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NSC/RMO PROFILE

RECORD ID: 9303483
RECEIVED: 17 MAY 93 13

TO: ITOH

FROM: GROSSMAN, M

DOC DATE: 17 MAY 93
SOURCE REF: 9309756

KEYWORDS: RUSSIA
CONGRESSIONAL

COMMONWEALTH OF INDEPENDENT STATES

PERSONS:

SUBJECT: REVIEW OF COLD WAR LEGISLATION

ACTION: NFAR PER BURNS

DUE DATE: 20 MAY 93 STATUS: C

STAFF OFFICER: BURNS

LOGREF: 9303496

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
NSC CHRON

COMMENTS:

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E.O. 13526
White House Guidelines, September 11, 2006
By MT NARA, Date 12/12/04
205-0183-5

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ACTION DATA SUMMARY REPORT

RECORD ID: 9303483

DOC ACTION OFFICER

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CAO ASSIGNED ACTION REQUIRED

Z 93051713 APPROPRIATE ACTION
X 95030115 NFAR PER BURNS

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FOR ACTION
BURNS

FOR CONCURRENCE
GATI
GOTTEMOELLER
ROSNER

Kreczko

FOR INFO
ANDREASEN
BELL
FORSYTHE
GROSS
ITOH
WALKER

COMMENTS: *No Action required. DBE N. Burns*

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DOC 1 OF 1

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White House Guidelines, September 11, 2006
By *MS* NARA, Date *12/12/14*
2016-0183-5



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United States Department of State

Washington, D.C. 20520

May 17, 1993

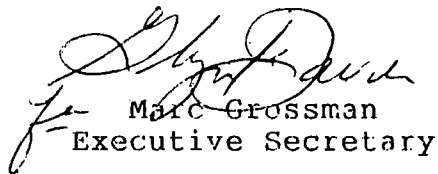
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MEMORANDUM FOR WILLIAM T. ITOH
EXECUTIVE SECRETARY
NATIONAL SECURITY COUNCIL

SUBJECT: Review of Cold War Legislation

Attached is the review of Cold War legislation and regulations that may affect our relations with Russia and the other independent states of the former Soviet Union, requested by National Security Adviser Lake on behalf of the President.


for Marc Grossman
Executive Secretary

Attachment:

Review of Cold War Legislation and Regulations

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E.O. 13526

Department of State Guidelines, September 11, 2006

By MLNARA, Date 12/12/14

2015-0187-5

Title 22, United States Code

§254c-2 - requires the Attorney General to report annually to the intelligence committees on any admission to the US over FBI objections of any Soviet national employed by (or assigned to) a foreign mission or international organization in the US.

-- Assessment: we should eliminate.

§286aa (§43 of Bretton Woods Agreements Act) - directs the Secretary of the Treasury (subject to exceptions for certain cases) to instruct the US Executive Director of the IMF "to actively oppose any facility involving use of Fund credit by any communist dictatorship."

-- Assessment: we should seek a general provision which recognizes the changes that have occurred, both for the NIS and the former Soviet-satellite countries of Eastern Europe, and under which laws such as this would be considered inapplicable to these countries.

§295 (§5(j) of Foreign Service Buildings Act, P.L. 69-186) - authorization of \$30 million in appropriations from 1976 for Foreign Service Building Fund Expenditures in the FSU as no-year funds.

-- Assessment: we should eliminate, in that we no longer rely on this authorization, for which funds presumably were long ago appropriated.

§§1641, 1641a, 1641d, 1641j - regarding settlement of international claims against the USSR.

-- Assessment: We should leave alone. This provision applied to situation in the past; it is historically accurate and carries no negative implication forward.

§1962 (§2 of Resolution to Promote Peace and Stability in the Middle East) - authorizes President to provide military assistance programs "in the general area of the Middle East . . . with any nation or group of nations in that area desiring such assistance"; and states that U.S. regards independence and integrity of Middle East nations as vital to the national interest. The provision then goes on to state that, to this end "the U.S. is prepared to use armed forces to assist any

nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism."

- Assessment: we should delete the second quoted sentence as anachronistic. We may want to consult with the Hill about the risks of opening this provision to general political debate before deciding how to proceed.

§2082 - this 1966 provision states that the President may invite states to participate in an Inter-American Cultural and Trade Center ("Interama"), "except that no communist de facto government holding any people in subjugation may be invited to participate."

- Assessment: the general provision described in the assessment of 22 U.S.C. §286aa would apply to this provision.

§2301 (§501 of the Foreign Assistance Act) - policy language for part II of the Foreign Assistance Act, relating to military assistance programs, contains outdated references, such as references to the dangers of "international communism and the countries it controls" and the need to help friendly countries "deter, or if necessary, defeat Communist or Communist-supported aggression."

- Assessment: we should eliminate the reference to the dangers of "international communism and the countries it controls"; and we should change the second reference to helping friendly countries "deter, or if necessary, defeat aggression." It is possible that some on Hill may not want to make such changes outside of a bill on foreign aid reform.

§2364 (§614 of the Foreign Assistance Act) - provides that the annual \$50 million per-country cap on the use of the waiver authority under §614 of the Foreign Assistance Act does not apply to a "victim of active communist or communist-supported aggression."

