony.

Please discard earlier transmittal and replace with this copy.

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:
Dan Tangherlini
Michael Deich
Mike Schmidt
Bob Damus
Clarissa Cerda
Rodney Bent
Jeff Ashford

Fax 1823

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

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: Jeffrey PAYNE (395-3914)
Office of Management and Budget
Fax Number: (202) 3951150

FROM: ____________________ (Date)

____________________ (Name)

____________________ (Agency)

____________________ (Telephone)

SUBJECT: Proposed Testimony on International Law of the Sea

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

STATEMENT FOR THE RECORD
OF
DR. D. JAMES BAKER
UNDER SECRETARY FOR OCEANS AND ATMOSPHERE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

AUGUST 10, 1994

The National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce is pleased to submit a statement for the record on the United Nations Convention on the Law of the Sea (UNCLOS).

By resolving longstanding U.S. objections to Part XI of the 1982 UNCLOS, the Agreement paves the way for other U.S. interests -- and NOAA, as the nation's civilian oceans agency -- to reap the benefits of U.S. participation in a widely accepted and comprehensive law of the sea convention. The vote of 121 nations to adopt the Agreement (with no negative votes), and the signature of the Agreement by all the member nations of the European Community, as well as Japan, Canada and Australia indicate that other nations generally, and industrialized nations in particular, are satisfied that the Agreement also addresses their previous concerns.

The Department of Commerce has an interest in fostering a wide variety of ocean uses and is increasingly aware that the context for doing so is international. Commercial activity and growth is heavily dependent upon international maritime transport. Marine scientific research is essential for informed decisionmaking, to increase our understanding of oceanic and atmospheric processes and for development of new commercial applications. NOAA's responsibilities for protection of the marine environment, conservation and management of fisheries, coastal zone management, protection of endangered species and marine mammals, and management of marine sanctuaries are all directly affected by marine activities of other nations. With the growing recognition that resources and impacts of pollution know no boundaries, the benefits of a widely accepted international legal framework within which to address and balance the interests of nations are increasingly apparent.

For the past twenty years, successive U.S. Administrations have consistently maintained the policy that U.S. interests would be best served by a widely accepted and comprehensive law of the sea treaty. Congress expressed a similar policy in the U.S. deep seabed mining legislation, and Ambassador Albright last year reaffirmed the commitment of this Administration to that objective. Since 1983, the United States has considered that the non seabed mining provisions of UNCLOS generally confirm existing maritime law and practice and fairly balance the interests of all States.

NOAA was actively involved in negotiation of the Agreement modifying the seabed mining provisions (Part XI) of the Law of the Sea Convention and welcomes the decisions of the United States and other industrialized nations to sign the Agreement. NOAA is the Federal agency responsible for implementing the domestic U.S. deep seabed mining licensing regime. This regime was established in 1980 pending entry into force for the United States of a widely acceptable and comprehensive law of the sea treaty. The Agreement satisfies our commercial and policy objectives with regard to U.S. access to the resources of the deep seabed. Participation in the Agreement by the United States and other industrialized nations will also avoid the establishment of an international regime, detrimental to U.S. interests, under the existing provisions of Part XI when UNCLOS comes into effect on November 16, 1994.

The Agreement satisfactorily resolves nearly all of the specific objections to Part XI previously expressed by the United States and industry representatives. Specific improvements made by the Agreement include:

- Replacing the excessively detailed and costly regime of Part XI with a scaled-back and evolutionary approach which provides for the functioning of institutions, and future development of a commercial recovery management regime, consistent with free market principles and only when concrete interest in commercial seabed mining arises.

- Establishing basic principles of cost-efficiency, non-discrimination and functional necessity as the basis for actions under the Agreement;

- Providing for independent commercial operation of the Enterprise only on the basis of a joint venture <u>and</u> on a future Council decision that the operation accords with sound commercial principles;

- Placing the Enterprise on an equal basis with private operators by providing that eventual initial operation shall be through joint ventures, applying to the Enterprise the obligations of private contractors, eliminating obligations of Parties to fund Enterprise operations and replacing mandatory technology transfer to the Enterprise with provision for state cooperation "consistent with effective protection of intellectual property rights";

- Eliminating the Review Conference which could amend the mining regime over U.S. objections;

- Replacing onerous production controls with GATT principles limiting subsidization;

- Replacing costly and burdensome economic rent provisions with a future system to be based on comparable land-based systems;

- Eliminating million dollar a year annual fees for private operators during the exploration stages; and

- Providing for grandfathering in of U.S. mining consortia on terms and conditions "similar to and no less favorable than" those already granted to mining entities already registered under the UNCLOS preparatory regime.

The Agreement also protects U.S. interests by providing decisionmaking mechanisms which assure the United States and other industrialized nations a role commensurate with their economic interests. These include U.S. membership on a Finance Committee which makes decisions by consensus on matters of financial and budgetary significance, and a voting system which would allow the U.S., acting with two other nations, to block virtually any substantive decision of the governing Council.

Although the Enterprise has not been eliminated, its independent operation is a matter for future consideration and its advantages over private operators have been significantly curtailed; the requirement of a reserved site has been modified to allow the contributing operator first priority for a joint venture with the

Enterprise on the site; and excess application fees (over administrative costs) are refundable and costs to U.S.-licensed consortia are potentially reduced by allowing the sponsoring state (i.e., U.S.) to certify that certain qualifications have been met.

U.S. participation in a widely accepted treaty which provides a stable legal framework governing the range of ocean uses would benefit the economic and marine interests of the United States.

UNCLOS provisions relating to the conservation and management of living marine resources are consistent with U.S. law, policy and practice. We have, since 1983, regarded them as customary international law; indeed, they have provided a foundation for our international arrangements for two decades.

U.S. oceans policy has always had as one of its basic objectives the application of the rule of law to the uses and conservation of the oceans. The stability and predictability of a binding international regime remain highly valued.

The continuing relevance and value of the legal framework supplied by UNCLOS are well illustrated in the negotiations on oceans issues at the United Nations Conference on Environment and Development and the Food and Agriculture Organization's Agreement to Promote Compliance with International Conservation and

Management Measures by Fishing Vessels on the High Seas.

From a fisheries standpoint, we believe that, despite some earlier particular concerns, signing UNCLOS will yield net benefits. Our earlier concerns were that UNCLOS provisions for highly migratory species were inconsistent with U.S. tuna policy at that time, and the exception in Article 66 that contemplates a potential delay in ending high seas salmon fishing to avoid economic dislocations was of concern in the Pacific.

The tuna concern was resolved in 1992 as a result of amendments to the Magnuson Act, and Japanese high seas salmon fishing was terminated, also in 1992, by the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean.

Thus, we believe that U.S. ratification of UNCLOS would be even more advantageous to our living marine resource interests today than it would have been at an earlier stage.

