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Folder Title:

Somalia/UNOSOM [United Nations Operations in Somalia]/War Powers [3]

Staff Office-Individual:

Legislative Affairs-Rosner, Jeremy

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4

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TEXT OF A LETTER FROM THE
PRESIDENT TO THE SPEAKER OF THE
U.S. HOUSE OF REPRESENTATIVES
AND THE PRESIDENT PRO TEMPORE OF THE SENATE

April 26, 1980

Mr. Speakers (Dear Mr. Presidents):

Because of my desire that Congress be informed on this matter and consistent with the reporting provisions of the War Powers Resolution of 1973 (Public Law 93-148), I submit this report.

On April 24, 1980, elements of the United States Armed Forces under my direction commenced the positioning stage of a rescue operation which was designed, if the subsequent stages had been executed, to effect the rescue of the American hostages who have been held captive in Iran since November 4, 1979, in clear violation of international law and the norms of civilized conduct among nations. The subsequent phases of the operation were not executed. Instead, for the reasons described below, all these elements were withdrawn from Iran and no hostilities occurred.

The sole objective of the operation that actually occurred was to position the rescue team for the subsequent effort to withdraw the American hostages. The rescue team was under my overall command and control and required my approval before executing the subsequent phases of the operation designed to effect the rescue itself. No such approval was requested or given because, as described below, the mission was aborted.

Beginning approximately 10:30 AM EST on April 24, six U. S. C-130 transport aircraft and eight RH-53 helicopters entered Iranian airspace. Their crews were not equipped for combat. Some of the C-130 aircraft carried a force of approximately 90 members of the rescue team equipped for combat, plus various support personnel.

From approximately 2 to 4 PM EST the six transports and six of the eight helicopters landed at a remote desert site in Iran approximately 200 miles from Tehran where they disembarked the rescue team, commenced refueling operations and began to prepare for the subsequent phases.

During the flight to the remote desert site, two of the eight helicopters developed operating difficulties. One was forced to return to the carrier Nimitz; the second was forced to land in the desert, but its crew was taken aboard another of the helicopters and proceeded on to the landing site. Of the six helicopters which landed at the remote desert site, one developed a serious hydraulic problem and was unable to continue with the mission. The operational plans called for a minimum of six helicopters in good operational condition able to proceed from the desert site. Eight helicopters had been included

in the force to provide sufficient redundancy without imposing excessive strains on the refueling and exit requirements of the operation. When the number of helicopters available to the operation continued dropped to five, it was determined that the operation could not proceed as planned. Therefore, on the recommendation of the force commander and my military advisers, I decided to cancel the mission and ordered the United States Armed Forces involved to return from Iran.

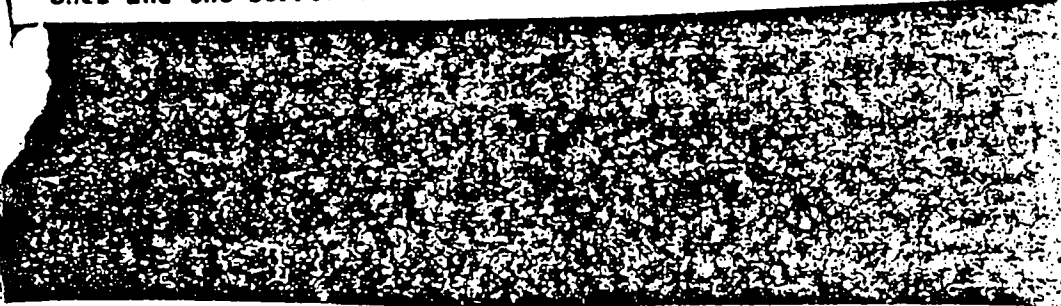
During the process of withdrawal, one of the helicopters accidentally collided with one of the C-130 aircraft, which was preparing to take off, resulting in the death of eight personnel and the injury of several others. At this point, the decision was made to load all surviving personnel aboard the remaining C-130 aircraft and to abandon the remaining helicopters at the landing site. Altogether, the United States Armed Forces remained on the ground for a total of approximately three hours. The five remaining aircraft took off about 5:45 PM EST and departed from Iran airspace without further incident at about 8:00 PM EST on April 24. No United States Armed Forces remain in Iran.

The remote desert area was selected to conceal this phase of the mission from discovery. At no time during the temporary presence of United States Armed Forces in Iran did they encounter Iranian forces of any type. We believe, in fact, that no Iranian military forces were in the desert area, and that the Iranian forces were unaware of the presence of United States Armed Forces until after their departure from Iran. As planned, no hostilities occurred during this phase of the mission - the only phase that was executed.

At one point during the period in which United States Armed Forces elements were on the ground at the desert landing site a bus containing forty-four Iranian civilians happened to pass along a nearby road. The bus was stopped and then disabled. Its occupants were detained by United States Armed Forces until their departure, and then released unharmed. One truck closely followed by a second vehicle also passed by while United States Armed Forces elements were on the ground. These elements stopped the truck by a shot into its headlights. The driver ran to the second vehicle which then escaped across the desert. Neither of these incidents affected the subsequent decision to terminate the mission.

Our rescue team knew, and I knew, that the operation was certain to be dangerous. We were all convinced that if and when the rescue phase of the operation had been commenced, it had an excellent chance of success. They were all volunteers; they were all highly trained. I met with their leaders before they went on this operation. They knew then what hopes of mine and of all Americans they carried with them. I share with the nation the highest respect and appreciation for the ability and bravery of all who participated in the mission.

To the families of those who died and who were injured, I have expressed the admiration I feel for the courage of their loved ones and the sorrow that I feel personally for their sacrifice.



At mission on which they were embarked was a humanitarian mission. It was not directed against Iran. It was not directed against the people of Iran. It caused no Iranian casualties.

This operation was ordered and conducted pursuant to the President's powers under the Constitution as Chief Executive and as Commander-in-Chief of the United States Armed Forces, expressly recognized in Section 8(d)(1) of the War Powers Resolution. In carrying out this operation, the United States was acting wholly within its right, in accordance with Article 51 of the United Nations Charter, to protect and rescue its citizens where the government of the territory in which they are located is unable or unwilling to protect them.

Sincerely,

JIMMY CARTER

The religious freedom that James Madison and Thomas Jefferson helped to secure for us has been integral to the preservation and development of the United States. Over the years the exercise of our religious freedom has been instrumental in preserving the faith and the traditional values that are this Nation's greatest strengths. Moreover, the free exercise of religion goes hand in hand with the preservation of our other rights. As Thomas Jefferson noted, the first amendment "guard[s] in the same sentence, and under the same words, the freedom of religion, of speech, and of the press; insomuch as that whatever violates either throws down the sanctuary which covers the others." That sanctuary is the spirit of life, liberty, truth, and justice.

In that spirit, the United States has continued to champion religious liberty and tolerance around the world. We decry as reprehensible the persecution of ethnic and religious minorities, and we likewise condemn the resurgence of anti-Semitism and other forms of religious bigotry. The United States calls on all nations to respect the fundamental rights of individuals, in accordance with international human rights agreements and in recognition of the direct and inexorable relationship between freedom and justice and the achievement of lasting peace in the world.

The Congress, by House Joint Resolution 457, has designated January 16, 1993, as "Religious Freedom Day" and has requested the President to issue a proclamation in observance of this day.

Now, Therefore, I, George Bush, President of the United States of America, do hereby proclaim January 16, 1993, as Religious Freedom Day. I urge all Americans to observe this day with appropriate ceremonies and activities in their homes, schools, and places of worship as an expression of our gratitude for the blessings of liberty and as a sign of our resolve to protect and preserve them.

In Witness Whereof, I have hereunto set my hand this ninth day of December, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the

United States of America the two hundred and seventeenth.

George Bush

[Filed with the Office of the Federal Register, 4:53 p.m., December 9, 1992]

Note: This proclamation was published in the Federal Register on December 11.

Letter to Congressional Leaders on the Situation in Somalia

December 10, 1992

Dear Mr. Speaker: (Dear Mr. President:)

Beginning in January of this year with the adoption of U.N. Security Council Resolution 733, the United Nations has been actively addressing the humanitarian crisis in Somalia. The United States has been assisting the U.N. effort to deal with a human catastrophe. Over 300,000 Somalis have died of starvation. Five times that number remain at risk, beyond the reach of international relief efforts in large part because of the security situation. As a result, voluntary relief organizations from the United States and other countries have appealed for assistance from outside security forces.

On November 29, 1992, the Secretary General of the United Nations reported to the Security Council that the deteriorating security conditions in Somalia had severely disrupted international relief efforts and that an immediate military operation under U.N. authority was urgently required. On December 3, the Security Council adopted Resolution 794, which determined that the situation in Somalia constituted a threat to international peace and security, and, invoking Chapter VII of the U.N. Charter, authorized Member States to use all necessary means to establish a secure environment for humanitarian relief operations in Somalia. In my judgment, the deployment of U.S. Armed Forces under U.S. command to Somalia as part of this multilateral response to the Resolution is necessary to address a major humanitarian calamity, avert related threats to international peace and security, and protect the

safety of Americans and others engaged in relief operations.

In the evening, Eastern Standard Time, on December 8, 1992, U.S. Armed Forces entered Somalia to secure the airfield and port facility of Mogadishu. Other elements of the U.S. Armed Forces and the Armed Forces of other Members of the United Nations are being introduced into Somalia to achieve the objectives of U.N. Security Council Resolution 794. No organized resistance has been encountered to date.

U.S. Army Forces will remain in Somalia only as long as necessary to establish a secure environment for humanitarian relief operations and will then turn over the responsibility of maintaining this environment to a U.N. peacekeeping force assigned to Somalia. Over 15 nations have already offered to deploy troops. While it is not possible to estimate precisely how long the transfer of responsibility may take, we believe that prolonged operations will not be necessary.

We do not intend that U.S. Armed Forces deployed to Somalia become involved in hostilities. Nonetheless, these forces are equipped and ready to take such measures as may be needed to accomplish their humanitarian mission and defend themselves, if necessary; they also will have the support of any additional U.S. Armed Forces necessary to ensure their safety and the accomplishment of their mission.

I have taken these actions pursuant to my constitutional authority to conduct our foreign relations and as Commander in Chief and Chief Executive, and in accordance with applicable treaties and laws. In doing so, I have taken into account the views expressed in H. Con. Res. 370, S. Con. Res. 132, and the Horn of Africa Recovery and Food Security Act, Public Law 102-274, on the urgent need for action in Somalia.

I am providing this report in accordance with my desire that Congress be fully informed and consistent with the War Powers Resolution. I look forward to cooperating with Congress in the effort to relieve human

suffering and to restore peace and stability to the region.

Sincerely,

George Bush

Note: Identical letters were sent to Thomas S. Foley, Speaker of the House of Representatives, and Robert C. Byrd, President pro tempore of the Senate.

Letter to Congressional Leaders on the Determination Not To Prohibit Fish Imports From Colombia

December 10, 1992

Dear Mr. Speaker: (Dear Mr. President:)

Pursuant to section 8(b) of the Fishermen's Protective Act of 1967, as amended (22 U.S.C. 1978(b)), generally known as the Pelly Amendment, I am notifying you that on November 3, 1992, in accordance with section 101(a) of the Marine Mammal Protection Act (MMPA), the Secretary of Commerce certified to me that a denial of an affirmative finding and resulting embargo of yellowfin tuna and products derived from yellowfin tuna harvested in the eastern tropical Pacific Ocean (ETP) by Colombian flag vessels has been in effect since April 27, 1992.

By the terms of the MMPA, such certification is deemed to be a certification for the purposes of the Pelly Amendment, which requires that I consider and, at my discretion, order the prohibition of imports into the United States of products from the identified country, to the extent that such prohibition is sanctioned by the General Agreement on Tariffs and Trade. The Pelly Amendment also requires that I report to the Congress any actions taken under this subsection and, if no import prohibitions have been ordered, the reasons for this action.

After thorough review, I have determined that additional sanctions against Colombia under the Pelly Amendment will not be imposed at this time while the Administration continues to implement an international dolphin conservation program in the ETP.

03/30/93 14:02

202 647 2762

STATE LEG AFF.

