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WITHDRAWAL SHEET

Ronald Reagan Library

Collection: TAHIR-KHELI, SHIRIN R.: Files

Archivist: mjd

File Folder: PAKIS: Presidential Determinations '88 (2)

Date: 7/1/98

Box 91880 4

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo	Robert Oakley to Colin Powell re Determination, 1p R, 6/14/00 NLSF96-128/1 #238	n.d.	P1
2. memo	Oakley to Powell re Determination, 2p " " " #239	5/13/88	P1
3. memo	Powell to the President re UNGOMAP Operations, 2p " " " #240	n.d.	P1
4. memo	Michael Armicost to the President re Foreign Assistance Act, 2p R, 3/2/06 F96-128/1 #241	5/12/88	P1
5. memo	Oakley to Powell re Presidential Waivers for Pakistan, 1p R, 6/14/00 NLSF96-128/1 #242	1/7/87	P1
6. memo	Powell to the President re Determination, 2p P, 6/14/00 NLSF96-128/1 #243	1/12/87	P1
7. memo	George Shultz to the President re Determination, 3p P 3/2/06 F96-128/1 #244	1/11/88	P1
8. memo	Powell to President re Determination [annotated], 1p P, 6/14/00 NLSF96-128/1 #245	1/12/88	P1
9. memo	Powell to President re Determination, [annotated], 2p P, 6/14/00 NLSF96-128/1 #246	11/12/88	P1
10. memo	same as item # 7, 3p P 3/2/06 F96-128/1 #247	1/11/88	P1
11. memo	Powell to President re Determination, 1p P, 6/14/00 NLSF96-128/1 #248	n.d.	P1
12. memo	same as item # 11, 1p P, 6/14/00 NLSF96-128/1 #249	n.d.	P1
13. memo	Oakley to Powell re Waivers, 1p R, 6/14/00 NLSF96-128/1 #250	1/7/87	P1
14. memo	Powell to the President re Determination, 2p P, 6/14/00 NLSF96-128/1 #251	n.d.	P1
15. memo	Shultz to the President re Determination, 3p P 3/2/06 F96-128/1 #252	1/11/88	P1

RESTRICTION CODES

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

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
- P-3 Release would violate a Federal statute [(a)(3) of the PRA].
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- F-1 National security classified information [(b)(1) of the FOIA].
- F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
- F-3 Release would violate a Federal statute [(b)(3) of the FOIA].
- F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
- F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
- F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
- F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
- F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

PENDING REVIEW IN ACCORDANCE WITH E.O. 13233

Ronald Reagan Library

Collection Name TAHIR-KHELI, SHIRIN: FILES

Withdrawer

LOJ 5/21/2007

File Folder PAKIS: PRESIDENTIAL DETERMINATIONS 1988 (2)

FOIA

F96-128/1

Box Number 91880

ID	Doc Type	Document Description	No of Pages	Doc Date
4	MEMO	MICHAEL ARMACOST TO THE PRESIDENT RE FOREIGN ASSISTANCE ACT	2 ^{mvh 3/5/08}	5/12/1988
7	MEMO	SHULTZ TO THE PRESIDENT RE DETERMINATION	3 ^{mvh 3/5/08}	1/11/1988
10	MEMO	SHULTZ TO THE PRESIDENT RE DETERMINATION	3 ^{mvh 3/5/08}	1/11/1988
15	MEMO	SHULTZ TO THE PRESIDENT RE DETERMINATION	3 ^{mvh 3/5/08}	1/11/1988

MSG FROM: ROSTOW --VAXC TO: NSBJB --CPUA
To: NSBJB --CPUA
Subject: UNGOMAP

05/13/88 16:1

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL

13-May-1988 16:11 EDT

~~CONFIDENTIAL~~

UNCLASSIFIED UPON REMOVAL OF
CLASSIFIED ENCLOSURE(S)

W77 6/15/98

MEMORANDUM FOR:

B. J. Burson

(BURSON)