With respect to marine scientific research, UNCLOS establishes a regime of access for marine scientific research which is essential to the conduct of NOAA's mission. We have operated in accordance with the provisions of the treaty, as customary international law. As noted in 1983 by President Reagan when proclaiming the U.S. EEZ, the U.S. has continuously promoted maximum freedom for such research. Ratification of UNCLOS will provide the best means of ensuring access by U.S. scientists to foreign EEZs under reasonable conditions.

Regarding protection of the marine environment, UNCLOS will support NOAA's role as a steward of the marine environment, because it sets forth the rights and obligations of States to protect and preserve the marine environment from all sources of marine pollution, including land-based sources, ocean dumping, atmospheric deposition, and vessel source pollution.

The United States has been an active participant in the development of international rules and standards to address marine pollution. The obligations set forth in UNCLOS encourage the further development of these rules and standards as well as an increase in their implementation and enforcement on an international basis.

The Treaty clarifies that States shall cooperate on a global and, where appropriate, regional basis to formulate international rules, standards, and recommended practices and procedures for the protection and preservation of the marine environment; recognizes that States shall endeavor to observe, measure, evaluate and analyze, by recognized scientific methods, the risk or effects of pollution of the marine environment; and obligates States to enforce adopted laws and, more importantly, strengthens the ability of port and coastal States to take enforcement action. We benefit from the international agreement on these issues.

In sum, Mr. Chairman, the Department of Commerce and NOAA support the Administration decision to sign on July 29 the Agreement amending Part XI, and will be pleased to work with this Committee to secure Senate consent to United States ratification of UNCLOS.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

August 8, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT G. BELL

FROM: STEVEN R. JONES

SUBJECT: Proposed Testimony on International Law of the Sea (LRM #M-1703)

OMB has requested NSC views on the August 10 testimony of Rear Admiral John B. Shkor, Chief Counsel, U.S. Coast Guard, before the Senate Committee on Foreign Relations. RADM Shkor's testimony supports the Administration's recent signature of the Agreement amending the 1982 United Nations Convention on the Law of the Sea (UNCLOS 82). He supports the agreement as a near-term opportunity to "join with other industrialized nations in a widely accepted international order to regulate and safeguard the many diverse activities, interests and resources in the world's oceans." I recommend NSC concurrence with this testimony. Because of the extremely short suspense, I phoned in this position to James Brown of OMB at noon, August 8.

Concurrences by: Bill Danvers

RECOMMENDATION

That you sign the memorandum at Tab I.

Attachment
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: Proposed Testimony on International Law of the Sea (LRM #M-1703)

The National Security Council staff has no objections to the proposed testimony of RADM Shkor on the International Law of the Sea.

65 [illegible]
9 PAGES

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

August 5, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-1703

TO: Legislative Liaison Officer -

COMMERCE - Michael A. Levitt - (202)482-3151 - 324
DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
ENERGY - Bob Rabben - (202)586-6718 - 209
INTERIOR - Jane Lyder - (202)208-4371 - 329
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
LABOR - Robert A. Shapiro - (202)219-8201 - 330
STATE - Julia C. Norton - (202)647-4463 - 225
TREASURY - Richard S. Carro - (202)622-1146 - 228
EPA - Thomas C. Roberts - (202)260-5414 - 326
CEQ - Liaison Officer (vacant) - (202)395-5750 - 256
NEC - Sonyia Matthews - (202)456-6630 - 429
NSC - William H. Itoh - (202)395-3723 - 249
USTR - Fred Montgomery - (202)395-3475 - 223

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

OMB CONTACT: James A. BROWN (395-3473)
Secretary's line (for simple responses): 395-3454

SUBJECT: Proposed Testimony on International Law of the Sea

DEADLINE: 2:00 P.M. Monday August 8, 1994

COMMENTS: If we do not hear from you by the deadline, we will assume that you have no objection to this testimony.

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:
Dan Tangherlini
Michael Deich
Mike Schmidt
Bob Damus
Clarissa Cerda
Rodney Bent
Bruce Sasser

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

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: James A. BROWN (395-3473)
Office of Management and Budget
Fax Number: (202) 395-3109
Analyst/Attorney's Direct Number: (202) 395-3473
Branch-Wide Line (to reach secretary): (202) 395-3454

FROM: ______________________ (Date)

______________________ (Name)

______________________ (Agency)

______________________ (Telephone)

SUBJECT: Proposed Testimony on International Law of the Sea

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

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
STATEMENT OF
REAR ADMIRAL JOHN E. SHKOR
CHIEF COUNSEL, U.S. COAST GUARD
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
AUGUST 10, 1994

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, GOOD AFTERNOON. I AM REAR ADMIRAL JOHN SHKOR, CHIEF COUNSEL OF THE U.S. COAST GUARD. ALTHOUGH CURRENTLY ASSIGNED AS THE COAST GUARD'S CHIEF COUNSEL, I HAVE PREVIOUSLY SERVED AS THE DEPARTMENT OF TRANSPORTATION'S REPRESENTATIVE TO THE U.S. DELEGATION THAT ATTENDED THE THIRD UNITED NATION'S CONFERENCE ON THE LAW OF THE SEA, AS THE SEVENTH COAST GUARD DISTRICT LEGAL OFFICER IN THE EARLY DAYS OF THE DRUG WAR AT SEA, THE 1980 MARIEL BOATLIFT, THE BEGINNING OF ALIEN MIGRANT INTERDICTION OPERATIONS, AND MOST RECENTLY AS CHIEF OF OPERATIONS, COAST GUARD PACIFIC AREA. THESE ASSIGNMENTS ALLOW ME TO PROVIDE COMMENTS NOT ONLY FROM THE LEGAL PERSPECTIVE, BUT FROM THE OPERATOR'S POINT OF VIEW AS WELL. LET ME ADD THAT I APPRECIATE THE OPPORTUNITY TO TESTIFY TODAY ON BEHALF OF THE COAST GUARD WITH RESPECT TO THE LAW OF THE SEA CONVENTION. IN ADDITION, I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE FOLLOWING MY PREPARED REMARKS.

ON NOVEMBER 16 OF THIS YEAR, THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS 82) WILL ENTER INTO FORCE. THIS EVENT, COUPLED WITH THE RECENTLY CONCLUDED AGREEMENT ON THE DEEP SEABED MINING PROVISIONS, PRESENTS THE UNITED STATES WITH AN

DRAFT

OPPORTUNITY TO ACHIEVE A LONG-STANDING, YET ELUSIVE, OBJECTIVE. THAT IS ACCEPTANCE OF A WIDELY RATIFIED, COMPREHENSIVE LAW OF THE SEA TREATY WHICH PROTECTS AND PROMOTES A WIDE RANGE OF U.S. OCEAN INTERESTS. MANY OF THESE AFFECT THE U.S. COAST GUARD. BECAUSE OF OUR LAW ENFORCEMENT, ENVIRONMENTAL PROTECTION AND NATIONAL SECURITY MISSIONS, THE COAST GUARD HAS LONG BEEN A PROPONENT OF ACHIEVING A COMPREHENSIVE AND STABLE REGIME WITH RESPECT TO TRADITIONAL USES OF THE OCEANS.