NSC LEGAL

001



United States Department of State

Washington, D.C. 20520

BUREAU OF LEGISLATIVE AFFAIRS (H)

FAX

TO:

Jeremy Rosner

FROM:

Mike Chapman

DATE:

TIME:

2:00

NUMBER OF PAGES (including cover sheet):

3

URGENT

FYI

FOR CLEARANCE

PER YOUR REQUEST

MESSAGE:

Jeremy - Here is our latest
comment on the Somalia Resolution.
Please get proper clearance at
NSC BSRP - we would like to
discuss these points with HFAC
today at 4:30

THANKS

FAX # OF SENDER (202) 647-5095

TRANSMISSION PROBLEMS CALL (202) 647-

HFAC Draft S.J. Res. 45

- o We welcome the House's support for the U.S. humanitarian mission in Somalia, and particularly for the deployment of U.S. forces required to carry out the UNOSOM II mandate under UNSC Res. 814 (1993).
- o However, as we have stated before (e.g., Mr. Bradtke's letter to the Chairman of February 17), we do not believe that specific Congressional authorization is needed for the deployment of U.S. forces to carry out the Somalia mission, including participation in UNOSOM II. Our primary recommendations are as follows:
 - Delete Section 2(11) (under "Congressional Findings"). Renumber "2(12)" to "2(11)" and substitute "Through its support" for "By providing its authorization" at the beginning of the sentence.
 - Alternatively, if Section 2(11) is retained, substitute "should consider" for "must authorize". Another alternative is to substitute "will" for "must". Delete reference to UNSC Res. 794 since the deployment thereunder began in December and is about to conclude, and this legislation addresses implementation of UNSC Res. 814.
 - As stated above, we do not believe section 4 ("Authorization for Use of Armed Forces") is necessary. However, some fairly minor changes would improve the draft significantly.
 - In Section 4(a), add "including" or "and in particular" before "as follows" to acknowledge the need for some flexibility as the operation to carry out the UN mandate proceeds.
 - In Section 4(a)(2), add "and related" between "logistic" and "support" to avoid an unintentionally narrow statement and to parallel more closely Section 2(8).
 - Delete Section 4(c), since U.S. deployment is pursuant to UN mandate, which addresses the time element of the humanitarian operations. Alternatively, change "whichever occurs first" to "whichever occurs later", which would allow for renewal of the UN mandate (and would not preclude further Congressional expressions if circumstances change).

- o In Sections 5 and 6 (requiring numerous reports and updates), we noted that the provisions would impose burdensome, overly detailed, and potentially duplicative reporting requirements. We therefore suggest consolidating and simplifying these requirements, recognizing the Administration's commitment to sharing information fully with the Congress (e.g., through briefings and meetings -- closed if necessary -- on a regular basis) and to securing optimal fiscal arrangements with the UN.
- o Upon enactment of this or a similar version of the HFAC draft, it is likely that the President would be advised to include in his signing statement a short statement to the effect that the resolution would not affect the President's authority as Commander-in-Chief (e.g., to deploy or continue the deployment of armed forces if necessary to protect U.S. lives or other vital U.S. interests).

Hamilton-Berger - 4/16

LH: Doesn't like "not needed but welcome"
but understood

SB: we can't oppose, even as is

But:

(1) 12 month makes it harder to
raise \$ - Germans & others

(2) "US will be gone in 12 months"
sends wrong signal to world.

SB:

"hortatory language is helpful"

LH: Prob an extension language is
political. Don't think I can
get \$ support for open ended.

~~SB:~~
SB: "Pres would consult"?

LH: still open ended. GEP wants 6 months.
Hunt discussed in room, but here w/
Giles (6 mo) & Stuenkel (who
support a 12-mo. provision).

SB: But that makes it counterproductive.
were trying to minimize US presence.

SB & LH - will continue to work it.

LH - "welcome" resolution is important.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

FAX TRANSMITTAL COVER SHEET

DATE: 29 March 1993			
TO: Debbie Lee		FROM: Jeremy Rosner	
PHONE NO.: 703/697-6210		PHONE NO.: 202/456-6538	
FAX NO.: 703/693-5 530		FAX NO.: 202/395-1039	
COMMENTS:			
NUMBER OF PAGES (including cover page) : 2			

DRAFT TALKING POINTS ON SOMALIA AND WAR POWERS

- o The question has been raised as to what the Administration's position would be with regard to congressional authorization of U.S. involvement in UNOSOM II. [Sen. Nunn asked this question at Thursday's SASC briefing.]

We want you to know that, although the Administration did not request congressional authorization, we would welcome congressional support for our involvement. [Note: this implies that we do not believe congressional authorization is necessary, from a legal standpoint, due to the President's inherent powers as Commander-in-Chief.]

- o This raises some larger questions. First, we are very interested in your views about the involvement of U.S. troops in such peacekeeping efforts, particularly issues involved in having U.S. troops serve under U.N. command.
- o Second, some have argued that current peacekeeping efforts raise questions regarding the War Powers Act. We want you to know that the President has asked Tony Lake and Bernie Nussbaum to work with the Departments of State and Defense to undertake a review of that Act, and to consult closely with you and other leaders in Congress to see if we can reach better understandings concerning war powers.
- o In addition, we are examining the U.N. Participation Act to determine if modifications are necessary to that legislation, and we want to work closely with you on that effort as well.

03/29/93 14:35

☎202 3951039

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☑001

ACTIVITY REPORT

TRANSMISSION OK

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CONNECTION TEL	97036935530
CONNECTION ID	0ASDLA
START TIME	03/29 14:34
USAGE TIME	01'08
PAGES	2

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

1858

March 26, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE
SAMUEL R. BERGER

FROM: JEREMY ROSNER
DON GROSS *JD*

SUBJECT: Congressional calls on Somalia, War Powers

A few recent developments that we believe warrant some congressional calls:

1. At a DoD briefing on Somalia Thursday before his Armed Services Committee, Senator Nunn expressed surprise that he and other Senators have not been consulted on the imminent U.N. Security Council resolution (it may be voted Friday) on UNOSOM II. Although that resolution will lead to participation of U.S. troops, with some U.S. forces (primarily logistics) to serve under U.N. command, there is nothing in the resolution itself that addresses these issues. Nunn also asked explicitly if the Administration intended to request Congressional authorization for U.S. participation in UNOSOM II. No one at the hearing was of sufficient stature to respond.
2. Rep. Hamilton has now completed a draft resolution on UNOSOM II (Tab A). The Senate passed a resolution on Somalia in February, S.J. 45, but it did not cover UNOSOM II. While State has been working closely with Hamilton on this, we have picked up a sense from some -- for example, Mike O'Neil in the Speaker's office -- that they are looking for a clear signal from the administration on how it views such a authorizing resolution: do we plan to oppose, ignore, or welcome it? Clearly, this is what Sen. Nunn was asking.
3. While Rep. Hamilton's resolution cites the War Powers Act, and although he has just written the President asking detailed questions concerning that Act, I do not believe anyone in the administration has told him what the President recently communicated to Rep. Dellums and others: that he has asked Lake and Nussbaum to undertake a review of the War Powers Act. To our knowledge, no one has informed Sen. Nunn or other leaders in Congress of this fact, either.

Based on this, it strikes us that:

1. Sec. Aspin should call Sen. Nunn and tell him:
 - a. FYI: the UN Security Council is likely to vote on the UNOSOM resolution as early as Friday.
 - b. We want to work closely with you and others to address the issues involved in having U.S. troops serve under UN command, as this may be an issue in future peacekeeping efforts as well. We also want to work with you and others to examine whether changes are necessary in the U.N. Participation Act.
 - c. We want you to know our view on congressional authorization of UNOSOM II: we are not requesting it, but we welcome Congressional support (this implies that, on legal grounds, we believe the President is acting within his authority as Commander in Chief).
 - d. We also want you to know that the President has asked Lake and Nussbaum to work with State and Defense to undertake a review of the War Powers Act, and then to work closely with you and others in Congress to see if we can arrive at better understandings on these issues.
2. Sec. Christopher should inform Rep. Hamilton of the President's direction to Lake and Nussbaum regarding War Powers.
3. If the administration is placing calls to Rep. Hamilton and Sen. Nunn on these points, it should also inform at least Rep. Dellums, Sen. Pell, their ranking counterparts, and the staff of the House and Senate leadership. I would propose that Sec. Christopher call Foreign Affairs/Relations members, Sec. Aspin call Armed Services members, and NSC Legislative Affairs call leadership staff.

RECOMMENDATION

That you authorize us to arrange for the calls described above.

Approve _____ Disapprove _____

Concurrences: Robert Bell, Richard Clarke

(S. 100-100) (H. 100-100)

[DRAFT COMMITTEE PRINT]

MARCH 24, 1993

AMENDMENTS IN THE NATURE OF A SUBSTITUTE FOR S.J. RES. 45

[Strike out the preamble. Strike out all that follows the resolving clause and insert in lieu thereof the text shown below in *italics*. An amendment to the title of the resolution is shown on the last page below.]

102D CONGRESS
1ST SESSION

S. J. RES. 45

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1993

Referred to the Committee on Foreign Affairs

JOINT RESOLUTION

Authorizing the use of United States Armed Forces in
Somalia.

- 1 Whereas an estimated 300,000 Somalis reportedly have
- 2 died of hunger or as casualties of widespread violence
- 3 since the fall of Siad Barre in January 1991,
- 4 Whereas international relief agencies had been unable to
- 5 deliver adequate assistance to those most in need due

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(f) considerations which will affect whether United States Armed Forces will be permitted to be engaged as a portion of an international peacekeeping force, including—

(A) United States command of United States troops;

(B) equitable financial contributions of nations so engaged; and

(C) the right of United States combat forces to defend themselves throughout all levels of conflict.

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of United States Armed Forces in Somalia Resolution".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) An estimated 300,000 Somalis have died as a result of hunger and widespread violence since the fall of Siad Barre in January 1991.

(2) On December 3, 1992, the United Nations Security Council adopted Resolution 794 in which the Security Council—

(A) determined that "the magnitude of the human tragedy caused by the conflict in Soma-

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1 lia, further exacerbated by the obstacles being
2 created to the distribution of humanitarian as-
3 sistance, constitutes a threat to international
4 peace and security", and

5 (B) acting under Chapter VII of the Charter
6 of the United Nations, authorized the use of "all
7 necessary means to establish as soon as possible
8 a secure environment for humanitarian relief op-
9 erations in Somalia".

10 (3) United States Armed Forces entered Somalia
11 on December 9, 1992, in response to Security Council
12 Resolution 794.

13 (4) The United Nations Secretary General con-
14 cluded in his report of March 3, 1993, that without
15 improved security throughout Somalia "the political
16 process cannot prosper and humanitarian relief oper-
17 ations will remain vulnerable to disruption".

18 (5) The Secretary General recommended in his
19 report that the United Nations Security Council
20 adopt a resolution effecting the transition from the
21 United States-led force in Somalia to a United Na-
22 tions-led force, with the formal date of transfer of
23 command to be May 1, 1993.

24 (6) The Secretary General's report envisioned a
25 United Nations-led force having a multinational mili-

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1 tary component of 20,000 personnel, plus an addi-
2 tional 8000 personnel to provide logistic support.

3 (7) On 1979, 19, 1993, the United Nations Secu-
4 rity Council, acting under Chapter VII of the Charter
5 of the United Nations, adopted Resolution 777 in re-
6 sponse to the Secretary General's report. This resolu-
7 tion provides for the establishment of the United Na-
8 tions-led force in Somalia by expanding the size and
9 mandate of the original United Nations peacekeeping
10 force in Somalia (commonly referred to as
11 "UNOSOM") in accordance with the re-
12 commendations contained in the report of the Sec-
13 retary General.

14 (8) United States Armed Forces will participate
15 in the United Nations-led force in Somalia as part of
16 the multinational logistic support contingent, provid-
17 ing logistical communications, and intelligence sup-
18 port.

19 (9) In addition to logistic forces, the United
20 States will make available a battalion-sized tactical
21 quick reaction force to respond to requests for emer-
22 gency assistance from the United Nations Force Com-
23 mander in Somalia. This quick reaction force will be
24 under United States operational control.

