

MR MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Original OA/ID Number: 484				
Document ID: 9409629				
Row: 44	Section: 4	Shelf: 7	Position: 3	Stack: V

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9409629
RECEIVED: 05 DEC 94 12

TO: CHRISTOPHER, W

FROM: PRESIDENT

DOC DATE: 06 DEC 94
SOURCE REF:

KEYWORDS: BALTIC STATES
CONGRESSIONAL

RUSSIA
PD

PERSONS:

SUBJECT: PD RE ASSISTANCE FUNDING TO RUSSIA AND NIS

ACTION: PRESIDENT SGD PD

DUE DATE: 08 DEC 94 STATUS: C

STAFF OFFICER: BEYRLE

LOGREF:

FILES: PA

NSCP:

CODES:

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

FOR ACTION

FOR CONCURRENCE

FOR INFO

BEYRLE
BURNS
DANVERS
NSC CHRON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSASK

CLOSED BY: NSASK

DOC 4 OF 4

~~CONFIDENTIAL~~

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By MA NARA, Date 12/12/11
7015-0183-5

~~CONFIDENTIAL~~
ACTION DATA SUMMARY REPORT

RECORD ID: 9409629

DOC ACTION OFFICER

001 BEYRLE
002 LAKE
003 PRESIDENT
004

CAO ASSIGNED ACTION REQUIRED

Z 94120512 PREPARE MEMO FOR LAKE
Z 94120518 FWD TO PRESIDENT FOR SIG
Z 94120615 FOR SIGNATURE
X 94120710 PRESIDENT SGD PD

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

003 941206
003 941206
004 941206 CHRISTOPHER, W
004 941206
004 941206
004 941206

DISPATCH FOR INFO

VICE PRESIDENT
WH CHIEF OF STAFF
BRILL, K
WH CHIEF OF STAFF
WILLIAMS, A
DUSAULT, P

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL
DISTRIBUTION RECEIPT

LOG 9409629
DATE 06 DEC 94

SUBJECT: PD RE ASSISTANCE FUNDING TO RUSSIA AND NIS
DOCUMENT CLASSIFICATION: ~~CONFIDENTIAL~~

EXTERNAL DISTRIBUTION:	DATE	TIME	SIGNATURE
MR. WARREN CHRISTOPHER DEPT OF STATE 7TH FLOOR 2201 C STREET, NW WASHINGTON, DC	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>ORIGINAL+3</u>
WH EXECUTIVE CLERK	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>2</u>
MR. AARON WILLIAMS AGENCY FOR INTL DEVELOPMENT ROOM 5945, NEW STATE 2201 C STREET, NW WASHINGTON, DC 20523	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>2</u>
MR. PHILIP DUSAULT OFFICE OF MANAGEMENT & BUDGET INTL SECURITY AFFAIRS ROOM 1002 NEOB	_____	_____	_____ PRINT LAST NAME: _____ COPY: <u>1</u>

DATE, TIME, SIGN THE RECEIPT AND RETURN TO: NSC SECRETARIAT, ROOM 379 OEOP

PAGE 01 OF 01 PAGES

Reed 8:28 pm 12/5

National Security Council
The White House

PROOFED BY: _____ LOG # 9629
URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT
BYPASSED WW DESK: _____ DOCLOG PA A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
Reed			
Sens	1	KDS	
Itoh			
Soderberg			
Berger		Copy	
Lake	2		
Situation Room		Natl Sec Advisor has seen	
West Wing Desk	3	PA 12/6	PODESTA
NSC Secretariat	4		N

A = Action I = Information D = Dispatch R = Retain N = No Further Action

CC: _____

COMMENTS:

MUST BE SIGNED
BY COB 12/6

Exec Sec Office has diskette

yes

THE WHITE HOUSE

WASHINGTON

December 6, 1994

Presidential Determination
No. 95-8

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Assistance Program for New Independent States of
the Former Soviet Union

Pursuant to section 577 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Titles I-V of Public Law 103-87), I hereby certify that Russia and the Commonwealth of Independent States continue to make substantial progress toward the withdrawal of their armed forces from Latvia and Estonia.

You are authorized and directed to notify the Congress of this certification and to publish it in the Federal Register.

