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Folder Title:

575972

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Memorandum	Waiving the Loan Default... - To: POTUS - From: Condoleezza Rice	2	11/10/2003	Transferred
006	Memorandum	Presidential Determination... - To: Gregory Schulte - From: Karl Hofmann	4	10/16/2003	P5;

COLLECTION TITLE:

Records Management, White House Office of

SERIES:

Confidential Files - CO097 (Republic of Liberia)

FOLDER TITLE:

575972

FRC ID:

39285

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

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Records Not Subject to FOIA.

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THE PRESIDENT HAS SEEN

CO097

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11/13/2003:
Nsc w/w desk
notified
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THE WHITE HOUSE
WASHINGTON
November 10, 2003

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

'03 NOV 12 AM 11:59

FROM: CONDOLEEZZA RICE
DAVID HOBBS EPH AH

SUBJECT: Waiving the Loan Default Assistance Restrictions
for Liberia

Purpose

To authorize consultations with Congress on waiving loan default restrictions on Liberia.

Background

The Department of State is asking for authority to consult with and to notify Congress of your intent to waive loan default restrictions on Liberia. Section 620(q) of the Foreign Assistance Act and section 512, the "Brooke Amendment," of the 2002 and 2003 Foreign Operations, Export Financing and Related Programs Appropriations Acts restrict the provision of assistance to countries or governments, respectively, in default for a period of 6 months and 1 year, respectively, on certain loans made to the government of such country by the United States. These restrictions may be waived upon a Presidential determination that it is in the national interest of the United States to provide assistance to a country in default. The Brooke Amendment, however, requires consultations with the Appropriations Committees prior to a Presidential determination.

These restrictions constrain our ability to provide a robust package of bilateral assistance to Liberia and its new transitional government. For the first time in decades, we now have the prospect of a responsible partner in Liberia. Continued application of restrictions to Liberia would undercut

cc: Vice President
Chief of Staff
Vice President's
Chief of Staff

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our desire to work with that government on Liberia's severe problems involving human rights, environmental protection, good governance, and economic growth. New programs also would include, but not be limited to, restoring a functioning judicial system and other elements necessary for return to rule of law and security. Extensive humanitarian aid will complement these efforts. Specific programs are being developed and will be implemented bilaterally and in conjunction with other countries and international institutions.

Waiving the restrictions now will allow provision of 2002 and 2003 assistance funds for Liberia, a prudent and timely step toward solidifying a peaceful democratic change, building a civil society, and encouraging regional stability. As the 2004 Foreign Operations Appropriations Act will also likely contain Brooke restrictions constraining use of funds appropriated under that Act for Liberia, we expect to recommend a second waiver once that Act has passed. Anticipating this, the State Department would like to consult with Congress now regarding your intent, as necessary and at the appropriate time, to waive such restrictions for 2004 assistance funds.

Upon your approval, the State Department will send the notification letters and memorandum of justification attached at Tab A, informing Congress of your intent, and consult with appropriate committees. If no objections are raised during consultations, the State Department will recommend that you sign a Presidential Determination waiving the restrictions.

Concurrence: NSC/Legal

RECOMMENDATION

That you authorize the Department of State to consult with and notify Congress that you intend to waive loan default restrictions with respect to Liberia.

Approve 

Disapprove _____

Attachments

- Tab A Draft Notification Letters and Memorandum of Justification
- Tab B Memo from State

A

Sample Congressional Letter
Same letter to be transmitted to:

- Speaker of the House
- Chairman, SFRC and Ranking Minority Member
- Chairman, SAC and Ranking Minority Member
- Chairman, SACFO and Ranking Minority Member
- Chairman, HIRC and Ranking Minority Member
- Chairman, HAC and Ranking Minority Member
- Chairman, HACFO and Ranking Minority Member

Dear _____:

Consistent with section 620(q) of the Foreign Assistance Act of 1961, as amended ("FAA"), and section 512 of the 2002 and 2003 Foreign Operations, Export Financing and Related Programs Appropriations Acts, (P.L. 107-115 and P.L. 108-7), I wish to inform you that the President intends to exercise his authority under those sections to waive the restrictions on assistance to Liberia and the Government of Liberia resulting from that country's default on certain U.S. loans.

