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| Original OA/ID Number:<br>164 |            |               |             |                |
|                               |            |               |             |                |
| Document ID: 9307362          |            |               |             |                |
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NSC/RMO PROFILE

RECORD ID: 9307362  
RECEIVED: 27 SEP 93 16

TO: PRESIDENT

FROM: LAKE  
WH EXECUTIVE CLERK

DOC DATE: 28 SEP 93  
SOURCE REF:

KEYWORDS: ECONOMIC ASSISTANCE  
UN  
CONGRESSIONAL

SOMALIA  
CM

PERSONS:

SUBJECT: FOM ASSISTANCE ACT DRAWDOWN & PRES WAIVER OF STATUTORY RESTRICTIONS  
ON ASSISTANCE TO SOMALIA IN SUPPORT OF UN TO REESTABLISH POLICE

ACTION: PRES APPROVED RECOM DUE DATE: 30 SEP 93 STATUS: C

STAFF OFFICER: DARRAGH

LOGREF:

FILES: PA

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

CLARKE  
DARRAGH  
NSC CHRON

DECLASSIFIED E.O. 13526

White House Guidelines,  
September 11, 2006

By LOE NARA, Date 02/24/17  
2012-0059-F

COMMENTS: \_\_\_\_\_  
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DISPATCHED BY \_\_\_\_\_ DATE \_\_\_\_\_ BY HAND W/ATTCH

OPENED BY: NSWEA

CLOSED BY: NSWEA

DOC 2 OF 2

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ACTION DATA SUMMARY REPORT

RECORD ID: 9307362

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 LAKE  
002 PRESIDENT  
002

Z 93092822 FWD TO PRES FOR DECISION  
Z 93092822 FOR DECISION  
X 93092917 PRES APPROVED RECOM

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

002 930928  
002 930928

VICE PRESIDENT  
WH CHIEF OF STAFF

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National Security Council  
The White House

JWR  
9/28

PROOFED BY: \_\_\_\_\_ LOG # 7362  
URGENT NOT PROOFED: \_\_\_\_\_ SYSTEM PRS NSC INT  
BYPASSED WW DESK: \_\_\_\_\_ DOCLOG \_\_\_\_\_ A/O \_\_\_\_\_

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| Staff Director  | _____       | _____          | _____                                 |
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| Situation Room  | _____       | _____          | _____                                 |
| West Wing Desk  | <u>3</u>    | <u>HA 9/28</u> | <u>D</u> <sup>TP</sup> <u>PODRETA</u> |
| NSC Secretariat | <u>4</u>    | _____          | <u>D</u>                              |
| _____           | _____       | _____          | _____                                 |
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A = Action    I = Information    D = Dispatch    R = Retain    N = No Further Action

cc:            VP            McLarty            Other \_\_\_\_\_

Should be seen by: \_\_\_\_\_  
(Date/Time)

COMMENTS:

DISPATCH INSTRUCTIONS:

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~~THE WHITE HOUSE~~  
WASHINGTON

September 28, 1993

Tony/Sandy:

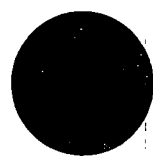
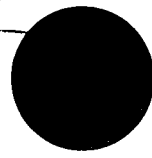
This memo should have an OMB chop on it. I asked Sean Darragh to get that, and he's working that now.

} done  
per  
Sean

They're looking to get this approved today, however, so I'll send this in to you while the OMB concurrence is pending.

*TuR*

Reed



THE PRESIDENT HAS SEEN 9/29

THE WHITE HOUSE  
WASHINGTON

September 29, 1993

MR. PRESIDENT:

Attached is a decision memo from Tony Lake recommending that you authorize the State Department to consult with relevant congressional committees about providing funds and assistance to help reestablish the Somali police force.

