

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                                                               | DATE       | RESTRICTION |
|--------------------------|-------------------------------------------------------------------------------------------------------------|------------|-------------|
| 001. email               | Joan Edwards to Elisa Harris. Subject: 3782.doc; 3782.labels.doc; 3782a.doc; 3782b.doc; 3782.doc (11 pages) | 09/28/1999 | P1/b(1)     |
| 002. email               | Elisa Harris to Mark Tavlarides and Caroline Krass. Subject: CWC Package. (8 pages)                         | 09/29/1999 | P1/b(1)     |
| 003. email               | Caroline Krass to Elisa Harris. Subject: FW: CWC Package. (8 pages)                                         | 09/30/1999 | P1/b(1)     |
| 004. email               | Caroline Krass to Stephan Sargeant. Subject: FW: cwc package. (9 pages)                                     | 10/26/1999 | P1/b(1)     |

### COLLECTION:

Clinton Presidential Records  
NSC Emails  
Exchange-Record (Sept 97-Jan 01) ([Jesse Helms])  
OA/Box Number: 620000

### FOLDER TITLE:

[09/11/1999-10/26/1999]

2006-1363-F

vz5638

### 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]

## Exchange Mail

**DATE-TIME** 9/11/99 8:54:12 PM  
**FROM** McGee, Jenny A. (WHSR)  
**CLASSIFICATION** ~~CONFIDENTIAL~~  
**CLASSIFICATIONREASON** 1.5(d)  
**DATECLASSIFIEDON** 09/11/1999  
**DECLASSIFYON** 09/11/2009  
**SUBJECT** KEDO SP ~~[CONFIDENTIAL]~~  
**TO** Bradtke, Robert A. (EXSEC)  
 Bayley, Douglas C. (WHSR)  
 Blackburn, John (WHSR)  
 Broadwick, Bonnie . (WHSR)  
 Crowder, Stevan D. (WHSR)  
 Erdahl, Douglas M. (WHSR)  
 Fuchs, Joachim D. (WHSR)  
 Jansen, Christian P. (WHSR)  
 Laskowski, Gregory J. (WHSR)  
 McGee, Jenny A. (WHSR)  
 Porterfield Patrick C. (WHSR)  
 Rogers, Elizabeth B. (WHSR)  
 Schrader, Joel M. (WHSR)  
 Sibley, Matthew W. (WHSR)  
 Sigler, Ralph H. (WHSR)  
 Sutphen, Mona K. (NSA)  
 Storey, Sharon V. (NSA)

DECLASSIFIED  
 E.O. 13526 5/16/2017  
 White House Guidelines, September 11, 2006  
 By 12 NARA, Date 2/7/2019  
 2006-1363-7(3)

**CARBON\_COPY**  
 Bayley, Douglas C. (WHSR)  
 Blackburn, John (WHSR)  
 Bresnahan, Gary E. (WHSR/STP)  
 Broadwick, Bonnie . (WHSR)  
 Cheramie, Don E. (WHSR)  
 Crowder, Stevan D. (WHSR)  
 Ehrendreich, Joel (WHSR)  
 Erdahl, Douglas M. (WHSR)  
 Ford, Robert G. (WHSR)  
 Fuchs, Joachim D. (WHSR)  
 Jansen, Christian P. (WHSR)  
 Jarosinski, Frank J. (WHSR)  
 Laskowski, Gregory J. (WHSR)  
 Manning, Michael T. (WHSR)  
 McGee, Jenny A. (WHSR)  
 Merletti, Roger D. (WHSR)

Payne, Raymond H. (WHSR/STP)  
Porterfield Patrick C. (WHSR)  
Powell, Elliott (WHSR/EXSEC)  
Rickard, Robin S. (WHSR)  
Rogers, Elizabeth B. (WHSR)  
Schrader, Joel M. (WHSR)  
Sibley, Matthew W. (WHSR)  
Sigler, Ralph H. (WHSR)  
Smith, James A. (WHSR)  
Sutliff, Deana R. (WHSR)  
Swarm, Amy L. (WHSR)  
Tarver, J. Sean (WHSR)  
Williams, Robert S. (WHSR)

**TEXT\_BODY**

Per Bradtke request, attached are the components of the requested SP, minus the mailing labels, as stored on the SP diskette:

**TRANSLATED\_ATTACHMENT**

6529 letters.doc  
DRAFT

To be sent to Chairs of Appropriations and Foreign Relations Committees:

Dear Senator Biden:

We wish to inform you that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the use of \$18.1 million in unallocated funds in the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) account as a supplementary contribution to the Korean Peninsula Energy Development Organization (KEDO), without regard to provisions of law within the scope of that section. In addition, this letter shall constitute the advance notification required under section 634A of the Act and section 515 of the Foreign Operations Appropriations Act for FY 1999.

The funds will be used to help pay heavy fuel oil expenses, including related indebtedness, of the Korean Peninsula Energy Development Organization (KEDO), an

international organization established to implement the Agreed Framework between the United States and the Democratic People's Republic of Korea (DPRK), signed on October 21, 1994. As described in more detail in the enclosed Memorandum of Justification, we believe that the use of the \$18.1 million in the manner described is essential to carry out the terms and conditions of the Agreed Framework. Meeting our Agreed Framework commitments will avoid providing the DPRK an excuse to renege on its own obligations, which would seriously endanger regional security as well as our high-priority nuclear nonproliferation objectives.

Please do not hesitate to contact us if you believe we may be of further assistance.  
Sincerely,

Barbara Larkin  
Assistant Secretary for  
Legislative Affairs

Enclosure:  
Presidential Justification

The Honorable Joseph R. Biden, Jr.  
Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510-0802  
Dear Senator Byrd:

We wish to inform you that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the use of \$18.1 million in unallocated funds in the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) account as a supplementary contribution to the Korean Peninsula Energy Development Organization (KEDO), without regard to provisions of law within the scope of that section. In addition, this letter shall constitute the advance notification required under section 634A of the Act and section 515 of the Foreign

## Operations

Appropriations Act for FY 1999.

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indebtedness, of the Korean Peninsula Energy Development Organization (KEDO), an international organization established to implement the Agreed Framework between the United States and the Democratic People's Republic of Korea (DPRK), signed on

October 21, 1994. As described in more detail in the enclosed Memorandum of

Justification, we believe that the use of the \$18.1 million in the manner

described is essential to carry out the terms and conditions of the Agreed

Framework. Meeting our Agreed Framework commitments will avoid providing the

DPRK an excuse to renege on its own obligations, which would seriously endanger

regional security as well as our high-priority nuclear nonproliferation objectives

Please do not hesitate to contact us if you believe we may be of further assistance.

Sincerely,

Barbara Larkin  
Assistant Secretary for  
Legislative Affairs

Enclosure:  
Presidential Justification

The Honorable Robert C. Byrd  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510-4801  
Dear Mr. Chairman:

We wish to inform you that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the use of \$18.1 million in unallocated funds in the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) account as

a supplementary contribution to the Korean Peninsula Energy Development Organization (KEDO), without regard to provisions of law within the scope of that section. In addition, this letter shall constitute the advance notification required under section 634A of the Act and section 515 of the Foreign Operations Appropriations Act for FY 1999.