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1 (10) The transfer of operations in Somalia from
2 the United States-led force to the United Nations-led
3 force will result in a substantial reduction in the
4 number of members of the United Armed Forces that
5 are deployed in Somalia and in the costs incurred by
6 the United States as a result of United Nations-au-
7 thorized operations in Somalia.

8 (11) The Congress must authorize any use of
9 United States Armed Forces to implement United Na-
10 tions Security Council Resolutions 794 and ???.

11 (12) By providing such an authorization, the
12 Congress will facilitate the transfer of operations in
13 Somalia from the United States-led force to the Unit-
14 ed Nations-led force.

15 **SEC. 1 SUPPORT FOR UNITED NATIONS EFFORTS IN SOMA-**

16 **LIA**

17 The Congress supports United Nations efforts in
18 **Somalia—**

19 (1) to help provide a secure environment for
20 famine relief efforts;

21 (2) to prevent a resumption of violence;

22 (3) to help restore peace, stability, and order
23 through reconciliation, rehabilitation, and reconstruc-
24 tion of Somali society; and

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1 (4) to help the people of Somalia create and
2 maintain democratic institutions for their own gov-
3 ernance.

4 **SEC. 4. AUTHORIZATION FOR USE OF ARMED FORCES.**

5 (a) **IMPLEMENTATION OF SECURITY COUNCIL RESOLU-**
6 **TIONS.**—The President is authorized to use United States
7 Armed Forces to implement United Nations Security Coun-
8 cil Resolutions 794 (1992) and 799 (1993) as follows:

9 (1) United States Armed Forces may be used to
10 carry out operations under the authorization provided
11 by United Nations Security Council Resolution 794
12 (1992) until the transition to the United Nations-led
13 force in Somalia is completed.

14 (2) United States Armed Forces may be used to
15 provide logistic support for the United Nations-led
16 force in Somalia under the authorization provided by
17 United Nations Security Council Resolution 799
18 (1993).

19 (3) United States Armed Forces may be used as
20 a tactical quick reaction force, under United States
21 operational control, to respond to requests for emer-
22 gency assistance from the United Nations Force Com-
23 mander in Somalia.

24 (b) **STATEMENTS OF INTENT REQUIRED BY WAR POW-**
25 **ERS RESOLUTION.**—Consistent with section 8(a)(1) of the

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1 War Powers Resolution, the Congress declares that sub-
2 section (a) is intended to constitute specific statutory au-
3 thorization within the meaning of section 5(b) of the War
4 Powers Resolution to the extent that any United States
5 Armed Forces being used for the purposes described in sub-
6 section (a) are or become involved in hostilities or situations
7 where imminent hostilities is clearly indicated by the cir-
8 cumstances.

9 (c) **EXPIRATION OF AUTHORIZATIONS.**—The author-
10 izations provided by subsection (a) shall expire—

11 (1) at the end of the 12-month period beginning
12 on the date of enactment of this joint resolution, un-
13 less the Congress extends the period of such authoriza-
14 tions; or

15 (2) upon the expiration of the mandate of the
16 United Nations-led force in Somalia,

17 ~~which is subject to the~~

18 **SEC. 3. REPORTS REGARDING USE OF UNITED STATES**
19 **ARMED FORCES.**

20 (a) **PERIODIC REPORTS.**—

21 (1) **INFORMATION TO BE PROVIDED.**—The Presi-
22 dent shall submit periodic reports to the Congress
23 with respect to United States Armed Forces partici-
24 pation in and support for the United Nations-led
25 force in Somalia. Each such report shall—

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1 (A) specify the number of members of the
2 United States Armed Forces participating in the
3 United Nations-led force in Somalia or operat-
4 ing in support of that force;

5 (B) specify where United States Armed
6 Forces are deployed as part of the United Na-
7 tions-led force in Somalia and where United
8 States Armed Forces are deployed that are oper-
9 ating in support of that force;

10 (C) specify the functions being performed by
11 United States Armed Forces participating in the
12 United Nations-led force in Somalia;

13 (D) specify the functions of United States
14 Armed Forces operating as a tactical quick reac-
15 tion force in support of the United Nations-led
16 force in Somalia, and describe any use of United
17 States Armed Forces as a quick reaction force;

18 (E) specify the command arrangements ap-
19 plicable with respect to United States Armed
20 Forces participating in the United Nations-led
21 force in Somalia or operating in support of that
22 force;

23 (F) specifying the anticipated duration of
24 the deployment of United States Armed Forces as

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1 part of the United Nations-led force in Somalia
2 or in support of that force; and

3 (G) describe any equipment transferred by
4 the Department of Defense to the United Na-
5 tions-led force in Somalia, specifying the types
6 and amounts of equipment transferred, the au-
7 thority under which it was transferred, and the
8 terms on which it was transferred.

9 (2) **REPORTING DATES AND PERIOD COVERED BY**
10 **EACH REPORT.**—A report pursuant to this subsection
11 shall be submitted—

12 (A) not later than July 1, 1993, covering
13 the period since March 3, 1993; and

14 (B) not later than January 1, 1994, and
15 July 1, 1994, covering the period since the pre-
16 ceding report pursuant to this subsection.

17 (3) **WAR POWERS RESOLUTION REPORTING RE-**
18 **QUIREMENTS.**—The requirements of this subsection do
19 not supersede the requirements of section 4(a) of the
20 War Powers Resolution.

21 (b) **REPORT ON TRANSITION TO UN-LED FORCE.**—The
22 first report submitted pursuant to subsection (a) shall
23 specify—

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1 (1) the number of members of the United States
2 Armed Forces, if any, remaining in Somalia as part
3 of the United States-led force in Somalia;

4 (2) where they are deployed;

5 (3) the functions they are performing; and

6 (4) how long they will remain in Somalia as
7 part of that force.

8 (c) **AGREEMENTS WITH UNITED NATIONS.**—The Presi-
9 dent shall transmit promptly to the Congress a copy of any
10 memorandum of understanding or other written agreement
11 entered into by the United States with the United Nations
12 Security Council, the Secretary General of the United Na-
13 tions (or his Special Representative), or the United Nations
14 Force Commander in Somalia .—

15 (1) regarding the participation of United States
16 Armed Forces in the United Nations-led force in So-
17 malia;

18 (2) regarding United States Armed Forces oper-
19 ating as a tactical quick reaction force in support of
20 that force or otherwise in support of that force; or

21 (3) otherwise regarding the availability to the
22 United Nations Security Council of United States
23 Armed Forces, assistance, or facilities to implement
24 Security Council Resolution 794 or 799.

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1 **SEC. 8. REPORTS ON COSTS OF UNITED NATIONS-AUTHOR-**
2 **IZED OPERATIONS IN SOMALIA.**

3 (a) **REQUIREMENT FOR PERIODIC REPORTS.**—The
4 President shall submit to the Congress periodic reports re-
5 garding the costs of the United States-led force in Somalia
6 and the United Nations-led force in Somalia.

7 (b) **INFORMATION ON COSTS AND OTHER CON-**
8 **TRIBUTIONS.**—Each report pursuant to this section shall
9 specify (to the extent such information is available to the
10 United States)—

11 (1) the amount of the incremental costs incurred
12 by the United States and by each other participating
13 country as the result of its participation in the Unit-
14 ed States-led force in Somalia or as the result of its
15 participation in or military operations in support of
16 the United Nations-led force in Somalia;

17 (2) the amount of other in-kind or financial con-
18 tributions pledged, and the amount of such con-
19 tributions made, by each country toward the costs as-
20 sociated with the United States-led force in Somalia
21 and the United Nations-led force in Somalia, includ-
22 ing contributions to the United Nations Trust Fund
23 for Somalia and excluding amounts reported pursu-
24 ant to paragraph (3);

25 (3) the amount assessed by the United Nations to
26 the United States and each other country for its con-

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1 tributions to the costs associated with the United Na-
2 tions-led force in Somalia;

3 (4) for the United States and each other country,
4 the extent to which the costs and other contributions
5 described in paragraphs (1) and (2) are being count-
6 ed toward the amount of the assessment described in
7 paragraph (3); and

8 (5) the amount received by the United States
9 and each other country as reimbursement from the
10 United Nations or other countries for costs that it in-
11 curred as the result of its participation in the United
12 States-led force in Somalia or as the result of its par-
13 ticipation in or military operations in support of the
14 United Nations-led force in Somalia, including reim-
15 bursements from the United Nations Trust Fund for
16 Somalia.

17 (c) **DESCRIPTION OF UNITED STATES EFFORTS TO**
18 **OBTAIN EQUITABLE COST SHARING.**—Each such report
19 shall also review all actions taken by the United States to
20 ensure that in-kind United States contributions to the Unit-
21 ed States-led force in Somalia and to the United Nations-
22 led force in Somalia are counted against the amount of the
23 United States assessed contributions to the United Nations
24 for peacekeeping or other military operations in Somalia
25 carried out pursuant to resolutions of the Security Council.

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1. (d) **REPORTING DATES AND PERIOD COVERED BY**

2. **ELACH REPORT.**—A report pursuant to this section shall be
3 submitted—

4 (1) not later than 1 month after the date of en-
5 actment of this joint resolution, covering the period
6 ending on the last day of the penultimate month pre-
7 ceding the enactment of this joint resolution; and

8 (2) not later than 7 months, 13 months, and 19
9 months after that date, covering the 6-month period
10 following the period covered by the preceding report
11 pursuant to this section and also providing cumu-
12 lative information.

13 **SEC. 7. DEFINITIONS.**

14 **As used in this joint resolution—**

15 (1) the term "United Nations Force Commander
16 in Somalia" means the commander appointed by the
17 Secretary General of the United Nations to command
18 the United Nations-led forces in Somalia;

19 (2) the term "United Nations-led forces in Soma-
20 lia" means the expanded force (commonly referred to
21 as "UNOSOM II") authorized by paragraph 5 of
22 United Nations Security Council Resolution 795
23 (1993);

24 (3) the term "United Nations Trust Fund for So-
25 malia" means the trust fund established and main-

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1 *ained pursuant to United Nations Security Council*
2 *Resolutions 794 and ???; and*
3 *(4) the term "United States-led force in Soma-*
4 *lia" means the force (commonly referred to as the*
5 *"Unified Task Force" or "UNITAF") authorized by*
6 *United Nations Security Council Resolution 794*
7 *(1992).*

Amend the title of the joint resolution to read as fol-
lows: "Joint Resolution to authorize the use of United
States Armed Forces in Somalia to implement United Na-
tions Security Council Resolutions 794 (1992) and ???
(1993)."

[DRAFT COMMITTEE PRINT]

MARCH 24, 1993

AMENDMENTS IN THE NATURE OF A SUBSTITUTE FOR S.J. RES. 45

[Strike out the preamble. Strike out all that follows the resolving clause and insert in lieu thereof the text shown below in *italic*. An amendment to the title of the resolution is shown on the last page below.]

102D CONGRESS
1st Session

S. J. RES. 45

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1993

Referred to the Committee on Foreign Affairs

JOINT RESOLUTION

Authorizing the use of United States Armed Forces in
Somalia.

- 1 ~~Whereas~~ an estimated 300,000 Somalis reportedly have
- 2 died of hunger or as casualties of widespread violence
- 3 since the fall of Siad Barre in January 1991,
- 4 ~~Whereas~~ international relief agencies had been unable to
- 5 deliver adequate assistance to those most in need due

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(6) considerations which will affect whether United States Armed Forces will be permitted to be engaged as a portion of an international peacekeeping force; including—

(A) United States command of United States troops;

(B) equitable financial contributions of nations so engaged; and

(C) the right of United States combat forces to defend themselves throughout all levels of conflict.

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of United States Armed Forces in Somalia Resolution".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) An estimated 300,000 Somalis have died as a result of hunger and widespread violence since the fall of Siad Barre in January 1991.

(2) On December 3, 1992, the United Nations Security Council adopted Resolution 794 in which the Security Council—

(A) determined that "the magnitude of the human tragedy caused by the conflict in Soma-

lia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to international peace and security", and

(B) acting under Chapter VII of the Charter of the United Nations, authorized the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia".

(3) United States Armed Forces entered Somalia on December 9, 1992, in response to Security Council Resolution 794.

(4) The United Nations Secretary General concluded in his report of March 3, 1993, that without improved security throughout Somalia "the political process cannot prosper and humanitarian relief operations will remain vulnerable to disruption".