Two forms of assistance are recommended: (i) the use of \$2 million in previously allocated Economic Support Funds for the UN to pay the salaries of Somali police, **requiring a Presidential waiver of otherwise applicable prohibitions under § 614 of the Foreign Assistance Act;** and (ii) the drawdown of \$25 million in DOD commodities and services, **requiring a Presidential Determination under § 552 of the FAA.**

Consultations with relevant congressional committees are required before making the Determination or exercising the waiver. **The State Department is ready to go to the Hill this afternoon to begin consultations.**

Approve ☒ Disapprove [ ] Discuss [ ]  
consultations

TJS  
Todd Stern

PHOTOCOPY WJC HANDWRITING

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THE PRESIDENT HAS SEEN 9/29  
7362

THE WHITE HOUSE

WASHINGTON

September 28, 1993 9:33

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: ANTHONY LAKE

SUBJECT: Foreign Assistance Act Drawdown and Presidential Waiver of Statutory Restrictions on Assistance to Somalia in Support of UN Efforts to Reestablish a Somali Police Force

By KDE NARA, Date 02/24/17  
2012-0689-F

Purpose

To authorize consultations with Congress on a 614 waiver to make up to \$2 million in Economic Support Funds (ESF) available and on the drawdown of up to \$25 million in DOD commodities and services to support UNOSOM's efforts to reconstitute the Somali police.

Background

It is clear that progress on both the political and humanitarian fronts in Somalia depends on a stable security environment. Thus, it is essential that a credible police force be established before UNOSOM withdraws. Accordingly, there is an intra-governmental consensus that we should support the reestablishment of an effective Somali police force.

In order to provide this support, we propose to drawdown DOD commodities and services and to use \$2 million in previously allocated ESF. The drawdown requires a Presidential Determination under FAA Section 552. Although this authority is limited to \$25 million in any fiscal year, none has been used in FY 93. The use of ESF requires use of your Presidential authority under FAA Section 614 to waive otherwise applicable prohibitions.

Under Section 552, the President must determine (1) "that, as a result of an unforeseen emergency, the provision of assistance under (the PKO) Chapter in amounts in excess of funds otherwise available for such assistance is important to the national security interests of the U.S.," and (2) "that such unforeseen emergency requires the immediate provision of assistance (under the PKO Chapter)." We believe that the urgent need to support the UNOSOM objective of fostering a police force meets these statutory standards. Before making this determination, we must

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Declassify on: OADR

cc: Vice President  
Chief of Staff

1/10/00  
S. M. L.

provide a written notification and justification to the Speaker of the House and the Senate Committee on Foreign Relations.

To utilize ESF to fund the police, you must invoke a 614 waiver. This provision authorizes you to furnish assistance under the FAA "without regard to any" provisions of the FAA, or any law authorizing or appropriating funds under the FAA. Before exercising Section 614 authority, the President must consult with, and provide a written policy justification to several Congressional committees and then notify in writing the Speaker and the Chairman of the Senate Foreign Relations Committee, that furnishing this assistance "is important to the security of the United States."

Upon receiving your approval, the State Department will consult with Congress and provide the Memorandum of Justification (Tab B). Assuming there is no Congressional objection, we will then submit the formal determinations for your approval.

#### RECOMMENDATION

That you authorize State to consult with relevant committees of Congress concerning the proposed determination and waiver to support the reestablishment of the Somali police.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

#### Attachments

|       |                                                    |
|-------|----------------------------------------------------|
| Tab A | State Department Memorandum                        |
| Tab B | Memorandum of Justification                        |
| Tab C | Copies of Letters to Pertinent Members of Congress |

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NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

September 27, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: RICHARD A. CLARKE *ms*  
FROM: SEAN J. DARRAGH *JD*  
SUBJECT: Foreign Assistance Act Drawdown and Presidential  
Waiver of Statutory Restrictions on Assistance to  
Somalia in Support of UN Efforts to Reestablish a  
Somali Police Force

The attached Memorandum to the President requests authorization to consult with Congress on a drawdown of up to \$25 million in DOD commodities and services, and to consult with Congress on a 614 waiver to make up to \$2 million in ESF available to reconstitute the Somali police force. Following consultations, the formal determinations will be submitted to the President for signature.