FROM: Nicholas Rostow
(ROSTOW)

SUBJECT: UNGOMAP

A Document is attached to this message

~~CONFIDENTIAL~~

MEMORANDUM FOR COLIN L. POWELL

FROM: ROBERT B. OAKLEY

SUBJECT: Presidential Determination for UNGOMAP

Attached at Tab B is a memorandum from Acting Secretary of State Armacost requesting that the President authorize U.S. transportation of observers and equipment to Islamabad so that the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP) may commence on schedule its mission pursuant to the Geneva accords on Afghanistan. This assistance will cost \$224,000, and would be authorized pursuant to section 552(c) of the Foreign Assistance Act of 1961, 22 U.S.C. 2348(a)(c). The section provides for such assistance "

DECLASSIFIED
NLS F96-128/1 #238
BY dlb NARA, DATE 6/15/00

~~CONFIDENTIAL~~

3601

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

May 13, 1988

MEMORANDUM FOR COLIN L. POWELL

FROM:

ROBERT B. OAKLEY *RB*

SUBJECT:

Presidential Determination for UNGOMAP

Attached at Tab B is a memorandum from Acting Secretary of State Armacost requesting that the President authorize U.S. transportation of observers and equipment to Islamabad so that the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) may commence on schedule its mission pursuant to the Geneva accords on Afghanistan. This assistance will cost \$224,000, and would be authorized pursuant to section 552(c) of the Foreign Assistance Act of 1961, 22 U.S.C. 2348(a)(c). The section provides for such assistance "[i]f the President determines that, as the result of an unforeseen emergency, the provision of assistance under this part in excess of funds otherwise available for such assistance is important to the national interests of the United States". State informs us that other, normally available funds for "Peacekeeping Operations" already are earmarked for other purposes. In this instance, assistance would take the form of a "drawdown of commodities and services" from the Department of Defense.

Though this provision has never been used before, it is well understood in Congress and the State Department that "unforeseen emergency" in fact means a requirement for assistance that was unanticipated when the Administration made its previous request for foreign assistance appropriations.

Prior to making the necessary determination, the President must notify the Speaker of the House of Representatives and the Senate Foreign Relations Committee in writing of his intention to make a section 552(c) determination and his reasons for it. Accordingly, your memorandum (TAB I) asks the President to sign a memorandum to the Secretary of State directing him to make the necessary notification. Once such notification has been made, signature of a presidential determination is required to authorize the assistance.

~~CONFIDENTIAL~~

DECLASSIFY ON: OADR

DECLASSIFIED
NLS F98-12811 #1239
BY *dlb* NARA, DATE 6/15/00

~~CONFIDENTIAL~~

-2-

^{12.}
Nicholas Rostow, Alison Fortier, and Robert Dean concur.

ST.R for

RECOMMENDATION:

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

Approve _____

Disapprove _____

Attachments:

TAB I Memorandum for the President

TAB A Memorandum to The Secretary of State
TAB I Justification

TAB B Incoming Memorandum from
Acting Secretary Armacost

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

THE WHITE HOUSE
WASHINGTON

3601

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: COLIN L. POWELL

SUBJECT: Furnishing of Transport Services for
UNGOMAP Operations in Support of the
Geneva Settlement

Issue

Whether to authorize using Department of Defense services to provide air transport for observers and equipment of the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) under Chapter 6 of Part II of the Foreign Assistance Act.

Facts

State has requested authorization for use of \$224,000 under Section 552(c) of the Foreign Assistance Act to provide transportation to UNGOMAP.

Discussion

UNGOMAP has formally asked for USG assistance. Normally, such assistance could be funded under the "Peacekeeping Operations" account of the Foreign Assistance Act. However, all funds for the current fiscal year have already been earmarked. You can, however, direct the provision of these services under section 552(c) of the Foreign Assistance Act for an "unforeseen emergency" if it is important to the national interest. The need to provide such emergency services was unforeseen and unforeseeable at the time Congress last appropriated funds for foreign assistance, and assisting UNGOMAP, which is a key part of the Geneva settlement, is in the national interests of the United States.