(5) The Secretary General recommended in his report that the United Nations Security Council adopt a resolution effecting the transition from the United States-led force in Somalia to a United Nations-led force, with the formal date of transfer of command to be May 1, 1993.

(6) The Secretary General's report envisioned a United Nations-led force having a multinational mili-

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1 tary component of 20,000 personnel, plus an addi-
2 tional 8000 personnel to provide logistic support.

3 (7) On 1979, 11, 1993, the United Nations Secu-
4 rity Council, acting under Chapter VII of the Charter
5 of the United Nations, adopted Resolution 777 in re-
6 sponse to the Secretary General's report. This resolu-
7 tion provides for the establishment of the United Na-
8 tions-led force in Somalia by expanding the size and
9 mandate of the original United Nations peacekeeping
10 force in Somalia (commonly referred to as
11 "UNOSOM") in accordance with the re-
12 commendations contained in the report of the Sec-
13 retary General.

14 (8) United States Armed Forces will participate
15 in the United Nations-led force in Somalia as part of
16 the multinational logistic support contingent, provid-
17 ing logistical, communications, and intelligence sup-
18 port.

19 (9) In addition to logistic forces, the United
20 States will make available a battalion-sized tactical
21 quick reaction force to respond to requests for emer-
22 gency assistance from the United Nations Force Com-
23 mander in Somalia. This quick reaction force will be
24 under United States operational control.

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1 (10) The transfer of operations in Somalia from
2 the United States-led force to the United Nations-led
3 force will result in a substantial reduction in the
4 number of members of the United Armed Forces that
5 are deployed in Somalia and in the costs incurred by
6 the United States as a result of United Nations-au-
7 thorized operations in Somalia.

8 (11) The Congress must authorize any use of
9 United States Armed Forces to implement United Na-
10 tions Security Council Resolutions 794 and 999.

11 (12) By providing such an authorization, the
12 Congress will facilitate the transfer of operations in
13 Somalia from the United States-led force to the Unit-
14 ed Nations-led force.

17 The Congress supports United Nations efforts in
18 Somalia—

19 (1) to help provide a secure environment for
20 famine relief efforts;

21 (2) to prevent a resumption of violence;

(3) to help restore peace, stability, and order through reconciliation, rehabilitation, and reconstruction of Somali society; and

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1 (4) to help the people of Somalia create and
2 maintain democratic institutions for their own gov-
3 ernance.

4 **SEC. 4. AUTHORIZATION FOR USE OF ARMED FORCES.**

5 (a) **IMPLEMENTATION OF SECURITY COUNCIL RESOLU-**
6 **TIONS.**—The President is authorized to use United States
7 Armed Forces to implement United Nations Security Coun-
8 cil Resolutions 794 (1992) and 799 (1993) as follows:

9 (1) United States Armed Forces may be used to
10 carry out operations under the authorization provided
11 by United Nations Security Council Resolution 794
12 (1992) until the transition to the United Nations-led
13 force in Somalia is completed.

14 (2) United States Armed Forces may be used to
15 provide logistic support for the United Nations-led
16 force in Somalia under the authorization provided by
17 United Nations Security Council Resolution 799
18 (1993).

19 (3) United States Armed Forces may be used as
20 a tactical quick reaction force, under United States
21 operational control, to respond to requests for emer-
22 gency assistance from the United Nations Force Com-
23 mander in Somalia.

24 (b) **STATEMENTS OF INTENT REQUIRED BY WAR POW-**
25 **ERS RESOLUTION.**—Consistent with section 8(a)(1) of the

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1 War Powers Resolution, the Congress declares that sub-
2 section (a) is intended to constitute specific statutory au-
3 thorization within the meaning of section 5(b) of the War
4 Powers Resolution to the extent that any United States
5 Armed Forces being used for the purposes described in sub-
6 section (a) are or become involved in hostilities or situations
7 where imminent hostilities is clearly indicated by the cir-
8 cumstances.

9 (c) **EXPIRATION OF AUTHORIZATIONS.**—The author-
10 izations provided by subsection (a) shall expire—

11 (1) at the end of the 12-month period beginning
12 on the date of enactment of this joint resolution, un-
13 less the Congress extends the period of such authoriza-
14 tions; or

15 (2) upon the expiration of the mandate of the
16 United Nations-led force in Somalia,

17 ~~which are set forth.~~

18 **SEC. 5. REPORTS REGARDING USE OF UNITED STATES**
19 **ARMED FORCES.**

20 (a) **PERIODIC REPORTS.**—

21 (1) **INFORMATION TO BE PROVIDED.**—The Presi-
22 dent shall submit periodic reports to the Congress
23 with respect to United States Armed Forces partici-
24 pation in and support for the United Nations-led
25 force in Somalia. Each such report shall—

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1 (A) specify the number of members of the
2 United States Armed Forces participating in the
3 United Nations-led force in Somalia or operat-
4 ing in support of that force;

5 (B) specify where United States Armed
6 Forces are deployed as part of the United Na-
7 tions-led force in Somalia and where United
8 States Armed Forces are deployed that are oper-
9 ating in support of that force;

10 (C) specify the functions being performed by
11 United States Armed Forces participating in the
12 United Nations-led force in Somalia;

13 (D) specify the functions of United States
14 Armed Forces operating as a tactical quick reac-
15 tion force in support of the United Nations-led
16 force in Somalia, and describe any use of United
17 States Armed Forces as a quick reaction force;

18 (E) specify the command arrangements ap-
19 plicable with respect to United States Armed
20 Forces participating in the United Nations-led
21 force in Somalia or operating in support of that
22 force;

23 (F) specifying the anticipated duration of
24 the deployment of United States Armed Forces as

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1 part of the United Nations-led force in Somalia
2 or in support of that force; and

3 (G) describe any equipment transferred by
4 the Department of Defense in the United Na-
5 tions-led force in Somalia, specifying the types
6 and amounts of equipment transferred, the au-
7 thority under which it was transferred, and the
8 terms on which it was transferred.

9 (2) **REPORTING DATES AND PERIOD COVERED BY**
10 **EACH REPORT.**—A report pursuant to this subsection
11 shall be submitted—

12 (A) not later than July 1, 1993, covering
13 the period since March 3, 1993; and

14 (B) not later than January 1, 1994, and
15 July 1, 1994, covering the period since the pre-
16 ceding report pursuant to this subsection.

17 (3) **WAR POWERS RESOLUTION REPORTING RE-**
18 **QUIREMENTS.**—The requirements of this subsection do
19 not supersede the requirements of section 4(a) of the
20 War Powers Resolution.

21 (b) **REPORT ON TRANSITION TO UN-LED FORCE.**—The
22 first report submitted pursuant to subsection (a) shall
23 specify—

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1 (1) the number of members of the United States
2 Armed Forces, if any, remaining in Somalia as part
3 of the United States-led force in Somalia;

4 (2) where they are deployed;

5 (3) the functions they are performing; and

6 (4) how long they will remain in Somalia as
7 part of that force.

8 (c) **AGREEMENTS WITH UNITED NATIONS.**—The Presi-
9 dent shall transmit promptly to the Congress a copy of any
10 memorandum of understanding or other written agreement
11 entered into by the United States with the United Nations
12 Security Council, the Secretary General of the United Na-
13 tions (or his Special Representative), or the United Nations
14 Force Commander in Somalia .-

15 (1) regarding the participation of United States
16 Armed Forces in the United Nations-led force in So-
17 malia;

18 (2) regarding United States Armed Forces oper-
19 ating as a tactical quick reaction force in support of
20 that force or otherwise in support of that force; or

21 (3) otherwise regarding the availability to the
22 United Nations Security Council of United States
23 Armed Forces, assistance, or facilities to implement
24 Security Council Resolution 794 or 797.

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1 **SEC. 2. REPORTS ON COSTS OF UNITED NATIONS-AUTHOR-**
2 **IZED OPERATIONS IN SOMALIA.**

3 (a) **REQUIREMENT FOR PERIODIC REPORTS.**—The
4 President shall submit to the Congress periodic reports re-
5 garding the costs of the United States-led force in Somalia
6 and the United Nations-led force in Somalia.

7 (b) **INFORMATION ON COSTS AND OTHER CON-**
8 **TRIBUTIONS.**—Each report pursuant to this section shall
9 specify (to the extent such information is available to the
10 United States)—

11 (1) the amount of the incremental costs incurred
12 by the United States and by each other participating
13 country as the result of its participation in the Unit-
14 ed States-led force in Somalia or as the result of its
15 participation in or military operations in support of
16 the United Nations-led force in Somalia;

17 (2) the amount of other in-kind or financial con-
18 tributions pledged, and the amount of such con-
19 tributions made, by each country toward the costs as-
20 sociated with the United States-led force in Somalia
21 and the United Nations-led force in Somalia, includ-
22 ing contributions to the United Nations Trust Fund
23 for Somalia and excluding amounts reported pursu-
24 ant to paragraph (3);

25 (3) the amount assessed by the United Nations to
26 the United States and each other country for its con-

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1 tributions to the costs associated with the United Na-
2 tions-led forces in Somalia;

3 (4) for the United States and each other country,
4 the extent to which the costs and other contributions
5 described in paragraphs (1) and (2) are being count-
6 ed toward the amount of the assessment described in
7 paragraph (3); and

8 (5) the amount received by the United States
9 and each other country as reimbursement from the
10 United Nations or other countries for costs that it in-
11 curred as the result of its participation in the United
12 States-led forces in Somalia or as the result of its par-
13 ticipation in or military operations in support of the
14 United Nations-led forces in Somalia, including reim-
15 bursements from the United Nations Trust Fund for
16 Somalia.

17 (c) **DESCRIPTION OF UNITED STATES EFFORTS TO**
18 **OBTAIN EQUITABLE COST SHARING.**—Each such report
19 shall also review all actions taken by the United States to
20 ensure that in-kind United States contributions to the Unit-
21 ed States-led forces in Somalia and to the United Nations-
22 led force in Somalia are counted against the amount of the
23 United States assessed contributions to the United Nations
24 for peacekeeping or other military operations in Somalia
25 carried out pursuant to resolutions of the Security Council.

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1 (d) **REPORTING DATES AND PERIOD COVERED BY**
2 **EACH REPORT.**—A report pursuant to this section shall be
3 submitted—

4 (1) not later than 1 month after the date of en-
5 actment of this joint resolution, covering the period
6 ending on the last day of the penultimate month pre-
7 ceding the enactment of this joint resolution; and

8 (2) not later than 7 months, 13 months, and 19
9 months after that date, covering the 6-month period
10 following the period covered by the preceding report
11 pursuant to this section and also providing cumu-
12 lative information.

13 **SEC. 7. DEFINITIONS.**

14 *As used in this joint resolution—*

15 (1) the term "United Nations Force Commander
16 in Somalia" means the commander appointed by the
17 Secretary General of the United Nations to command
18 the United Nations-led force in Somalia;

19 (2) the term "United Nations-led force in Soma-
20 lia" means the expanded force (commonly referred to
21 as "UNOSOM II") authorized by paragraph 3 of
22 United Nations Security Council Resolution 1199
23 (1999);

24 (3) the term "United Nations Trust Fund for So-
25 malia" means the trust fund established and main-

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- 1 *ained pursuant to United Nations Security Council*
- 2 *Resolutions 794 and 1199; and*
- 3 *(4) the term "United States-led force in Soma-*
- 4 *lia" means the force (commonly referred to as the*
- 5 *"Unified Task Force" or "UNITAF") authorized by*
- 6 *United Nations Security Council Resolution 794*
- 7 *(1992).*

Amend the title of the joint resolution to read as follows: "Joint Resolution to authorize the use of United States Armed Forces in Somalia to implement United Nations Security Council Resolutions 794 (1992) and 1199 (1998)."

