

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Caroline Krass to Steven Andreasen. Subject: FW: RPT to Congress CTBT-Related Annual Certification of Nuclear Weapons. (18 pages)	03/19/1999	P1/b(1)
002. email	Thomas Hasman to Charles Allen, James Baker, Donald Bandler et al. Subject: Package 2024 - POTUS Meeting w/Members of Congress. (9 pages)	03/23/1999	P1/b(1)
003. email	Joan Edwards to Cathy Millison. Subject: Package 1847. (16 pages)	03/24/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Jesse Helms])
OA/Box Number: 620000

FOLDER TITLE:

[03/19/1999-04/02/1999]

2006-1363-F

vz5636

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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Exchange Mail

DATE-TIME 3/19/99 4:44:13 PM
FROM Marshall, Betty A.
CLASSIFICATION UNCLASSIFIED
SUBJECT [UNCLASSIFIED]
TO Sapiro, Miriam E.

CARBON_COPY

TEXT_BODY

TRANSLATED_ATTACHMENT

1890Helms ltr.doc

Dear Mr. Chairman:

In accordance with Public Law 95-384 (22 U.S.C. 2372 (C)), I submit to you this report on progress toward a negotiated settlement of the Cyprus question covering the period December 1, 1999, to January 31, 1999. The previous submission covered events during October and November 1998.

In an important step toward easing tensions on Cyprus, the Government of Cyprus announced on December 29 that the S-300 anti-aircraft missiles that it would not be delivered to the island. This is a positive and welcome gesture that gives important new impetus to efforts to reduce tensions and promote a just and lasting settlement of the Cyprus dispute.

The United Nations remained active during the reporting period in the

effort to
resolve the Cyprus dispute. In addition to renewing the mandate for
the UN
Forces in Cyprus (UNFICYP), the UN Security Council adopted
Resolution 1218 that
endorsed the Secretary-General's September 30 initiative to reduce
tensions and
promote a just and lasting peace on Cyprus. In a December 23
statement, I
wholeheartedly endorsed Resolution 1218 and directed that the United
States take
all necessary steps to support a sustained effort to implement it. As I
said
then and wish to emphasize now, the United States remains deeply
committed to
finding a viable solution to the Cyprus problem.

Sincerely,

The Honorable Jesse Helms
Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

2

TRANSLATED_ATTACHMENT 1890srb.doc

March 22, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ANTONY BLINKEN

FROM: MIRIAM SAPIRO

SUBJECT: President's Report to Congress on Cyprus

Attached at Tab I is a memorandum to the President transmitting his bimonthly Report to Congress on Cyprus, submitted in accordance with the International Security Assistance Act of 1978. This report covers the December 1998-January 1999 timeframe and should be submitted as soon as possible.

Concurrence by: James Baker and Mark Tavlarides

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memorandum to the President
Tab A Transmittal Letter to Congress
Tab B Report to Congress
Tab II Incoming from State

1

1890

TRANSLATED_ATTACHMENT 1890Hastert ltr.doc

Dear Mr. Speaker:

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all necessary steps to support a sustained effort to implement it. As I
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then and wish to emphasize now, the United States remains deeply
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finding a viable solution to the Cyprus problem.
Sincerely,

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20510

TRANSLATED_ATTACHMENT 1890bimonCyprusRpt.doc
President's Bimonthly Report on Cyprus
December 1998 - January 1999

On December 3, U.S. Ambassador to Cyprus Kenneth Brill met with Cypriot President Clerides to exchange views on the Cyprus dispute and to discuss the S-300 missile issue.

United Nations Secretary-General (UNSYG) Kofi Annan released on December 7 the semi-annual report on the UN Peacekeeping Force in Cyprus (UNFICYP) for the period June 9, 1998, to December 8, 1998. The report reviewed the situation along the cease-fire lines and noted the continuing high level of tensions on the island. A copy of the report is attached.

Ambassador Brill met with Turkish Cypriot leader Denktash on December 9 to discuss the Cyprus issue. He urged the Turkish Cypriot authorities to lift their suspension of bicomunal contacts between the two sides.

During December 9-11, Special Coordinator for Cyprus Thomas J. Miller traveled to Cyprus to meet with UNSYG Deputy Special Representative for Cyprus Ann Hercus, United Kingdom High Commissioner David Madden and Ambassador Brill. Ambassador Miller underscored the United States' strong support for the UNSYG's September 30 initiative to reduce tensions and promote a just and lasting Cyprus settlement that UN Deputy Representative Hercus was implementing.

Later on December 11 Ambassador Miller met with Greek Deputy Foreign Minister Kranidiotis in Athens to discuss the settlement process and the S-300 missile issue.

Special Presidential Emissary Richard C. Holbrooke and former Norwegian Deputy Foreign Minister Jan Egeland co-chaired a December 12-13 meeting in Istanbul of

the Brussels Business Group. This was the third and largest meeting of the Business Group, which includes Greek Cypriot, Turkish Cypriot, Greek and Turkish business leaders. Ambassadors Miller and Brill, and U.S. Ambassador to Turkey Mark Parris, also participated. In its concluding statement, the group laid out a broad agenda of bicommunal projects and reiterated its "desire for contact and cooperation to increase, including steps to relax and eventually lift all restrictions on the free movement of people, goods, and services...." The group also agreed to undertake feasibility studies and project development on cultural, communications, trade, and environmental issues that address every day problems facing all Cypriots.

On December 14, Ambassadors Holbrooke and Miller traveled to Athens where they met with Greek Defense Minister Tzohatsopoulos, former Foreign Minister Pangalos and Deputy Foreign Minister Kranidiotis to discuss the Cyprus settlement process, the S-300 issue and Greek-Turkish relations.

Also on December 14, Ambassador Brill met with Mr. Clerides to discuss the Cyprus issue and the question of the S-300 missile.

UN Secretary-General Kofi Annan, in a December 14 letter to the Security Council regarding the "Good Offices Mission in Cyprus," noted the "constructive manner" in which both sides were engaged in the shuttle talks led by UN Deputy Representative Hercus. He praised the leaders of both communities for their commitment to avoid tensions and to promote peace in Cyprus. UN Secretary-General Annan urged both sides to take a "flexible approach" to the talks in order to obtain "tangible progress." A copy of the letter is attached.

Ambassador Brill met several times during December 15-22 with Messrs. Clerides and Kasoulides the Cypriot Foreign Minister to discuss the S-300 missile issue

and the UN Security Council renewal of the UNFICYP mandate.