FROM THE STANDPOINT OF COAST GUARD ACTIVITIES AND OPERATIONS, ACCESSION BY THE UNITED STATES TO THE CONVENTION, AS AMENDED BY THE AGREEMENT, IS A POSITIVE DEVELOPMENT. THERE ARE THREE PRINCIPAL REASONS.

FIRST, THE CONVENTION PRESERVES VITAL NAVIGATION FREEDOMS. IT LIMITS THE BREADTH OF THE TERRITORIAL SEA AT 12 MILES, SHOWING AS ILLEGITIMATE CLAIMS IN EXCESS OF THAT AMOUNT. YOU ARE NO DOUBT AWARE OF THE EXCESSIVE TERRITORIAL SEA CLAIMS OF SEVERAL SOUTH AMERICAN COUNTRIES, SOME OF WHICH EXTEND TO 200 MILES. THE CONVENTION MAY WELL SERVE TO CONVINCE THOSE COUNTRIES TO RETREAT FROM THEIR CURRENT POSITION AND ADOPT THE INTERNATIONALLY RECOGNIZED TERRITORIAL SEA LIMIT OF 12 NAUTICAL MILES. IT ALSO PRESERVES THE IMPORTANT NAVIGATION REGIME OF INNOCENT PASSAGE, AS WELL AS DEFINING TRANSIT PASSAGE IN INTERNATIONAL STRAITS AND ARCHIPELAGIC SEA LANES PASSAGE. TRADITIONAL FREEDOMS OF NAVIGATION AND OVERFLIGHT ARE LIKEWISE PRESERVED IN THE EXCLUSIVE ECONOMIC ZONE (EEZ) AND BEYOND. THESE NAVIGATION REGIMES PRESERVE

DRAFT

OUR RIGHT TO USE THE WORLD'S OCEANS TO MEET IMPORTANT U.S. NATIONAL SECURITY REQUIREMENTS AND FOR COMMERCIAL VESSELS TO CARRY OUR SEABORNE TRADE.

SECOND, THE CONVENTION ADVANCES OUR INTERESTS AS A COASTAL NATION IN PROTECTING THE MARINE ENVIRONMENT AND MANAGING RESOURCES. EXPERTS AGREE THAT THE PROBLEMS ASSOCIATED WITH MANAGEMENT OF FISH STOCKS WILL CONTINUE AS A CONTENTIOUS ISSUE FOR STATES WHICH RELY ON FISHING TO FEED THEIR POPULATION. THE CONVENTION PROVIDES A LEGAL BASELINE WHICH SANCTIONS THE ACTIONS OF REGIONAL FISHING ORGANIZATIONS TO DEAL WITH CONSERVATION ISSUES. INDEED, THE CONVENTION LEVIES IMPORTANT DUTIES ON THE COASTAL STATES TO RESPONSIBLY MANAGE THEIR FISHERY RESOURCES, AND PROVIDES THE BEST STRUCTURAL FRAMEWORK FOR RESOLVING CONFLICTS BETWEEN COMPETING USERS. IT ESTABLISHES THE 200-MILE EXCLUSIVE ECONOMIC ZONE, PROVISIONS OF WHICH ARE FULLY CONSISTENT WITH OUR CURRENT DOMESTIC FISHERIES POLICY AND INTERESTS. EXAMPLES OF DIRECT IMPACT ON COAST GUARD OPERATIONS IN THIS AREA CAN BE FOUND IN THE RECENTLY CONCLUDED BERING SEA "DONUT HOLE" AGREEMENT, WHICH WAS MODELED ON THE FISHERY PROVISIONS OF THE CONVENTION, AND THE U.N. RESOLUTION PROVIDING FOR A MORATORIUM ON DRIFTNET FISHING.

THE CONVENTION IS ALSO A FAR REACHING ENVIRONMENTAL ACCORD ADDRESSING VESSEL SOURCE POLLUTION, OCEAN DUMPING AND LAND-BASED SOURCES OF MARINE POLLUTION. AS YOU KNOW, THE COAST GUARD HAS RECENTLY EMBARKED ON A COMPREHENSIVE, WIDE-RANGING PORT STATE CONTROL PROGRAM WITH THE GOAL OF PURGING OUR WATERS OF

DRAFT

SUBSTANDARD SHIPS. THIS POLICY IS IN FACT CONSISTENT WITH AND SUPPORTED BY THE CONVENTION PROVISISONS THAT PROVIDE FOR BROAD PORT STATE ENFORCEMENT COMPETENCE. THE CONVENTION ALSO PRESCRIBES A DELICATE BALANCE BETWEEN THE RIGHTS OF COASTAL STATES TO ADOPT CERTAIN MEASURES TO PROTECT THE MARINE ENVIRONMENT ADJACENT TO THEIR SHORES AND THE GENERAL RIGHT OF A FLAG STATE TO EXERCISE PRESCRIPTIVE AND ENFORCEMENT JURISDICTION OVER THEIR VESSELS. IT ADDRESSES STATE RESPONSIBILITY TO CURB ALL SOURCES OF MARINE POLLUTION WHILE REQUIRING THAT ALL SUCH REGIMES BE CONSISTENT WITH NAVIGATION AND OTHER IMPORTANT MARITIME USES. THE CONVENTION IS ALSO THE GLUE THAT BINDS DIVERSE MARITIME INTERESTS IN THE ENVIRONMENTAL FIELD. WHILE THE U.S. DID NOT SIGN THE CONVENTION IN 1982, WE HAVE MAINTAINED A LEADERSHIP ROLE IN A NUMBER OF RELATED CONVENTIONS INCLUDING THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL), THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA (COLREGS) AND THE LONDON DUMPING CONVENTION. THE COMMON FRAME OF REFERENCE FOR ALL THREE OF THESE INTERNATIONAL MARITIME ORGANIZATION-ADMINISTERED CONVENTIONS IS THE LAW OF THE SEA CONVENTION. BY BECOMING A PARTY TO THE LAW OF THE SEA CONVENTION, THE UNITED STATES WILL BE IN A BETTER POSITION TO FURTHER THE NECESSARY DEVELOPMENT OF INTERNATIONALLY ACCEPTED STANDARDS AT IMO AND IN OTHER SIMILAR FORA.