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NSC/RMO PROFILE

RECORD ID: 9302502
RECEIVED: 16 APR 93 10

TO: ITOH

FROM: PETERSON, R

DOC DATE: 16 APR 93
SOURCE REF:

KEYWORDS: SOMALIA
LEGISLATIVE REFERRAL

DEFENSE POLICY

PERSONS:

SUBJECT: STATE VIEWS RE SJR-45 AUTHORIZATION FOR USE OF US FORCES IN SOMALIA

ACTION: PREPARE MEMO ITOH TO PETERSON

DUE DATE: 20 APR 93 STATUS: S

STAFF OFFICER: JETT

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2502

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

URGENT

April 16, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-297

TO: Legislative Liaison Officer -

DEFENSE - Samuel T. Brick, Jr. - (703)697-1303 - 325
JUSTICE - Faith Burton - (202)514-2141 - 217
NSC - William H. Itoh - (202)395-3723 - 249

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

OMB CONTACT: Annette ROONEY (395-7300)
Secretary's line (for simple responses): 395-6194

SUBJECT: State Views RE: SJR 45, Authorization for Use
of United States Forces in Somalia

DEADLINE: 2:00, TODAY April 16, 1993

*
COMMENTS: The State Department advises that the House Foreign
Affairs Subcommittee will be marking up SJR 45 on
Tuesday. The Committee has requested that State provide
the Administration's views on the Subcommittee Print
TODAY.

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

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

CC:

T. Davis
B. Sasser
P. DuSault
D. Gessaman
B. Damus
G. Adams
W. Dellinger
H. Paster/TThornton
M. Foley

URGENT

2/pages

Dear Mr. Chairman:

This letter provides the Administration's views on the House version of S.J.Res. 45, which the House Committee on Foreign Affairs (HFAC) may consider in the near future. The Administration welcomes Congressional support for U.S. activities in Somalia expressed in the House version. However, we continue to believe that specific statutory authority for the deployment of U.S. forces to Somalia is not necessary. As you know, the Administration held a similar view on S.J.Res. 45, adopted by the Senate on February 4, 1993.

April 15, 1993,

The current HFAC version is preferable to Senate's version in several respects, particularly insofar as it also extends its authorization to UNSC Resolution 814 of March 26, 1993, which sets forth the U.N. mandate for UNOSOM II. While we would prefer that the authorization provided by S.J.Res. 45 not be limited to twelve months, we are pleased that the resolution indicates that Congress would not be opposed to the continued presence of U.S. forces in Somalia if needed for the success of the U.N. operation.

We will continue to work with Congress to ensure bipartisan support for U.S. policy in Somalia.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

Robert A. Bradtke
Acting Assistant Secretary
Legislative Affairs

The Honorable
Lee H. Hamilton,
Chairman, Committee on Foreign Affairs,
House of Representatives

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[SUBCOMMITTEE PRINT]

APRIL 15, 1993

AMENDMENTS IN THE NATURE OF A SUBSTITUTE FOR S.J. RES. 45

[Strike out the preamble. Strike out all that follows the resolving clause and insert in lieu thereof the text shown below in italics. An amendment to the title of the resolution is shown on the last page below.]

103D CONGRESS
1ST SESSION**S. J. RES. 45**

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1993

Referred to the Committee on Foreign Affairs

JOINT RESOLUTION**Authorizing the use of United States Armed Forces in
Somalia.**

- 1 Whereas an estimated 300,000 Somalis reportedly have
- 2 died of hunger or as a result of widespread violence
- 3 since the fall of Siad Barre in January 1991,
- 4 Whereas international relief agencies had been unable to
- 5 deliver adequate assistance to those most in need due

04/16/93 08:17

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1 to increasingly difficult and dangerous security condi-
2 tions, including pervasive banditry and looting;
3 Whereas Congress has expressed its support for a greater
4 United Nations role in addressing the political and hu-
5 manitarian situation in Somalia through Senate Reso-
6 lutions 955 and 102 and House of Representatives
7 Resolution 870;
8 Whereas the United Nations Secretary General and Unit-
9 ed States officials have concluded that massive inter-
10 vention in Somalia would be necessary to avert further
11 starvation on this scale;
12 Whereas the United Nations Security Council on Decem-
13 ber 3, 1992, enacted Resolution 704, authorizing the
14 use of "all necessary means to establish as soon as
15 possible a secure environment for humanitarian relief
16 operations in Somalia";
17 Whereas President Bush began deploying United States
18 armed forces on December 3, 1992, in response to
19 United Nations Resolution 704;
20 Whereas more than 80,000 American servicemen and
21 women are now in Somalia under Operation Restore
22 Hope and have been joined by troops from many other
23 nations;
24 Whereas President Bush has emphasized that United
25 States armed forces will be withdrawn and that the

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1 *lia, further exacerbated by the obstacles being*
2 *created to the distribution of humanitarian as-*
3 *sistance, constitutes a threat to international*
4 *peace and security", and*

5 *(B) acting under Chapter VII of the Charter*
6 *of the United Nations, authorized the use of "all*
7 *necessary means to establish as soon as possible*
8 *a secure environment for humanitarian relief op-*
9 *erations in Somalia".*

10 *(3) United States Armed Forces entered Somalia*
11 *on December 9, 1992, in response to Security Council*
12 *Resolution 794.*

13 *(4) The United Nations Secretary General con-*
14 *cluded in his report of March 3, 1993, that without*
15 *improved security throughout Somalia "the political*
16 *process cannot prosper and humanitarian relief op-*
17 *erations will remain vulnerable to disruption".*

18 *(5) The Secretary General recommended in his*
19 *report that the United Nations Security Council*
20 *adopt a resolution effecting the transition from the*
21 *United States-led force in Somalia to a United Na-*
22 *tions-led force, with the formal date of transfer of*
23 *command to be May 1, 1993.*

24 *(6) The Secretary General's report envisioned a*
25 *United Nations-led force having a multinational mili-*

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1 tary component of 80,000 personnel, plus an addi-
2 tional 8000 personnel to provide logistic support.

3 (7) On March, 28, 1993, the United Nations Se-
4 curity Council, acting under Chapter VII of the Char-
5 ter of the United Nations, adopted Resolution 814 in
6 response to the Secretary General's report. This reso-
7 lution provides for the establishment of the United
8 Nations-led force in Somalia by expanding the size
9 and mandate of the original United Nations peace-
10 keeping force in Somalia (commonly referred to as
11 "UNOSOM") in accordance with the re-
12 commendations contained in the report of the Sec-
13 retary General.

14 (8) United States Armed Forces will participate
15 in the United Nations-led force in Somalia as part of
16 the multinational logistic support contingent, provid-
17 ing logistical, communications, and intelligence sup-
18 port.

19 (9) In addition to logistic forces, the United
20 States will make available a battalion-sized tactical
21 quick reaction force to respond to requests for emer-
22 gency assistance from the United Nations Force Com-
23 mander in Somalia. This quick reaction force will be
24 under United States operational control.

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1 (10) The transfer of operations in Somalia from
2 the United States-led force to the United Nations-led
3 force will result in a substantial reduction in the
4 number of members of the United Armed Forces that
5 are deployed in Somalia and in the costs incurred by
6 the United States as a result of United Nations-au-
7 thorized operations in Somalia.

8 (11) The Congress should authorize any use of
9 United States Armed Forces to implement United Na-
10 tions Security Council Resolutions 794 and 814.

11 (12) By providing such an authorization, the
12 Congress will facilitate the transfer of operations in
13 Somalia from the United States-led force to the Unit-
14 ed Nations-led force.

15 (13)(A) The Congress does not anticipate that
16 United States Armed Forces will need to remain in
17 Somalia for more than 12 months after the date of
18 enactment of this joint resolution to implement Unit-
19 ed Nations Security Council Resolution 814.

20 (B) Given the importance of the mission of the
21 United Nations-led force in Somalia, however, the
22 Congress will give strong consideration to a request
23 by the President for an extension of the authorization
24 for the use of United States Armed Forces to imple-
25 ment Resolution 814 should such continued use be

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1 necessary to ensure the success of the United Nations-
2 led force in Somalia.

3 **SEC. 3. SUPPORT FOR UNITED NATIONS EFFORTS IN SOMA-**

4 **LIA.**

5 The Congress supports United Nations efforts in
6 Somalia—

7 (1) to help provide a secure environment for
8 famine relief efforts;

9 (2) to prevent a resumption of violence;

10 (3) to help restore peace, stability, and order
11 through reconciliation, rehabilitation, and reconstruc-
12 tion of Somali society; and

13 (4) to help the people of Somalia create and
14 maintain democratic institutions for their own gov-
15 ernance.

16 **SEC. 4. AUTHORIZATION FOR USE OF ARMED FORCES.**

17 (a) **IMPLEMENTATION OF SECURITY COUNCIL RESOLU-**
18 **TIONS.**—The President is authorized to use United States
19 Armed Forces to implement United Nations Security Coun-
20 cil Resolutions 794 (1992) and 814 (1993), (including the
21 use of such Armed Forces—

22 (1) to carry out operations under the authorisa-
23 tion provided by United Nations Security Council
24 Resolution 794 (1992) until the transition to the
25 United Nations-led force in Somalia is completed;

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1 (2) to provide logistic and related support for the
2 United Nations-led force in Somalia under the au-
3 thorisation provided by United Nations Security
4 Council Resolution 814 (1993); and
5 (3) to serve as a tactical quick reaction force,
6 under United States operational control, to respond to
7 requests for emergency assistance from the United Na-
8 tions Force Commander in Somalia.

9 (b) STATEMENTS OF INTENT REQUIRED BY WAR POW-
10 ERS RESOLUTION.—Consistent with section 8(a)(1) of the
11 War Powers Resolution, the Congress declares that sub-
12 section (a) is intended to constitute specific statutory au-
13 thorisation within the meaning of section 5(b) of the War
14 Powers Resolution to the extent that any United States
15 Armed Forces being used for the purposes described in sub-
16 section (a) are or become involved in hostilities or situations
17 where imminent hostilities is clearly indicated by the cir-
18 cumstances.

19 (c) EXPIRATION OF AUTHORIZATIONS.—The author-
20 izations provided by subsection (a) shall expire at the ear-
21 liest of—

22 (1) the end of the 12-month period beginning on
23 the date of enactment of this joint resolution, unless
24 the Congress finds that continued participation by the
25 United States Armed Forces is necessary to ensure the

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1 success of the United Nations-led force in Somalia
2 and extends the period of such authorizations; or
3 (3) the expiration of the mandate of the United
4 Nations-led force in Somalia.

5 **SEC. 4. REPORTS REGARDING USE OF UNITED STATES**
6 **ARMED FORCES.**

7 **(a) PERIODIC REPORTS.—**

8 **(1) INFORMATION TO BE PROVIDED.—**The Presi-
9 dent shall submit periodic reports to the Congress
10 with respect to United States Armed Forces partici-
11 pation in and support for the United Nations-led
12 force in Somalia. Each such report shall—

13 **(A)** specify the number of members of the
14 United States Armed Forces participating in the
15 United Nations-led force in Somalia or operat-
16 ing in support of that force;

17 **(B)** specify where United States Armed
18 Forces are deployed as part of the United Na-
19 tions-led force in Somalia and where United
20 States Armed Forces are deployed that are oper-
21 ating in support of that force;

22 **(C)** specify the functions being performed by
23 United States Armed Forces participating in the
24 United Nations-led force in Somalia;

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1 (D) specify the functions of United States
2 Armed Forces operating as a tactical quick reac-
3 tion force in support of the United Nations-led
4 force in Somalia, and describe any use of United
5 States Armed Forces as a quick reaction force;

6 (E) specify the command arrangements ap-
7 plicable with respect to United States Armed
8 Forces participating in the United Nations-led
9 force in Somalia or operating in support of that
10 force; and

11 (F) specify the anticipated duration of the
12 deployment of United States Armed Forces as
13 part of the United Nations-led force in Somalia
14 or in support of that force.

15 (3) REPORTING DATES AND PERIOD COVERED BY
16 EACH REPORT.—A report pursuant to this subsection
17 shall be submitted—

18 (A) not later than July 1, 1993, covering
19 the period since March 3, 1993; and

20 (B) not later than July 1, 1994, covering
21 the period since the preceding report pursuant to
22 this subsection.

23 (5) WAR POWERS RESOLUTION REPORTING RE-
24 QUIREMENTS.—The requirements of this subsection do

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1 not supersede the requirements of section 6 of the War
2 Powers Resolution.

3 (b) **REPORT ON TRANSITION TO UN-LED FORCE.**—The
4 first report submitted pursuant to subsection (a) shall spec-
5 ify the number of members of the United States Armed
6 Forces, if any, remaining in Somalia as part of the United
7 States-led force in Somalia.