This should be done as soon as possible, because consultations and formal determinations should be done before the end of the fiscal year.

Concurrences by: Jennifer Ward, Alan Kreczko *AK*, Susan Rice *SR*

RECOMMENDATION

That you forward the attached Memorandum to the President formally requesting his authorization to consult with Congress on the drawdown of up to \$25 million in DOD commodities and services and on the 614 waiver.

Attachments

Tab I Memorandum to the President  
Tab A State Department Memorandum  
Tab B Memorandum of Justification  
Tab C Copies of Letters to Pertinent Members of Congress

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

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Declassify on: OADR

By *KDE* NARA, Date *02/24/17*  
*2012-0659-F*



By VDC NARA, Date 02/24/17 Washington, D.C. 20520  
2012-0659-1  
~~CONFIDENTIAL~~

MEMORANDUM FOR ANTHONY LAKE  
THE WHITE HOUSE

SUBJECT: Foreign Assistance Act Drawdown and Presidential  
Waiver of Statutory Restrictions on Assistance to  
Somalia in Order to Support United Nations Efforts to  
Reestablish a Somali Police Force

This memorandum requests that the President authorize the Department of State to: (i) take the necessary steps to draw down up to \$25 million in DOD commodities and services to support the United Nations Operation in Somalia (UNOSOM II) in the reestablishment of an effective Somali police force, and (ii) to consult with, and provide the attached written policy justification to, relevant committees of the Congress concerning the proposed waiver of legal restrictions on providing assistance to Somalia in order to enable the drawdown and the provision of up to \$2 million in Economic Support Funds (ESF) to the UN to pay the salaries of Somali police.

Under the UN Security Council's mandate, UNOSOM II has taken on the difficult and complex tasks of promoting political reconciliation and economic development to ensure that the situation does not revert to the humanitarian crisis of a year ago. It has become increasingly clear that progress on both the political and humanitarian fronts depends on a stable security environment. As a consequence, it is crucial that credible police forces in the major Somali population centers be established before the withdrawal of the U.S. Quick Reaction Force.

In order to support the reestablishment of an effective Somali police force, we propose to draw down DOD commodities and services, and to use \$2 million in previously allocated ESF. The drawdown requires a Presidential Determination under FAA Section 552, and the use of ESF requires use of the President's authority under FAA Section 614 to waive otherwise applicable prohibitions.

Drawdown of DOD Commodities and Services

The UN Secretary General's August 17 report on Somalia calls for \$45 million to fund initial costs of reconstituting a "justice system," comprising police, judicial, and prison components. This plan calls for a 16-month police training program to create a 10,000-person Somali police force by the end of 1994, combining the current force with additional personnel to be recruited. The report proposes the

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rehabilitation of up to three police training academies, and substantial improvements to prison and judicial facilities. Material requirements to meet these objectives, based on the UNOSOM II assessment contained in the Secretary General's report, include:

- 4-wheel-drive vehicles;
- passenger trucks;
- radio base stations;
- handheld radios;
- vehicle maintenance packages;
- uniforms;
- pistols;
- rifles.

Drawdown of certain DOD commodities and services to contribute to this effort may be implemented under the special peacekeeping drawdown authority in Section 552(c)(2) of the FAA. Although this authority is limited to \$25 million in any fiscal year, none of this amount has yet been used in FY 93. The President must determine (1) "that, as a result of an unforeseen emergency, the provision of assistance under [the PKO] Chapter in amounts in excess of funds otherwise available for such assistance is important to the national security interests of the United States," and (2) "that such unforeseen emergency requires the immediate provision of assistance [under the PKO chapter]."

We believe that the urgent need to support the UN's objective of reestablishing an effective Somali police force, which is pivotal to the success of the humanitarian operations and our ability to withdraw our armed forces as soon as possible, meets these statutory standards. This unforeseen emergency allowed us no opportunity to program funds for these purposes, and at this point in the fiscal year there are no funds in the PKO account to meet these requirements.