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Please do not hesitate to contact us if you believe we may be of further assistance.  
Sincerely,

Barbara Larkin  
Assistant Secretary for  
Legislative Affairs

Enclosure:  
Presidential Justification

The Honorable Sonny Callahan  
Chairman  
Subcommittee on Foreign Operations,  
Export Financing, and Related Programs  
Committee on Appropriations  
Washington, D.C. 20515-0101

Dear Mr. Gejdenson:

We wish to inform you that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the use of \$18.1 million in unallocated funds in the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) account as a supplementary contribution to the Korean Peninsula Energy Development Organization (KEDO), without regard to provisions of law within the scope of that section. In addition, this letter shall constitute the advance notification required under section 634A of the Act and section 515 of the Foreign Operations Appropriations Act for FY 1999.

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Please do not hesitate to contact us if you believe we may be of further assistance.  
Sincerely,

Barbara Larkin  
Assistant Secretary for  
Legislative Affairs

Enclosure:  
Presidential Justification

The Honorable Sam Gejdenson  
House of Representatives  
Committee on International Relations  
Washington, D.C. 20515-0702  
Dear Mr. Gephardt:

We wish to inform you that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the use of \$18.1 million in unallocated funds in the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) account as a supplementary contribution to the Korean Peninsula Energy Development Organization (KEDO), without regard to provisions of law within the scope of that section. In addition, this letter shall constitute the advance notification required under section 634A of the Act and section 515 of the Foreign Operations Appropriations Act for FY 1999.

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Please do not hesitate to contact us if you believe we may be of further assistance.

Sincerely,

Barbara Larkin  
Assistant Secretary for  
Legislative Affairs

Enclosure:  
Presidential Justification.

The Honorable Richard A. Gephardt  
House of Representatives  
Washington, D.C. 20515-2503  
Dear Mr. Chairman:

We wish to inform you that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the use of \$18.1 million in unallocated funds in the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) account as a supplementary contribution to the Korean Peninsula Energy Development Organization (KEDO), without regard to provisions of law within the scope of that section. In addition, this letter shall constitute the advance notification required under section 634A of the Act and section 515 of the Foreign Operations Appropriations Act for FY 1999.

The funds will be used to help pay heavy-fuel-oil expenses, including related indebtedness, of the Korean Peninsula Energy Development Organization (KEDO), an international organization established to implement the Agreed Framework between the United States and the Democratic People's Republic of Korea (DPRK), signed on October 21, 1994. As described in more detail in the enclosed Memorandum of Justification, we believe that the use of the \$18.1 million in the manner described is essential to carry out the terms and conditions of the Agreed Framework. Meeting our Agreed Framework commitments will avoid providing the DPRK an excuse to renege on its own obligations, which would

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objectives

Please do not hesitate to contact us if you believe we may be of  
further  
assistance.  
Sincerely,

Barbara Larkin  
Assistant Secretary  
Legislative Affairs

Enclosure:  
Presidential Justification

The Honorable Benjamin A. Gilman  
Chairman  
Committee on International Relations  
House of Representatives  
Washington, D.C. 20515-3220  
Dear Mr. Speaker:

We wish to inform you that the President proposes to exercise his  
authority under  
section 614(a)(1) of the Foreign Assistance Act of 1961, as amended  
(the "Act"),  
to authorize the use of \$18.1 million in unallocated funds in the  
Nonproliferation, Anti-Terrorism, Demining and Related Programs  
(NADR) account as  
a supplementary contribution to the Korean Peninsula Energy  
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further  
assistance.  
Sincerely,

Barbara Larkin  
Assistant Secretary for  
Regional Affairs

Enclosure:  
Presidential Justification.

The Honorable J. Dennis Hastert  
Speaker of the  
House of Representatives  
Washington, D.C. 20515-6501  
Dear Mr. Chairman:

We wish to inform you that the President proposes to exercise his  
authority under  
section 614(a)(1) of the Foreign Assistance Act of 1961, as amended  
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to authorize the use of \$18.1 million in unallocated funds in the  
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Sincerely,

Barbara Larkin  
Assistant Secretary for  
Legislative Affairs

Enclosure:  
Presidential Justification

The Honorable Jesse Helms  
Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510-3301  
Dear Senator Leahy:

We wish to inform you that the President proposes to exercise his  
authority under  
section 614(a)(1) of the Foreign Assistance Act of 1961, as amended  
(the "Act"),  
to authorize the use of \$18.1 million in unallocated funds in the  
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Organization (KEDO), without regard to provisions of law within the scope of that section. In addition, this letter shall constitute the advance notification required under section 634A of the Act and section 515 of the Foreign Operations Appropriations Act for FY 1999.

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Sincerely,

Barbara Larkin  
Assistant Secretary for  
Legislative Affairs

Enclosure:  
Presidential Justification

The Honorable Patrick J. Leahy  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510-4502  
Dear Mr. Chairman:

We wish to inform you that the President proposes to exercise his

authority under  
section 614(a)(1) of the Foreign Assistance Act of 1961, as amended  
(the "Act"),  
to authorize the use of \$18.1 million in unallocated funds in the  
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Sincerely,

Barbara Larkin  
Assistant Secretary for  
Legislative Affairs

Enclosure:  
Presidential Justification

The Honorable Mitch McConnell  
Chairman  
Committee on Rules and Administration  
United States Senate  
Washington, D.C. 20510-1702  
Dear Mr. Obey:

We wish to inform you that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the use of \$18.1 million in unallocated funds in the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) account as a supplementary contribution to the Korean Peninsula Energy Development Organization (KEDO), without regard to provisions of law within the scope of that section. In addition, this letter shall constitute the advance notification required under section 634A of the Act and section 515 of the Foreign Operations Appropriations Act for FY 1999.

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Sincerely,

Barbara Larkin  
Assistant Secretary for  
Legislative Affairs

Enclosure:  
Presidential Justification

The Honorable David R. Obey  
Committee on Appropriations  
House of Representatives  
Washington, D.C. 20515-4907  
Dear Ms. Pelosi:

We wish to inform you that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the use of \$18.1 million in unallocated funds in the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) account as a supplementary contribution to the Korean Peninsula Energy Development Organization (KEDO), without regard to provisions of law within the scope of that section. In addition, this letter shall constitute the advance notification required under section 634A of the Act and section 515 of the Foreign Operations Appropriations Act for FY 1999.

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Sincerely,

Barbara Larkin  
Assistant Secretary for  
Legislative Affairs

Enclosure:  
Presidential Justification

The Honorable Nancy Pelosi  
House of Representatives  
Committee on Appropriations  
Washington, D.C. 20515-0508  
Dear Mr. Chairman:

We wish to inform you that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the use of \$18.1 million in unallocated funds in the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) account as a supplementary contribution to the Korean Peninsula Energy Development Organization (KEDO), without regard to provisions of law within the scope of that section. In addition, this letter shall constitute the advance notification required under section 634A of the Act and section 515 of the Foreign Operations Appropriations Act for FY 1999.