- Assessment: we should eliminate reference to "active communist or communist-supported," so that exception would apply to victims of "active aggression." It is possible

that some on Hill may not want to make such a change outside of a bill on foreign aid reform.

§2370(f) (§620(f) of the Foreign Assistance Act) - prohibits assistance to communist countries, and includes a list of countries that are specifically included as "communist." The FREEDOM Support Act amended this provision last year to delete the USSR from the list.

-- Assessment: we should leave alone; we already secured the appropriate changes in the FREEDOM Support Act.

§2370(h) (§620(h) of the Foreign Assistance Act) - requires us to adopt procedures and regulations to ensure that U.S. foreign aid is not used in a manner which, contrary to best interests of US, promotes or assists the foreign aid activities of Communist-bloc countries.

-- Assessment: we should eliminate.

§2375 (§620E of the Foreign Assistance Act) - provision on aid to Pakistan states that "assistance to Pakistan is intended to benefit the people of Pakistan by helping them meet the burdens imposed by the presence of Soviet forces in Afghanistan"; and reaffirms US commitment in 1959 agreement with Pakistan "relating to aggression from a Communist or Communist-dominated state." (Note: The 1959 agreement refers to "aggression," rather than to "aggression from a Communist or Communist-dominated state.")

-- Assessment: In theory, it would be desirable to eliminate the first provision. However, this section of law also contains the Pressler Amendment, under which assistance is currently prohibited because of nuclear non-proliferation concerns.

§2460 - describes the Samantha Smith Memorial Exchange Program and other exchange programs for young people involving the Soviet Union.

-- Assessment: we should change reference to "independent states of the former Soviet Union."

§2461(a) (§113 of MECA Act of 1961) - authorizes the President to negotiate and implement agreement with USSR allowing for use of Lend-Lease repayments to finance exchanges involving Soviet citizens.

-- Assessment: we should authorize such agreements for any of the NIS.

§2578 - requires annual report to Congress on activities on US-USSR Standing Consultative Commission (SCC) under Article 13 of ABM Treaty.

Assessment: we should modify reference from "US-USSR SCC" to simply read "SCC."

§2591 (§51 of Arms Control and Disarmament Act) - ACDA Director may create eight positions for specialists in Soviet foreign and military policies who demonstrate fluency in Russian.

-- Assessment: we should make more generic, so that authority applies to specialists in the policies of the NIS and who demonstrate fluency in an NIS language.

§§2592, 2592a - requires annual reports to Congress on adherence by US, USSR and other countries on obligations in arms control agreements.

Assessment: we should change references from Soviet Union to Russia; the other NIS would still be included under "other countries."

§2592b - requires annual report on arms control strategy, including on the military balance between the US and USSR, and between NATO and the Warsaw Pact.

Assessment: We should seek to eliminate the requirement for this report; if this proves impossible, we should use more generic language and delete references to the military balance between the US and USSR, and between NATO and the Warsaw Pact.

§2595 - establishes provisions for on-site inspections under the INF treaty, and contains references to activities in the

USSR, Soviet teams visiting the US and basing countries, establishment of Portal Monitoring Facility in the USSR, and support for Soviet inspectors.

Assessment: we should modify the current language to conform with way that on-site inspection activities are now being implemented.

§2871 - hortatory language on role of Radio Free Europe and Radio Liberty in opening communications with USSR.

-- Assessment: we would like to change the reference to "former USSR"; however, we need to ensure that our proposed treatment of this provision is coordinated with Administration efforts on BIB generally.

§2875 - Secretary of State shall report regularly to the Board on impact of RFE/RL broadcasts in the Soviet Union.

-- Assessment: we would like to change the reference to "independent states of the former Soviet Union"; however, we need to ensure that our proposed treatment of this provision is coordinated with Administration efforts on BIB generally.

§2878 - Board may not provide certain assistance to communist countries within the meaning of §620(f) of the Foreign Assistance Act.

-- Assessment: we need not address this provision in this exercise; last year's modification of §620(f) already deals with the issue.

§3402 - 1979 Congressional finding that Egypt and Israel required a one-time extraordinary aid package due, inter alia, to Egypt's "shift from reliance on Soviet weaponry."

-- Assessment: we should leave alone; finding applied to situation in the past, and no negative implication carries forward.

§4305 - DOD and FBI may prohibit foreign missions of certain countries from acquiring real property in US if acquisition would substantially improve their ability to intercept certain communications or engage in intelligence activities. The categories of covered countries include communist countries under §620(f) of the Foreign Assistance Act.

-- Assessment: we should leave alone; last year's modification of §620(f) already deals with the issue.

§4316 - travel restrictions applicable to members of USSR missions in US shall be applied to members of missions of certain other disfavored countries.

-- Assessment: we should modify language so USSR no longer serves as the "baseline." For instance, we might propose language under which the State Department could simply impose "appropriate controls" (not tied to any particular country).

§4501 (§802 of Soviet-East European Training Act of 1983) - hortatory language regarding importance of knowledge about the Soviet Union.