On December 22, the UN Security Council (UNSC) adopted two resolutions on Cyprus.

UNSC Resolution 1217 renewed the UNFICYP mandate for a six-month period ending

on June 30, 1999. UNSC Resolution 1218 endorsed the UNSYG's September 30

initiative to reduce tensions and promote progress toward a just and lasting

Cyprus settlement based on a bizonal, bicommunal federation. It also called on

the UNSYG to intensify his efforts.

President Clinton issued a statement on December 23 strongly endorsing UNSC

Resolution 1218 and reiterating that the "United States remains deeply committed

to finding a viable solution to the Cyprus problem. He noted the UNSYG's

initiative is "critically important" to the potential for progress toward "a

Cyprus settlement that will meet the concerns of the parties involved." The

President stated that the United States would "take all necessary steps to

support a sustained effort to implement UNSC Resolution 1218."

President Clinton

also urged "all the parties to avoid taking any steps that could increase

tensions on the island, including the expansion of military forces and armaments." Officials from other governments, including British Prime Minister

Blair and the Austrian Presidency of the EU, issued similar statements of support for Resolution 1218.

On December 29, Mr. Clerides announced that the S-300 missiles would not be

delivered to Cyprus. Greek Prime Minister Simitis issued a statement the same

day expressing the Greek government's full support for Mr. Clerides' decision and

reaffirming Greece's commitment to support efforts toward a political settlement.

The U.S. State Department issued a statement welcoming the decision and

commending the Government of Cyprus "for taking this important step for easing

tensions on the island." The statement added that this action would

"give
important new impetus to UN Secretary-General Annan's 30
September initiative to
reduce tensions and promote a just and lasting settlement of the
Cyprus dispute."

On January 4, U.S. Charge d'Affairs Deborah Graze met with Mr.
Kasoulides to
convey the United States' appreciation for the decision to send the S-
300
missiles to Crete. Ms. Graze noted that the decision was a brave step
in the
direction of reducing tensions and improving prospects for
negotiations.

In a meeting with Mr. Clerides on January 11, Ambassador Brill
reiterated
Secretary Albright's praise of the decision to stop the delivery of the
S-300
missiles to Cyprus send them to Crete instead. He added that Mr.
Clerides'
decision had been warmly welcomed internationally.

On January 12, Ambassador Brill met with Mr. Denktash to discuss
the Cyprus
settlement process. He again urged that the Turkish Cypriot leadership
lift its
one-year suspension on bicommunal contacts.

On January 14 Ambassador Miller consulted in London with UK
Special Cyprus
Representative David Hannay and UN Deputy Representative Hercus
regarding next
steps on Cyprus.

Attachments

1. December 7, 1998, UN report
2. December 14, 1998, letter from UN SYG Annan

1

2

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Report to Congress on Cyprus

Purpose

Forward the bimonthly Presidential Report to the Congress on Cyprus.

Background

The International Security Assistance Act of 1978 requires that you submit a bimonthly report on progress made during the period toward "the conclusion of a negotiated solution of the Cyprus problem," including any relevant reports prepared by the UN Secretary General for the Security Council. The Department of State has prepared for your approval a draft Presidential Report on Cyprus, which is at Tab B.

The report describes U.s. and UN efforts to persuade the Republic of Cyprus that delivery of S-300 missiles would undermine progress towards a solution of the Cyprus problem. On December 29, the government of Cyprus announced that the missiles would not be delivered to the island, but to Crete instead. Secretary Albright expressed our appreciation at this decision, which has enabled us to refocus our efforts on finding a peaceful solution to tensions on the island.

The transmittal letters to the Congress are at Tab A.

The previous report covered progress during October and November 1998. The

current report covers the period December 1998 - January 1999.

RECOMMENDATION

That you sign the transmittal letters at Tab A.

Attachments

Tab A Transmittal Letters to Congress

Tab B Report to Congress

1

2

1890

cc: Vice President
Chief of Staff

Exchange Mail

DATE-TIME 3/19/99 9:56:27 PM
FROM Stromseth, Jane E.
CLASSIFICATION UNCLASSIFIED
SUBJECT UN Arrears docs [UNCLASSIFIED]
TO Wippman, David

CARBON_COPY Stromseth, Jane E.

TEXT_BODY David, I will leave my UN arrears file [UNCLASSIFIED] on your desk tonight when I leave. Here is the press guidance I've done recently (on Holbrooke, and UN arrears), and an incomplete draft memo (for your background). I'll be finishing it up when I return. Also a doc. about the numbers. Call me if any questions arise.

TRANSLATED_ATTACHMENT arrears numbers.doc
Eric:

Here are the basic numbers on UN arrears:

The USG is seeking from Congress an arrears package of \$ 1.021 billion dollars.
Of that amount:

- * \$ 100 million was appropriated in FY 98 (but not authorized)
- * \$ 475 million was appropriated in FY 99 (but not authorized)
- * \$ 446 million is sought in the FY 2000 budget request

The total \$ 1.021 billion in arrears would be allocated as follows:

UN regular budget \$ 54 million
UN peacekeeping \$ 658 million
UN specialized agencies \$ 254 million
Non-UN agencies 55 million

Total Request \$1.021 billion

UN ESTIMATE: The UN estimates that we owe approximately \$1.3

billion in arrears
to the UN regular budget, war crimes tribunals and peacekeeping; and
an
additional \$ 266 million to the UN affiliated agencies.

FY 2000 Budget Request: In addition to the \$ 446 million for arrears,
the FY 2000
budget request also includes \$ 235 million for contributions for int'l
peacekeeping activities, and \$ 963 million for contributions to
international
organizations.

Helms-Biden benchmarks: Of the various benchmarks, State is
indicating to the
Hill that reducing U.S. assessments to 22 % (regular budget) and 25 %
(peacekeeping budget) is Administration priority.
(requires UNGA vote)

Reducing the regular budget assessment to 20 %, however, is not
doable. Nor is
establishing a contested arrears account. Nor is getting the specialized
agency
(FAO, ILO, WHO) budget assessments to 22 % in year 1 (because
their assessments
lag behind regular UN assessments by one year).

2

TRANSLATED_ATTACHMENT UN Arrear1.doc

DRAFT MEMO (to be completed)

UN Arrears, Helms-Biden, and Holbrooke

Administration proposals for revising the Helms-Biden UN arrears
bill drew media
attention this week, including a hard-hitting piece by Safire in the
New York
Times. Both Safire and Roll Call quote Jesse Helms as eager to do
business on
arrears but hostile to modifying Helms-Biden provisions. Helms'

comments also intimate that Holbrooke's nomination may be held hostage to an arrears deal. These rumblings (including inaccuracies about our position) underscore the need for White House engagement on the arrears issue to forge an agreed position and strategy on the way ahead.