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Sincerely,

Barbara Larkin  
Assistant Secretary for  
Legislative Affairs

Enclosure:  
Presidential Justification

The Honorable Ted Stevens  
Chairman  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510-0201

Dear Mr. Chairman:

We wish to inform you that the President proposes to exercise his  
authority under  
section 614(a)(1) of the Foreign Assistance Act of 1961, as amended  
(the "Act"),  
to authorize the use of \$18.1 million in unallocated funds in the  
Nonproliferation, Anti-Terrorism, Demining and Related Programs  
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Please do not hesitate to contact us if you believe we may be of further assistance.  
Sincerely,

Enclosure:  
Presidential Justification.

The Honorable C.W. "Bill" Young  
Chairman  
Committee on Appropriations  
House of Representatives  
Washington, D.C. 20515-0910

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September 8, 1999

ACTION

MEMORANDUM FOR SAMUEL BERGER

FROM: GARY SAMORE

SUBJECT: KEDO Funding

Wendy recommends that the President authorize State to consult formally with, and provide a written justification to, the appropriate committees of Congress in preparation for the potential use of his waiver authority under section 614 of the Foreign Assistance Act to reprogram \$18.1 million in unallocated State Department FY99 funds for a supplemental contribution to KEDO. If the results of those formal consultations do not suggest a different course of action, State will recommend that the President invoke his section 614 waiver authority by finding that such a reprogramming is "important to the security interests of the United States." The funds would be used to complete KEDO's 1999 heavy fuel oil shipments to North Korea and to reduce KEDO's debt from previous oil purchases.

Following its regular practice, State has consulted informally with appropriate committee staff on the proposed supplemental for KEDO. According to State, staffers expressed unhappiness with the "delay" in the Perry report and raised concerns about the threat of a North Korean missile test. There are also strong objections on the Hill to using Section 614 waiver authority to provide additional funds to KEDO. Although Congressional consent is not required for use of section 614 waiver authority, Congress could respond by attacking our FY00 funding request for KEDO if we proceed over strong Congressional objections.

Nonetheless, we recommend that the President authorize State to

begin formal  
consultations with Congress on the proposed use of section 614  
waiver authority  
to provide supplemental funds to KEDO. The outcome of these  
consultations may be  
affected by the release of the Perry report to Congress and the  
outcome of Chuck  
Kartman's negotiations with North Korea in Berlin on a missile test  
moratorium.  
On the basis of State's formal consultations, we will need to determine  
whether  
to recommend to the President that he exercise his section 614 waiver  
authority.

Presidential authorization to begin consultations is needed urgently  
because the  
reprogrammed funds must be obligated by September 30. To be  
effective, formal  
consultations must commence in the first half of September.

Concurrence by: Miles Lackey, Ken Lieberthal, Caroline Krass

#### RECOMMENDATION

That you recommend that the President authorize the State  
Department to initiate  
formal consultations with the appropriate committees on the proposed  
use of  
section 614 waiver authority to provide supplemental funding to  
KEDO.

#### Attachments

Tab I Memorandum for the President

Tab A Draft State Department Notification

Letter with attachment:

Justification Regarding Intended use of Section 614 Waiver

Tab II Draft Presidential Determination (For Review Only)

Tab III Incoming Correspondence

2

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~ 6529

~~CONFIDENTIAL~~

Reason: 1.5(d)

Declassify of: 2009

TRANSLATED\_ATTACHMENT 6529b.doc

## ACTION

### MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER  
LARRY STEIN

SUBJECT: Presidential Action Required for a Supplement U.S.  
Contribution to KEDO

#### Purpose

To authorize the Department of State to initiate formal consultations with Congress concerning use of Presidential waiver authority to provide an additional \$18.1 million to the Korean Peninsula Energy Development Organization (KEDO).

#### Background

The U.S. has provided \$35 million in FY99 appropriated funds to KEDO, which KEDO has used toward the purchase of heavy oil for North Korea under the terms of the Agreed Framework. Due to increased oil prices, however, KEDO will fall short about \$11-12 million to complete 1999 oil shipments. Failure to complete these shipments could damage the Agreed Framework and complicate our efforts to implement Bill Perry's proposed strategy towards North Korea. In addition to the shortfall in financing for 1999 oil shipments, KEDO is also carrying about \$22 million in debts from previous oil shipments.

State has identified \$18.1 million in unallocated FY99 funds from the Nonproliferation, Antiterrorism, Demining, and Related Programs account that it proposes to reprogram for KEDO. The funds would be used to complete 1999 oil purchases and retire

some of KEDO's  
outstanding debt.

As you have done previously, you would have to use your waiver authority under section 614 of the Foreign Assistance Act to make these funds available. Use of this authority requires you to determine that the \$18.1 million contribution is "important to the security interests of the United States." Madeleine requests that you authorize State to begin formal consultations with the appropriate congressional committees, as required under section 614, including provision of a written justification explaining your intention to use the section 614 waiver authority (Tab A).

Based on informal consultations State has already carried out, there may be strong congressional opposition to this supplemental funding for KEDO. In part, this opposition reflects congressional unhappiness about the "delay" in

completing the Perry review of North Korea policy and concerns that North Korea may test another long range missile. Some members of Congress may object to providing additional funds to KEDO beyond those already appropriated by Congress for FY99. If you proceed to exercise your 614 waiver authority over strong congressional opposition, Congress may respond by limiting or attaching unacceptable conditions to our FY00 KEDO funding request.

On the basis of State's formal consultations with Congress, we will decide whether to recommend that you issue a section 614 waiver to release an additional \$18.1 million in FY99 funds to KEDO.

#### RECOMMENDATION

That you authorize the Department of State to initiate consultations with, and provide a written justification to, the appropriate committees of Congress concerning your intention to use section 614 authority to reprogram

\$18.1 million  
in FY99 funds to KEDO.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

Attachments

Tab A Draft Congressional Notification Letter From State with  
attachment: Justification for Intended Use of Section  
614 Waiver

2

2

6529

cc: Vice President  
Chief of Staff

**TRANSLATED\_ATTACHMENT** 6529c.doc

Dear Mr. Chairman:

We wish to inform you that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended (the "Act"), to authorize the use of \$18.1 million in unallocated funds in the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) account as a supplementary contribution to the Korean Peninsula Energy Development Organization (KEDO), without regard to provisions of law within the scope of that section. In addition, this letter shall constitute the advance notification

required under section 634A of the Act and section 515 of the Foreign Operations Appropriations Act for FY 1999.

The funds will be used to help pay heavy-fuel-oil expenses, including related indebtedness, of the Korean Peninsula Energy Development Organization (KEDO), an international organization established to implement the Agreed Framework between the United States and the Democratic People's Republic of Korea (DPRK), signed on October 21, 1994. As described in more detail in the enclosed Memorandum of Justification, we believe that the use of the \$18.1 million in the manner described is essential to carry out the terms and conditions of the Agreed Framework. Meeting our Agreed Framework commitments will avoid providing the DPRK an excuse to renege on its own obligations, which would seriously endanger regional security as well as our high-priority nuclear nonproliferation objectives

Please do not hesitate to contact us if you believe we may be of further assistance.