-- Assessment: we should change reference to "independent states of the former Soviet Union"

§§4502-03 (§§803-04 of Soviet-East European Training Act of 1983) - establishment of "Soviet-Eastern European Studies Advisory Committee" and various references to research and training concerning Soviet and Eastern European countries.

-- Assessment: we should change name of committee to "Advisory Committee for Studies of Eastern Europe and the Independent States of the Former Soviet Union"; change other reference to "the countries of Eastern Europe and the independent states of the former Soviet Union."

§4504 (§805 of Soviet-East European Training Act of 1983) - additional references to research and training concerning Soviet and Eastern European countries; further language states that part of payments "shall be used to support language training in Russian and Eastern European languages" and that "preference shall be given for Russian language studies."

-- Assessment: on references to research and training concerning Soviet and Eastern European countries, same assessment as for §4502-03; on emphasis on Russian language training (as opposed to other FSU languages), we should add something like "and, as appropriate, studies for other languages of the independent states of the former Soviet Union."

§4702 - congressional findings regarding US scholarship programs for developing countries, which compares level of USG-sponsored scholarships unfavorably with that of Soviet-bloc countries.

-- Assessment: we should repeal the two paragraphs containing this language.

§4901 - section title heading for Fascell Fellowship Program refers to "missions in the Soviet Union and Eastern Europe."

-- Assessment: we should change reference to "the countries of Eastern Europe and the independent states of the former Soviet Union."

§5942 - congressional findings regarding Hungary refers to anniversary "of Hungary's 1956 revolution that was bloodily suppressed by Soviet troops."

-- Assessment: we should leave alone.

§§5801-5874 - provisions from FREEDOM Support Act.

-- Assessment: we should leave alone.

§§5901-02, 5911, 5931 - provisions of the Former Soviet Union Demilitarization Act of 1992.

-- Assessment: we should leave alone.

§§6001-02 - provisions of the Cuban Democracy Act.

-- Assessment: we should leave alone.

Other Titles of U.S. Code

Title 8

§§1101(a)(40), 1101(e)(3) and 1424(a)(3) (§§101(a)(40), 101(e)(3) and 313(a)(3) of the Immigration and Nationality Act) - §1101 contains definitions of "world communism" as meaning a revolutionary movement to establish a communist totalitarian dictatorship in some or all of the world "through the medium of an internationally coordinated communist political movement"; §1424(a)(3) then contains prohibitions on naturalization of persons who advocate the doctrines of world communism as US citizens.

- Assessment: we should eliminate these provisions unless DOJ or others can identify a continuing need for some or all of them. (Alternatively, we could seek to ensure that the general provision described under 22 U.S.C. §286aa indicates that provisions such as this are not directed against Russia or the other NIS.)

Title 12

§635 - subsection heading in EXIM authorities refers to restrictions on loans to USSR for fossil fuel research (even though restriction itself has already been repealed); subsection (b)(2) contains prohibition on EXIM programs for Marxist-Leninist countries, and includes a list of countries that are specifically included as "Marxist-Leninist." (The FREEDOM Support Act amended this provision last year to delete the USSR from the list.)

- Assessment: we should eliminate the reference in subsection heading; we should leave subsection (b)(2) alone, as we have already secured appropriate changes in the FREEDOM Support Act.

Title 15

§4101 - congressional finding states that the Arctic is critical to national defense "as the nation's only common border with the Soviet Union"; and that most arctic rim countries, "particularly the Soviet Union," possess Arctic

technologies far more advanced than those currently available in the US.

-- Assessment: we should eliminate quoted language.

Title 16

§1152 - Provision enacted to implement Interim Convention on Fur Seals provides protections in the US for a duly authorized official of Canada, Japan or the USSR.

-- Assessment: our understanding is that the Convention has lapsed and the provision is obsolete. For symbolic reasons, we should nevertheless change the reference to Russia, which is the only NIS that has fur seals.

Title 18

§951 - imposes criminal sanctions against any person acting as an "agent of a foreign government" without notifying the Attorney General in advance; the statute establishes a general exception for persons engaged in "legal commercial transactions," but there is an exception to the exception for "agents" of certain countries, including the USSR.

-- Assessment: we should eliminate this provision for the USSR and Eastern Europe countries; note however that there was some opposition to doing so when such a provision was proposed by the Bush Administration as part of the FREEDOM Support Act.

Title 19

Tariff Act of 1930 and other anti-dumping and countervailing duties provisions - various provisions regarding imports from nonmarket economy countries.

-- Assessment: We should not now seek revisions of the legislation as part of this exercise, as complexity and controversy about these provisions could endanger our larger goal of removing Cold War barnacles. We should, however, work intensively to determine extent to which some of the more problematic aspects of this legislation can be addressed on the administrative level.

§2462(a) - makes the "USSR" ineligible for GSP benefits.

-- Assessment: we should eliminate.

§2462(b)(1) - prohibits the President from designating a communist country as eligible for GSP benefits unless, inter alia, such country is not dominated or controlled by international communism.

-- Assessment: we should eliminate the entire provision on grounds that remaining communist countries are no longer "controlled by international communism"; there is a possibility, however, that opening this issue could result in a prohibition against providing GSP benefits to any communist countries.