The President' Veto Message: The Helms-Biden bill would impose a number of "benchmarks" for the release of funds for payment of arrears, over a three year period. In his veto message last October, the President called for "significant revisions" in the bill, noting that some of its reform benchmarks were "outdated" and "no longer achievable." Clearly we do not want a bill with conditions that are unachievable in New York, or a bill that cripples the UN or damages our relationship to the organization.

State's Review of Helms-Biden: State has concluded that four major Helms-Biden benchmarks are not achievable and must be revised:

* 20% ASSESSMENT RATE FOR UN REGULAR BUDGET, FAO, ILO, WHO: The current assessment rates are 25%. State believes we can obtain UNGA approval to reduce those rates to 22%, but that 20% cannot be achieved. (SYG Kofi Annan, in response to Safire's piece, indicated that member states might accept a reduction in the U.S. assessment to 22% but that 20% "would be very difficult to achieve.")

* CONTESTED ARREARS ACCOUNT: This would require UNGA approval, and UN members cannot be expected to accept the notion that a country can pick and choose what part of its arrears it will pay or will affect the potential loss of its voting rights under Article 19 of the Charter.

* TIMING OF FAO, ILO, WHO ASSESSMENT RATE REDUCTIONS: Because the budget cycles of the UN specialized agencies follow the UN budget by one year, any reduction in

assessments to 22% could not occur in year one.

* **NEGATIVE GROWTH BUDGETS:** Negative growth budgets for FAO, ILO, and WHO would require member approval and are not attainable. State instead is advocating Zero Nominal Growth (ZNG) budgets, which hold resources constant and do not adjust upwards for inflation.

Attainable benchmarks: State has concluded that many of the Helms-Biden conditions can be accepted as is. These include all but one of the year one Helms-Biden benchmarks. (The benchmark calling for no UN authority over U.S. real property must be revised and clarified to avoid inconsistency with U.S. law and international agreements.) Also accepted, though difficult, is reducing the U.S. peacekeeping assessment rate to 25%. Various benchmarks concerning UN personnel issues are acceptable.

Other Benchmarks: State has concluded that other benchmarks require technical revisions

Numbers:

Next Steps:

2

TRANSLATED_ATTACHMENT

Holbrooke Nomination.doc
Holbrooke Nomination/UN Arrears:

[Context: A March 15 Washington Times report claims that some Hill staffers say the Holbrooke nomination would be placed at risk if the Clinton Administration tries to "soften and amend" the Helms-Biden arrears/reform package. State is currently discussing with Hill staffers necessary updates to the Helms-Biden package (which was drafted in 1997), but State is not yet going public with the

specifics. That the Administration feels strongly that some changes in Helms-Biden are needed to turn it into a viable package is well known on the Hill. The President made this point clearly in his October 1998 veto message, which indicated that "significant revisions" would be required in a new arrears package. This point was also made plain during Assistant Secretary of State David Welch's confirmation hearing last October.]

Q: Is there a new threat to the Holbrooke nomination linked to UN arrears?

* We have had no such indication.

* The Administration stands behind the Holbrooke nomination and hopes to have him in place as our PermRep to the UN soon.

* We believe key members of Congress understand that the two year old Helms-Biden package needs to be updated, and will not try to use this issue to try to slow or derail Holbrooke's confirmation.

Q: Is the Administration trying to soften and amend the Helms-Biden arrears/reform legislation?

* We are eager to move forward on a UN arrears package in the Helms-Biden framework.

* As the President made clear in his October veto message, however, some of the conditions in the Helms-Biden bill "are now outdated and are no longer achievable."

* Nearly two years have passed since Helms-Biden was negotiated. Some of the reform benchmarks would have to be updated to reflect the time that has passed and the changed circumstances we now face, in order to turn this into a plan that would have any chance of success.

* As the President put it: "While many of the UN reform benchmarks in the package remain acceptable, significant revisions are required."

* Any changes we would propose would be designed to ensure that the required reforms would be within the bounds of possibility. We expect that a package gaining final approval from the Congress and the Administration will contain very tough reform requirements.

2

2

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Exchange Mail

DATE-TIME 3/26/99 1:40:23 PM
FROM Bartlett, L. June
CLASSIFICATION UNCLASSIFIED
SUBJECT Pckg 1091 - Congressional Letters [UNCLASSIFIED]
TO Bernard, Kenneth W.
Busby, Scott W.
Denniston, Richard L.
Guarnieri, Valerie N.
Hill, Roseanne M.
Kale, Dora A.
Keenan, Josefina (Chris)
Malley, Robert
Naplan, Steven J.
Schwartz, Eric P.
Stromseth, Jane E.
Vaccaro, Jonathan M. (Matt)
Wippman, David

CARBON_COPY Bartlett, L. June
Dejban, Donna D.
Hasman, Thomas M.
Hilliard, Brenda I.
Joshi, M. Kay
Millison, Cathy L.

TEXT_BODY SRB/Stein/Staff Secretary have approved the text of the letter in package 1091 -- Implementation of Human Rights Treaties. The additional letters and labels need to be prepared. I am sending you a copy of the approved package and diskette.

Please return the letters, labels, and diskette to ExecSec no later than Monday, March 29.

Per
Staff Secretary, the letters should be dated March 26, 1999.

Thank
you.

(Advance copy of letter below)

Also, can you print copies
of the attachment for each outgoing letter (hard bond) - thanks.

June

TRANSLATED_ATTACHMENT 1091 Helms letter.doc

March 26, 1999

Dear Mr. Chairman:

Thank you for your letter regarding Executive Order 13107 relating to the implementation of human rights treaties. I issued this Order on the 50th anniversary of the adoption of the Universal Declaration of Human Rights to reaffirm our commitment to the fundamental values enshrined in that document.

In response to your first point, I can confirm that the Order relates only to the implementation of those human rights treaty obligations the United States has assumed, subject to any reservations, declarations or understandings, as a result of having ratified the respective treaties in accordance with our constitutional procedures. (Per your request, a list of those treaties is attached.) The Order is not intended to implement any treaty the United States has not ratified or to circumvent the Senate's role of providing advice and consent in the ratification process.

Second, the Order does not cause any non-self-executing treaty provision to take on the force of U.S. law. Rather, the Order reaffirms to Executive

Branch
agencies their role in fulfilling U.S. obligations under those human
rights
treaties to which the United States is a party and establishes an
interagency
process that will enhance our ability to carry out such duties.