Sincerely,

Barbara Larkin  
Assistant Secretary for  
Legislative Affairs

Enclosure:  
Presidential Justification.

The Honorable C.W. Bill Young, Chairman,  
Chairman, Committee on Appropriations  
House of Representatives  
Washington, D.C. 20515

## TRANSLATED\_ATTACHMENT

6529d.doc

MEMORANDUM OF JUSTIFICATION  
UNDER SECTION 614 OF THE FOREIGN ASSISTANCE ACT  
TO PROVIDE A SUPPLEMENTAL U.S. CONTRIBUTION TO  
THE KOREAN PENINSULA ENERGY DEVELOPMENT  
ORGANIZATION

The President proposes to authorize an additional \$18.1 million contribution to KEDO to finance shipments of heavy fuel oil (HFO) to the Democratic People's Republic of Korea (DPRK). As outlined below, these funds are urgently needed if the Agreed Framework is to be preserved as a viable mechanism for dealing with North Korea-related nonproliferation concerns.

Since the early 1990's, the United States has been faced with the prospect of a hostile North Korea armed with nuclear weapons. Negotiations to avert this situation led to the Agreed Framework, signed on October 21, 1994, under which the DPRK agreed to freeze its graphite-moderated nuclear reactors and related facilities and to allow international monitoring of these facilities by the International Atomic Energy Agency (IAEA). These measures have prevented North Korea from accumulating a significant stockpile of weapons-usable plutonium.

In order to ensure that North Korea continues to abide by its obligations under the Agreed Framework, the United States has to fulfill its own commitments. These include the commitment that we would organize an "international consortium" (KEDO) to finance and supply light-water reactors (LWRs) to the DPRK and to provide 500,000 tons of heavy fuel oil annually to North Korea until completion of the first LWR. Significant progress has recently been achieved on the LWR project with the May 3 signature of an agreement for Japanese

financing of a  
portion of the project and the July 3 signature of a similar agreement  
covering  
ROK financing of the major part of the project, as well as subsequent  
approvals  
of these agreements by both the Japanese and South Korean  
parliaments.  
Full-scale construction is anticipated to begin later this year.

Shipments of HFO this year have proceeded on a regular schedule  
since March. Due  
to the recent increase in oil prices, however, HFO deliveries will stop  
in  
October due to a lack of funds. An additional \$11-12 million will be  
needed to  
complete these shipments.

While we have made strenuous efforts at high levels to obtain HFO  
financing from  
other countries (with some successes, notably from the European  
Union), the  
United States has consistently had to bear over half the cost of these  
shipments.  
With inadequate funding, KEDO accumulated considerable debt on its  
HFO account  
in its first few years. By the beginning of last year, KEDO had  
reached the  
limits of its borrowing capacity. The Administration concluded in  
early 1998 --  
at a time when oil shipments had stopped and North Korea was  
threatening to  
restart its nuclear program -- that it would have to seek additional  
funds to  
ensure that oil shipments could continue. After consultations with  
Congress, the  
President exercised his authority under section 614 of the Foreign  
Assistance Act  
three times in the past eighteen months to make available additional  
contributions totaling \$32 million to finance KEDO's HFO purchases.  
These  
contributions helped KEDO to complete shipment of the 500,000  
metric tons for  
1998 and to reduce its HFO debt from over \$48 million in early 1998  
to its  
present level of \$21 million.

In 1999, maintaining reasonably regular HFO shipments has been a  
tool allowing  
progress in other areas, including the May 20-24 visit to the  
underground site at

Kumchang-ni. In order to build on this progress, and to ensure KEDO's ability to maintain regular HFO shipments in the future, it is necessary to reduce and ultimately eliminate the HFO debt. Use of the \$18.1 million in additional funds will enable KEDO to complete its 1999 schedule of shipments and pay off a significant portion of KEDO's remaining debt.

The Congressionally-mandated review of our North Korean policy, currently nearing completion by Dr. William Perry, will lay out a comprehensive approach toward dealing with the DPRK. Maintenance of the Agreed Framework will remain a significant part of this comprehensive policy. It is a critical tool for engaging forcefully with the North on nuclear proliferation issues of vital concern. The continued funding of KEDO is thus critical to the achievement of the specific objectives of the Agreed Framework, as well as the general goals of promoting international nuclear nonproliferation and maintaining peace and security on the Korean Peninsula. For these reasons, it is important to the security interests of the United States to provide to KEDO \$18.1 million in unallocated funds from the NADR account, notwithstanding any provision of law within the scope of section 614 (a)(1).

-2-

TRANSLATED\_ATTACHMENT 6529e.doc

~~CONFIDENTIAL~~

DECL: August 1, 2009

MEMORANDUM FOR ROBERT A. BRADTKE  
EXECUTIVE SECRETARY  
NATIONAL SECURITY COUNCIL

SUBJECT: Use of \$18.1 Million from the Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR) Account to Make a Supplementary U.S. Contribution to the Korean Peninsula Energy Development Organization (KEDO)

This memorandum requests that the President authorize the Department of State to consult formally with, and provide the attached written policy justification to, relevant committees of the Congress concerning the proposed waiver of restrictions on the provision of assistance to the Democratic People's Republic of Korea (DPRK) in order to provide \$18.1 million in unallocated NADR account funds as a contribution to KEDO. The funds will be used to complete KEDO's 1999 shipments of heavy fuel oil (HFO) to North Korea and to reduce the debt in KEDO's HFO account.

The U.S. Government has provided \$35 million in FY 1999 from funds appropriated specifically for contributions to KEDO, following Presidential certification on March 4 and May 18 of two sets of conditions required by the FY 1999 appropriations legislation. These funds, combined with the expected EU annual contribution of almost \$16 million (of which about \$14.4 million will go for HFO) and smaller funding from other KEDO member states and contributors, will enable KEDO to finance most of the 500,000 metric tons of HFO to be shipped to North Korea as called for in the Agreed Framework between the United States and the DPRK. We estimate that an additional \$11-12 million will be needed to complete funding of the 1999 shipments. An increase in oil prices from \$100 per metric ton earlier in the year to \$140 at present accounts for much of the shortfall. Failure to complete the shipments in a timely manner could risk damaging the Agreed Framework between the United States and the DPRK.

In addition, we hope to use the balance of these funds (\$6-7 million) to pay down KEDO debt. KEDO remains \$21 million in debt on its HFO account. This debt, which reached over \$48 million at the end of 1997, raised alarm bells in Congress, and reprogramming efforts last year resulted in its reduction to the present level. The use by KEDO of \$6-7 million to retire HFO debt would result in a carry-over of about \$14-15 million in debt at the end of this year. With the exception of \$2 million owed to KEDO's administrative account, the remaining debt is now in the form of bank loans guaranteed by Japanese Government-provided collateral. The GOJ, however, has made it clear that this collateral will not remain available indefinitely, since Japan intends to use the fund to pay interest on its EXIM bank's LWR financing. We have told the Japanese that we hope to achieve a total debt retirement in the next two years.

A total of \$18.1 million has been identified in unallocated funds in the NADR account. These funds, however, must be obligated by September 30 or they will no longer be available.