Trade Act of 1974 - conditions eligibility for MFN treatment (and eligibility for USG credits, guarantees and insurance) on:

- (1) the entry into force of a trade agreement that meets certain statutory criteria; and
- (2) assuming that the NIS continue to be considered nonmarket economy countries for these purposes, a Presidential determination that the country meets certain emigration criteria (in which case we would need to submit semi-annual reports to Congress), or an annual waiver of the certification requirement.

Title IV contains additional provisions. Thus, under §404, MFN treatment for the USSR -- which had entered into an agreement for settling lend-lease claims -- is limited to periods in which it was not in arrears on its obligations under such agreement. Section 406 contains provisions for investigations by the ITC, with respect to products from communist countries whether market disruption exists regarding an article produced by a domestic industry.

Assessment: This is likely the single most important set of provisions for this exercise, but the extent to which we can modify these provisions depends on numerous political considerations. We should work closely with the Hill on an acceptable solution. (We also need to consider how to deal with these same issues for Bulgaria, Romania and Albania).

Title 50

§98h-4 - President may not prohibit/regulate imports of critical and strategic material from countries or areas not listed as "communist-dominated" in general note 3(b) of the Harmonized Tariff Schedule for so long as imports of that material from communist countries are permitted.

-- Assessment: we should eliminate.

§§781, et seq. - Extensive provisions on "internal security," with restrictions on Communist-action, Communist-front, or Communist-infiltrated organizations. The provisions begin with extensive findings on the "world communist movement," which is under the direction and control of "the communist dictatorship of a foreign country" that sponsors subversive cells throughout the world. There is established a Subversive Activities Control Board, which ceased operation in 1973, to implement many of the provisions.

-- Assessment: we should eliminate, except to extent that others can identify particular provisions that serve a useful purpose. Alternatively, we should ensure that the general provision described under 22 U.S.C. §286aa indicates that provisions such as this are not directed against Russia or the other NIS.

Title 50 Appendix

§43 - required Attorney General to have published (in 1962) a list of trademarks which were held by persons who were resident in the Soviet Zone of Germany, etc.

-- Assessment: we should leave alone; finding applied to situation in the past, and no negative implication carries forward.

§2301 - sense of Congress that civil defense capability should contribute to "perceptions of the United States-Soviet strategic balance."

-- Assessment: we should delete this reference, but retain other sense of Congress language from this provision (e.g., that civil defense program should enhance deterrence and

crisis stability, and reduce the possibility that the US might be susceptible to coercion by an enemy in times of coercion).

§2401 - congressional finding under Export Administration Act states that the acquisition of national security goods and technology by the USSR and certain other countries has led to the significant enhancement of Soviet-bloc military-industrial capabilities; this poses a threat to our security interests and places additional demands on our defense budget.

-- Assessment: we should delete specific reference to Soviet Union and reference to "Soviet-bloc military-industrial capabilities." Thus, paragraph might read--

"The acquisition of national security goods and technology by countries the actions or policies of which run counter to the national security interests of the United States poses a threat to the security of the United States, its allies, and other friendly nations, and places additional demands on the defense budget of the United States."

§2402 (§3(15) of Export Administration Act) - congressional declaration of policy under Export Administration Act states that it is US policy, particularly in light of the Soviet massacre of innocent people aboard KAL flight 7, to continue to object to exceptions to the International Control List for the USSR.

-- Assessment: we should eliminate.

§2403-1 - provides for special review procedures for considering applications for the export of certain items to "controlled countries," which is defined to include the USSR, other former Warsaw Pact countries, and such other countries as the Secretary of Defense may designate; the procedures apply to certain items that have been developed in whole or part as a result of certain DOD research and development or procurement programs.

-- Assessment: we should eliminate reference to USSR and Warsaw Pact countries; under remaining language, countries would still be covered if designated by the Secretary of Defense.

§2404 - in determining whether to add or remove a country from the list of "controlled countries" subject to export controls, the President shall take into account, *inter alia*, the country's communist or non-communist status.

-- Assessment: we should leave alone; this remains a relevant factor, and in any event it need only be taken into account without being a dispositive factor. The general provision described under the assessment of 22 U.S.C. §286aa would apply to this provision.

§2410a (§11A of Export Administration Act) - authorizes imposition of sanctions on foreign persons for multilateral export violations upon determination that, *inter alia*, the violation has resulted in "substantial enhancement of Soviet and East bloc capabilities"; and provisions to compensate US for the effect of any "technological advance achieved by the Soviet Union as a result of the violation."

-- Assessment: we should eliminate.

Other Provisions of Law

Public Law 102-189 - designation of Geography Awareness Week in 1991/92, notes that geography is emphasized less in US than in many other countries, including USSR.

-- Assessment: we should leave alone.

Public Law 102-182 - provision extending MFN treatment to Baltics, contains hortatory language about forcible incorporation of Baltics into USSR.

-- Assessment: we should leave alone; we should not try to re-write history.

Public Law 102-172, §8132 - establishes a National Commission on Future Role of US Nuclear Weapons, Problems of Command, Control and Safety of Soviet Nuclear Weapons, and Reduction of Nuclear Weapons; contains various references to the Soviet Union and Soviet nuclear weapons.