8 (c) **AGREEMENTS WITH UNITED NATIONS.**—The Presi-
9 dent shall transmit promptly to the Congress a copy of any
10 memorandum of understanding or other written agreement
11 entered into by the United States with the United Nations
12 Security Council, the Secretary General of the United Na-
13 tions (or his Special Representative), or the United Nations
14 Force Commander in Somalia—

15 (1) regarding the participation of United States
16 Armed Forces in the United Nations-led force in So-
17 malia;

18 (2) regarding United States Armed Forces oper-
19 ating as a tactical quick reaction force in support of
20 that force or otherwise in support of that force; or

21 (3) otherwise regarding the availability to the
22 United Nations Security Council of United States
23 Armed Forces, assistance, or facilities to implement
24 Security Council Resolution 724 or 814.

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1 SEC. 6. REPORTS ON COSTS OF UNITED NATIONS-AUTHOR-

2 **IZED OPERATIONS IN SOMALIA.**

3 (a) **REQUIREMENT FOR PERIODIC REPORTS.**—The

4 President shall submit to the Congress periodic reports re-

5 garding the costs of the United States-led forces in Somalia

6 and the United Nations-led forces in Somalia.

7 (b) **INFORMATION ON COSTS AND OTHER CON-**

8 **TRIBUTIONS.**—Each report pursuant to this section shall

9 specify (to the extent such information is available to the

10 United States)—

11 (1) the amount of the incremental costs incurred

12 by the United States as the result of its participation

13 in the United States-led forces in Somalia or as the

14 result of its participation in or military operations

15 in support of the United Nations-led forces in Somalia;

16

17 (2) the amount of other in-kind or financial con-

18 tributions pledged, and the amount of such con-

19 tributions made, by each participating country to-

20 ward the costs associated with the United States-led

21 forces in Somalia and the United Nations-led force in

22 Somalia, including contributions to the United Na-

23 tions Trust Fund for Somalia and excluding amounts

24 reported pursuant to paragraph (3);

25 (3) the amount assessed by the United Nations to

26 the United States and each other country for its con-

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1 tributions to the costs associated with the United Na-
2 tions-led force in Somalia;

3 (4) the amount received by the United States
4 and each other country as reimbursement from the
5 United Nations, including reimbursements from the
6 United Nations Trust Fund for Somalia, as the result
7 of its participation in the United States-led force in
8 Somalia; and

9 (5) the amount received by the United States
10 and each other country as credit against an assess-
11 ment described in paragraph (3) from the United Na-
12 tions for costs that it incurred as the result of its par-
13 ticipation in or military operations in support of the
14 United Nations-led force in Somalia.

15 (c) **DESCRIPTION OF UNITED STATES EFFORTS TO**
16 **OBTAIN EQUITABLE COST SHARING.**—Each such report
17 shall also review all actions taken by the United States to
18 have included United States contributions to the United Na-
19 tions-led force in Somalia counted against the amount of
20 the United States assessed contributions to the United Na-
21 tions for peacekeeping or other military operations in So-
22 malia carried out pursuant to resolutions of the Security
23 Council.

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1 (d) **REPORTING DATES AND PERIOD COVERED BY**
2 **EACH REPORT.**—A report pursuant to this section shall be
3 submitted—

4 (1) not later than 1 month after the date of en-
5 actment of this joint resolution, covering the period
6 ending on the last day of the penultimate month pre-
7 ceding the enactment of this joint resolution; and

8 (2) not later than 12 months and 24 months
9 after that date, covering the 12-month period fol-
10 lowing the period covered by the preceding report
11 pursuant to this section and also providing cumu-
12 lative information.

13 **SEC. 7. DEFINITIONS.**

14 As used in this joint resolution—

15 (1) the term "United Nations Force Commander
16 in Somalia" means the commander appointed by the
17 Secretary General of the United Nations to command
18 the United Nations-led force in Somalia;

19 (2) the term "United Nations-led force in Soma-
20 lia" means the expanded force (commonly referred to
21 as "UNOSOM II") authorized by paragraph 5 of
22 United Nations Security Council Resolution 814
23 (1992);

24 (3) the term "United Nations Trust Fund for So-
25 malia" means the trust fund established and main-

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- 1 *tained pursuant to United Nations Security Council*
- 2 *Resolutions 794 and 814; and*
- 3 *(4) the term "United States-led forces in Soma-*
- 4 *lia" means the force (commonly referred to as the*
- 5 *"Unified Task Force" or "UNITAF") authorized by*
- 6 *United Nations Security Council Resolution 794*
- 7 *(1992).*

Amend the title of the joint resolution to read as fol-
lows: "Joint Resolution to authorize the use of United
States Armed Forces in Somalia to implement United Na-
tions Security Council Resolutions 794 (1992) and 814
(1992)."

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

April 8, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE
SAMUEL BERGER

FROM: JEREMY ROSNER

SUBJECT: Congressional resolution on Somalia

Undersecretary Tarnoff is likely to call Sandy today regarding the House Foreign Affairs Committee's resolution regarding UNOSOM II. This memo provides background on the issue he will likely raise, and recommends we work to get HFAC to add language to make the resolution more acceptable to the White House.

Chmn. Hamilton has drafted an authorizing resolution for UNOSOM II (Tab I); he is planning a Committee mark up soon after recess. State has worked with HFAC staff to negotiate language, while maintaining the Administration welcomes, but does not view as necessary, congressional support for our UNOSOM II involvement.

The current draft states the authorization will expire 12 months after enactment. Hamilton reportedly feels this is important for passage, in part because Rep. Gilman (Ranking) prefers only a 6-month authorization. Dick Clarke sees this language as problematic: it could encourage mischief by Somali warlords by suggesting our troops will withdraw on a date certain; it could suggest US support is more limited than that of the UN, which provided for possible extension (Tab II, highlighted); and it sets the wrong precedent for the involvement of US troops in UN peacekeeping. State L, working with Clarke, has suggested wording that could be added to resolve such problems (Tab III).

Chmn. Hamilton reportedly wants to know the Administration's position on the draft. State and UN staff, reflecting Tarnoff's and Ambassador Albright's inclinations, reportedly communicated to HFAC staff that the 12-month provision is acceptable, although they presumably would prefer less restrictive language if it could be negotiated with HFAC. Tarnoff reportedly would not mind Albright or Assistant Secretary Moose calling Hamilton to get the additional language included, but is not inclined to call himself. Tarnoff is likely to call Sandy today to ask his position and gain his concurrence on the 12 month provision.

RECOMMENDATION

That you: 1) tell Tarnoff the White House prefers the addition of the kind of language at Tab III; 2) ask Tarnoff whether he would call Hamilton to seek his acceptance of the additional language; 3) if Tarnoff is unwilling, tell him you plan to call Hamilton to seek his acceptance of the additional language.
Hamilton is in his office until about 3:00 today.

Concurrence: Alan Kreczko, Richard ^{AK} Clarke

[DRAFT COMMITTEE PRINT]

MARCH 24, 1993

AMENDMENTS IN THE NATURE OF A SUBSTITUTE FOR S.J. RES. 45

[Strike out the preamble. Strike out all that follows the resolving clause and insert in lieu thereof the text shown below in *italic*. An amendment to the title of the resolution is shown on the last page below.]

103D CONGRESS
1ST SESSION**S. J. RES. 45**

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1993

Referred to the Committee on Foreign Affairs

JOINT RESOLUTIONAuthorizing the use of United States Armed Forces in
Somalia.

- 1 ~~Whereas an estimated 200,000 Somalis reportedly have~~
- 2 ~~died of hunger or as casualties of widespread violence~~
- 3 ~~since the fall of Siad Barre in January 1991;~~
- 4 ~~Whereas international relief agencies had been unable to~~
- 5 ~~deliver adequate assistance to those most in need due~~

1 to increasingly difficult and dangerous security condi-
2 tions, including pervasive banditry and looting;
3 Whereas Congress has expressed its support for a greater
4 United Nations role in addressing the political and hu-
5 manitarian situation in Somalia through Senate Reso-
6 lutions 258 and 122 and House of Representatives
7 Resolution 370;
8 Whereas the United Nations Secretary General and Unit-
9 ed States officials had concluded that massive inter-
10 vention in Somalia would be necessary to avert further
11 starvation on this scale;
12 Whereas the United Nations Security Council on Decem-
13 ber 3, 1992, enacted Resolution 704, authorizing the
14 use of "all necessary means to establish as soon as
15 possible a secure environment for humanitarian relief
16 operations in Somalia";
17 Whereas President Bush began deploying United States
18 armed forces on December 3, 1992, in response to
19 United Nations Resolution 704;
20 Whereas more than 20,000 American servicemen and
21 women are now in Somalia under Operation Restore
22 Hope and have been joined by troops from many other
23 nations;
24 Whereas President Bush has emphasized that United
25 States Armed Forces will be withdrawn and that the

1 security mission will be assumed by the United Na-
2 tions' UNOSOM operation as soon as a "secure envi-
3 ronment" for the delivery of food has been created,
4 and

5 Whereas, on December 10, 1992, President Bush formally
6 reported to Congress on the deployment of United
7 States Armed Forces in Somalia. Now, therefore, be
8 it

9 *Resolved by the Senate and House of Representatives*
10 *of the United States of America in Congress assembled,*

11 **SECTION 1. SHORT TITLE**

12 "This joint resolution may be cited as the "Authoriza-
13 tion for Use of United States Armed Forces in Somalia".

14 **SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES**
15 **ARMED FORCES.**

16 (a) **AUTHORIZATION.**—The President is authorized to
17 use United States Armed Forces pursuant to United Na-
18 tions Security Council Resolution 784 in order to imple-
19 ment the Resolution, which authorizes the use of "all nec-
20 essary means to establish as soon as possible a secure en-
21 vironment for humanitarian relief operations in Somalia".

22 (b) **WAR POWERS RESOLUTION REQUIREMENTS.**—
23 Consistent with section 8(a)(1) of the War Powers Resolu-
24 tion, the Congress declares that this section is intended

1 to constitute specific statutory authorization within the
2 meaning of section 5(b) of the War Powers Resolution.

3 **SEC. 2. SENSE OF CONGRESS.**

4 (a) ~~UNITED NATIONS PEACEKEEPING FORCES.~~—It
5 is the sense of Congress that the President should consult
6 with the Secretary General of the United Nations and with
7 the other member countries of the United Nations Secu-
8 rity Council to ensure that peacekeeping forces from other
9 countries of the United Nations continue to be deployed
10 in Somalia to maintain a secure environment and to allow
11 United States Armed Forces to transfer the mission to
12 a United Nations-led force at the earliest possible date.

13 (b) ~~MEASURES OF SELF-PROTECTION.~~—It is the
14 sense of Congress that the President should make every
15 effort to ensure that United States Armed Forces serving
16 in Somalia as part of a United Nations-led force are per-
17 mitted to take all reasonable measures to protect them-
18 selves.

19 (c) ~~ASSESSMENT OF COSTS.~~—It is the sense of Con-
20 gress that the President should submit a report to Con-
21 gress providing an assessment of the costs of Operation
22 Restore Hope, indicating the costs assessed to the United
23 States, the United Nations, and other countries and relat-
24 ed organizations involved in the operation.

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1 **SEC. 4. REPORTING REQUIREMENT.**

2 Not later than September 1, 1993, the Secretary of
3 State and the Secretary of Defense shall jointly submit
4 to Congress a report on the introduction and commitment
5 of United States Armed Forces into combat situations.

6 This report shall include—

7 (1) a specific review of the goals of United
8 States policy in Somalia and an outline of objective
9 criteria which will enable the United States to eval-
10 ate when those goals are achieved;

11 (2) a review of all actions taken to ensure that
12 United States material contributions to United Na-
13 tions forces in Somalia are counted against United
14 States assessments in Somalia;

15 (3) a review of United States international in-
16 terests and their correlation to the commitment of
17 United States Armed Forces;

18 (4) a description of the factors to be used in
19 evaluating future commitments of United States
20 combat forces;

21 (5) specifically, a review of the many situations
22 in the world where there are intense humanitarian
23 needs and a means of evaluating what elements,
24 when present, would permit these situations to rise
25 to a level of importance necessary for the commit-
26 of United States combat forces;

(6) considerations which will affect whether United States Armed Forces will be permitted to be engaged as a portion of an international peacekeeping force, including—

(A) United States command of United States troops;

(B) equitable financial contributions of nations so engaged; and

(C) the right of United States combat forces to defend themselves throughout all levels of conflict.