There are a number of areas where commodities and services could be provided to fulfill a significant portion of the requirements identified in the Secretary General's report. For example, according to a preliminary DOD review, provision of up to \$25 million in vehicles, mobile communications equipment and base stations, ammunition, and troop equipment would contribute some of the most important items needed in this effort. We also plan to use the authorization of this drawdown as leverage to induce other donor countries to complete the entire package, including providing associated services and training, or seek UN contract-funded equipment training and maintenance.

DOD and the Joint Chiefs of Staff (JCS) concur in this drawdown proposal. JCS is concerned, however, that the program

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is not executable until the full extent of training, logistics, and maintenance costs are defined. Success of the police training program is contingent on training and logistics support, not simply a drawdown of equipment and uniforms. Prior to the commitment of the drawdown of U.S. military equipment, the UN must be advised of these concerns and either contract out the required maintenance and training, or obtain other donor country commitments to accomplish the training and maintenance. Failure to do so may subject the United States to UN pressure to accomplish these tasks, leading to additional U.S. logistical support commitments at a time when the current goal is to withdraw U.S. logistics force structure from Somalia.

Prior to the date the President intends to exercise this authority, we must provide a written notification and justification to the Speaker of the House and the Senate Committee on Foreign Relations. The President could sign the necessary Determination and authorize the drawdown on the following day. If the President approves, we would provide a Memorandum of Justification (Tab 1) with letters to Congress (Tab 2). Once this has been accomplished, we will so inform the NSC and provide the text of the required Determination for the President to sign to authorize DOD to proceed.

#### \$2 Million in ESF

In an effort to bolster immediately the Secretary General's program to reconstitute the Somali justice system, the Deputies Committee (DC) agreed on August 16 to recommend a \$6 million grant from AID to UNOSOM II to underwrite initial costs of the judicial component. The proposed drawdown responds to some of the requirements of the police component, however, the issue of Somali police salaries remains unaddressed. We are therefore proposing an additional \$2 million of ESF to pay police salaries. We would also use this contribution to leverage other donor support.

To use ESF as a contribution to the UN to pay police salaries in Somalia, it is necessary to waive two legal restrictions. Somalia is ineligible for assistance under the statutory provisions which forbid assistance to countries that are in default for six months (Section 620(q) of the FAA), or one year (Section 518 of the Foreign Operations Appropriations Act, 1993) on debt owed the USG. In addition, Section 660 of the FAA prohibits use of foreign assistance funds for training, advice, or financial support for police or law enforcement entities of any foreign government.

Section 614(a)(1) of the FAA provides the means for overcoming these restrictions. This provision authorizes the President to furnish assistance under the FAA (e.g., ESF to

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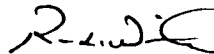
promote economic or political stability) "without regard to any" provisions of the FAA, or any law authorizing or appropriating funds under the FAA.

Before exercising Section 614(a)(1) authority, the President must consult with, and provide a written policy justification to, the Appropriations Committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee. The President must then determine, and notify in writing the Speaker and the Chairman of the Senate Foreign Relations Committee, that furnishing of assistance under this authority "is important to the security interests of the United States." For the reasons set forth in the Memorandum of Justification attached at Tab 1, we believe that the contemplated proposal satisfies the criteria for invoking these authorities.

Upon receiving the President's approval in principle for the waiver under Section 614, we will proceed with the consultations and provide the Memorandum of Justification with letters to Congress (Tab 2). Assuming Congressional reaction does not indicate a contrary course, we will submit a separate recommendation to the NSC and provide the text of the required Determination for the President to sign to authorize the Section 614 waiver and the drawdown under Section 552.

Accordingly, we recommend that the President authorize consultations with, and the furnishing of a justification to, Congress. If these consultations do not suggest a different course of action, we will recommend that the President sign a Determination exercising his authorities as described above.

Thank you for your assistance in this matter.