Third, the Order is not intended to authorize the unilateral
modification by the
Executive Branch of current reservations, understandings, or
declarations
contained in the Senate's resolutions of ratification giving advice and
consent
to these treaties. My Administration would not seek to make such
modifications
to the resolutions of ratification for these treaties without seeking the
Senate's advice and consent.

I hope this information allays any concerns that you or your
constituents may
have about this Order.

Again, thank you for writing and sharing your concerns with me on
this issue.

Sincerely,

The Honorable Jesse Helms
Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

Enclosure

The Agreement for the Suppression of the White Slave Traffic of May 18, 1904, as amended by a Protocol of May 4, 1949;

The Convention to Suppress the Slave Trade and Slavery of September 25, 1926, as amended by a Protocol of December 7, 1953;

The Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948;

The Inter-American Convention on the Granting of Political Rights to Women of March 17, 1949;

The Convention on the Political Rights of Women of March 31, 1953;

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956;

The Convention Concerning the Abolition of Forced Labor of June 25, 1957 (ILO Convention 105);

The International Convention on the Elimination of All Forms of Racial Discrimination of December 21, 1965;

The International Covenant on Civil and Political Rights of December 16, 1966;

The Protocol Relating to the Status of Refugees of January 31, 1967; and

The Convention Against Torture and Other Cruel and Other Cruel, Inhuman or Degrading Treatment or Punishment of December 10, 1984.

Exchange Mail

DATE-TIME 3/26/99 7:56:15 PM
FROM Naplan, Steven J.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Rqst Concur on #1605--Interim rply re Foreign Affairs Reorg [UNCLASSIFIED]
TO Kale, Dora A.
CARBON_COPY Naplan, Steven J.

TEXT_BODY did this thing ever go out?

-----Original Message-----

From: Kale,
Dora A.

Sent: Monday, March 15, 1999 11:00 AM

To: @DEFENSE - Defense

Policy; @RUSSIA - Russia/Ukraine; @LEGISLAT - Legislative
Affairs

Cc: Kale,

Dora A.; Hill, Roseanne M.; Naplan, Steven J.

Subject: Rqst Concur

on #1605--Interim rply re Foreign Affairs Reorg [UNCLASSIFIED]

Thank
you.

TRANSLATED_ATTACHMENT

1605 AM POTUS.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Letter from Senators Helms and Biden Regarding the Strategy for Foreign Affairs Reorganization

Purpose

To respond to a letter from Senators Helms and Biden.

Background

The letter praises the overall plans for restructuring at State, but expresses three key concerns. Specifically, Senators Helms and Biden would favor the following modifications prior to final submission of the plan on April 1:

- * a separate State bureau for verification and compliance of arms control treaties instead of that role being played by a Special Advisor to the Under Secretary of State for Arms Control, as detailed in the proposed reorganizational plan.

- * a separate State bureau for Educational and Cultural Affairs, as opposed to the proposed plan which would combine USIA's information function and cultural exchange programs into a single State bureau.

- * a single European bureau inclusive of the former Soviet states, as opposed to the proposed Eastern European and Eurasian Bureau (EEE).

The suggested interim response promises that the 90 day review process, now underway, will be informed by the concerns expressed by the senators and that we hope to address the principles behind their concerns in the final plans for reorganization.

RECOMMENDATION

That you sign the attached letter at Tab A.

Attachments

Tab A Letters for Signature

Tab B Incoming Correspondence

2

2

1605

cc: Vice President

Chief of Staff

TRANSLATED_ATTACHMENT 1605 AM SRB.doc

March 15, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: STEVEN NAPLAN

SUBJECT: Interim Reply to Letter from Senators Helms and Biden.

At Tab I is a memorandum for the President and a proposed interim response to a letter from Senators Helms and Biden expressing concern about three specific elements of the strategy for reorganization of the foreign affairs agencies.

Concurrence by: Defense; RUE; Legislative

RECOMMENDATION

That you sign the attached memorandum to the President at Tab I.

Attachments

Tab I Memorandum for the President

Tab A Proposed Response

Tab B Incoming Correspondence

1

1605

TRANSLATED_ATTACHMENT 1605 letter.doc

Dear Senator Helms:

Thank you for your letter concerning our strategy for reorganizing the foreign affairs agencies and implementing the Foreign Affairs Reform and Restructuring Act of 1998.

We are carefully considering the concerns raised in your letter, and are ensuring that this complex process will be informed by your views. When this review period is concluded and we have arrived at final decisions, I will write again in response to the principles asserted in your letter, all of which we hope will be resolved to your satisfaction.

As a general matter, I remain committed to a strong arms control verification and compliance process that ensures that critical assessments reach the highest levels. Our reorganizational plan will yield such an outcome.

The reorganizational plan will also ensure that international educational and cultural programs remain a key component of our foreign policy, with the strong leadership they need and the support they deserve. However we organize these

activities, they will be under the policy oversight of the new Under Secretary of State for Public Diplomacy and Public Affairs, ensuring very senior level attention to our engagement of foreign audiences and communities.

Finally, our reorganizational plan will ensure that our diplomatic relations with the independent states of the former Soviet Union - a region of enormous strategic interest - receive the high level leadership attention they deserve, consistent with the priority we attach to this part of the world.

Intensive planning and preparation for the reorganization is already underway.

We will do all we can to be sure that this sensitive process is implemented in an open and transparent fashion, and in careful consideration of your views.

Best regards.

Sincerely,

The Honorable Jesse Helms
United States Senate
Washington, D.C. 20510
2

Exchange Mail

DATE-TIME 3/29/99 2:29:37 PM
FROM Pascual, Carlos E.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Reorg Package [UNCLASSIFIED]

TO Kale, Dora A.
Bernard, Kenneth W.
Busby, Scott W.
Denniston, Richard L.
Guarnieri, Valerie N.
Hill, Roseanne M.
Kale, Dora A.
Keenan, Josefine (Chris)
Malley, Robert
Naplan, Steven J.
Schwartz, Eric P.
Stromseth, Jane E.
Vaccaro, Jonathan M. (Matt)
Wippman, David

CARBON_COPY Barnett, Cheryl E.
Elkind, Jonathan H.
Faranda, Regina D.
Kaufman, Stuart J.
Pascual, Carlos E.
Segal, Jack D.
Silva, Mary Ann T.
Tedstrom, John E.
Weiss, Andrew S.