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of United States Armed Forces in Somalia Resolution".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) *An estimated 300,000 Somalis have died as a result of hunger and widespread violence since the fall of Siad Barre in January 1991.*

(2) *On December 3, 1992, the United Nations Security Council adopted Resolution 794 in which the Security Council—*

(A) *determined that "the magnitude of the human tragedy caused by the conflict in Soma-*

lia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to international peace and security", and

(B) acting under Chapter VII of the Charter of the United Nations, authorized the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia".

(3) United States Armed Forces entered Somalia on December 9, 1992, in response to Security Council Resolution 794.

(4) The United Nations Secretary General concluded in his report of March 3, 1993, that without improved security throughout Somalia "the political process cannot prosper and humanitarian relief operations will remain vulnerable to disruption".

(5) The Secretary General recommended in his report that the United Nations Security Council adopt a resolution effecting the transition from the United States-led force in Somalia to a United Nations-led force, with the formal date of transfer of command to be May 1, 1993.

(6) The Secretary General's report envisioned a United Nations-led force having a multinational mili-

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1 tary component of 20,000 personnel, plus an addi-
2 tional 8000 personnel to provide logistic support.

3 (7) On 1993, 11, 1993, the United Nations Secu-
4 rity Council, acting under Chapter VII of the Charter
5 of the United Nations, adopted Resolution 111 in re-
6 sponse to the Secretary General's report. This resolu-
7 tion provides for the establishment of the United Na-
8 tions-led force in Somalia by expanding the size and
9 mandate of the original United Nations peacekeeping
10 force in Somalia (commonly referred to as
11 "UNOSOM") in accordance with the reco-
12 mmendations contained in the report of the Sec-
13 retary General.

14 (8) United States Armed Forces will participate
15 in the United Nations-led force in Somalia as part of
16 the multinational logistic support contingent, provid-
17 ing logistical, communications, and intelligence sup-
18 port.

19 (9) In addition to logistic forces, the United
20 States will make available a battalion-sized tactical
21 quick reaction force to respond to requests for emer-
22 gency assistance from the United Nations Force Com-
23 mander in Somalia. This quick reaction force will be
24 under United States operational control.

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1 (10) *The transfer of operations in Somalia from*
2 *the United States-led force to the United Nations-led*
3 *force will result in a substantial reduction in the*
4 *number of members of the United Armed Forces that*
5 *are deployed in Somalia and in the costs incurred by*
6 *the United States as a result of United Nations-au-*
7 *thorized operations in Somalia.*

8 (11) *The Congress must authorize any use of*
9 *United States Armed Forces to implement United Na-*
10 *tions Security Council Resolutions 794 and 999.*

11 (12) *By providing such an authorization, the*
12 *Congress will facilitate the transfer of operations in*
13 *Somalia from the United States-led force to the Unit-*
14 *ed Nations-led force.*

15 **SEC. 3. SUPPORT FOR UNITED NATIONS EFFORTS IN SOMA-**

16 **LIA.**

17 *The Congress supports United Nations efforts in*
18 *Somalia—*

19 (1) *to help provide a secure environment for*
20 *famine relief efforts;*

21 (2) *to prevent a resumption of violence;*

22 (3) *to help restore peace, stability, and order*
23 *through reconciliation, rehabilitation, and reconstruc-*
24 *tion of Somali society; and*

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1 (4) to help the people of Somalia create and
2 maintain democratic institutions for their own gov-
3 ernance.

4 **SEC. 4. AUTHORIZATION FOR USE OF ARMED FORCES.**

5 (a) **IMPLEMENTATION OF SECURITY COUNCIL RESOLU-**
6 **TIONS.**—The President is authorized to use United States
7 Armed Forces to implement United Nations Security Coun-
8 cil Resolutions 794 (1992) and 111 (1993) as follows:

9 (1) United States Armed Forces may be used to
10 carry out operations under the authorization provided
11 by United Nations Security Council Resolution 794
12 (1992) until the transition to the United Nations-led
13 force in Somalia is completed.

14 (2) United States Armed Forces may be used to
15 provide logistic support for the United Nations-led
16 force in Somalia under the authorization provided by
17 United Nations Security Council Resolution 111
18 (1993).

19 (3) United States Armed Forces may be used as
20 a tactical quick reaction force, under United States
21 operational control, to respond to requests for emer-
22 gency assistance from the United Nations Force Com-
23 mander in Somalia.

24 (b) **STATEMENTS OF INTENT REQUIRED BY WAR POW-**
25 **ERS RESOLUTION.**—Consistent with section 8(a)(1) of the

1 War Powers Resolution, the Congress declares that sub-
2 section (a) is intended to constitute specific statutory au-
3 thorization within the meaning of section 5(b) of the War
4 Powers Resolution to the extent that any United States
5 Armed Forces being used for the purposes described in sub-
6 section (a) are or become involved in hostilities or situations
7 where imminent hostilities is clearly indicated by the cir-
8 cumstances.

9 (c) **EXPIRATION OF AUTHORIZATIONS.**—The author-
10 izations provided by subsection (a) shall expire—

11 (1) at the end of the 12-month period beginning
12 on the date of enactment of this joint resolution, un-
13 less the Congress extends the period of such authoriza-
14 tions; or

15 (2) upon the expiration of the mandate of the
16 United Nations-led force in Somalia,

17 ~~which ever expires first.~~

18 **SEC. 5. REPORTS REGARDING USE OF UNITED STATES**
19 **ARMED FORCES.**

20 (a) **PERIODIC REPORTS.**—

21 (1) **INFORMATION TO BE PROVIDED.**—The Presi-
22 dent shall submit periodic reports to the Congress
23 with respect to United States Armed Forces partici-
24 pation in and support for the United Nations-led
25 force in Somalia. Each such report shall—

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1 (A) specify the number of members of the
2 United States Armed Forces participating in the
3 United Nations-led force in Somalia or operat-
4 ing in support of that force;

5 (B) specify where United States Armed
6 Forces are deployed as part of the United Na-
7 tions-led force in Somalia and where United
8 States Armed Forces are deployed that are oper-
9 ating in support of that force;

10 (C) specify the functions being performed by
11 United States Armed Forces participating in the
12 United Nations-led force in Somalia;

13 (D) specify the functions of United States
14 Armed Forces operating as a tactical quick reac-
15 tion force in support of the United Nations-led
16 force in Somalia, and describe any use of United
17 States Armed Forces as a quick reaction force;

18 (E) specify the command arrangements ap-
19 plicable with respect to United States Armed
20 Forces participating in the United Nations-led
21 force in Somalia or operating in support of that
22 force;

23 (F) specifying the anticipated duration of
24 the deployment of United States Armed Forces as

1 part of the United Nations-led force in Somalia
2 or in support of that force; and

3 (G) describe any equipment transferred by
4 the Department of Defense to the United Na-
5 tions-led force in Somalia, specifying the types
6 and amounts of equipment transferred, the au-
7 thority under which it was transferred, and the
8 terms on which it was transferred.

9 (2) **REPORTING DATES AND PERIOD COVERED BY**
10 **EACH REPORT.**—A report pursuant to this subsection
11 shall be submitted—

12 (A) not later than July 1, 1993, covering
13 the period since March 3, 1993; and

14 (B) not later than January 1, 1994, and
15 July 1, 1994, covering the period since the pre-
16 ceding report pursuant to this subsection.

17 (3) **WAR POWERS RESOLUTION REPORTING RE-**
18 **QUIREMENTS.**—The requirements of this subsection do
19 not supersede the requirements of section 4(a) of the
20 War Powers Resolution.

21 (b) **REPORT ON TRANSITION TO UN-LED FORCE.**—The
22 first report submitted pursuant to subsection (a) shall
23 specify—

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1 (1) the number of members of the United States
2 Armed Forces, if any, remaining in Somalia as part
3 of the United States-led force in Somalia;

4 (2) where they are deployed;

5 (3) the functions they are performing; and

6 (4) how long they will remain in Somalia as
7 part of that force.

8 (c) **AGREEMENTS WITH UNITED NATIONS.**—The Presi-
9 dent shall transmit promptly to the Congress a copy of any
10 memorandum of understanding or other written agreement
11 entered into by the United States with the United Nations
12 Security Council, the Secretary General of the United Na-
13 tions (or his Special Representative), or the United Nations
14 Force Commander in Somalia —

15 (1) regarding the participation of United States
16 Armed Forces in the United Nations-led force in So-
17 malia;

18 (2) regarding United States Armed Forces oper-
19 ating as a tactical quick reaction force in support of
20 that force or otherwise in support of that force; or

21 (3) otherwise regarding the availability to the
22 United Nations Security Council of United States
23 Armed Forces, assistance, or facilities to implement
24 Security Council Resolution 794 or 999.

1 SEC. 6. REPORTS ON COSTS OF UNITED NATIONS-AUTHOR-
2 IZED OPERATIONS IN SOMALIA

3 (a) REQUIREMENT FOR PERIODIC REPORTS.—The
4 President shall submit to the Congress periodic reports re-
5 garding the costs of the United States-led force in Somalia
6 and the United Nations-led force in Somalia.

7 (b) INFORMATION ON COSTS AND OTHER CON-
8 TRIBUTIONS.—Each report pursuant to this section shall
9 specify (to the extent such information is available to the
10 United States)—

11 (1) the amount of the incremental costs incurred
12 by the United States and by each other participating
13 country as the result of its participation in the Unit-
14 ed States-led force in Somalia or as the result of its
15 participation in or military operations in support of
16 the United Nations-led force in Somalia;

17 (2) the amount of other in-kind or financial con-
18 tributions pledged, and the amount of such con-
19 tributions made, by each country toward the costs as-
20 sociated with the United States-led force in Somalia
21 and the United Nations-led force in Somalia, includ-
22 ing contributions to the United Nations Trust Fund
23 for Somalia and excluding amounts reported pursu-
24 ant to paragraph (3);

25 (3) the amount assessed by the United Nations to
26 the United States and each other country for its con-

1 *tributions to the costs associated with the United Na-*
2 *tions-led force in Somalia;*

3 *(4) for the United States and each other country,*
4 *the extent to which the costs and other contributions*
5 *described in paragraphs (1) and (2) are being count-*
6 *ed toward the amount of the assessment described in*
7 *paragraph (3); and*

8 *(5) the amount received by the United States*
9 *and each other country as reimbursement from the*
10 *United Nations or other countries for costs that it in-*
11 *curred as the result of its participation in the United*
12 *States-led force in Somalia or as the result of its par-*
13 *ticipation in or military operations in support of the*
14 *United Nations-led force in Somalia, including reim-*
15 *bursments from the United Nations Trust Fund for*
16 *Somalia.*

17 *(c) DESCRIPTION OF UNITED STATES EFFORTS TO*
18 *OBTAIN EQUITABLE COST SHARING.—Each such report*
19 *shall also review all actions taken by the United States to*
20 *ensure that in-kind United States contributions to the Unit-*
21 *ed States-led force in Somalia and to the United Nations-*
22 *led force in Somalia are counted against the amount of the*
23 *United States assessed contributions to the United Nations*
24 *for peacekeeping or other military operations in Somalia*
25 *carried out pursuant to resolutions of the Security Council.*

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1 (d) *REPORTING DATES AND PERIOD COVERED BY*
2 *EACH REPORT.*—A report pursuant to this section shall be
3 submitted—

4 (1) *not later than 1 month after the date of en-*
5 *actment of this joint resolution, covering the period*
6 *ending on the last day of the penultimate month pre-*
7 *ceding the enactment of this joint resolution; and*

8 (2) *not later than 7 months, 13 months, and 19*
9 *months after that date, covering the 6-month period*
10 *following the period covered by the preceding report*
11 *pursuant to this section and also providing cumu-*
12 *lative information.*

13 **SEC. 7. DEFINITIONS.**

14 *As used in this joint resolution—*

15 (1) *the term "United Nations Force Commander*
16 *in Somalia" means the commander appointed by the*
17 *Secretary General of the United Nations to command*
18 *the United Nations-led force in Somalia;*

19 (2) *the term "United Nations-led force in Soma-*
20 *lia" means the expanded force (commonly referred to*
21 *as "UNOSOM II") authorized by paragraph 5 of*
22 *United Nations Security Council Resolution 799*
23 *(1993);*

24 (3) *the term "United Nations Trust Fund for So-*
25 *malia" means the trust fund established and main-*

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1 *ained pursuant to United Nations Security Council*
2 *Resolutions 794 and ???; and*
3 *(4) the term "United States-led force in Soma-*
4 *lia" means the force (commonly referred to as the*
5 *"Unified Task Force" or "UNITAF") authorized by*
6 *United Nations Security Council Resolution 794*
7 *(1992).*

Amend the title of the joint resolution to read as fol-
lows: "Joint Resolution to authorize the use of United
States Armed Forces in Somalia to implement United Na-
tions Security Council Resolutions 794 (1992) and ???
(1993)."