THIRD, THE CONVENTION ADVANCES U.S. GOVERNMENT INTERESTS IN SUPPRESSING MARITIME DRUG TRAFFICKING ON THE HIGH SEAS. IT DOES THIS IN AT LEAST TWO WAYS. IT LIMITS EXCESSIVE TERRITORIAL SEA

DRAFT

CLAIMS WHICH ERODE THE COAST GUARD'S ABILITY TO INTERDICT MARITIME DRUG SMUGGLING EFFORTS. SINCE THE COAST GUARD MAY NOT OPERATE WITHIN ANOTHER NATION'S TERRITORIAL SEA ABSENT A SPECIAL AGREEMENT, EXCESSIVE TERRITORIAL SEA CLAIMS EFFECTIVELY PROVIDE SMUGGLERS A SAFE HAVEN, FREE FROM COAST GUARD INTERDICTION EFFORTS. AS A PRACTICAL MATTER, THEN, BY LIMITING THESE CLAIMS TO TWELVE MILES, THE CONVENTION PRESERVES A BROADER HIGH SEAS REGION WITHIN WHICH U.S. MARITIME LAW ENFORCEMENT EFFORTS MAY OPERATE. IT ALSO REQUIRES STATES TO COOPERATE IN SUPPRESSING ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES BY VESSELS ON THE HIGH SEAS AND PERMITS STATES TO REQUEST THE ASSISTANCE OF OTHER STATES TO SUPPRESS THAT TRAFFIC. THIS PROVISION CLOSELY TRACKS PORTIONS OF ARTICLE 17 OF THE 1988 U.N. CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTICS AND PSYCHOTROPIC SUBSTANCES, WHICH WAS SIGNED BY THE UNITED STATES IN DECEMBER, 1988. THE GENERAL NATURE OF THE INTERNATIONAL COOPERATION PROVISIONS IN BOTH THE LAW OF THE SEA CONVENTION AND THE 1988 U.N. CONVENTION ARE RECOGNIZED. AN INTERNATIONAL WORKING GROUP ON MARITIME COOPERATION IS TENTATIVELY SET TO MEET IN SEPTEMBER TO BEGIN WORK ON A COMPREHENSIVE SET OF PRINCIPLES AND SPECIFIC RECOMMENDATIONS TO ENHANCE THE IMPLEMENTATION OF THESE PROVISIONS. NOTWITHSTANDING THE LACK OF SPECIFICITY IN THESE PROVISIONS, U.S. GOVERNMENT EXPERIENCE INDICATES THAT SINCE THE 1988 CONVENTION'S ENTRY INTO FORCE, INTERNATIONAL ENFORCEMENT COOPERATION HAS IMPROVED. THE ENTRY INTO FORCE OF THE LAW OF THE SEA CONVENTION WILL ONCE AGAIN DEMONSTRATE THE U.S. GOVERNMENT'S COMMITMENT TO ERADICATING NARCOTICS TRAFFICKING ON THE HIGH SEAS.

BECAUSE OF THE FUNDAMENTAL FLAWS OF THE ORIGINAL DEEP SEABED MINING PROVISIONS FOUND IN PART XI, THE U.S. DID NOT SIGN THE CONVENTION WHEN IT OPENED IN 1982. EVEN THEN, HOWEVER, IT WAS RECOGNIZED THAT THE OTHER PARTS OF THE TREATY ON BALANCE SERVED THE INTERESTS OF THE UNITED STATES. PRESIDENT REAGAN, IN HIS 1983 OCEAN POLICY STATEMENT, EXPRESSED THE UNITED STATES' WILLINGNESS TO ACCEPT AND ACT IN ACCORDANCE WITH THE PROVISIONS RESPECTING TRADITIONAL OCEAN USES WHICH GENERALLY CONFIRMED EXISTING MARITIME LAW AND PRACTICE AND FAIRLY BALANCED THE INTERESTS OF ALL STATES.

I WAS, THEREFORE, HAPPY TO NOTE THAT ON JULY 29TH, 1994, THE UNITED STATES JOINED WITH 41 OTHER NATIONS AND THE EUROPEAN UNION IN SIGNING AN AGREEMENT MODIFYING PART XI OF THE LAW OF THE SEA CONVENTION. THIS WAS THE NECESSARY STEPPING STONE TO ACHIEVING OUR GOAL OF A UNIVERSALLY ACCEPTED LAW OF THE SEA CONVENTION. WHILE THE CONVENTION, AS MODIFIED, IS NOT A PERFECT SOLUTION TO ALL OCEAN POLICY ISSUES, THE COMPROMISES EMBODIED IN THE AGREEMENT AND CONVENTION ESTABLISH AN OCEAN REGULATORY REGIME THAT IS, ON BALANCE, IN THE NATIONAL INTEREST OF THE UNITED STATES.

IN THE VIEW OF THE DEPARTMENT OF TRANSPORTATION AND THE COAST GUARD, A UNIVERSAL REGIME FOR GOVERNANCE OF THE OCEANS IS NEEDED TO SAFEGUARD UNITED STATES SECURITY AND ECONOMIC INTERESTS. SOME OBSERVERS WILL LIKELY CONTINUE TO ARGUE THAT THE U.S. DOES

DRAFT

NOT NEED TO BECOME A STATE PARTY TO THIS CONVENTION. THIS VIEW IS WRONG. UNLIKE THE 1958 GENEVA CONVENTION ON THE HIGH SEAS, UNCLOS 82 IS NOT JUST A CODIFICATION OF EXISTING CUSTOMARY INTERNATIONAL LAW. UNCLOS 82 CONTAINS BOTH CUSTOMARY INTERNATIONAL LAW AND THE PROVISIONS ALLOWING FOR THE PROGRESSIVE DEVELOPMENT OF LAW. FOR THE UNITED STATES TO REMAIN OUTSIDE OF THE CONVENTION WOULD BOTH UNDERMINE THE SIGNIFICANT CONCESSIONS WE OBTAINED DURING THE NEGOTIATIONS OF THE CONVENTION IN THE AREA OF NAVIGATIONAL FREEDOMS, AND LIMIT OUR ABILITY TO SHAPE THE FUTURE OF THE CONVENTION AS IT EVOLVES OVER TIME. MOREOVER, THE AGREEMENT PROVIDES US WITH A NEAR-TERM OPPORTUNITY TO JOIN WITH OTHER INDUSTRIALIZED NATIONS IN A WIDELY ACCEPTED INTERNATIONAL ORDER TO REGULATE AND SAFEGUARD THE MANY DIVERSE ACTIVITIES, INTERESTS AND RESOURCES IN THE WORLD'S OCEANS.

THIS CONCLUDES MY PREPARED STATEMENT. I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY AND WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE. THANK YOU.

August 8, 1994

SUBJECT: Military Readiness/Affordability

SUGGESTED Qs & As on Military Readiness

Q: Is the level of spending planned over the next five years sufficient to meet our requirements for fighting two ready simultaneous Major Regional Conflicts (MRCs)?

A: Yes, depending on the scale of the MRCs. As Secretary Perry testified to Congress recently, the U.S. would be capable today of fighting one MRC on the scale of Desert Storm while also handling another smaller MRC. However, it would not be able to fight two nearly simultaneous MRCs on the scale of Desert Storm until programmed force enhancements come on line later this decade. Fortunately, though, Iraq's military capability remains crippled by the results of Desert Storm and it will be years, if ever, before it could mount another military threat to the Gulf region on the scale of Desert Storm.

Q: Does this mean our military's readiness is threatened? What is the Administration doing to ensure continued readiness?