William D. Clinton

THE WHITE HOUSE

WASHINGTON

December 6, 1994

ACTION

94 DEC 6 P3:59

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *J*

FROM: ANTHONY LAKE *✓*

SUBJECT: Presidential Determination Concerning Assistance
Funding to Russia and the NIS

Purpose

To sign a determination that Russia is making substantial progress toward troop withdrawals from Latvia and Estonia, thereby making funds available for our assistance programs to Russia.

Background

Section 577 of the FY-94 Foreign Operations Appropriations Act (the "Byrd Amendment") contains a prohibition on funding under the Act for Russia unless the President certifies to the Congress that either

(a) the government of Russia and of Latvia and Estonia have established and are complying with a timetable for the withdrawal of Russian forces; or

(b) Russia continues to make "substantial progress" toward the withdrawal of its armed forces from Latvia and Estonia.

We concur with Acting Secretary Talbott's recommendation (Tab C) that you certify that Russia is making "substantial progress" toward a withdrawal. Although Russia's agreements with Latvia and Estonia stipulated that troops would be withdrawn by August 31, issues related to the demobilization in place of some Russia military forces in both countries make it difficult to certify that Russia is "complying with a timetable for withdrawal." For this reason you invoked a national interest waiver in the parallel provision of the FY-95 Act -- a decision that provoked no controversy on the Hill. We believe that the signing of the troop withdrawal agreements, and the departure of the vast majority of Russian forces from the Baltics, clearly satisfies the standard of "substantial progress" set forth in the Act. Once the parliaments of Russia, Estonia and Latvia have ratified

DECLASSIFIED

E.O. 13526

~~CONFIDENTIAL~~

Declassify on: OADR

White House Guidelines, September 11, 2013
By *W* NARA, Date *12/12/14*

cc: Vice President
Chief of Staff

2015-0615-5

the withdrawal agreements, probably early in 1995, we will be in a position to certify that the troops are withdrawn, or at least that their status has been resolved to the parties' mutual satisfaction, so that the Byrd Amendment need no longer apply.

RECOMMENDATION

That you sign the determination at Tab A.

Attachments

Tab A Presidential Determination
Tab B Memorandum of Justification to Congress
Tab C Memorandum from Acting Secretary Talbott

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

9629

December 5, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: NICHOLAS BURNS *NB/ho*
FROM: JOHN BEYRLE *JB*
SUBJECT: Presidential Certification on Baltic Troop
Withdrawals

Attached at Tab I is a memo for the President recommending that he certify Russia is making "substantial progress" on withdrawing its troops from the Baltics, under the Byrd Amendment. Acting Secretary Talbott concurs in this recommendation.

To avoid a cut-off of funds, the President must sign the attached memorandum to the Secretary of State **no later than Tuesday, December 6**. Note: the memo from the State Department was received December 5.

Concurrence by: *JB for* Bill Danvers, Jamie Baker

RECOMMENDATION

That you sign the attached memo ^Tfor the President.

Attachments

Tab I Memorandum for the President
Tab A Presidential Determination
Tab B Memorandum of Justification to Congress
Tab C Memorandum from Acting Secretary Talbott

~~CONFIDENTIAL~~

Declassify on : OADR

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *LD* NARA, Date *12/12/14*
2015-0183-5

Memorandum of Justification Regarding Certification
Under Section 577 of the Foreign Operations,
Export Financing, and
Related Programs Appropriations Act, 1994
(Titles I-V of Public Law 103-87)

There has been fundamental and historic progress on the question of Russian troop withdrawal from the Baltics since the President's previous determination under 577 "of substantial progress" on June 6, 1994. As of June 6, Russian armed forces still in Latvia numbered approximately 7,000. Russia withdrew the last of its active-duty armed forces by the August 31, 1994 date for withdrawal set under the Latvian-Russian agreement of April 30, 1994. As of June 6, Russian forces still in Estonia numbered approximately 2,500. Russia withdrew the last of its active-duty armed forces by the August 31 deadline set under the Estonian-Russian agreement of July 26.

This marked the end of a half-century of Russian military occupation of the Baltic States, and removed an important source of regional tensions. At its peak in 1990, Russian military presence in the Baltics totaled well over 100,000.