Section 614 of the FAA was amended last year by Section 592 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1999, as enacted in P.L. 105-277 ("FY 99 FOAA"), to allow the President to waive prohibitions on the provision of assistance to North Korea up to a maximum of \$35 million in FY 1999. On December 24, 1998, the President used his waiver authority to authorize a contribution of \$12 million to KEDO. As a result, there is \$23 million remaining of the President's Section 614 waiver authority in this fiscal year. (Use of this waiver authority was not required for the \$35 million in regular FY 1999 appropriations for KEDO.)

Because of various provisions of law that restrict assistance to North

Korea,  
the President will need to exercise his section 614 authority to find  
that it is  
"important to the security interests of the United States" to make the  
proposed  
\$18.1 million contribution without regard to provisions of law within  
the scope  
of that section. (Potential legal restrictions on direct or indirect  
assistance  
to the DPRK include sections 307, 620A, and 620(f) of the FAA,  
section 530 of the  
Foreign Relations Authorization Act for Fiscal Years 1994 and 1995,  
and sections  
507, 516, 523, and 527 of the FY 99 FOAA.

(NOTE: Attachment 3 is a draft Presidential determination pursuant to  
section  
614 provided for review purposes only. It should not be signed by the  
President  
until after the Department of State's consultations with Congress have  
been  
completed.)

#### Consultation Procedures

Before the President can exercise his authority under section 614 of  
the FAA, he  
must consult with, and provide a written policy justification to,  
Congress.  
State would initiate such consultations with a letter stating the  
President's  
intent to exercise his authority under section 614(a)(1) and  
transmitting the  
required memorandum of justification (Attachments 1 and 2).

In keeping with its regular practice, the State Department informally  
consulted with staff of the House and Senate Appropriations  
Subcommittees on  
Foreign Operations, the House International Relations Committee and  
the Senate  
Foreign Relations Committee. Reactions generally ranged from  
unenthusiastic to  
negative, with staffers raising a number of questions about our North  
Korea  
policy.

Two issues were consistently raised. Staffers expressed unhappiness  
with the  
"delay" in receiving Secretary Perry's report and concern with the  
possibility of

a new North Korean missile test. To varying degrees, they indicated that if a new test occurred in September, or if the Perry report were still not completed by then, any reprogramming proposal would face rejection.

In addition, appropriations committee staff have questioned whether paying down KEDO's HFO debt should be a priority, since this debt is backed by the Japanese collateral fund.

Finally, the Department believes there are strong objections on the Hill to using waiver authority to provide additional funds for KEDO. Furthermore, key Congressional staffers maintain that there was an understanding between the Hill and the White House that the Administration would not use Presidential waiver authority to increase KEDO funding above the amount appropriated in P.L. 105-277. In fact, however, last December the President, after full Hill consultations, successfully used section 614 to provide an additional \$12 million to KEDO.

As a result of these concerns, we will need to hold additional close consultations with Hill committees. We nevertheless recommend that the President authorize the formal consultations called for under section 614, in order to allow us to resolve these issues when Congress reconvenes in early September. Any delay now would risk missing the deadline of September 30 for obligation of these funds.

Section 634A of the FAA and section 515 of the FY 99 FOAA require that we provide Congress 15 days' notification before these funds are available for obligation. The attached draft letter to Congress contains language providing this notification. To be effective, however, it must be sent in the first half of September.

In conclusion, we recommend that the President authorize the Department of State

to consult formally with, and provide a written justification to, the appropriate committees of Congress. If the results of these consultations do not suggest a different course of action, we will forward an additional memorandum (Attachment 3) recommending that the President exercise his authority under section 614 to permit a supplementary \$18.1 million contribution to KEDO, notwithstanding any law within the purview of that section.

Kristie A. Kenney  
Executive Secretary

Attachments:

- (1) Letters of Notification re: Section 614
- (2) Memorandum of Justification re: Section 614
- (3) Draft Presidential Determination under Section 614

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-2-

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

Classified by Ralph L. Boyce, EAP Acting AS  
Reasons: 1.5(b) and (d)

TRANSLATED\_ATTACHMENT 6529f.doc

NOT FOR SIGNATURE; FOR REVIEW ONLY

DRAFT PRESIDENTIAL DETERMINATION UNDER SECTION  
614(a)(1) OF THE FAA: DOCUMENT  
WILL BE RE-SUBMITTED FOR SIGNATURE AFTER  
STATUTORY CONSULTATIONS WITH CONGRESS

The White House  
Washington, D.C.  
Presidential Determination  
No.

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Use of \$18.1 Million in unallocated Nonproliferation,  
Anti-Terrorism,  
Demining and Related Programs funds for a U.S. Contribution to the  
Korean  
Peninsula Energy Development Organization (KEDO)

Pursuant to the authority vested in me by section 614(a)(1) of the  
Foreign  
Assistance Act of 1961, as amended, 22 U.S.C. 2364(a)(1) (the  
"Act"), I hereby  
determine that it is important to the security interests of the United  
States to  
furnish up to \$18.1 million in funds made available under the heading  
"Nonproliferation, Anti-Terrorism, Demining and Related Programs"  
in Title II of  
the Foreign Operations, Export Financing, and Related Programs  
Appropriations  
Act, 1999, as enacted in PL 105-277, for assistance for KEDO without  
regard to  
any provision of law within the scope of section 614(a)(1). I hereby  
authorize  
the furnishing of this assistance.

You are hereby authorized and directed to transmit this determination  
to the  
Congress and to arrange for its publication in the Federal Register.

# Exchange Mail

---

**DATE-TIME** 9/14/99 8:33:10 PM  
**FROM** Bartlett, L. June (EXSEC)  
**CLASSIFICATION** UNCLASSIFIED  
**SUBJECT** Transmittal Letters to Hill -- Perry Report [UNCLASSIFIED]  
**TO** Pritchard, Charles (Jack) L. (ASIA)

**CARBON\_COPY** Huso, Ravic R. (ASIA)  
Keith, James R. (ASIA)  
Lieberthal, Kenneth G. (ASIA)  
Matthews, Sonyia (ADMIN)  
Pritchard, Charles (Jack) L. (ASIA)  
Williams, Mary C. (ADMIN)  
Bartlett, L. June (EXSEC)  
Bradtke, Robert A. (EXSEC)  
Dejban, Donna D. (NSA)  
Gire, Cynthia L. (EXSEC)  
Gray, Wendy E. (NSA)  
Hilliard, Brenda I. (EXSEC)  
Jacobson, Tracey A. (ADMIN)  
Joshi, M. Kay (EXSEC)  
Kerrick, Donald L. (NSA)  
Millison, Cathy L. (EXSEC)  
Powell, Elliott (WHSR/EXSEC)  
Sargeant, Stephen T. (EXSEC)  
Wasserman, Elaine P. (EXSEC)  
Burrell, Christina L. (LEGIS)  
Lackey, Miles M. (LEGIS)  
Shapiro, Daniel B. (LEGIS)  
Tavlarides, Mark J. (LEGIS)

**TEXT\_BODY**

Jack,

Per your request, attached is a copy of the signed transmittal letter to the hill forwarding the Perry report (also attached is the distribution list for your information).