A: No. The Meyer Commission recently validated that our forces are still in an acceptable state of readiness. We are also taking several steps to ensure a high state of military readiness in this country. For instance, the FY 1995 defense budget request included a 5.6% increase in funding for Operations and Maintenance (a key readiness determinant) even though the force structure is declining next year by 7%. And a major thrust of our current review of FY 1996 programs and budgets is geared toward ensuring they are sufficient to maintain readiness.

Q: Is there a gap between "real" costs and "projected spending costs"?

A: I recognize that there is a $20 billion deficiency in our five-year defense budget due to higher than expected inflation and higher than requested pay raises approved by Congress last year. Both Houses have passed additional higher than requested military pay raises for FY 1995 that will further increase this gap.

August 8, 1994

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GAO REPORT ON OUTYEAR DOD FUNDING

Background

-- The General Accounting Office ~~is about to~~ released a report on August that criticizes the Department of Defense for having as much as $150 billion of its requirements unfunded over the next five years.

Points

-- There is no $150 billion shortfall in DoD funding.

-- For example, the GAO did not credit DoD with $27 billion of management savings, even though an independent commission agreed such projected savings will occur. The GAO also projected environmental cleanup costs growing at double the rate we expect.

-- I recognize that there is a $20 billion deficiency in our five year defense budget due to higher than expected inflation and higher than requested pay raises approved by Congress.

last year Both Houses have passed additional higher than requested military pay raises for FY1995 that will further increase this gap.

-- I will make final a decision in the FY1996 defense budget and each year thereafter whether to increase the defense topline to offset some or all of this shortfall.

-- These issues will be addressed without damaging readiness or degrading DoD force levels.

-- The DoD Comptroller has said that the GAO study is deeply flawed and that the fundamental assumptions underlying last year's "Bottom-Up Review" remain valid.

Note: In today's Post story Hamre said DoD may face $40 billion gap....

Kelly, Sandra L.

From: Jonathan H Spalter
To: BELLR; KELLYS; William Itoh; Natalie Wozniak; Calvin Mitchell; Tara Sonenshine; Thomas Ross; Jonathan H Spalter
Cc: RECORDS@A1@OEOB
Subject: DoD Guidance
Date: Monday, August 08, 1994 11:22AM

Military Readiness/Affordability

New Developments:

Washington Post and Washington Times report today increasing criticisms of defense readiness and the affordability of the Bottom Up Review's goal of developing the ability of fighting and winning two major regional conflicts nearly simultaneously.

Points:

- The criticisms about our militaryu's readiness are flat wrong. The President has stated that one of his fundamental goals as commander in chief is to ensxure that our fighting forces are the best prepared, best trained and best equipped fighting forces in the world.

- As we concluded in the Bottom Up Review of our military's resources and requirements, the level of spending over the next five years is sufficient to fight and win two nearly simultaneous major regional conflicts.

- As Secretary Perry testified to Congress recently, the U.S. would be capable today of fighting one MRC on the scale of Desert Storm while also handling another smaller MRC.

- To further enhance this ability we are working hard to ensure that programmed force enhancements come on line later this decade.

- To be clear, fighting two major regional conflicts of the scale of the Gulf War is not currenlty envisioned. Fortunately, though, Iraq's military capability remains crippled by the results of Desert Storm and it will be years, if ever, before it could mount another military threat to the Gulf region on the scale of DesertStorm.

- The Administration remains fully committed to ensuring continued readiness. The Meyer Commission recently validated that our forces are still in an acceptable state of readiness.

- We are also taking several steps to ensure a high state of military readiness in this country. For instance, we are requesting in next year's defense budget a 5% increase in funding for Operations and Maintenance (a key readiness determinant).

- I recognize that there is a $20 billion deficiency in our five-year defense budget due to higher than expected inflation and higher than requested pay raises approved by Congress last year. Both Houses have passed additional higher than requested military pay raises for FY 1995 that will further increase this gap.

Kelly, Sandra L.

From: Jonathan H Spalter
To: BELLR; KELLYS; William Itoh; Natalie Wozniak; Calvin Mitchell; Tara Sonenshine; Thomas Ross; Jonathan H Spalter
Cc: RECORDS@A1@OEOB
Subject: Revised DoD guidance
Date: Monday, August 08, 1994 12:56PM

Military Readiness/Affordability

New Developments:

Washington Post and Washington Times report today increasing criticisms of defense readiness and the affordability of the Bottom Up Review's goal of developing the ability of fighting and winning two major regional conflicts nearly simultaneously.

Points:

- The criticisms about our military's readiness are flat wrong. The President has stated that one of his fundamental goals as commander in chief is to ensure that our fighting forces are the best prepared, best trained and best equipped in the world.

- As we concluded in the Bottom Up Review of our military's resources and requirements, the level of spending over the next five years is sufficient to adequately provide for our security and defend our interests around the world.

- To further enhance this ability we are working hard to ensure that programmed force enhancements come on line later this decade.

- The Administration remains fully committed to ensuring continued readiness. The Meyer Commission recently validated that our forces are still in an acceptable state of readiness.

- We are also taking several steps to ensure a high state of military readiness in this country. For instance, we are requesting in next year's defense budget a 5% increase in funding for Operations and Maintenance (a key readiness determinant).

- I recognize that there is a $20 billion deficiency in our five-year defense budget due to higher than expected inflation and higher than requested pay raises approved by Congress last year. Both Houses have passed additional higher than requested military pay raises for FY 1995 that will further increase this gap.

6419

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

August 8, 1994

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT BELL

FROM: JIM SEATON

SUBJECT: Defense Proposed Testimony on Intl Law of Sea

At Tab II is the Defense Department's proposed testimony before the Senate Committee on Foreign Relations on the strategic significance of the Convention on the Law of the Sea. The DoD supports Senate passage of the Law of the Sea Convention as it helps ensure strategically vital navigational and overflight freedoms.

Concurrences by: Bill Danvers, Alan Kreczko
In draft

RECOMMENDATION

That you sign the memorandum at Tab I concurring with the proposed Defense Department testimony.

Attachments
Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

MEMORANDUM FOR RONALD K. PETERSON

FROM: WILLIAM H. ITOH

SUBJECT: Defense Proposed Testimony on Intl Law of Sea

The National Security Council staff concurs with the propsed Defense Department testimony.

6419

URGENT

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

August 5, 1994

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-1705

TO: Legislative Liaison Officer -

TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
COMMERCE - Michael A. Levitt - (202)482-3151 - 324
ENERGY - Bob Rabben - (202)586-6718 - 209
INTERIOR - Jane Lyder - (202)208-4371 - 329
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
LABOR - Robert A. Shapiro - (202)219-8201 - 330
STATE - Julia C. Norton - (202)647-4463 - 225
TREASURY - Richard S. Carro - (202)622-1146 - 228
EPA - Thomas C. Roberts - (202)260-5414 - 326
CEQ - Liaison Officer (vacant) - (202)395-5750 - 256
NEC - Sonyia Matthews - (202)456-6630 - 429
NSC - William H. Itoh - (202)395-3723 - 249
USTR - Fred Montgomery - (202)395-3475 - 228

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

OMB CONTACT: Jeff ASHFORD (395-3921)

SUBJECT: DEFENSE Proposed Testimony on International Law of the Sea

DEADLINE: 3:00 P.M. Monday August 8, 1994

COMMENTS: Commerce/NOAA, State, and Coast Guard will also be testifying at this hearing. If you do not respond by the deadline, we assume that you have no objection to this testimony.

