



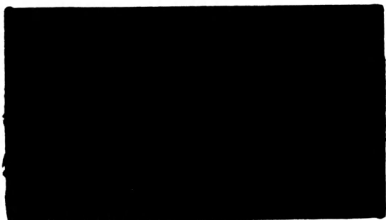
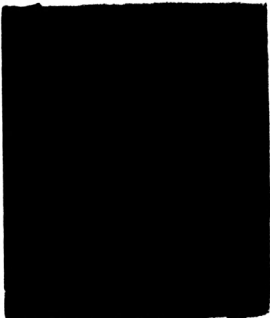
THE WHITE HOUSE
WASHINGTON

DATE: 1/25/95

TO: ALAN KRECZKO

FROM: JOHN D. PODESTA
Assistant to the President and
Staff Secretary

Do you have any objection?



THE WHITE HOUSE

WASHINGTON

January 24, 1995

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MEMORANDUM FOR JOHN PODESTA

FROM: TIM SAUNDERS 
Acting Executive Clerk

SUBJECT: Proposed Delegation of Authority to the Secretary of Defense to Report to the Congress on the Provision of Assistance by the Secretary in Response to International Disasters

Attached is a draft memorandum from the President to the Secretary of Defense delegating to the Secretary the requirement contained in 10 U.S.C. 404, a new section added by the Defense Authorization Act for FY 1995 (P.L. 103-337 of 10/5/94). This section requires that whenever the President directs the Secretary of Defense to provide disaster assistance outside the United States, **the President shall transmit to Congress a report containing notification of the assistance provided not later than 48 hours after the commencement of disaster assistance activities.**

The first such report under this new authority was approved by the President last Friday night, January 20, 1995 (assistance having begun at approximately 11:00 p.m., EST on January 18, 1995).

As we discussed, I propose that this reporting requirement be delegated to the Secretary of Defense.

cc: Alan Kreczko

D R A F T

MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: Delegation of Reporting Function

By virtue of the authority vested in me by the Constitution and the laws of the United States, including section 301 of title 3 of the United States Code, I hereby delegate to you the authority to report to the Congress concerning the provision of disaster assistance outside the United States as required by section 1412 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 404).

You are authorized and directed to publish this memorandum in the Federal Register.

This draft memorandum was prepared by the Executive Clerk.

defensive weapons (such as anti-tank weapons, counter-battery radars, and mortars) to enable the forces of the Government of Bosnia and Hercegovina to defend the safe areas.

(h) **DEFINITIONS.**—For purposes of this section:

(1) The term “Contact Group” means the group composed of representatives of the United States, Russia, France, Britain, and Germany seeking to bring about a peaceful settlement of the conflict in Bosnia and Hercegovina.

(2) The term “Contact Group proposal” means the peace proposal of the Contact Group that has been agreed to by the Government of Bosnia and Hercegovina and rejected by the Bosnian Serb faction.

(3) The term “Bosnia arms embargo” means application to the Government of Bosnia and Hercegovina of the arms embargo imposed by United Nations Security Council resolution 713, of September 25, 1991.

Subtitle B—Assistance Activities

SEC. 1411. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS.

(a) **OHDACA PROGRAMS.**—For purposes of section 301 and other provisions of this Act, programs of the Department of Defense designated as Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs are the programs provided by—

(1) sections 401, 402, 2547, and 2551 of title 10, United States Code;

(2) section 404 of title 10, United States Code, as added by section 1412; and

(3) section 1413 of this Act.

(b) **LIMITATION.**—Not more than one-half of the amount authorized to be appropriated in section 301 for those programs may be obligated until the regulations required to be prescribed by subsection (a) of section 1504 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1839) have been prescribed.

SEC. 1412. FOREIGN DISASTER ASSISTANCE.

(a) **AUTHORITY.**—Subchapter I of chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 404. Foreign disaster assistance

“(a) **IN GENERAL.**—The President may direct the Secretary of Defense to provide disaster assistance outside the United States to respond to manmade or natural disasters when necessary to prevent loss of lives.

“(b) **FORMS OF ASSISTANCE.**—Assistance provided under this section may include transportation, supplies, services, and equipment.

“(c) **NOTIFICATION REQUIRED.**—Not later than 48 hours after the commencement of disaster assistance activities to provide assistance under this section, the President shall transmit to Congress a report containing notification of the assistance provided, and proposed to be provided, under this section and a description of so much of the following as is then available:

“(1) The manmade or natural disaster for which disaster assistance is necessary.

“(2) The threat to human lives presented by the disaster.

“(3) The United States military personnel and material resources that are involved or expected to be involved.

“(4) The disaster assistance that is being provided or is expected to be provided by other nations or public or private relief organizations.

“(5) The anticipated duration of the disaster assistance activities.

“(d) **ORGANIZING POLICIES AND PROGRAMS.**—Amounts appropriated to the Department of Defense for any fiscal year for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department shall be available for organizing general policies and programs for disaster relief programs for disasters occurring outside the United States.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“404. Foreign disaster assistance.”

SEC. 1413. HUMANITARIAN ASSISTANCE PROGRAM FOR CLEARING LANDMINES.

10 USC 401 no

(a) **PROGRAM AUTHORIZED.**—The Secretary of Defense, shall carry out a program for humanitarian purposes to provide assistance to other nations in the detection and clearance of landmines. Such assistance shall be provided through instruction, education, training, and advising of personnel of those nations in the various procedures that have been determined effective for detecting and clearing landmines.

(b) **FORMS OF ASSISTANCE.**—The Secretary may provide assistance under subsection (a) by—

(1) providing Department of Defense personnel to conduct the instruction, education, or training or to furnish advice; or

(2) providing financial assistance or in-kind assistance in support of such instruction, education, or training.

(c) **LIMITATION ON UNITED STATES MILITARY PERSONNEL.**—The Secretary of Defense shall ensure that no member of the Armed Forces of the United States—

(1) while providing assistance under subsection (a), engages in the physical detection, lifting, or destroying of landmines (unless the member does so for the concurrent purpose of supporting a United States military operation); or

(2) provides such assistance as part of a military operation that does not involve the Armed Forces of the United States.

(d) **USE OF FUNDS.**—Of the amount authorized to be appropriated by section 301 for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department of Defense, not more than \$20,000,000 shall be available for the program under subsection (a). Such amount may be used—

(1) for activities to support the clearing of landmines for humanitarian purposes, including activities relating to the furnishing of education, training, and technical assistance;

(2) for the provision of equipment and technology by transfer or lease to a foreign government that is participating in a landmine clearing program under this section; and

President.

President.