By agreement with Latvia, 800 Russian personnel in civilian status remain to operate the ballistic-missile early warning facility at Skrunda until late 1998; they will then assist in the radar's dismantlement and are scheduled to leave Latvia by early Spring 2000. Under a contract led by the Department of Defense, an American company is scheduled to commence soon the demolition of the unfinished large phased-array radar at Skrunda. By agreement with Estonia, up to 210 Russians in civilian status will remain through September 1995 to de-fuel and help secure the former Russian naval nuclear training reactors at Paldiski.

The final withdrawal resolved a lingering issue from World War II and, aside from meeting the deadline, marked substantial progress toward a reduction of regional tensions.

By its terms, section 577 remains in force until the President certifies to the Congress under section 577(b) that all Russian/CIS armed forces have been withdrawn from Latvia and Estonia, or that the status of those armed forces has been otherwise resolved by mutual agreement of the parties. Although such agreements have in fact been signed, the section 577(b) certification is not being made at this time, pending their ratification.

Some questions do remain about Russian officers retired or demobilized in place subsequent to the dates of the agreements with Latvia and Estonia. Numbers are extraordinarily difficult

to confirm. In Latvia's case, as many as several thousand officers were apparently retired or demobilized in place after January 28, 1992. Estimates also vary widely in Estonia's case, but a minimum of 400 (and possibly more) Russian officers demobilized or retired in place after July 26 remain in Estonia. The Latvian and Estonian governments have approached this issue in a low-key manner and continue to look for ways to resolve the issue quietly with Russia.

9427253

DEPARTMENT OF STATE
WASHINGTON

December 2, 1994

~~CONFIDENTIAL~~
DECL:OADR

MEMORANDUM FOR: THE PRESIDENT (ST)
FROM: Strobe Talbott
SUBJECT: Certification on Baltic Troop Withdrawals

We need by December 6 to make another certification regarding Baltic troop withdrawals.

Section 577 of the FY-94 Foreign Operations Appropriations Act (Titles I-V of Public Law 103-87) (the "FY-94 Act") contains a prohibition on funding under that Act for Russia unless you certify to the Congress not more than six months in advance of the obligation or expenditure of such funds that either--

(a) the Governments of Russia and of Latvia and Estonia have established and are complying with a timetable for the withdrawal of Russian forces; or

(b) Russia continues to make "substantial progress" toward the withdrawal of its armed forces from Latvia and Estonia.

You made "substantial progress" certifications under this provision on December 6, 1993, and June 6, 1994. The next one is due December 6, 1994.

Under the parallel provision in the FY-95 Act, Congress did not give you the option of making a "substantial progress" determination. Because of issues related to Russian demobilization of troops in place for these countries, and the difficulties these issues presented for making a determination that Russia is complying with a timetable for withdrawal, you decided in October to exercise a waiver authority that Congress had included in the FY-95 Act, thus allowing us to make available FY-95 funds. There is no similar waiver authority under section 577 of the FY-94 Act.

Thus, in order to allow us to continue making available FY-94 funds, you need by December 6 to make another "substantial progress" certification under section 577. In view of the election results, this certification may be scrutinized more closely than previous certifications on Baltic

~~CONFIDENTIAL~~DECLASSIFIED
E.O. 13526

Department of State Guidelines, September 11, 2006

By M NARA, Date 11/12/14

245-0143-5

~~CONFIDENTIAL~~

- 2 -

troop withdrawals. Nevertheless, for the reasons set forth in the attached memorandum of justification, we believe the "substantial progress" standard is clearly satisfied.

Failure to make a certification by December 6 would require us to cut-off the use of remaining FY-94 funding for Russia. Under section 577, this restriction will continue to apply -- and you will need to continue making "substantial progress" determinations -- until you certify under section 577(b) that all Russian/CIS armed forces have withdrawn from Latvia and Estonia or that the status of those armed forces has otherwise been resolved by mutual agreement of the parties. Troop withdrawal agreements have in fact been signed, though not yet ratified. The memorandum of justification states that we would not be making the section 577(b) certification at this time, pending ratification of these agreements. Inclusion of this language is intended to help us gauge whether a section 577(b) certification would be a viable option following ratification of the agreements (though it would not commit us to making such a certification).

For these reasons, we believe that you should sign the determination attached to Tab A before December 6. If you approve, we would immediately transmit copies of the certification, together with the memorandum of justification, to the Congress.

Attachments:

- Tab A - Draft certification
- Tab B - Draft memorandum of justification

~~CONFIDENTIAL~~