-- Assessment: we should change these references to the independent states of the former Soviet Union; the weapons should be referred to as nuclear weapons of the former Soviet Union.

Public Law 102-138 (FY-92/93 Foreign Relations Authorization Act):

§132 - required preparation and submission to Congress of comprehensive plan on space requirements for US mission in Moscow and a report on alternative approaches to reconstruction of the new chancery; required State Department to ensure that extraordinary security safeguards were implemented; and imposed conditions on allowing USSR to use any new office building at Mount Alto.

-- Assessment: we should eliminate.

§133 - required report to Congress on extent to which US assets were compromised by Soviet firefighters in March 1991 fire at Embassy Moscow.

-- Assessment: we should eliminate.

Public Law 102-17 (March 22, 1991) - designation of Baltic Freedom Day - introductory language refers to such things as Soviets continuing to maintain extensive secret police in Baltics and state that recent events in Baltics reveal lack of Soviet commitment to Glasnost and Perestroika.

-- Assessment: we should eliminate.

Public Law 101-510 (FY91 Defense Authorization Act), §3151 - urges Soviets to cease plutonium production and maintain cessation of HEU production; recommends establishment with USSR of joint technical working group on cooperative technical monitoring and inspection arrangements; and requires establishment of an advisory committee to help prepare a report that presumably has already been submitted.

-- Assessment: we should replace this section with a provision containing non-FSU specific language, based on current US policy encouraging worldwide restraint on production of plutonium and HEU.

Public Law 101-246 (FY-90/91 Foreign Relations Authorization Act, §134) - authorizing Secretary to allow Soviet mission to occupy a consulate facility in the US upon reporting to Congress that the US mission in Kiev is able to occupy an interim facility intended for the conduct of unclassified activities.

-- Assessment: we should eliminate.

Public Law 101-193 (FY-90 Intelligence Authorization Act), §602 - sense of Congress that ceiling on permanent positions in US and USSR missions in each other's country should not be increased unless the President determines that the increase is essential to functioning of the US mission, and the FBI is provided sufficient additional resources to fulfill its responsibilities resulting from the increase.

-- Assessment: we should eliminate.

Public Law 101-167 (FY-90 Foreign Operations Appropriations Act), §599D - establishes categories of aliens for whom the standard of proof is relaxed for the purpose of refugee

admission, including categories of aliens who were nationals and residents of the former Soviet Union or of the Baltics.

-- Assessment: we should leave alone.

Public Law 100-456 (FY-89 Defense Authorization Act), §1232 - criticizes report submitted under §1122 of P.L. 100-180 (see below) assessing Soviet ability to intercept US communications from Mount Alto, and requiring new report.

-- Assessment: we should eliminate.

Public Law 100-418 (Omnibus Trade and Competitiveness Act of 1988), §1906 - states sense of Congress that President should express to USSR our strong moral opposition to its slave labor policies, and should instruct Treasury to enforce provisions (under §307 of Tariff Act) on imports of items produced by forced labor.

-- Assessment: we should eliminate.

Public Law 100-204 (FY88/89 Foreign Relations Authorization Act):

§151 - congressional findings criticizing Soviet government regarding establishment of new US Embassy in Moscow, and stating that President is required to withdraw from Embassy agreement unless he makes determination described in the statute (which was made).

-- Assessment: we should eliminate.

§152 - sense of Congress that US-USSR arbitration process then underway on damages for delays in construction of Embassy Moscow should include Soviet reimbursement of full costs incurred by US as a result of Soviet intelligence activities.

-- Assessment: we should eliminate.

§153 - requiring Secretary of State to exercise his authorities under Basic Authorities Act for following objectives: US posts not pay more than fair value for goods and values as a result of Soviet control over currency and pricing; US posts have full

access to goods and services; real property used by US is comparable to real property used by USSR in US. Also, it prohibited Soviets from occupying new consulate in US and required a report to Congress.

-- Assessment: we should eliminate.

§154 - required report to Congress 60 days after enactment on whether to reduce number of personnel of Soviet state trading enterprises in US.

-- Assessment: we should eliminate.

§155 - required Secretary of State to develop special personnel security plan for US posts in "high intelligence threat countries," which were defined to include countries under §620(f) of Foreign Assistance Act and other countries designated by the Executive branch.

-- Assessment: we should leave alone; changes to §620(f) in FREEDOM Support Act take care of our problem.

§157 - prohibits certain employment at US missions of personnel of communist countries as defined in §620(f) of Foreign Assistance Act.

-- Assessment: we should leave alone; changes to §620(f) in FREEDOM Support Act take care of our problem.

§1106 - congressional statement that, in light of leadership roles of US and USSR in this area, the President should accord climate protection a high priority on the agenda of US-USSR relations.

-- Assessment: we should change reference to "Russia, and as appropriate, the other independent states of the former Soviet Union."

§1202 - sense of Congress that Soviet Government should permit the emigration of Jews and others, remove restrictions on practice of religion, and cease official harassment of individuals who wish to emigrate or practice their religion.