~~CONFIDENTIAL~~

DECLASSIFY ON: OADR

DECLASSIFIED
NLS F96-128/1 #246
BY dlk NARA, DATE 6/15/00

For these reasons, section 552(c)'s peacekeeping and related operations drawdown authority can and should be used for this purpose. Under section 652, the process is initiated by notifying the Speaker of the House and the Senate Foreign Relations Committee of your intention to exercise the drawdown authority. Once this notification has been made, it will be appropriate for you to sign a determination.

Recommendation

<u>OK</u>	<u>NO</u>	Sign the memorandum to the Secretary of State (TAB A) directing him to notify the Speaker of the House of Representatives and the Senate Foreign Relations Committee on your behalf of your intention to exercise your authority under Section 552(c) and to transmit the attached Justification.
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Thereafter, I will inform you that notification has taken place and recommend that you sign a presidential determination under Section 552(c) authorizing the assistance.

Attachments:

TAB A Your Memorandum to the Secretary of State
TAB I Justification

TAB B Incoming Memorandum from Acting Secretary Armacost

T
A
B

A

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Furnishing of Transport Services for UNGOMAP
Operations in Support of the Geneva Settlement

In accordance with section 652 of the Foreign Assistance Act of 1961, as amended (the "Act"), I authorize you to notify the Speaker of the House of Representatives and the Senate Foreign Relations Committee on my behalf that, pursuant to section 552(c) of the Act, I intend to authorize the Department of Defense to provide transportation assistance to the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) in connection with UNGOMAP's duties under the Geneva accords on Afghanistan. In making this notification, you should use the attached written justification. As soon as the notification has been made, I shall sign an appropriate determination authorizing such assistance.

Attachment:

TAB I Justification

TAB

I

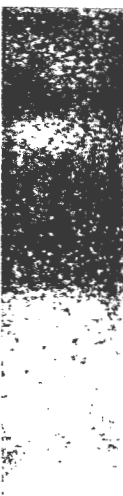
**Justification for Presidential Determination
to Authorize the Furnishing of Air Transport
for UNGOMAP**

Section 552(c) of the Foreign Assistance Act of 1961, as amended, authorizes the provision of services from the resources of any United States Government agency if the President determines that (1) an unforeseen emergency requires the immediate provision of assistance in support of a peacekeeping operation or other programs carried out in furtherance of the national security interests of the United States by an international organization in amounts in excess of funds available under Chapter 6 of Part II, and (2) such provision of assistance is important to the national interests of the United States.

The signing of the Geneva Settlement was a pivotal event in the effort to free Afghanistan from Soviet military occupation and domination. The fruition of this struggle during fiscal year 1988 was unforeseen and unforeseeable until very recently. It is essential for the United States to lend assistance without undue delay, along with our friends and allies who have pledged to assist, where called upon by the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP).

The United Nations has now formally requested US assistance to transport some of its UNGOMAP observers and support equipment to the area. They must be in place by May 15, the date of entry into force of the settlement. We are thus confronted with an emergency situation. UNGOMAP is a key part of the Afghanistan settlement, and our support for it is therefore clearly in the national interests.

UNGOMAP lacks available resources to pay for these services (which are estimated to cost approximately \$224,000). We, too, lack available fiscal year 1988 "Peacekeeping Operations" funds (all of which are inalterably earmarked). For these reasons, I have concluded that use of the emergency authorities provided by Section 552(c) are warranted and I am directing that the Defense Department provide the United Nations with the necessary services to transport by air UNGOMAP observers and equipment to Islamabad via London, Tel Aviv and perhaps another stop.