June

TRANSLATED\_ATTACHMENT 6558 LTRS TO HILL PERRY RPT.doc

Dear Mr. Speaker:

I am forwarding to you the report and recommendations Dr. Perry provided me as a result of his extensive review of our North Korea policy. I know that Bill Perry has had frequent consultations with key Members of Congress and the results of his review will be familiar to you. Bill, Ambassador Wendy Sherman, and Ambassador Charles Kartman will be available this week to discuss the results of the review and the recommendations it contains.

I hope I can count on your support as we go forward with our North Korea policy.

Sincerely,

The Honorable J. Dennis Hastert  
Speaker of the  
House of Representatives  
Washington, D. C. 20515-6501

2

UNCLASSIFIED W/~~SECRET~~ ENCLOSURE

UNCLASSIFIED W/~~SECRET~~ ENCLOSURE

**TRANSLATED\_ATTACHMENT**

CONG LEADERSHIP LIST SEP99.doc  
DISTRIBUTION LIST - September 14, 1999

Dear Mr. Leader:  
The Honorable Trent Lott  
Majority Leader  
United States Senate  
S. 230 Capitol Building  
Washington, D.C. 20510-7010

Dear Mr. Leader:  
The Honorable Thomas A. Daschle  
Minority Leader  
United States Senate  
S.221 Capitol Building  
Washington, DC. 20510-7020

Dear Mr. Speaker:  
The Honorable J. Dennis Hastert  
Speaker of the  
House of Representatives  
H. 232 Capitol Building  
Washington,, D.C. 20515-6501

Dear Mr. Leader:  
The Honorable Richard A. Gephardt  
Democratic Leader  
House of Representatives  
H. 204 Capitol Building  
Washington, D.C. 20515-6537

Dear Mr. Chairman:  
The Honorable Ted Stevens  
Chairman  
Committee on Appropriations  
United States Senate  
128 Capitol Building  
Washington, D.C. 20510-6025

Dear Senator Byrd:  
The Honorable Robert C. Byrd  
Ranking Minority Member  
Committee on Appropriations  
United States Senate  
128 Capitol Building  
Washington, D. C. 20510-6025

Dear Mr. Chairman:  
The Honorable John W. Warner

Chairman  
Committee on Armed Services  
United States Senate  
228 Russell Senate Office Building  
Washington, D.C. 20520-6050

Dear Carl:  
The Honorable Carl Levin  
Ranking Minority Member  
Committee on Armed Services  
United States Senate  
228 Russell Senate Office Building  
Washington, D.C. 20520-6050

Dear Mr. Chairman:  
The Honorable Jesse Helms  
Chairman  
Committee on Foreign Relations  
United States Senate  
450 Dirksen Senate Office Building  
Washington, D.C. 20510-6225

Dear Joe:  
The Honorable Joseph R. Biden, Jr.  
Ranking Minority Member  
Committee on Foreign Relations  
United States Senate  
450 Dirksen Senate Office Building  
Washington, D.C. 20510-6225

Dear Mr. Chairman:  
The Honorable Richard C. Shelby  
Chairman  
Select Committee on Intelligence  
United States Senate  
211 Hart Senate Office Building  
Washington, D.C. 20510-6475

Dear Mr. Vice Chairman:  
The Honorable Robert J. Kerrey  
Vice Chairman  
Select Committee on Intelligence  
United States Senate  
211 Hart Senate Office Building  
Washington, D.C. 20510-6475

Dear Mr. Chairman:  
The Honorable C. W. Young  
Chairman

Committee on Appropriations  
House of Representatives  
H. 218 Capitol Building  
Washington, D. C. 20515-6015

Dear Dave:  
The Honorable David R. Obey  
Ranking Minority Member  
Committee on Appropriations  
House of Representatives  
H. 218 Capitol Building  
Washington, D. C. 20515-6015

Dear Mr. Chairman:  
The Honorable Floyd Spence  
Chairman  
Committee on Armed Services  
House of Representatives  
2120 Rayburn House Office Building  
Washington, D.C. 20515-6035

Dear Ike:  
The Honorable Ike Skelton  
Ranking Minority Member  
Committee on Armed Services  
House of Representatives  
2120 Rayburn House Office Building  
Washington, D.C. 20515-6035

Dear Mr. Chairman:  
The Honorable Benjamin A. Gilman  
Chairman  
Committee on International Relations  
House of Representatives  
2170 Rayburn House Office Building  
Washington, D.C. 20515-6128

Dear Sam:  
The Honorable Sam Gejdenson  
Ranking Minority Member  
Committee on International Relations  
House of Representatives  
2170 Rayburn House Office Building  
Washington, D.C. 20515-6128

Dear Mr. Chairman:  
The Honorable Porter J. Goss  
Chairman  
Permanent Select Committee on Intelligence  
H. 405 Capitol Building

Washington, D.C. 20515-6415

Dear Julian:  
The Honorable Julian C. Dixon  
Ranking Minority Member  
Permanent Select Committee on Intelligence  
H. 405 Capitol Building  
Washington, D.C. 20515-6415

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                                                                  | DATE       | RESTRICTION |
|--------------------------|----------------------------------------------------------------------------------------------------------------|------------|-------------|
| 001. email               | Joan Edwards to Elisa Harris. Subject: 3782.doc; 3782.labels.doc;<br>3782a.doc; 3782b.doc; 3782.doc (11 pages) | 09/28/1999 | P1/b(1)     |

### COLLECTION:

Clinton Presidential Records  
NSC Emails  
Exchange-Record (Sept 97-Jan 01) ([Jesse Helms])  
OA/Box Number: 620000

### FOLDER TITLE:

[09/11/1999-10/26/1999]

2006-1363-F

vz5638

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                                       | DATE       | RESTRICTION |
|--------------------------|-------------------------------------------------------------------------------------|------------|-------------|
| 002. email               | Elisa Harris to Mark Tavlarides and Caroline Krass. Subject: CWC Package. (8 pages) | 09/29/1999 | P1/b(1)     |

### COLLECTION:

Clinton Presidential Records  
NSC Emails  
Exchange-Record (Sept 97-Jan 01) ([Jesse Helms])  
OA/Box Number: 620000

### FOLDER TITLE:

[09/11/1999-10/26/1999]

2006-1363-F

vz5638

### RESTRICTION CODES

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

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                       | DATE       | RESTRICTION |
|--------------------------|---------------------------------------------------------------------|------------|-------------|
| 003. email               | Caroline Krass to Elisa Harris. Subject: FW: CWC Package. (8 pages) | 09/30/1999 | P1/b(1)     |

### COLLECTION:

Clinton Presidential Records  
NSC Emails  
Exchange-Record (Sept 97-Jan 01) ([Jesse Helms])  
OA/Box Number: 620000

### FOLDER TITLE:

[09/11/1999-10/26/1999]

2006-1363-F

vz5638

### RESTRICTION CODES

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

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# Exchange Mail

---

**DATE-TIME** 10/6/99 1:13:25 PM  
**FROM** Keith, James R. (ASIA)  
**CLASSIFICATION** UNCLASSIFIED  
**SUBJECT** FW: Helms Redo [UNCLASSIFIED]  
**TO** Matthews, Sonyia (ADMIN)

**CARBON\_COPY****TEXT\_BODY**

Please print in final. Already saved to disk as redo3 in each case.  
jk

-----Original Message-----

From: Lieberthal, Kenneth G. (ASIA)

Sent: Wednesday, October 06, 1999 10:33 AM

To: Keith, James R.  
(ASIA)

Subject: FW: Helms Redo [UNCLASSIFIED]

Importance: High

Jim,

I  
have made substantial changes to the first two files. Back to you  
to get clearances, etc.