-- Assessment: we should eliminate, although concerns may be raised about these issues similar to concerns regarding Title IV of the Trade Act.

§1203 - sense of Congress that President should express USG disapproval of Soviet Government's systematic nondelivery of international mail, and seek support of other countries at 1989 Universal Postal Union Congress to support adoption of measures to encourage improved postal performance by Soviet Union.

-- Assessment: we should eliminate.

§1204 - sense of Congress that President should continue to express deep concern to Soviet and East European governments about harassment of Christians and other believers, and that they should immediately stop persecuting individuals on basis of their faith and afford them their right to freedom of religion.

-- Assessment: we should eliminate.

§1222 - hortatory language on Angola, includes policy language that US should work toward complete withdrawal of Soviet military advisers and tell Soviets that aggressive military build-up in Angola undermines US-USSR relations.

-- Assessment: The provision is outdated and should be deleted. If it appears that pursuing its elimination will draw us into extraneous issues, we could as a fallback pursue general language in which Congress notes that, although there remain certain difficulties, the Russian Government has in fact been cooperative in connection with Angola.

§1241 - congressional findings on Soviet occupation of Afghanistan, including statements that Soviets have been waging war since 1979, and statement of policy that US should communicate clearly to Soviet Government need for Soviet withdrawal as a condition for better relations with US.

-- Assessment: we should eliminate.

Public Law 100-180 (FY-88/89 Defense Authorization Act)

§223 - prohibits the transfer to USSR of certain technology developed with funds appropriated or otherwise made available for SDI unless there is a Presidential certification approved by Congress in a joint resolution.

-- Assessment: we should eliminate.

§1122 - requires DOD to assess Soviet ability to intercept US communications from Mount Alto, and to make a one-time report.

-- Assessment: we should eliminate. [Note: same provision included as §901 of FY-88 Intelligence Authorization Act, P.L. 100-178, should also be eliminated.]

Public Law 99-661 (1987 Defense Authorization Act)

§1363 - (a) sets forth congressional findings that espionage by Soviet missions in US represents a grave threat to US security; (b) declares that US policy is to impose appropriate restrictions (including travel restrictions) on representatives of any nation (as well as its nationals who are employed by international organizations) when the President determines that a pattern of abuses exist; and (c) required a one-time report to Congress on espionage activities.

-- Assessment: we should eliminate subsections (a) and (c).

§1368 - condemning murder of Major Nicholson, and stating sense of Congress that Soviets should apologize and compensate Nicholson's family.

-- Assessment: we should leave alone.

Public Law 99-569 (FY-87 Intelligence Authorization Act), §702 - states congressional policy that number of Soviet personnel at Soviet UN mission shall not substantially exceed number of US personnel, unless President determines that admission of additional Soviets would be in US interest; President must report every six months on the number of personnel admitted under such a determination. The provision also called for a

plan for ensuring compliance with this provision to be transmitted to Congress six months after enactment.

-- Assessment: we should eliminate.

Public Law 99-93 (FY-86/87 Foreign Relations Authorization Act):

§136 - states that Soviet citizens shall not be employed as foreign national employees by US missions in the USSR; the President must submit a report to Congress if he determines that implementation of this provision poses undue practical or administrative difficulties.

-- Assessment: we should eliminate.

§147 - requires one-time unclassified report to Congress on Soviet and communist misinformation and press manipulations in the US.

-- Assessment: we should eliminate.

§148 - sense of Congress that US should PNG one or more senior Soviet defense attaches unless President certifies (within 90 days of enactment) that Soviets have formally apologized for murder of Major Nicholson, and that Soviets have provided assurances that it will adhere to agreements concerning safety of western nations in the GDR.

-- Assessment: we should eliminate.

§805 - congressional findings that it is Soviet Government policy to hinder free practice of religion and deny freedom to emigrate to victims of religious persecution; contains specific language about Pentecostal community and incident involving beating of Pentecostals seeking entry to US Embassy in 1985.

-- Assessment: we should eliminate.

§813 - states congressional policy that Soviet diplomatic/consular personnel in US shall be substantially equivalent to number of US personnel in USSR, unless the President determines otherwise.

-- Assessment: we should eliminate.

Public Law 99-85 - hortatory language regarding improved US/Soviet direct communication link; authorizes DOD to provide USSR necessary items to upgrade the hotline, and to credit funds received from USSR to the appropriate DOD account.

- Assessment: we should modify so that authority applies to items provided to Russia, and to credits of funds received either from USSR or Russia.

Public Law 99-83 (International Security and Development Cooperation Act of 1985), §129 - hortatory language that President should initiate discussions with USSR and France on conventional arms transfers to LDC, and shall report to Congress within one year.

- Assessment: we should eliminate.

Public Law 98-562 - hortatory language on US-USSR space cooperation, stating that the President should take certain steps (e.g., to renew 1972-1977 bilateral agreement on space cooperation for peaceful purposes).

- Assessment: we should leave alone; this relates to events in the past and does not carry negative implications.

Public Law 98-164 (FY-84/85 Department of State Authorization Act):

§306 - sense of Congress that RFE/RL should be commended for coverage of religious persecution.