TEXT_BODY sent you our comments on March. 16; sending them again

-----Original
Message-----
From: Pascual, Carlos E.
Sent: Tuesday, March 16,
1999 8:47 AM
To: @MULTILAT - Multilateral and Humanitarian Affairs
Cc: @RUSSIA
- Russia/Ukraine
Subject: FW: Reorg Package [UNCLASSIFIED]

see

changes to letter

-----Original Message-----

From: Segal, Jack

D.

Sent: Tuesday, March 16, 1999 8:40 AM

To: Pascual, Carlos E.

Subject: Reorg

Package [UNCLASSIFIED]

I would make the changes indicated to the Helms letter.

TRANSLATED_ATTACHMENT 1605 letter_.doc

Dear Senator Helms:

Thank you for your letter concerning our strategy for reorganizing the foreign affairs agencies and implementing the Foreign Affairs Reform and Restructuring Act of 1998.

We are carefully considering the concerns raised in your letter, and are ensuring that this complex process will be informed by your views. When this review period is concluded and we have arrived at final decisions, I will write again in response to the principles asserted in your letter, all of which we hope will be adequately addressed.

As a general matter, I remain committed to a strong arms control verification and compliance process that ensures that critical assessments reach the highest levels. Our reorganizational plan will yield such an outcome.

The reorganizational plan will also ensure that international

educational and cultural programs remain a key component of our foreign policy, with the strong leadership they need and the support they deserve. However we organize these activities, they will be under the policy oversight of the new Under Secretary of State for Public Diplomacy and Public Affairs, ensuring very senior level attention to our engagement of foreign audiences and communities.

Finally, our plan will ensure that our relations with the independent states of the former Soviet Union - a region of enormous strategic interest continue to receive the high level leadership attention they deserve, and that the unique needs of these countries in transition are factored into our diplomacy.

Intensive planning and preparation for the reorganization is already underway. We will do all we can to be sure that this sensitive process is implemented in an open and transparent fashion, and in careful consideration of your views.

Best regards.

Sincerely,

The Honorable Jesse Helms
United States Senate
Washington, D.C. 20510

2

2

Exchange Mail

DATE-TIME 3/30/99 2:38:19 PM
FROM Hammonds, D. Holly
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: POTUS Correspondence [UNCLASSIFIED]
TO Duncan, John D.

CARBON_COPY**TEXT_BODY**

Yes..tell Ed exactly where we are..

-----Original Message-----

From: Duncan,
John D.

Sent: Monday, March 29, 1999 9:41 PM

To: Hammonds, D.

Holly

Subject: FW: POTUS Correspondence [UNCLASSIFIED]

Holly, (Both
Chamblis and Helms both wrote about Japan dragging its feet on APEC
stuff)

Per Mark's Tavlarides suggestion, I have put the Saxby Chamblis
letter in final form for your signature. There is a hard copy on
your chair on WH stationary. The electronic version is attached
below.

Per Mark's e-mail, he is still attempting to see if Helm's
staff will agree to a briefing rather than a written response to
his letter. It will be easier for us if his staff agrees.

I

have not updated Ed Rice on where we stand. Do you want to (or do
you want me to) send him a copy of this e-mail or some other appropriate
update so he will know that we are still working on these responses?

John

<< File: POTUS Letter to Chambliss revised for Holly.doc >>

-----Original

Message-----

From: Tavlarides, Mark J.

Sent: Monday, March 29,
1999 5:02 PM

To: Duncan, John D.

Cc: Hammonds, D. Holly

Subject: RE:
POTUS Correspondence [UNCLASSIFIED]

sEND THE sAXBY Chamblis letter
at Special Assistant level. Marshall with Senator Helms has still
not found who wrote the letter. I am trying to sell him on a briefing.
Will know more in the next couple of days (I hope).

-----Original
Message-----
From: Duncan, John D.
Sent: Tuesday, March 23, 1999
7:20 PM
To: Tavlarides, Mark J.
Cc: Hammonds, D. Holly
Subject: RE:
POTUS Correspondence [UNCLASSIFIED]

Mark,
I am back in town
and ready to resolve these ancient letters. Any thoughts on how
to handle this problem? John

-----Original Message-----
From: Tavlarides,
Mark J.
Sent: Monday, March 15, 1999 10:23 AM
To: Hammonds, D.
Holly; Mitsler, Elaine M.; Burrell, Christina L.
Cc: Duncan, John
D.; Schaefer, Matthew P.
Subject: RE: POTUS Correspondence [UNCLASSIFIED]

I
have the packages in my hands.

-----Original Message-----
From: Hammonds,
D. Holly
Sent: Monday, March 15, 1999 9:44 AM
To: Mitsler, Elaine
M.; Tavlarides, Mark J.; Burrell, Christina L.
Cc: Duncan, John
D.; Schaefer, Matthew P.
Subject: RE: POTUS Correspondence [UNCLASSIFIED]

Elaine
- pls confirm with Mark that he has in his hands...(or Mark pls call
us)...Thx.

-----Original Message-----

From: Mitsler, Elaine M.

Sent: Monday, March 15, 1999 8:16 AM

To: Tavlarides, Mark J.;

Burrell, Christina L.

Cc: Duncan, John D.; Hammonds, D. Holly; Schaefer, Matthew P.

Subject: FW: POTUS Correspondence [UNCLASSIFIED]

I

placed a second copy of packages 6840 and 6955, with Mark's name on it, in your Records Management mail slot in Room 379 this morning.

-----Original

Message-----

From: Duncan, John D.

Sent: Friday, March 12, 1999

7:07 PM

To: Mitsler, Elaine M.

Cc: Hammonds, D. Holly; Schaefer, Matthew P.

Subject: POTUS Correspondence [UNCLASSIFIED]

Elaine,

The

POTUS correspondence to Jesse Helms and Saxby Chambliss on the APEC forestry products initiative are now both in the same boat. We are working with legislative affairs on a strategy for handling the letters. Mark Tavlarides asked that we fax him both packages on Monday morning. He specifically asked that we not send it tonight. Would you please fax the entire packages to him, including our proposed response and the incoming for both packages. I will be out next week so Matt will cover for me if something is decided. I will leave what I have on your desk.

John

Exchange Mail

DATE-TIME 3/31/99 7:40:58 PM
FROM Duncan, John D.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: POTUS Correspondence [UNCLASSIFIED]
TO Schaefer, Matthew P.