As explained in further detail in the enclosed Memorandum of Justification, the President's proposed actions would facilitate the provision of urgently needed reconstruction and humanitarian assistance to the Transitional National Government of Liberia.

Please do not hesitate to contact us if we can be of further assistance on this or any other matter.

Sincerely,

Paul V. Kelly
Assistant Secretary
Legislative Affairs

Enclosure:
Memorandum of Justification

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MEMORANDUM OF JUSTIFICATION
FOR THE WAIVER OF LOAN DEFAULT RESTRICTIONS UNDER SECTION 620(Q)
OF THE FOREIGN ASSISTANCE ACT AND SECTION 512 OF THE 2002 AND
2003 FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS
APPROPRIATIONS ACT, 2003 TO SUPPORT THE GOVERNMENT OF LIBERIA

Section 620(q) of the Foreign Assistance Act of 1961, as amended (FAA), and section 512 (the "Brooke Amendment") of the 2002 and 2003 Foreign Operations, Export Financing and Related Programs Appropriations Acts, 2003 (P.L. 107-115 and P.L. 108-7) restrict the provision of assistance to Liberia and the Government of Liberia because the country is in default for a period of six months or one year, respectively, on certain loans made to the government of such country by the United States. For the reasons discussed below, the President intends to determine that assistance for Liberia is in the national interest of the United States, thus permitting the United States Government to move forward with a program of assistance notwithstanding those restrictions.

Anticipating a comparable provision in the 2004 Foreign Operations Appropriation Act, the President intends, as necessary and at the appropriate time, to determine that assistance to Liberia continues to be in the national interest of the United States, allowing the provision of funds made available under the FY 04 act. Consistent with 620(q) and the Brooke Amendment, subsequent notification would be provided to the appropriate Congressional committees when the determination is made.

The United States is supporting ongoing peacekeeping operations and efforts to establish an effective government in Liberia. The August 11 departure of former President Charles Taylor offers a realistic opportunity to implement the August 18 comprehensive agreement among the parties to the 14-year conflict. As the National Transitional Government of Liberia (NTGL) assumed office October 14, disarming, demobilizing and reintegrating former combatants, and restructuring and training new security forces is key to the success of this agreement. The United States should play a leading role in this process, and sanctions would severely constrain our ability to support this effort and doom it to failure.

Strengthening Liberia's anti-terrorist and law enforcement capacity is another priority U.S. interest in the region. We want to reduce the potential for terrorists to threaten Liberia's fragile peace or to take advantage of Liberia as a haven for money laundering, arms smuggling, and other activities supporting terrorism. As it moves towards ending more than two

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decades of conflict and instability, Liberia has only the barest law enforcement and military infrastructure. It has ratified every international anti-terrorism convention, but has little capability to control its border or enforce customs and other laws. Its alluvial diamond fields have attracted significant illicit commercial activity.

For the first time in decades we now have the prospect of a responsible partner government in Liberia. Presidential waiver of the restrictions under 620(q) of the FAA and the Brooke Amendment of the FOIA will promote the national interest by allowing the United States to work with Liberia on severe problems involving human rights (e.g., trafficking in persons), environmental protection, good governance, and economic growth in the months and years to come. We anticipate that the new programs on which we propose to assist would include, but not be limited to, restoring a functioning police and judicial system and other elements necessary for return to rule of law and security, including a functioning legislature, and elements of a market economy. Extensive humanitarian aid will complement these efforts. Specific programs are being developed and will be implemented bilaterally and in conjunction with other countries and international institutions.

An important aspect of the U.S. presence in Liberia is to set the conditions that will permit the new government in Liberia to establish a peaceful environment and to preclude the return of Charles Taylor. A stable Liberia at peace with its neighbors is a prerequisite for advancing U.S. interests in a volatile but important region. For this purpose, the President has expressed the Administration's commitment to support the NTGL's efforts to organize, train and deploy an effective national military force under civilian NTGL control. To accomplish these objectives, the United States will need to provide appropriate equipment, support and training to the Liberian military. Without an effective national military force at its command, the NTGL cannot secure and pacify Liberia's territory or contribute significantly to counterterrorism operations.

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Withdrawal Marker

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