- Assessment: we should leave alone; see also assessment under 22 U.S.C. §§2871-72.

§307 - prohibits use of old funds for RFE/RL unless they begin broadcasts under a name that accurately reflects US policy of not recognizing illegal incorporation of Baltics into USSR.

- Assessment: we should eliminate; see also assessment under 22 U.S.C. §§2871-72.

§308 - congressional findings that Soviets are jamming broadcasts and should stop.

-- Assessment: we should eliminate.

§1006 - sense of Congress about Wallenberg, and sense of Congress that President "should take all possible steps at appropriate times" to ascertain the whereabouts of Jan Kaplan, a possible eyewitness to have seen Wallenberg in the 1970s.

-- Assessment: we should leave alone; we do not want to put members in position of having to cast an anti-Wallenberg vote.

Public Law 97-241 (FY-82/83 Department of State Authorization Act), §126 - requires State Department to report annually to Congress a list of Soviet nationals participating in certain exchange programs during the upcoming year; report must include Secretary's determination that these exchanges will not jeopardize US national security interests.

-- Assessment: we should eliminate.

Public Law 97-113 (International Security and Development Cooperation Act of 1981):

§716 - hortatory language on use of chemical weapons, contains subsection that reiterates congressional concern about outbreak of pulmonary anthrax near Sverdlosk on April 3, 1979, and disappointment over Soviet failure to respond to requests for data explaining the incident.

-- Assessment: we should leave alone; historically accurate and carries no negative implication about present NIS.

§717 - congressional finding that USSR is \$180,000,000 in arrears on payments to the UN, primarily as a result of UN peacekeeping efforts; expresses sense of Congress that President should undertake a diplomatic initiative to obtain payment of all its outstanding financial obligations to the UN.

-- Assessment: we should modify provision so that it talks about importance of payment of arrears by all countries,

and so that initiative is not directed specifically against Russians.

Public Law 95-384 (International Security Assistance Act of 1978), §24 - congressional finding about importance of sound relationship with USSR, and sense of Congress that the President (in cooperation with Congress and the public) should make a full review of US policy toward the USSR.

-- Assessment: we should eliminate.

Public Law 94-329 (International Security Assistance and Arms Export Control Act of 1976), §405 - congressional statement decrying large scale and continuing intervention in Angola, and stating that it should be taken into account in US foreign policy planning and negotiations.

-- Assessment: we should eliminate.

Public Law 86-90 - contains extensive hortatory language regarding enslavement of world's (and USSR's) population, and calls for annual Presidential proclamations of "Captive Nations Week."

-- Assessment: Provision described under assessment of 22 U.S.C. §286aa would apply to this Act.

[Note: except where there is a specific reason to do so, we have not proposed amendments to provisions in annual legislation, such as annual authorization and appropriations acts, that have not been codified.]

References to Soviet Union as a Party to a Treaty

There are numerous references in US law to treaties and treaty obligations between the US and USSR that should not be modified. These include 16 U.S.C. §§703, 712, 715i, 715j, 773, 1151(f), 1362, 1802, 1822, 3631, 3901; 22 U.S.C. §§2577a, 2595c; and 33 U.S.C. §§1122 and 2701.

State Department Regulations

22 CFR §41.2(i) - provides that passports/visas are not required for aliens in "immediate and continuous transit" throughout the United States when arrangements have been made between the INS and the carrier. There are restrictions on this rule for nationals of the USSR, several other East European countries, and certain other countries, so that it applies only if the alien is transiting by aircraft of certain transportation lines on a direct through flight that will depart directly to a foreign place from the port of arrival.

-- Assessment: We should eliminate special rule for USSR, as well as nationals of East European and Baltic countries. (This would require joint State/INS action).

22 CFR §41.3(e) - provides authority to waive passport/visa requirements for aliens on active duty in the armed forces of a foreign country. However, there is no authority to waive for citizens and residents of the USSR, several East European countries, and certain other countries.

-- Assessment: We should eliminate special rule for USSR, as well as nationals of East European and Baltic countries. (State can amend, but coordination with INS would be appropriate).

22 CFR §42.2(e) - Immigrants must ordinarily present passports when applying for visas. Under this provision, however, aliens who are nationals of communist-controlled countries, and who are unable to obtain passports from their governments, may apply for a visa without a passport.

-- Assessment: we should leave alone; there are still communist-controlled countries with respect to which this provision remains appropriate.

22 CFR §126.1 - arms export control regulations (ITAR) state US policy is to deny munitions licenses for exports to (or imports from) certain countries, including USSR (also lists Baltics, Albania, Bulgaria and Romania).

-- Assessment: the pending revision of the ITAR will replace the reference to the Soviet Union with references to the individual NIS; we should consider further ITAR revisions

to reflect that we in fact give more favorable consideration to license requests for the NIS and Eastern European countries than the ITAR language would suggest, and that we review licenses for these countries in light of our changing relationships with them, their implementation of effective export control regimes, and their adoption of responsible arms transfer policies.

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Executive Secretariat

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REVIEW OF COLD WAR LEGISLATION

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ACTION REQUESTED:

 MEMORANDUM FOR THE PRESIDENT

 MEMORANDUM FOR THE WHITE HOUSE

XX MEMORANDUM FOR: GROSSMAN-ITOH MEMO.