T
A
B

B

DEPARTMENT OF STATE
WASHINGTON

May 12, 1988

~~CONFIDENTIAL~~

MEMORANDUM TO THE PRESIDENT

FROM: Michael H. Armacost, Acting *MX*

SUBJECT: Foreign Assistance Act Drawdown: Providing Air Transport Assistance to the UN's Afghanistan Settlement Good Offices Mission

The United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP) has formally requested USG assistance to transport observers and equipment to the area to expedite implementation of the Geneva Settlement through which the Soviet troops will be withdrawing. In particular, we have been asked to fly UNGOMAP observers and equipment to Islamabad via London, Tel Aviv and perhaps another stop. The Defense Department estimates the cost at \$224,000.

Normally, such assistance could be funded under the "Peacekeeping Operations" account of the Foreign Assistance Act of 1961. Unfortunately, all funds appropriated to this account for the current fiscal year have been earmarked (and exempted from any extraordinary earmark breaking authority). You can, however, direct the provision of these types of services under the authority of Section 552(c) of the FAA if you find that

(1) there is "an unforeseen emergency" which requires "the provision of assistance under this chapter in amounts in excess of funds otherwise available for such assistance," and

(2) providing such assistance is important to the national interest.

I believe that such a finding is warranted in this case. As more fully explained in the attached memorandum of justification, the effective implementation of the Accords of the Settlement requires that UNGOMAP be in place as soon as possible before May 15, when the instruments enter into force. Given the limited available time, it is essential that UNGOMAP

DECLASSIFIED / RELEASED

~~CONFIDENTIAL~~

DECL:OADR

NLS *F76-128/1 #24/*BY *MM*, NARA, DATE *3/2/06*

~~CONFIDENTIAL~~

-2-

find a simple and expeditious means to get its personnel in place. The need to provide such emergency services was unforeseen and unforeseeable at the time Congress last appropriated funds for foreign assistance, and UNGOMAP, which is a key part of the pivotal Geneva settlement, is clearly in the national interests of the United States.

For these reasons, I believe that the peacekeeping and related operations drawdown authority can and should be used for this purpose. Under Section 652 of the FAA, the process would be initiated by informing the Speaker of the House, and the Chairmen of the Foreign relations and Appropriations Committees of each House of your intention to exercise the drawdown authority. Once consultations with Congress are concluded, I will inform you whether to sign the attached draft Determination.

Section 654(c) of the FAA requires that your Determination be published in the Federal Register, unless you conclude that such publication would be harmful to the national security. I do not believe that publication of this Determination would have harmful national security consequences.

RECOMMENDATION

That you approve my formal written notification to Congress that you intend to exercise your authority under Section 552(c) of the FAA, including transmittal of the attached justification.

Thereafter, I will inform you of Congressional reaction in anticipation of recommending that you sign the attached Determination under Section 552(c).

The Department of Defense supports this recommendation.

Attachments:

- Tab 1 - Draft Presidential Determination.
- Tab 2 - Memorandum of Justification.

~~CONFIDENTIAL~~

DECL:OADR

DRAFT

Presidential Determination
No. _____

MEMORANDUM FOR THE ACTING SECRETARY OF STATE

SUBJECT: Determination to Authorize the Furnishing of
Transport Services for UNGOMAP Operations in
Support of the Geneva Settlement

Pursuant to the authority vested in me by Section 552(c) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby determine that:

- (1) an unforeseen emergency exists which requires the provision of assistance in amounts in excess of funds otherwise available for such assistance; and
- (2) providing such assistance by immediate drawdown of resources of the Department of Defense is important to the national interest.

Therefore, I hereby authorize using Department of Defense services to provide air transport for observers and equipment of the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP) under Chapter 6 of Part II of the Act.

This determination shall be reported to Congress immediately and published in the Federal Register.

**Justification for Presidential Determination
to Authorize the Furnishing of Air Transport
for UNGOMAP**

Section 552(c) of the Foreign Assistance Act of 1961, as amended, authorizes the provision of services from the resources of any United States Government agency if the President determines that (1) an unforeseen emergency requires the immediate provision of assistance in support of a peacekeeping operation or other programs carried out in furtherance of the national security interests of the United States by an international organization in amounts in excess of funds available under Chapter 6 of Part II, and (2) such provision of assistance is important to the national interests of the United States.