Ken

-----Original Message-----

From: Keith,

James R. (ASIA)

Sent: Wednesday, October 06, 1999 10:08 AM

To: Lieberthal,  
Kenneth G. (ASIA)

Subject: Helms Redo [UNCLASSIFIED]

Importance: High

Package

is on your desk; I have re-drafted based on what I can decipher of  
JBS' comments. I will address format after you have had a look at  
substance. Suggest we send back after you have edited with a note  
that you or I stand ready to discuss (JBS wrote that he wanted to

discuss with you).

TRANSLATED\_ATTACHMENT 6702 potus~helms REDO2.doc

Dear Mr. Chairman:

Thank you for your letter concerning my meeting with Chinese President Jiang in Auckland. That meeting was arranged months in advance as part of my regular participation in the APEC Leaders' Meeting and was not convened in any way as a response to Lee Teng-hui's July 9 statement.

My Administration's cross-Strait policy seeks to maximize the chances of peace, prosperity and security in the Taiwan Strait area by creating appropriate incentives for all parties. This continues an approach followed by every administration since the 1970's. Specifically, we have made clear our firm "one China" policy; we have insisted that any resolution of differences between the Chinese on both sides of the Strait be peaceful; and we have urged both parties to sustain cross-Strait dialogue as the only effective means of resolving peacefully the differences between Taipei and Beijing.

\* \* \* \*

I articulated all three of these principles in my meeting with President Jiang.

I am determined to uphold these principles in an even-handed and consistent manner because this approach is the best means of advancing the interests of the American people in regional peace, stability, and increasing prosperity.

As always, I am grateful for your forthright insight and advice.

Sincerely,

The Honorable Jesse Helms  
Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510-3301

2

TRANSLATED\_ATTACHMENT 6702 srb~potus REDO.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER  
LARRY STEIN

SUBJECT: Senator Helms' Letter Concerning Your Meeting with  
Chinese President  
Jiang Zemin

Purpose

Respond to Helms' letter urging you to avoid tilting toward Beijing  
during your  
meeting with Jiang in Auckland.

Background

Senator Helms wrote to caution you against advancing U.S.-China  
relations at the  
expense of Taiwan. He charges that your meeting with Jiang Zemin in  
Auckland was  
"hastily arranged" to assuage the PRC's ire over Lee Teng-hui's July 9  
statement

positing "special state-to-state" relations as the basis for cross-Strait dialogue. Helms alleges that the Administration is already tilting toward Beijing, and he advocates a reversal of that alleged position by warning Jiang that: any PRC use of force in the dispute with Taiwan will trigger U.S.

intervention; the Administration refrain from pressuring Taiwan to enter into negotiation with Beijing; you avoid any kind of joint statement with Jiang in Auckland; and you say nothing to Jiang on arms sales to Taiwan other than to restate the obligations of the Taiwan Relations Act.

Your response rebuts Helms' charges, explains the fundamental principles that guide our relations with the PRC and Taiwan, and indicates that you stressed these principles to Jiang during your meeting.

#### RECOMMENDATION

That you sign the letter to Helms at Tab A.

#### Attachments

Tab A Letter to Senator Helms

Tab B Incoming Correspondence

2

6702 REDO

cc: Vice President  
Chief of Staff

TRANSLATED\_ATTACHMENT 6702 jk~srb REDO.doc

October 6, 1999

ACTION

MEMORANDUM FOR SAMUEL BERGER

THROUGH: KENNETH LIEBERTHAL

FROM: JAMES KEITH

SUBJECT: Response to Senator Helms' Letter Concerning POTUS'  
Meeting with Chinese  
President Jiang Zemin

Attached at Tab I is a memorandum to the President covering a  
response to Senator  
Helms regarding the President's meeting with Chinese President Jiang  
Zemin in  
Auckland.

The NSC received the incoming correspondence on 10 September  
1999.

Concurrence by: Miles Lackey

RECOMMENDATION

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

Attachments  
Tab I Memorandum to the President  
Tab A Response to Senator Helms  
Tab B Incoming Correspondence  
1

6702 REDO

# Exchange Mail

---

**DATE-TIME** 10/13/99 5:53:23 PM  
**FROM** Tavlarides, Mark J. (LEGIS)  
**CLASSIFICATION** UNCLASSIFIED  
**SUBJECT** RE: Inviting Members to WH Briefing [UNCLASSIFIED]  
**TO** Guarnieri, Valerie N. (MULTI)  
Burrell, Christina L. (LEGIS)  
Lackey, Miles M. (LEGIS)  
Shapiro, Daniel B. (LEGIS)  
Tavlarides, Mark J. (LEGIS)

**CARBON\_COPY** Bernard, Kenneth W. (HEALTH)  
Hill, Roseanne M. (MULTI)  
Keenan, Josefine (Chris) (HEALTH)  
Busby, Scott W. (MULTI)  
Feldman, Daniel F. (MULTI)  
Guarnieri, Valerie N. (MULTI)  
Hill, Roseanne M. (MULTI)  
Kale, Dora A. (MULTI)  
Naplan, Steven J. (MULTI)  
Schwartz, Eric P. (MULTI)  
Stromseth, Jane E. (MULTI)  
Vaccaro, Jonathan M. (Matt) (MULTI)

**TEXT\_BODY**

Who would attend other than SRB? Just Administration officials?

-----Original

Message-----

From: Guarnieri, Valerie N. (MULTI)

Sent: Wednesday,

October 13, 1999 5:49 PM

To: @LEGISLAT - Legislative Affairs

Cc: @HEALTH

- International Health Affairs; @MULTILAT - Multilateral and Humanitarian Affairs

Subject: Inviting Members to WH Briefing [UNCLASSIFIED]

At

SRB's request, Ken Bernard and I have put together a briefing on Kosovo psycho-social issues that SRB will chair. The briefing is scheduled for Friday, Oct. 15, although time is still under discussion given changes in POTUS schedule (probably 4 pm) and I am waiting final confirmation that it will happen as SRB's preferred co-host

(Eli Wiesel) may not be available now. The briefing will be conducted by a team of experts that State deployed to Kosovo, at our request, to review USG ongoing psycho-social activities, identify gaps and make recommendations, following the President's interest in this issue.