Security Council

Distr.
GENERAL

S/RES/814 (1993)
26 March 1993

RESOLUTION 814 (1993)

Adopted by the Security Council at its 3188th meeting,
on 26 March 1993

The Security Council,

Reaffirming its resolutions 733 (1992) of 23 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992 and 794 (1992) of 3 December 1992,

Bearing in mind General Assembly resolution 47/167 of 18 December 1992,

Commending the efforts of Member States acting pursuant to resolution 794 (1992) to establish a secure environment for humanitarian relief operations in Somalia,

Acknowledging the need for a prompt, smooth and phased transition from the Unified Task Force (UNITAF) to the expanded United Nations Operation in Somalia (UNOSOM II),

Regretting the continuing incidents of violence in Somalia and the threat they pose to the reconciliation process,

Deploing the acts of violence against persons engaging in humanitarian efforts on behalf of the United Nations, States, and non-governmental organizations,

Noting with deep regret and concern the continuing reports of widespread violations of international humanitarian law and the general absence of the rule of law in Somalia,

Recognizing that the people of Somalia bear the ultimate responsibility for national reconciliation and reconstruction of their own country,

Acknowledging the fundamental importance of a comprehensive and effective programme for disarming Somali parties, including movements and factions,

Noting the need for continued humanitarian relief assistance and for the rehabilitation of Somalia's political institutions and economy,

Concerned that the crippling famine and drought in Somalia, compounded by the civil strife, have caused massive destruction to the means of production and the natural and human resources of that country,

Expressing its appreciation to the Organization of African Unity, the League of Arab States, the Organization of the Islamic Conference and the Non-Aligned Movement for their cooperation with, and support of, the efforts of the United Nations in Somalia,

Further expressing its appreciation to all Member States which have made contributions to the Fund established pursuant to paragraph 11 of resolution 794 (1992) and to all those who have provided humanitarian assistance to Somalia,

Commending the efforts, in difficult circumstances, of the initial United Nations Operation in Somalia (UNOSOM) established pursuant to resolution 751 (1992),

Expressing its appreciation for the invaluable assistance the neighbouring countries have been providing to the international community in its efforts to restore peace and security in Somalia and to host large numbers of refugees displaced by the conflict and taking note of the difficulties caused to them due to the presence of refugees in their territories,

Convinced that the restoration of law and order throughout Somalia would contribute to humanitarian relief operations, reconciliation and political settlement, as well as to the rehabilitation of Somalia's political institutions and economy,

Convinced also of the need for broad-based consultations and deliberations to achieve reconciliation, agreement on the setting up of transitional government institutions and consensus on basic principles and steps leading to the establishment of representative democratic institutions,

Recognising that the re-establishment of local and regional administrative institutions is essential to the restoration of domestic tranquillity,

Encouraging the Secretary-General and his Special Representative to continue and intensify their work at the national, regional and local levels, including and encouraging broad participation by all sectors of Somali society, to promote the process of political settlement and national reconciliation and to assist the people of Somalia in rehabilitating their political institutions and economy,

Expressing its readiness to assist the people of Somalia, as appropriate, on a local, regional or national level, to participate in free and fair elections, with a view towards achieving and implementing a political settlement,

Welcoming the progress made at the United Nations-sponsored Informal Preparatory Meeting on Somali Political Reconciliation in Addis Ababa from 4 to 15 January 1993, in particular the conclusion at that meeting of three agreements by the Somali parties, including movements and factions, and welcoming also any progress made at the Conference on National Reconciliation which began in Addis Ababa on 15 March 1993,

Emphasizing the need for the Somali people, including movements and factions, to show the political will to achieve security, reconciliation and peace,

Noting the reports of States concerned of 17 December 1992 (S/24976) and 19 January 1993 (S/25126) and of the Secretary-General of 19 December 1992 (S/24992) and 26 January 1993 (S/25168) on the implementation of resolution 794 (1992),

Having examined the report of the Secretary-General of 3 March 1993 (S/25354 and Add.1 and 2),

Welcoming the intention of the Secretary-General to seek maximum economy and efficiency and to keep the size of the United Nations presence, both military and civilian, to the minimum necessary to fulfil its mandate,

Determining that the situation in Somalia continues to threaten peace and security in the region,

A

1. Approves the report of the Secretary-General of 3 March 1993;
2. Expresses its appreciation to the Secretary-General for convening the Conference on National Reconciliation for Somalia in accordance with the agreements reached during the Informal Preparatory Meeting on Somali Political Reconciliation in Addis Ababa in January 1993 and for the progress achieved towards political reconciliation in Somalia, and also for his efforts to ensure that, as appropriate, all Somalis, including movements, factions, community leaders, women, professionals, intellectuals, elders and other representative groups are suitably represented at such conferences;
3. Welcomes the convening of the Third United Nations Coordination Meeting for Humanitarian Assistance for Somalia in Addis Ababa from 11 to 13 March 1993 and the willingness expressed by Governments through this process to contribute to relief and rehabilitation efforts in Somalia, where and when possible;
4. Requests the Secretary-General, through his Special Representative, and with assistance, as appropriate, from all relevant United Nations entities, offices and specialized agencies, to provide humanitarian and other assistance to the people of Somalia in rehabilitating their political institutions and economy and promoting political settlement and national

reconciliation, in accordance with the recommendations contained in his report of 3 March 1993, including in particular:

(a) To assist in the provision of relief and in the economic rehabilitation of Somalia, based on an assessment of clear, prioritized needs, and taking into account, as appropriate, the 1993 Relief and Rehabilitation Programme for Somalia prepared by the United Nations Department of Humanitarian Affairs;

(b) To assist in the repatriation of refugees and displaced persons within Somalia;

(c) To assist the people of Somalia to promote and advance political reconciliation, through broad participation by all sectors of Somali society, and the re-establishment of national and regional institutions and civil administration in the entire country;

(d) To assist in the re-establishment of Somali police, as appropriate at the local, regional or national level, to assist in the restoration and maintenance of peace, stability and law and order, including in the investigation and facilitating the prosecution of serious violations of international humanitarian law;

(e) To assist the people of Somalia in the development of a coherent and integrated programme for the removal of mines throughout Somalia;

(f) To develop appropriate public information activities in support of the United Nations activities in Somalia;

(g) To create conditions under which Somali civil society may have a role, at every level, in the process of political reconciliation and in the formulation and realisation of rehabilitation and reconstruction programmes;

B

Acting under Chapter VII of the Charter of the United Nations.

5. Decides to expand the size of the UNOSOM force and its mandate in accordance with the recommendations contained in paragraphs 56-58 of the report of the Secretary-General of 3 March 1992, and the provisions of this resolution;

6. Authorizes the mandate for the expanded UNOSOM (UNOSOM II) for an initial period through 31 October 1993, unless previously renewed by the Security Council;

7. Emphasizes the crucial importance of disarmament and the urgent need to build on the efforts of UNITAF in accordance with paragraphs 56-59 of the report of the Secretary-General of 3 March 1993;

8. Demands that all Somali parties, including movements and factions, comply fully with the commitments they have undertaken in the agreements they concluded at the Informal Preparatory Meeting on Somali Political Reconciliation in Addis Ababa, and in particular with their Agreement on Implementing the Cease-fire and on Modalities of Disarmament (S/25168, annex III);

9. Further demands that all Somali parties, including movements and factions, take all measures to ensure the safety of the personnel of the United Nations and its agencies as well as the staff of the International Committee of the Red Cross (ICRC), intergovernmental organizations and non-governmental organizations engaged in providing humanitarian and other assistance to the people of Somalia in rehabilitating their political institutions and economy and promoting political settlement and national reconciliation;

10. Requests the Secretary-General to support from within Somalia the implementation of the arms embargo established by resolution 733 (1992), utilizing as available and appropriate the UNOSOM II forces authorized by this resolution, and to report on this subject, with any recommendations regarding more effective measures if necessary, to the Security Council;

11. Calls upon all States, in particular neighbouring States, to cooperate in the implementation of the arms embargo established by resolution 733 (1992);

12. Requests the Secretary-General to provide security, as appropriate, to assist in the repatriation of refugees and the assisted resettlement of displaced persons, utilizing UNOSOM II forces, paying particular attention to those areas where major instability continues to threaten peace and security in the region;

13. Reiterates its demand that all Somali parties, including movements and factions, immediately cease and desist from all breaches of international humanitarian law and reaffirms that those responsible for such acts be held individually accountable;

14. Requests the Secretary-General, through his Special Representative, to direct the Force Commander of UNOSOM II to assume responsibility for the consolidation, expansion and maintenance of a secure environment throughout Somalia, taking account of the particular circumstances in each locality, on an expedited basis in accordance with the recommendations contained in his report of 3 March 1993, and in this regard to organize a prompt, smooth and phased transition from UNITAF to UNOSOM II;

C

15. Requests the Secretary-General to maintain the fund established pursuant to resolution 794 (1992) for the additional purpose of receiving contributions for maintenance of UNOSOM II forces following the departure of

UNITAF forces and for the establishment of Somali police, and calls on Member States to make contributions to this fund, in addition to their assessed contributions;

16. Expresses appreciation to the United Nations agencies, intergovernmental and non-governmental organizations and the ICRC for their contributions and assistance and requests the Secretary-General to ask them to continue to extend financial, material and technical support to the Somali people in all regions of the country;

17. Requests the Secretary-General to seek, as appropriate, pledges and contributions from States and others to assist in financing the rehabilitation of the political institutions and economy of Somalia;

18. Requests the Secretary-General to keep the Security Council fully informed on action taken to implement the present resolution, in particular to submit as soon as possible a report to the Council containing recommendations for establishment of Somali police forces and thereafter to report no later than every ninety days on the progress achieved in accomplishing the objectives set out in the present resolution;

19. Decides to conduct a formal review of the progress towards accomplishing the purposes of the present resolution no later than 31 October 1993;

20. Decides to remain actively seized of the matter.

House draft S.J. Res. 45
Expiration of Authorization

Alternative formulations below of Section 4(c), "Expiration of Authorizations" would provide a longer authorization, and thereby avoid altogether, or for longer, reopening with Congress the authorization question. (New language underscored; deletions not indicated.)

Option 1:

"(c) EXPIRATION OF AUTHORIZATIONS. -- The authorizations provided by subsection (a) shall expire --

(1) at the end of the 12-month period beginning on the date of enactment of this joint resolution, or

(2) upon the expiration of any extension of the mandate of the United Nations-led force in Somalia beyond the period referred to in subparagraph 1 in accordance with UN Security Council Resolution 814, in which the President has concurred after consultation with Congress."

Option 2:

"(c) CONSULTATION ON USE OF ARMED FORCES. -- United States Armed Forces may be continued to be used in accordance with the terms and conditions of subsection (a) --

(1) through the end of the 12-month period beginning on the date of enactment of this joint resolution, or

(2) ~~or~~ ^{through} such later date as the President may determine after consultation with the Congress.

Option 3:

In subpar. (1), substitute "18" for "12"

-- This would extend to approximately one year from October 31 the mandatory expiration. This may be a practical solution if it is believed that the UNSC is likely to renew in mandate for one-year periods which correspond to the regular sessions of the UN bodies, and that the US forces will not be needed beyond Oct. 1994.