CARBON_COPY

TEXT_BODY

Matt,
I did not hear anything from Holly, but she could see that
I copied you so maybe she thought that was sufficient. I do have
a copy of the incoming and of our proposed response which I will
give you. John

-----Original Message-----

From: Schaefer,
Matthew P.
Sent: Wednesday, March 31, 1999 7:36 PM
To: Duncan,
John D.
Subject: RE: POTUS Correspondence [UNCLASSIFIED]

John:

Did
you hear anything from Holly on this??

Do you have a copy of the
Helms letter??

Thanks

Matt

-----Original Message-----

From: Duncan,
John D.
Sent: Tuesday, March 30, 1999 6:23 PM
To: Hammonds, D.
Holly
Cc: Schaefer, Matthew P.
Subject: RE: POTUS Correspondence
[UNCLASSIFIED]

Good News on Helms. Mark Tavlairides (Leg Affairs) spoke to someone on Helm's staff and it looks like they may buy off on the briefing idea. Mark has asked that we get him some preliminary information and said we should discuss putting together a briefing team.

As Mark needs some preliminary information (I assume to get himself up to speed so he can give the staffers a preliminary overview) and as I will not be on the briefing team, I assume you want me to hand it off now. Since the briefing will be addressing APEC sectoral initiatives that are now being handled under the auspices of the upcoming WTO meeting, do you want me to give this to Matt to close the loop with Mark?

Additionally, I spoke to Ed Rice this afternoon and reminded him of our earlier conversation re Saxby and Helms and briefed him on our intentions. Ed is on board with your signing out the Rep. Saxby letter and with our plan to attempt to do a Helms staff briefing. That should close these two ancient correspondence problems.

-----Original Message-----

From: Hammonds,
D. Holly
Sent: Tuesday, March 30, 1999 2:38 PM
To: Duncan, John
D.
Subject: RE: POTUS Correspondence [UNCLASSIFIED]

Yes..tell
Ed exactly where we are..

-----Original Message-----

From: Duncan,
John D.
Sent: Monday, March 29, 1999 9:41 PM
To: Hammonds, D.
Holly
Subject: FW: POTUS Correspondence [UNCLASSIFIED]

Holly, (Both
Chamblis and Helms both wrote about Japan dragging its feet on APEC stuff)

Per Mark's Tavlairides suggestion, I have put the Saxby Chamblis letter in final form for your signature. There is a hard copy on your chair on WH stationary. The electronic version is attached below.

Per Mark's e-mail, he is still attempting to see if Helm's staff will agree to a briefing rather than a written response to his letter. It will be easier for us if his staff agrees.

I
have not updated Ed Rice on where we stand. Do you want to (or do
you want me to) send him a copy of this e-mail or some other appropriate
update so he will know that we are still working on these responses?
John

<< File: POTUS Letter to Chambliss revised for Holly.doc >>

-----Original

Message-----

From: Tavlarides, Mark J.

Sent: Monday, March 29,
1999 5:02 PM

To: Duncan, John D.

Cc: Hammonds, D. Holly

Subject: RE:

POTUS Correspondence [UNCLASSIFIED]

sEND THE sAXBY Chamblis letter
at Special Assistant level. Marshall with Senator Helms has still
not found who wrote the letter. I am trying to sell him on a briefing.
Will know more in the next couple of days (I hope).

-----Original

Message-----

From: Duncan, John D.

Sent: Tuesday, March 23, 1999
7:20 PM

To: Tavlarides, Mark J.

Cc: Hammonds, D. Holly

Subject: RE:

POTUS Correspondence [UNCLASSIFIED]

Mark,
I am back in town
and ready to resolve these ancient letters. Any thoughts on how
to handle this problem? John

-----Original Message-----

From: Tavlarides,

Mark J.

Sent: Monday, March 15, 1999 10:23 AM

To: Hammonds, D.

Holly; Mitsler, Elaine M.; Burrell, Christina L.

Cc: Duncan, John

D.; Schaefer, Matthew P.

Subject: RE: POTUS Correspondence [UNCLASSIFIED]

I
have the packages in my hands.

-----Original Message-----

From: Hammonds,
D. Holly
Sent: Monday, March 15, 1999 9:44 AM
To: Mitsler, Elaine
M.; Tavlarides, Mark J.; Burrell, Christina L.
Cc: Duncan, John
D.; Schaefer, Matthew P.
Subject: RE: POTUS Correspondence [UNCLASSIFIED]

Elaine

- pls confirm with Mark that he has in his hands...(or Mark pls call us)...Thx.

-----Original Message-----

From: Mitsler, Elaine M.

Sent: Monday, March 15, 1999 8:16 AM
To: Tavlarides, Mark J.;
Burrell, Christina L.
Cc: Duncan, John D.; Hammonds, D. Holly; Schaefer,
Matthew P.
Subject: FW: POTUS Correspondence [UNCLASSIFIED]

I

placed a second copy of packages 6840 and 6955, with Mark's name on it, in your Records Management mail slot in Room 379 this morning.

-----Original
Message-----

From: Duncan, John D.
Sent: Friday, March 12, 1999
7:07 PM
To: Mitsler, Elaine M.
Cc: Hammonds, D. Holly; Schaefer,
Matthew P.
Subject: POTUS Correspondence [UNCLASSIFIED]

Elaine,
The

POTUS correspondence to Jesse Helms and Saxby Chambliss on the APEC forestry products initiative are now both in the same boat. We are working with legislative affairs on a strategy for handling the letters. Mark Tavlarides asked that we fax him both packages on Monday morning. He specifically asked that we not send it tonight. Would you please fax the entire packages to him, including our proposed response and the incoming for both packages. I will be out next week so Matt will cover for me if something is decided. I will leave what I have on your desk.

John

Exchange Mail

DATE-TIME 4/1/99 8:08:44 PM
FROM Kaufman, Stuart J.
CLASSIFICATION UNCLASSIFIED
SUBJECT Ratification of Convention on Nuclear Safety [UNCLASSIFIED]
TO Krass, Caroline D.
Samore, Gary S.
Tavlarides, Mark J.

CARBON_COPY Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.
Caravelli, John M.
Edwards, Joan K.
Harris, Elisa D.
Samore, Gary S.
Tucker, Maureen E.
Burrell, Christina L.
Dempsey, John M. (Jack)
Lackey, Miles M.
Tavlarides, Mark J.
Williams, Mary C.
Barnett, Cheryl E.
Elkind, Jonathan H.
Faranda, Regina D.
Kaufman, Stuart J.
Pascual, Carlos E.
Segal, Jack D.
Silva, Mary Ann T.
Tedstrom, John E.
Weiss, Andrew S.