There was also substantial interest on the Hill and many letters on this issue, particularly regarding the trauma faced by women following rape and other abuses. We, and State, thus propose inviting Members of Congress to the briefing, to demonstrate our continued interest on this issue and to give them an opportunity to hear from some experts. While perhaps only a few would attend, particularly given the late notice, that would actually serve our interests quite well as space is limited. State/PRM has suggested the following list that includes the female Senators who formed the womans caucus that met with the Secretary on this issue, and others who have expressed significant interest in Kosovo psycho-social issues:

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Helms  
Kay Bailey Hutchinson  
Susan Collins  
Benjamin Gilman  
Chris  
Smith  
Olympia Snowe  
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Michael Capuano  
Dianne  
Feinstein  
Mary Landrieru  
Blance Lincoln  
Barbara Mikulski  
Patty  
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Sam Gejdenson  
Cynthia McKinney

What are your thoughts on this list? Are we dreaming to think that any would come, particularly at 4 on a Friday, if that ends up being the time? Assuming SRB approves going forward with Congressional participation, could you/would you do the inviting and/or poll the offices to see if any of the above were possibilities. How do you suggest proceeding? Please advise.

I hope to have resolution from SRB by OOB on whether this can go forward and a time.



# Exchange Mail

---

**DATE-TIME** 10/13/99 6:50:41 PM  
**FROM** Tavlarides, Mark J. (LEGIS)  
**CLASSIFICATION** UNCLASSIFIED  
**SUBJECT** RE: Inviting Members to WH Briefing [UNCLASSIFIED]  
**TO** Guarnieri, Valerie N. (MULTI)

**CARBON\_COPY****TEXT\_BODY**

Wouldn't it be better to offer separate brief on Hill to interested members of Congress.

-----Original Message-----

From: Guarnieri,  
Valerie N. (MULTI)  
Sent: Wednesday, October 13, 1999 6:38 PM  
To: Tavlarides,  
Mark J. (LEGIS)  
Subject: RE: Inviting Members to WH Briefing [UNCLASSIFIED]

Eli  
Wiesel, maybe.  
NGO reps - humanitarian, advocacy groups  
A couple  
religious community reps (Christian and Muslim)  
Administration officials  
including: Hattie Babbitt, Jim Dobbins, Julia Taft (AS), AS level  
rep from people from HHS and elsewhere

-----Original Message-----

From: Tavlarides,  
Mark J. (LEGIS)  
Sent: Wednesday, October 13, 1999 5:53 PM  
To: Guarnieri,  
Valerie N. (MULTI); @LEGISLAT - Legislative Affairs  
Cc: @HEALTH  
- International Health Affairs; @MULTILAT - Multilateral and Humanitarian  
Affairs  
Subject: RE: Inviting Members to WH Briefing [UNCLASSIFIED]

Who  
would attend other than SRB? Just Administration officials?

-----Original

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From: Guarnieri, Valerie N. (MULTI)

Sent: Wednesday,

October 13, 1999 5:49 PM

To: @LEGISLAT - Legislative Affairs

Cc: @HEALTH

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Subject: Inviting Members to WH Briefing [UNCLASSIFIED]

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What are your thoughts on this list? Are we dreaming to think that any would come, particularly at 4 on a Friday, if that ends up being the time? Assuming SRB approves going forward with Congressional participation, could you/would you do the inviting and/or poll the offices to see if any of the above were possibilities. How do you suggest proceeding? Please advise.

I hope to have resolution from SRB by OOB on whether this can go forward and a time.

# Exchange Mail

---

**DATE-TIME** 10/14/99 9:16:26 AM  
**FROM** Guarnieri, Valerie N. (MULTI)  
**CLASSIFICATION** UNCLASSIFIED  
**SUBJECT** RE: Inviting Members to WH Briefing [UNCLASSIFIED]  
**TO** Tavlarides, Mark J. (LEGIS)

**CARBON\_COPY****TEXT\_BODY**

I missed this last night. While this might be an option if they want to wait another month or so, no such briefing will be possible in the short term and the longer this waits the less relevant it will likely be. The team was assembled from around the U.S. and Europe and, after they disperse, getting them back together will be somewhat difficult and expensive. In addition, key members of the team, including the leader, leave for East Timor on Saturday.

-----Original Message-----

From: Tavlarides, Mark J. (LEGIS)

Sent: Wednesday, October 13, 1999 6:51 PM

To: Guarnieri, Valerie  
N. (MULTI)

Subject: RE: Inviting Members to WH Briefing [UNCLASSIFIED]

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of Congress.

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To: Tavlarides,  
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Subject: RE: Inviting Members to WH Briefing [UNCLASSIFIED]

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A couple  
religious community reps (Christian and Muslim)  
Administration officials

including: Hattie Babbitt, Jim Dobbins, Julia Taft (AS), AS level rep from people from HHS and elsewhere

-----Original Message-----

From: Tavlarides,  
Mark J. (LEGIS)  
Sent: Wednesday, October 13, 1999 5:53 PM  
To: Guarnieri,  
Valerie N. (MULTI); @LEGISLAT - Legislative Affairs  
Cc: @HEALTH  
- International Health Affairs; @MULTILAT - Multilateral and Humanitarian Affairs  
Subject: RE: Inviting Members to WH Briefing [UNCLASSIFIED]

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Sent: Wednesday,  
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were possibilities. How do you suggest proceeding? Please advise.

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hope to have resolution from SRB by OOB on whether this can go forward  
and a time.

# Exchange Mail

---

**DATE-TIME** 10/14/99 10:57:21 AM  
**FROM** Guarnieri, Valerie N. (MULTI)  
**CLASSIFICATION** UNCLASSIFIED  
**SUBJECT** RE: Inviting Members to WH Briefing [UNCLASSIFIED]  
**TO** Tavlarides, Mark J. (LEGIS)

**CARBON\_COPY**

**TEXT\_BODY**

State suggested the list but if there are people who you don't think should be invited, than lets not invite them.

(still waiting to hear from SRB as to whether he will do this, at 9 am, 4 pm or at all.)

-----Original Message-----

From: Tavlarides, Mark J. (LEGIS)

Sent: Thursday, October 14, 1999 9:19 AM

To: Guarnieri, Valerie

N. (MULTI)

Subject: RE: Inviting Members to WH Briefing [UNCLASSIFIED]

I will talk to Miles. I can tell you from now that I don't know why Jesse Helms should be invited.

-----Original Message-----

From: Guarnieri,

Valerie N. (MULTI)

Sent: Thursday, October 14, 1999 9:16 AM

To: Tavlarides,

Mark J. (LEGIS)

Subject: RE: Inviting Members to WH Briefing [UNCLASSIFIED]

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Sent: Wednesday,  
October 13, 1999 6:51 PM

To: Guarnieri, Valerie N. (MULTI)

Subject: RE:

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Administration officials including:

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| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                           | DATE       | RESTRICTION |
|--------------------------|-------------------------------------------------------------------------|------------|-------------|
| 004. email               | Caroline Krass to Stephan Sargeant. Subject: FW: cwc package. (9 pages) | 10/26/1999 | P1/b(1)     |

### COLLECTION:

Clinton Presidential Records  
NSC Emails  
Exchange-Record (Sept 97-Jan 01) ([Jesse Helms])  
OA/Box Number: 620000

### FOLDER TITLE:

[09/11/1999-10/26/1999]

2006-1363-F

vz5638

### RESTRICTION CODES

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

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

RR. Document will be reviewed upon request.

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