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

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

CC:
Michael Deich
Mike Schmidt
Bob Damus
Rodney Bent
Jeff Payne

Fax 1399

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

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: Jeff ASHFORD (395-3921)
Office of Management and Budget
Fax Number: (202) 395-5651

FROM: ______________________ (Date)

______________________ (Name)

______________________ (Agency)

______________________ (Telephone)

SUBJECT: DEFENSE Proposed Testimony on International Law of the Sea

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 TESTIMONY: 5 AUGUST 1994

Statement

of

John H. McNeill
Senior Deputy General Counsel
and
Chairman, Task Force on the Law of the Sea Convention
U.S. Department of Defense

Hearing
on the
United Nations Convention on the Law of the Sea

Before
the
Committee on Foreign Relations
United States Senate

CLEARED
FOR OPEN PUBLICATION

AUG 0 5 1994 4

DIRECTORATE FOR FREEDOM OF INFORMATION
AND SECURITY REVIEW (OASD-PA)
DEPARTMENT OF DEFENSE

OASD(PA) DFOISR 94-C-1022

10 August 1994

The Strategic Significance of the Convention on the Law of the Sea

Statement
of
John H. McNeill
Senior Deputy General Counsel
and
Chairman, Task Force on the Law of the Sea Convention
U.S. Department of Defense
Before
the
Committee on Foreign Relations
United States Senate

10 August 1994

Introduction

Mr. Chairman, I would like to thank you and the other members of the Committee on Foreign Relations for the opportunity to present the views of the Department of Defense on the recently modified 1982 United Nations Convention on the Law of the Sea.

Mr. Chairman, on a personal note, I would like to commend you for the profound commitment you have shown, over nearly five decades, to the formulation and implementation of a comprehensive ocean regulatory regime. The 1982 United Nations Convention on the Law of the Sea is, in significant part, a reflection of your vision. It was fitting, indeed, that you escorted Ambassador Albright to the dais when she signed the Part XI Implementation Agreement, thereby paving the way for Senate consideration of U.S. adherence to the Convention itself. Mr. Chairman, I should also note that the U.S. commitment to a comprehensive legal regime for the world's oceans now spans six administrations, both

Republican and Democratic. Indeed, were it not for the principled stand taken by President Reagan, we would not be here today discussing the opportunity for U.S. participation in a Law of the Sea Convention shorn of unacceptable deep seabed mining provisions.

Mr. Chairman, on June 23, Deputy Secretary Deutch signed a charter establishing a Department of Defense Task Force on the Law of the Sea Convention. The creation of this Task Force is a recognition of the strategic importance of the LOS Convention, and of the high priority that the Department places on its ratification. The Deputy Secretary directed that the (Acting) Under Secretary for Policy and the Vice Chairman of the Joint Chiefs of Staff serve as the Executive Committee of this Department-wide effort, and asked me to oversee the day-to-day operations of the Task Force. It is in this capacity that I have the honor to appear before you today.

This hearing represents the first look by your Committee of jurisdiction at the issues surrounding the upcoming entry into force of the 1982 United Nations Convention on the Law of the Sea. Let me state that the Department of Defense intends to play a key role in acquainting the Senate with the importance and value of the Convention. Accordingly, today I would like to focus on its strategic significance, a theme that is reflected in a new Department of Defense *White Paper*, entitled "National Security and the Convention on the Law of the Sea," which, with your permission, I would like to submit for the record, for the information of the Committee.

The Department of Defense considers the legal framework which the Convention establishes to be essential to its mission. That framework assures our operational mobility and flexibility, helps to avoid conflict, and promotes the rule of law. RADM Center will touch upon some of those subjects in his statement. From an operational, policy, and legal perspective, DoD supports the United States becoming Party to the Convention.

On July 29, 1994, the United States became a signatory to an agreement which resolves the outstanding concerns about the deep seabed mining provisions contained in Part XI of the Convention. The United States was not alone, however. Forty other nations joined us in signing the deep seabed mining agreement, including most of the major industrialized nations that had previously objected to the Part XI provisions. Many more nations are expected to sign in the coming months. Most of these signatories to the Agreement have stated their intention to seek ratification of the amended Convention. However, it should be emphasized that the Convention will enter into force on November 16, 1994 -- without the United States as a party -- since it has now been ratified by more than the requisite sixty States. That is why DoD believes it to be all the more essential for the U.S. to become a party to the modified Convention in a timely manner. Let me briefly present what the Department of Defense sees as the strategic advantages of U.S. adherence to the Convention.

Strategic Setting

The United States has vital and diverse interests in the oceans. Possessing one of the longest coastlines in the world, America relies on guaranteed access to living and non-living resources in its exclusive economic zone and on its continental shelf for its economic well being. As the world's preeminent naval power, the U.S. depends on freedom of navigation and overflight to project military power, maintain a military presence, and take part in other lawful uses of ocean space for military and commercial purposes. This global mobility has proven essential in protecting U.S. interests, as well as in promoting the shared interests of the international community. As a leading trading nation, the United States relies upon the oceans to transport commercial goods of critical importance to our economy. The Convention also takes into account vital issues of resource management and environmental protection. Although not perfect, the Convention well balances these often competing interests and guarantees our strategic requirements.

In April 1993, Madeleine Albright, U.S. Ambassador to the United Nations, articulated this position clearly as she announced the intention of the Administration "to take a more active role" in resolving outstanding differences in Part XI toward achievement of a widely accepted Convention. "The Law of the Sea Convention," she then noted, "is an historic document and the balance it succeeded in achieving between the interests of coastal States in controlling activities occurring in adjacent offshore areas and those of maritime States in freedom of commercial and military navigation is of critical importance in an increasingly interdependent world."

This view was echoed in a statement issued by Secretary of Defense Perry on July 29, in which he stated, "The nation's security has depended upon our ability to conduct military operations over, under, and on the oceans. We support the Convention because it confirms traditional high seas freedoms of navigation and overflight; it details passage rights through international straits; and it reduces prospects for disagreements with coastal nations during operations."

The DOD Position

DoD, the U.S. Navy, and the U.S. Air Force have long been major proponents of the Convention. Focusing on navigational provisions, DoD representatives were members of the

U.S. delegation which hammered out the text during the nine years of negotiations. Since 1982, the Department of Defense has strongly advocated the Convention's navigational provisions. Combined with diplomatic initiatives, U.S. military forces have exercised navigational rights throughout the world to maintain and preserve these rights through State practice. As a result of frequent and routine transits, concepts such as transit passage and archipelagic sealanes passage have become well established in international practice. Similarly, our right to conduct military operations with "due regard" in the EEZ's of coastal States is now widely respected.