TEXT_BODY Please pass comments and clearances by 2:00 pm Friday, April 3.
We need to get this formally in force fast in order to attend the
meeting of parties to the treaty later this month.

TRANSLATED_ATTACHMENT

2117helmslet.doc

April 5, 1999

The Honorable Jesse Helms, Chairman
Senate Committee on Foreign Relations
415 Dirksen Senate Office Building
Washington, D.C. 20510-6225

Dear Senator Helms:

I am writing in reference to the Senate resolution of advice and consent on the Convention on Nuclear Safety.

In accordance with Condition (1) of the resolution of advice and consent to ratification of the Convention on Nuclear Safety, adopted by the Senate of the United States on March 25, 1999, I hereby certify that the United States Government will not engage in any multilateral activity in the field of international nuclear regulation or nuclear safety that unnecessarily duplicates a multilateral activity undertaken pursuant to the Convention.

I would like to thank you for your consideration and action on this important matter.

Sincerely,

William J. Clinton

April 5, 1999

The Honorable Benjamin Gilman, Chairman
House Committee on International Relations
2170 Rayburn House Office Building

Washington, D.C. 20515

Dear Representative Gilman:

I am writing in reference to the Senate resolution of advice and consent on the Convention on Nuclear Safety.

In accordance with Condition (1) of the resolution of advice and consent to ratification of the Convention on Nuclear Safety, adopted by the Senate of the United States on March 25, 1999, I hereby certify that the United States Government will not engage in any multilateral activity in the field of international nuclear regulation or nuclear safety that unnecessarily duplicates a multilateral activity undertaken pursuant to the Convention.

Thank you for your consideration on this important matter.

Sincerely,

William J. Clinton

April 5, 1999

The Honorable Joseph Biden, Jr.
415 Dirksen Senate Office Building
Washington, D.C. 20510-6225

Dear Senator Biden:

I am writing in reference to the Senate resolution of advice and consent on the Convention on Nuclear Safety.

In accordance with Condition (1) of the resolution of advice and consent to ratification of the Convention on Nuclear Safety, adopted by the Senate of the

United States on March 25, 1999, I hereby certify that the United States Government will not engage in any multilateral activity in the field of international nuclear regulation or nuclear safety that unnecessarily duplicates a multilateral activity undertaken pursuant to the Convention.

I would like to thank you for your consideration and action on this important matter.

Sincerely,

William J. Clinton

April 5, 1999

The Honorable Sam Gejdenson
B-360 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Gejdenson:

I am writing in reference to the Senate resolution of advice and consent on the Convention on Nuclear Safety.

In accordance with Condition (1) of the resolution of advice and consent to ratification of the Convention on Nuclear Safety, adopted by the Senate of the United States on March 25, 1999, I hereby certify that the United States Government will not engage in any multilateral activity in the field of international nuclear regulation or nuclear safety that unnecessarily duplicates a multilateral activity undertaken pursuant to the Convention.

Thank you for your consideration on this important matter.

Sincerely,

William J. Clinton

TRANSLATED_ATTACHMENT 2117potusmemo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER

SUBJECT: Proposed Ratification of the Convention on Nuclear Safety

Purpose

To sign the Instrument of Ratification to become a party to the Convention on Nuclear Safety (CNS), and four letters of Certification.

Background

Secretary of State Albright has forwarded the Instrument of Ratification and proclamation for the CNS for your signature.

Attached for your signature are the Instrument of Ratification of the treaty (Tab A), and the required letters of Certification (Tab B). Also attached are the State Department's memo on the Convention (Tab C), and the text of the Convention (Tab D).

The CNS was negotiated with strong U.S. support and leadership, and represents the first international legal instrument to address nuclear reactor safety

specifically. It strengthens nuclear safety around the world by having each country's civilian nuclear power program held up for peer review every three years. Forty-seven of the sixty-five countries that are signatories have deposited their instruments of ratification, including all states with significant nuclear programs except the U.S. and India.

Speedy ratification is crucial. The United States is the only G-8 state that has not met the commitment to ratify made at the 1996 Moscow Summit on Nuclear Safety and Security. The Convention is not controversial, but its ratification was held up in the Senate, in part when it became linked to the issue of appointing a Republican to the NRC. Completing ratification now will allow the U.S. to participate in the civilian nuclear program peer review mechanism laid out in the CNS. U.S. involvement in these reviews maintains our ability to provide international leadership in nuclear safety fora, especially with regard to states with weak nuclear safety records and practices. The United States is already in compliance with all obligations under the CNS.

The Senate has conditioned U.S. participation in an important April 1999 meeting of the Contracting Parties on your certification that the U.S. Government will not engage in any unnecessarily duplicative multilateral activity in international nuclear regulation or safety. Therefore, the letters of Certification (Tab B) to the Chairmen of the Senate Foreign Relations Committee and the House International Relations Committee (with copies to the ranking minority members) should be signed at the same time as the Instrument of Ratification. The letters confirm that we will meet the Senate's condition.

For the other two conditions requiring certification - that the U.S. comment on reports submitted by the Parties receiving U.S. nuclear safety assistance, and that the U.S. costs associated with activities undertaken under the CNS - the Government has forty-five days to certify. The U.S. government will

be able to
meet these requirement. Legal: Can we drop this para?

RECOMMENDATION

That you sign the Instrument of Ratification (Tab A) and the letters of Certification and copies (Tab B).

Attachments

Tab A Instrument of Ratification

Tab B Certification letters and copies

Tab C Department of State Memo (Kenney-Davies memo)

Tab D Convention on Nuclear Safety

2

2117

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 2117srb.doc

April 2, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: CARLOS PASCUAL

FROM: JONATHAN ELKIND

SUBJECT: Proposed Ratification of the Convention on Nuclear
Safety

The United States signed the Convention on Nuclear Safety (CNS) on September 20, 1994. The Senate ratified it on March 25, 1999. The memorandum at Tab I recommends that the President sign the attached Instrument of Ratification of the CNS, along with the attached letters of certification required by the

U.S.
Senate.

Concurrence by: Jack Caravelli, Carolyn Krass, Mark Tavlarides

RECOMMENDATION

That you sign the memorandum for the President at Tab I.

Attachments

Tab I Memorandum for the President

Tab A Instrument of Ratification

Tab B Certification Letters and copies

Tab C Department of State Memo (Kenney-Davies memo)

Tab D Convention on Nuclear Safety

2

2117

Exchange Mail

DATE-TIME 4/2/99 9:23:09 AM
FROM Krass, Caroline D.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Helms Letter on ABM [UNCLASSIFIED]
TO Baker, James E.