Marc Grossman  
Executive Secretary

Attachments:

- Tab 1 - Memorandum of Justification
- Tab 2 - Draft Letter of Notification

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Memorandum of Justification for a  
Presidential Determination to Draw Down  
DoD Commodities and Services, and to  
Set Aside Legal Restrictions on  
Providing Foreign Assistance to Somalia

The United Nations Operation in Somalia (UNOSOM II) now has taken on the difficult and complex tasks of promoting political reconciliation and economic development to ensure that the situation does not revert to the humanitarian crisis of a year ago. It has become increasingly clear that progress on both the political and humanitarian fronts depends on a stable security environment. Reestablishment of an effective police force is key to establishing and maintaining a secure environment in Somalia. It will be difficult, if not impossible, to maintain progress on political reconciliation and economic development in the absence of a secure environment. Without such progress, withdrawal of UN peacemaking forces, including those provided by the United States and the U.S. Quick Reaction Force (QRF), would have a devastating impact on the significant gains that have been made over the past year in this humanitarian effort.

The UN Secretary General's August 17 report on Somalia calls for \$45 million to fund the initial costs of reconstituting a "justice system", comprising police, judicial, and prison components. Implementation requirements include a 16-month police training program to create a 10,000-person Somali police force by the end of 1994, combining the current force with additional police personnel to be recruited. The report proposes the rehabilitation of up to three police training academies and the improvement and renovation of the prison and judicial facilities. Material requirements to meet these objectives, based on the UNOSOM II assessment contained in the Secretary General's report, include:

- 258 4-wheel drive vehicles for the police;
- 100 20-passenger trucks for the police;
- 41 administrative or 4-wheel vehicles for the courts;
  - 16 for the prisons; 25 for UNOSOM staff;
- vehicle maintenance packages (parts, tools, fuel);
- 70 radio base stations (for communication with foot and vehicular patrols);
- 600 handheld radios (for foot and vehicular patrols);
- 10,000 police uniforms plus individual equipment for 70 police stations;
  - 70 electric generators;
  - 70 water supply tanks;
  - 70 police station basic kits;
  - administrative supplies;

- 5,000 pistols for police, 160 for prison personnel;
- 5,000 rifles for police, 160 for prison personnel;
- training ammunition;
- materials and fixtures for one academy restoration;
- supplies, equipment, furnishings for the court system
- 1,000 prison custodial uniforms;
- 1,000 inmates uniforms;
- administrative supplies for 4 prison facilities;
- administrative supplies, equipment, furnishings for the supporting UNOSOM staff elements.

There are clearly areas where a drawdown of DOD commodities, as well as the provision of supporting training and services, could constitute a significant portion of the requirements identified in the Secretary General's report. For example, according to preliminary DOD review, the provision of up to \$25 million in vehicles, communications equipment, ammunition, and troop equipment would contribute some of the most important items needed in this effort. Authorization of this drawdown would provide leverage for the U.S. and UN to induce other donor countries to complete the entire package, including providing associated services and training, or seek UN-funded equipment training and maintenance.

For these purposes, the Administration proposes that the President exercise the special peacekeeping drawdown authority contained in Section 552(c)(2) of the Foreign Assistance Act, as amended. This provision allows the President to direct the drawdown of commodities and services from the stocks of any agency of the U.S. government if he determines that (1) "as a result of an unforeseen emergency, the provision of assistance under the [the PKO] Chapter in amounts in excess of funds otherwise available for such assistance is important to the national interests of the United States," and (2) that "such unforeseen emergency requires the immediate provision of assistance under [the PKO Chapter]." We believe that the urgent need to reestablish functioning Somali police forces meets the statutory standards, and there are insufficient funds in the PKO account to meet this and other needs worldwide.

In an effort to bolster immediately the Secretary General's program to reconstitute the Somali justice system, the Deputies Committee (DC) agreed on August 16 to recommend a \$6 million grant from AID to UNOSOM II to underwrite initial costs. The issue of Somali police salaries, however, remains unaddressed. We are therefore proposing an additional \$2 million of ESF to pay police salaries. We would also use this contribution to leverage other donor support.