In 1991 and 1993, the DoD Representative for Ocean Policy Affairs prepared within the Department two "Ocean Policy Reviews." Each review called for active engagement in resolving outstanding issues to enable the Convention to come into force with the United States as a Party. The National Security Council approved this approach last year. With your permission, I will submit our 1993 Ocean Policy Review for the record. The Department of Defense continues to emphasize a vital, long-standing U.S. policy position: a comprehensive, widely accepted, and stable legal regime for the world's oceans that safeguards navigation and overflight rights is an essential element of U.S. defense strategy.

U.S. defense strategy for the 1990's and beyond is highly dependent upon traditional freedoms of navigation, including unimpeded transit and overflight of the world's oceans, international straits, and vast expanses of archipelagic waters, as well as innocent passage through territorial seas. While the United States has effectively maintained these rights over the past decade, excessive claims to jurisdiction by coastal States continue to threaten U.S. security interests. The cost, and effort to counter these challenges will increase as U.S. force structure, particularly overseas bases, is reduced.

U.S. naval forces continue to operate on, over, and under the world's oceans in a manner fully consistent with international law as reflected in the Convention. The United States continues to protest excessive maritime claims and operates in these contested areas routinely on a global scale. Recently, for example, the United States protested the illegal aspects of the 1993 Iranian Marine Areas law which purports to inhibit uses of the Persian Gulf. U.S. forces continue to operate in the area in a manner fully consistent with the provisions of the Convention. Although the legal principles involved are clear, the Persian Gulf is an example of an area ripe for potential conflict over maritime claims, particularly if major maritime and coastal States fail to reach consensus on the applicable legal principles by becoming parties to the Convention. Increasingly, coastal and archipelagic States are acquiring sophisticated submarine, air, and surface military resources. As we have seen in recent conflicts, state-of-the-art torpedo, anti-ship missile, and mine-weapon systems can represent a significant threat to U.S. and allied forces operating in coastal waters.

A 1992 report which the Navy prepared entitled " . . . From the Sea" recognizes that naval effectiveness also depends upon the capability to project power and maintain naval presence:

> Naval expeditionary forces are . . . [u]nrestricted by the need for transit or overflight approval from foreign governments in order to enter the scene of action. The international respect for freedom of the seas guarantees legal access up to territorial waters of all coastal countries of the world. This affords Naval Forces the unique capability to provide peaceful presence in ambiguous situations before a crisis erupts.

I might add that one should not view the importance of the freedoms of navigation and overflight from a naval perspective alone. As the U.S. Armed Forces have downsized and become more "joint," all services recognize that freedoms of navigation and overflight are vital not only to the sustainment of forward-based forces, but also to the ability to project U.S. Forces overseas, and, if required, ashore. The development of the concept of the Joint Task Force, in which the Army, Navy, Air Force and Marines, and sometimes the Coast Guard as well, are deployed and employed as a team, has brought home to the entire defense establishment the importance of navigational and overflight freedoms to the accomplishment of our national security mission.

If the United States becomes a party to the Convention, we will be in a much stronger position to further define navigation and overflight rights. Our legal interpretation and actions, along with those of other maritime States, will help shape the development of those rights under the Convention. On the other hand, if the United States once again decides to reject the Convention, some observers think we may risk our leadership position, and the delicate "balance of interests" which the Convention represents may disintegrate. Coastal States may assert, and seek to enforce, increasingly egregious excessive claims, particularly in littoral waters far from the United States where the coastal State enjoys military and political advantages. In any event, we believe that our global mobility rights, and those of other maritime States, can be best assured if the U.S, becomes a party to the adjusted Convention.

Alternative Course of Action

Some in the United States espouse an alternative course of action. They would reject the Convention and urge that we continue to conduct our international maritime relations as a non-Party -- "business as usual." After all, the United States has operated its military forces in accordance with the Convention's navigational provisions for over a decade. Our current legal position is based on President Reagan's policy statement of March 1983 which accepted that the navigation and overflight provisions of the Convention -- as well as those relating to other traditional uses of the oceans -- confirm international law and practice.

Proponents of this view can argue, quite correctly, that we have enjoyed a good deal of success influencing the development of international law. Despite attempts by some coastal States to restrict navigational freedom through excessive claims, we have protected most of our critical freedoms of commercial and military navigation and overflight and enjoyed many of the other benefits of the Convention, including a universally respected claim to an Exclusive Economic Zone (EEZ).

However, continuing to rely on this approach alone may have long-term negative effects. Customary international law, upon which we have relied to define our rights, is "fuzzy around the edges" and, by its very nature, subject to change. And, in addition, some continue to view the Convention as a contractual arrangement from which only parties can benefit, arguing that the Convention was a "package deal" from which States could not "pick and choose" from its benefits while not accepting its obligations. A number of States do not agree with our attempts to rely unilaterally upon the navigational provisions in the Convention.

U.S. interests would therefore appear to be best served by a stable, widely accepted international regime. Without acceding to the Convention, the United States may have more difficulty maintaining its traditional leadership position in ocean law and policy. Moreover, the balance of interests contained in the Convention may unravel; excessive maritime claims could proliferate to the detriment of the global mobility interests of all States. Insistence upon our navigational rights outside the Convention could run into intense political and, perhaps, military resistance from coastal States. Marine scientific research would undoubtedly become highly regulated, if not denied altogether. As a result, maritime States may be hard pressed to argue that a disintegrating Convention continues to reflect customary law. Much is at stake, including strategic mobility, as well as our abilities to develop global resources, promote commercial trade, protect the marine environment, and combat maritime drug trafficking and illegal immigration by sea. We believe that, in an increasingly interdependent world, the United States can best maintain its leadership role in ocean law as a party to the Convention.

Summary and Conclusion

The LOS Convention contains a comprehensive codification of long-recognized tenets of customary international law which reflect a fair balance of traditional ocean uses. The freedoms embodied in this document are exercised by our naval forces and commercial shipping interests every day. Operations Desert Shield and Desert Storm demonstrated the importance of protecting and promoting these freedoms. It is important to bear in mind, however, that the LOS Convention and the law it reflects are not static concepts: they are dynamic, ever-evolving reflections of State practice. However, if the the United States remains outside the Convention, it will not be in a position to affect the evolution of this ocean regulatory regime.