CARBON_COPY Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.

TEXT_BODY Jamie: I agree. One more question: is the final paragraph in the POTUS letter appropriate? It says:

we have tasked State/L to
provide a more detailed set of rebuttal points regarding questions
raised by the legal memorandum provided by Senator Helms
regarding
the legal status of the Treaty, which we will clearly need once the
Senate begins a detailed review of this issue.

I would
have thought that should be in the memo to Sandy, not the memo to
the President.

-----Original Message-----

From: Baker, James E.

Sent: Friday, April 02, 1999 8:00 AM
To: @LEGAL - Legal Advisor
Subject: FW:
Helms Letter on ABM [UNCLASSIFIED]
Importance: High

Caroline:

As technical matter, I would stick with formula advice and consent
to ratification.

More importantly, I am not sure I would buy
into notion either that "formal" process of advice and consent to

ratification begins at point at which a treaty is submitted or as stated even more emphatically below that it does not begin until the treaty is submitted. That is surely not the Senate view, which will argue that the "advice" parts starts the moment the President thinks about entering into a treaty. We, of course, take a more limited view of the Senate role, but surely in the form of the arms control observer group and others, recognize that the "advice" part starts much earlier in the process, although it is ill advised to quantify when and how.

My sense is that the last thing we want to enter into now with the SFRC is a theological debate about the meaning of advice and consent to ratification, when it begins, and how it is done. Senate and Executive have not agreed on that for 200 plus years. Clear recipe for a thousand more letters and angry exchanges.

-----Original Message-----

From: Andreasen, Steven

P.

Sent: Thursday, April 01, 1999 10:50 PM

To: Lackey, Miles M.;

Tavlarides, Mark J.; Pascual, Carlos E.; Weiss, Andrew S.; Baker, James E.; Krass, Caroline D.

Cc: Rice, Edward A.; @DEFENSE - Defense Policy

Subject: Helms Letter on ABM [UNCLASSIFIED]

Importance: High

Colleagues

--

Attached for your review and comment is a response to Senator Helms' latest letter on the issue of the legal status of the ABM Treaty. The response draws heavily from our latest letters to Helms on the subject (December 17, 1998 and February 22, 1999) -- although

I did add a new sentence to the end of the first paragraph, in effect, telling Helms that the advice and consent process begins only after we have formally transmitted the MOU to the Senate following Russian

ratification of START II. Also: I gave some thought to including in the President's response a specific request to begin hearings on the CTBT, but decided that it might not be in our best interest to put both the ABM and CTBT issues in the same POTUS letter -- at least not at this stage of the game. Other views on this point are welcome. Would appreciate any comments by COB Friday, if at all possible. Thanks to all.

Steve

TRANSLATED_ATTACHMENT 1606mtb.doc

April 1, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ROBERT G. BELL

FROM: STEVEN P. ANDREASEN

SUBJECT: Response to Senator Helms on ABM

The attached letter from the President to Senator Helms responds to the Senator's most recent letter on the issue of ABM Treaty succession. This will be our third letter from the President to Senator Helms on the ABM issue since December 17, 1998 (and the fifth total). We have attached the previous responses for your information at Tab II.

Concurrence by: Krass Lackey Pascual

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memorandum to the President

Tab A Letter to Senator Helms

Tab B Letter from Senator Helms

Tab II Previous Letters on ABM

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TRANSLATED_ATTACHMENT

1606 mtp.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Response to Senator Helms on ABM

Purpose

To respond to Senator Helms on the ABM Treaty.

Background

On November 21, 1997, and May 21, 1998 you wrote to Senator Helms regarding the ABM Treaty, providing detailed answers to a number of legal questions regarding the issue of succession. On December 17, 1998, and February 22, 1999, you provided a response to Senator Helms on the same issue that avoided a legalistic defense of our position on the ABM Treaty (having little to add to your previous two letters) and simply made the essential points that we intend to submit the agreement on succession to the Senate for approval and that the ABM Treaty remains in force.

In Senator Helms' most recent letter, he has requested that the Administration respond to a legal memorandum prepared by two former USG officials. The memorandum concludes that the ABM Treaty lapsed upon the Soviet Union's extinction in 1991. Senator Helms also states he intends to hold hearings on the September 1997 ABM Demarcation and Succession agreements in advance of our transmitting them to the Senate for advice and consent (which we do not intend to

do until after START II has been ratified in Russia), and has requested we formally submit the ABM agreements no later than June 1, 1999.

Consistent with our two most recent letters to Senator Helms, the attached response from you avoids a legalistic defense of our position on the ABM Treaty, again making the point that we intend to submit the agreements for Senate approval and that the Treaty remains in force. It remains our view that "taking the high road" at this point is the most appropriate response, and will best position us for the debate over ratification of the ABM Succession agreements, should that debate take place this year.

That said, we have tasked State/L to provide a more detailed set of rebuttal points regarding questions raised by the legal memorandum provided by Senator Helms regarding the legal status of the Treaty, which we will clearly need once the Senate begins a detailed review of this issue.

RECOMMENDATION

That you sign the letters at Tab A.

Attachments

Tab A Letter to Senator Helms

Tab B Letter from Senator Helms

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1606

cc: Vice President
Chief of Staff

Dear Mr. Chairman:

Thank you for your letter concerning the Anti-Ballistic Missile (ABM) Treaty and the enclosed legal memorandum. Let me assure you again that there is no difference between us on the question of whether the Memorandum of Understanding (MOU) on ABM Treaty succession, which was signed on September 26, 1997, will be provided to the Senate for its advice and consent: it will. Moreover, it is my hope that Russia will approve the START II Treaty as soon as possible, so that we can begin the formal process of advice and consent to the September 1997 MOU following its transmittal to the Senate, which I am confident the Senate will agree is in our national interest.

While I respect the fact that the MOU will not enter into force without the advice and consent of the Senate, there is no question the ABM Treaty has continued in force following the dissolution of the Soviet Union. Moreover, if the Senate were to fail to approve the MOU, ambiguity will remain about the extent to which states other than Russia are Parties; however, the ABM Treaty would continue in force.

The United States has a clear interest in resolving definitively the issues about ABM Treaty succession that are dealt with in the MOU. I am confident that any differences of views regarding the MOU, or additional questions you may have, will be debated fully as the Senate considers the MOU. In the interim, I suggest our staffs continue their dialogue regarding the technical legal aspects of ABM Treaty succession.

Sincerely,

The Honorable Jesse Helms
Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510-3301