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REMARKS: L PLEASE COORDINATE.
FINAL PAPER DUE AT NSC UNDER
COVER OF GROSSMAN-ITOH MEMO
MAY 14.

DUE DATE IN S/S: MAY 14, 1993

Authorized by SAADIA SARKIS

S/S

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THE WHITE HOUSE

WASHINGTON

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May 4, 1993

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MEMORANDUM FOR

THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
DIRECTOR OF THE OFFICE OF MANAGEMENT & BUDGET
DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY
POLICY
ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL
DEVELOPMENT
DIRECTOR OF THE ARMS CONTROL AND DISARMAMENT
AGENCY
ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION
AGENCY
PRESIDENT, OVERSEAS PRIVATE INVESTMENT CORPORATION
PRESIDENT, EXPORT-IMPORT BANK

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CA SUBJECT: Review of Cold War Legislation (C)

DS
ER
FMP At the Vancouver Summit, President Clinton and President Yeltsin
H-2 agreed to pursue a number of measures to build an economic and
IO strategic partnership between the United States and Russia. The
PM two Presidents specifically discussed the desirability of
RP reviewing and updating U.S. laws and regulations to reflect the
ACDA end of the Cold War era. (C)

USUN/W

ROSS On April 23, the President ordered an Executive review of the
RF/sar laws and statutes that may affect our relations with Russia and
the other independent states of the former Soviet Union. A copy
of the President's statement is attached. (U)

On behalf of the President, I request that your agency provide a complete inventory of all such laws and regulations within the areas of responsibility of your agency that date from the Cold War period and that place restrictions on U.S. activities with any of the newly independent states of the former Soviet Union. This includes both laws and regulations that could have a substantive or symbolic effect on any aspect of United States relations with Russia and the other independent states of the former Soviet Union. Laws and regulations that could have a symbolic effect include, for instance, those which refer to the "Soviet Union" or the "Union of Soviet Socialist Republics" or to the practices of the former Soviet Union. (C)

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E.O. 13526

White House Guidelines, September 11, 2006
By [M] NARA, Date 12/12/14

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I further request that your agency provide an assessment of the pros and cons of eliminating or revising the laws and regulations contained in your agency's inventory, and any other information that you believe would be helpful for this important review. (S)

I would appreciate it if you would provide this inventory by May 14. President Clinton has appointed Ambassador-at-Large Strobe Talbott to coordinate this review. Please send your responses to Nicholas Burns of the National Security Council staff. (C)

Anthony Lake

Anthony Lake
Assistant to the President
for National Security Affairs

Attachment

Tab A Presidential Statement dated April 23, 1993

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The White House

Office of the Press Secretary

For Immediate Release

April 23, 1993

**Statement by the President
On Advancing U.S. Relations
with Russia and the other New Independent States**

Since my summit in Vancouver with Russian President Boris Yeltsin, I have pursued a number of measures to implement our policy of economic and strategic partnership between our two countries. These reflect my conviction that the movement toward political and economic reform in Russia and the other new states of the former Soviet Union is the greatest security challenge of our day, and can fuel our own future prosperity as well.

It is time to put our relations with Russia and the other states on a new footing. As an important step in that process, we need to update the accumulated Cold War vestiges that remain in U.S. laws and practices. Our statutes and regulations are filled with restrictions on a communist Soviet Union, a nation that no longer exists. Many of those provisions needlessly impede our relations with the democratic states that replaced the Soviet Union.

Many in Congress have already taken the lead on re-examining these provisions. Today, I have asked Ambassador-at-large Strobe Talbott to coordinate our Executive review of these laws and statutes on an expedited basis, with the goal of revising or removing them where appropriate and consistent with our security and other national interests. Related to this process, our Administration will also begin a thorough review, working with our allies, of how to re-orient export controls on sensitive technology. I ask the bi-partisan leaders in Congress to work with us to coordinate and expedite these reviews.

Today I am also announcing steps to help build a new security partnership with Russia and the other states. We will accelerate the deactivation of nuclear weapons systems already scheduled for elimination under the START I Treaty, while working to accelerate dismantlement in Russia and the three other states with nuclear weapons on their territory. We are beginning a comprehensive review of measures that could enhance strategic stability, including the possibility of each side reprogramming its nuclear missiles so they are not routinely aimed at each other. And we will be starting a consultative process within the next two months with Russia, our allies, and other states, aimed at commencing negotiations toward a multilateral nuclear test ban.

Finally, we are continuing our efforts to strike a partnership with political and economic reformers throughout Russia and the other states. We are continuing work with our G-7 partners to assemble the package of multilateral assistance that Secretaries Bentsen and Christopher recently negotiated in Tokyo. And I am continuing consultation with Congress over the further efforts our own nation will take to assist Russia's reforms.

The hardest work of reform must be done by the people of Russia and the other states themselves, and we applaud the courageous steps they have taken. Yet we dare not miss opportunities to do what we can to bolster their processes of democratization and economic liberalization. The steps I am announcing today will advance those objectives.

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