All States have a key interest in protecting and consolidating the gains previously achieved through years of State practice, the UNCLOS negotiations, and other efforts. We must safeguard international transit rights for ships and aircraft of all nations. We must not acquiesce in unlawful claims or practices which restrict or impede these and other navigational freedoms. Such claims will, if allowed to ripen, threaten the delicate balance of interests reflected in the 1982 Convention. Each State's physical security, economic, and environmental interests are compatible -- the framework is found in the LOS Convention. We believe the U.S. should champion the Convention's principles in order to promote navigational and overflight freedoms, prudent resource development, unrestricted global trade, and protection of the marine environment. Without such careful attention, the delicate fabric of the Convention could quickly unravel, to the detriment of all nations. The 1982 Convention, as revised, now represents the greatest milestone yet in the development of the law of the sea. Its value lies in the complex but deliberate balance of maritime and coastal interests and its preservation of vital navigational and overflight freedoms which benefit us all. Finally, in addition to "locking in" the navigational rights we currently exercise and espouse, we believe U.S. accession would foster greater respect for the development of international law and demonstrate a renewed willingness on the part of our government to assume a leadership position in the important areas of ocean law and policy.

Mr. Chairman, I thank you for the opportunity to appear before the Committee today.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

20942

August 8, 1994

ACTION

MEMORANDUM FOR NANCY E. SODERBERG

THROUGH: JOCELYN BREELAND

FROM: ROBERT G. BELL RGB

SUBJECT: NSC Staff Travel

Request orders to travel to Lawrence Livermore, California, on August 9, 1994 to brief the National Security Subgroup of the Galvin Task Force regarding the Administration's requirements for the Nation's nuclear weapons-related programs.

DOE will cover all travel-related expenses.

RECOMMENDATION

That you approve the requested travel and authorize Will Itoh to sign the NSC Travel Authorization form.

Approve______ Disapprove______

Attachment
Tab I Travel Authorization form

DATE ________

NSC STAFF TRAVEL AUTHORIZATION

1. TRAVELER'S NAME: STEVEN ANDREASEN

2. PURPOSE/EVENT (Include Dates): BRIEF NATIONAL SECURITY SUBCOMMITTEE GALVIN TASK FORCE

3. ITINERARY (Please Attach Copy of Proposed Itinerary): ________

4. DEPARTURE DATE 8/9/94 RETURN DATE 8/9/94
DEPARTURE TIME 7:30 AM RETURN TIME LATE

5. MODE OF TRANSPORTATION:

GOVT. AIR ______ COMMERCIAL AIR ✓ POV ______ RAIL ______
OTHER ______

6. ESTIMATED EXPENSES:

TRANSPORTATION ______ PER DIEM ______ OTHER ______
TOTAL ______

7. WHO PAYS EXPENSES: NSC ______ OTHER DOE

IF NOT NSC, DESCRIBE SOURCE AND ARRANGEMENTS: DOE PAYS, AS THEY PROVIDE SUPPORT TO TASK FORCE.

8. WILL FAMILY MEMBER ACCOMPANY YOU: YES ______ NO ✓

IF SO, WHO PAYS FOR FAMILY MEMBER (If Travel Not Paid By Traveler, Describe Source & Arrangements): ______

9. TRAVEL ADVANCE REQUESTED: $______

10. REMARKS (Use This Space to Indicate Any Additional Items You Would Like to Appear on Your Travel Orders): ______

11. TRAVELER'S SIGNATURE: Steve P. A

12. APPROVALS: Senior Director Robert G. Bell

Director of Administration ______

Executive Secretary ______

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. memo	Duplicate of 001. (1 page)	08/08/1994	P1/b(1)

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 [5]

2016-0152-F
vz4609

RESTRICTION CODES

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

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

- C. Closed in accordance with restrictions contained in donor's deed of gift.
- PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
- RR. Document will be reviewed upon request.

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

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

The Secretary of Energy
Washington, DC 20585

August 5, 1994

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

Dear Mr. Itoh:

The National Security Subgroup of the Galvin Task Force is requesting a briefing on the Presidential Decision Directives which establish the Administration's requirements for the Nation's nuclear weapons-related programs.

From the group's inception, the members recognized that a good understanding of the Administration's directives regarding nuclear weapons-related programs was a necessary element for any assessment of the weapons laboratories. Therefore, they would be most appreciative if Mr. Steve Andreasen could provide a review of the relevant PDDs on August 9 at 12:00 noon, during the Subgroup's visit to Lawrence Livermore National Laboratory.

Each of the subgroup members hold the appropriate clearances required for such a review.

Due to the obvious time constraints imposed on the Subgroup's work, your timely response would be greatly appreciated.

Sincerely,

Pete Didisheim

Peter F. Didisheim
Special Assistant to the Secretary and
Acting Executive Director of the
Secretary of Energy Advisory Board

RECORD ID: 9420942
RECEIVED: 08 AUG 94 12

TO: SODERBERG

FROM: BELL

DOC DATE: 08 AUG 94
SOURCE REF:

KEYWORDS: ADMINISTRATIVE NUCLEAR TESTING

PERSONS:

SUBJECT: NSC STAFF TRAVEL REQUEST FOR ANDREASEN

ACTION: SODERBERG APPROVED RECOM DUE DATE: 11 AUG 94 STATUS: C

STAFF OFFICER: BELL LOGREF:

FILES: ADMIN NSCP: CODES:

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

FOR ACTION	FOR CONCURRENCE	FOR INFO
		ANDREASEN
		BELL
		BREELAND
		NSC CHRON

COMMENTS:

DISPATCHED BY JB DATE 8/9 BY HAND W/ATTCH

OPENED BY: NSJEB CLOSED BY: NSJEB DOC 1 OF 1

RECORD ID: 9420942

ACTION DATA SUMMARY REPORT

DOC	ACTION OFFICER	CAO	ASSIGNED	ACTION REQUIRED
001	SODERBERG	Z	94080911	FOR DECISION
001		X	94080911	SODERBERG APPROVED RECOM

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

20942

August 8, 1994

ACTION

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THROUGH: JOCELYN BREELAND JB

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Approve NS Disapprove______

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3. ITINERARY (Please Attach Copy of Proposed Itinerary): ________

4. DEPARTURE DATE 8/9/94 RETURN DATE 8/9/94
DEPARTURE TIME 7:30 AM RETURN TIME LATE

5. MODE OF TRANSPORTATION:

GOVT. AIR ____ COMMERCIAL AIR ✓ POV ____ RAIL ____
OTHER ________

6. ESTIMATED EXPENSES:

TRANSPORTATION ____ PER DIEM ____ OTHER ____
TOTAL ____

7. WHO PAYS EXPENSES: NSC ____ OTHER DOE

IF NOT NSC, DESCRIBE SOURCE AND ARRANGEMENTS: DOE PAYS, AS THEY PROVIDE SUPPORT TO TASK FORCE.

8. WILL FAMILY MEMBER ACCOMPANY YOU: YES ____ NO ✓

IF SO, WHO PAYS FOR FAMILY MEMBER (If Travel Not Paid By Traveler, Describe Source & Arrangements): ________

9. TRAVEL ADVANCE REQUESTED: $ ________

10. REMARKS (Use This Space to Indicate Any Additional Items You Would Like to Appear on Your Travel Orders): ________

11. TRAVELER'S SIGNATURE: Steve P. A

12. APPROVALS: Senior Director Robert G. Bell

Director of Administration [signature]

fn ~~Exe~~cutive Secretary James W. Reed