The sources of this \$2 million are:

\$1.688 from AID Africa region 517 recoveries "excess to FY 1993 rescission requirements";

\$0.312 million from AID Africa region 517 recoveries "elsewhere in the Agency excess to the FY93 rescission requirements".

No project or country program funds were deobligated to make these funds available for Somalia. These funds were unobligated at the time they were identified for Somalia.

To use ESF as a contribution to the UN to pay police salaries in Somalia, it is necessary to waive two legal restrictions. Somalia is ineligible for assistance under the statutory provisions which forbid assistance to countries that are in default for six months (Section 620(q) of the FAA), or one year (Section 518 of the Foreign Operations Appropriations Act, 1993), on debt owed the USG. In addition, Section 660 of the FAA prohibits use of foreign assistance funds for training, advice, or financial support for police or law enforcement entities of any foreign government.

In order to make such assistance available, it is necessary to waive the legal restrictions applicable to Somalia or generally to the funds. The Administration proposes to use the Presidential waiver authority in Section 614 to do so, as well as to enable the Section 552(c)(2) drawdown, notwithstanding FAA Section 660 restrictions.

Despite the continuing conflict with the militia of General Aideed in south Mogadishu, UNOSOM II's work elsewhere in the country is moving forward. Outside the capital, political violence is rare, banditry has declined and, despite continued pockets of deprivation, the food emergency has ended. The maintenance of security has been essential to this progress and to the U.S. security interest in seeing that the UN's crucial peace enforcement effort under Chapter VII of the UN charter succeeds. UNOSOM II is a landmark operation. In a world rife with humanitarian crises caused by armed conflict, it is indeed important to U.S. national interests to support multinational efforts that help us by achieving a more equitable sharing of the responsibility for crisis management and relief.

For these reasons, the use of the emergency authority provided by Section 552(c)(2) to provide DOD commodities and services to the UN to support reestablishment of Somali police forces is necessary and important to the national interest. In addition, the use of the President's waiver authority under Section 614 to enable the drawdown and to assist the UN with funds for police salaries is important to the security interests of the United States.



United States Department of State

Washington, D.C. 20520

Letter to be transmitted to:

Speaker of the House  
Chairman, Senate Foreign Relations  
Chairman, House Foreign Affairs  
Chairman, Senate Appropriations  
Chairman, House Appropriations

Dear \_\_\_\_\_:

I wish to inform you that the President proposes to exercise his authority under Section 552(c)(2) of the Foreign Assistance Act of 1961, as amended (the "Act"), in order to draw down up to \$25 million in Department of Defense commodities and services to support the United Nations operation in Somalia (UNOSOM II) in the reestablishment of Somali police forces. He also proposes to exercise his authority under Section 614(a)(1) of the Act to enable this drawdown and to authorize that \$2 million in Economic Support Funds (ESF) be made available to UNOSOM II for use in payment of salaries of Somali police forces.

This assistance is required on an urgent basis to support the UN's objective of reestablishing effective Somali police forces, which is pivotal to the success of the humanitarian operations and contributes to our ability to withdraw U.S. armed forces as soon as possible. The drawdown will allow the U.S. to supply a significant portion of the requirements identified in the Secretary General's report of August 17, 1993. The contribution towards police salaries will assist the UN in meeting immediate needs and will encourage additional support from other member states.

As indicated in the course of informal consultations with interested committee staff, and as described in detail in the attached memorandum of justification, we believe that the drawdown and use of ESF funds for these purposes will make an important contribution to the crucial efforts of the United

Nations to reestablish effective Somali police forces. This, in turn, will serve important U.S. interests by contributing towards improved security and facilitating the fulfillment of UNOSOM II's mission.

Sincerely,

Wendy R. Sherman  
Assistant Secretary  
Legislative Affairs

Enclosure:

1. Memorandum of Justification