The signing of the Geneva Settlement was a pivotal event in the effort to free Afghanistan from Soviet military occupation and domination. The fruition of this struggle during fiscal year 1988 was unforeseen and unforeseeable until very recently. It is essential for the United States to lend assistance without undue delay, along with our friends and allies who have pledged to assist, where called upon by the United Nations Good Offices Mission to Afghanistan and Pakistan (UNGOMAP).

The United Nations has now formally requested US assistance to transport some of its UNGOMAP observers and support equipment to the area. They must be in place by May 15, the date of entry into force of the settlement. We are thus confronted with an emergency situation. UNGOMAP is a key part of the Afghanistan settlement, and our support for it is therefore clearly in the national interests.

UNGOMAP lacks available resources to pay for these services (which are estimated to cost approximately \$224,000). We, too, lack available fiscal year 1988 "Peacekeeping Operations" funds (all of which are inalterably earmarked). For these reasons, I have concluded that use of the emergency authorities provided by Section 552(c) are warranted and I am directing that the Defense Department provide the United Nations with the necessary services to transport by air UNGOMAP observers and equipment to Islamabad via London, Tel Aviv and perhaps another stop.

THE WHITE HOUSE

WASHINGTON

Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination Pursuant to Section 670(a) and
Section 620E(d) of the Foreign Assistance Act,
as Amended

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Sections 620E(d) and Section 670(a) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby:

(1) determine pursuant to Section 670(a)(1) of the Act that material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device; and,

(2) determine and certify, as a result of the determination in paragraph (1) above and pursuant to Section 670(a)(2) of the Act, that not providing assistance referred to in Section 670(a)(1) of the Act to Pakistan would be seriously prejudicial to the achievement of United States nonproliferation objectives and otherwise jeopardize the common defense and security; and,

(3) determine, pursuant to Section 620E(d) of the Act, that the provision of assistance to Pakistan under the Act through April 1, 1990, is in the national interest of the United States and therefore waive the prohibitions of Section 669 of the Act with respect to that period.

You are hereby authorized and directed to report immediately this determination and certification, together with the statement setting forth specific reasons therefor, to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate.

This determination shall be published in the Federal Register.

THE WHITE HOUSE

WASHINGTON

Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination Pursuant to Section 670(a) and
Section 620E(d) of the Foreign Assistance Act,
as Amended

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Sections 620E(d) and Section 670(a) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby:

(1) determine pursuant to Section 670(a)(1) of the Act that material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device; and,

(2) determine and certify, as a result of the determination in paragraph (1) above and pursuant to Section 670(a)(2) of the Act, that not providing assistance referred to in Section 670(a)(1) of the Act to Pakistan would be seriously prejudicial to the achievement of United States nonproliferation objectives and otherwise jeopardize the common defense and security; and,

(3) determine, pursuant to Section 620E(d) of the Act, that the provision of assistance to Pakistan under the Act through April 1, 1990, is in the national interest of the United States and therefore waive the prohibitions of Section 669 of the Act with respect to that period.

You are hereby authorized and directed to report immediately this determination and certification, together with the statement setting forth specific reasons therefor, to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate.

This determination shall be published in the Federal Register.

THE WHITE HOUSE

WASHINGTON

Presidential Determination
No. _____

MEMORANDUM FOR THE ~~HONORABLE GEORGE P. SHULTZ~~
~~The Secretary of State~~
SECRETARY OF STATE

SUBJECT: Determination Pursuant to Section 670(a) and
Section 620E(d) of the Foreign Assistance Act,
As Amended

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Sections 620E(d) and Section 670(a) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby:

(1) determine pursuant to Section 670(a)(1) of the Act that material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device; and,

(2) determine and certify, as a result of the determination in paragraph (1) above and pursuant to Section 670(a)(2) of the Act, that not providing assistance referred to in Section 670(a)(1) of the Act to Pakistan would be seriously prejudicial to the achievement of United States nonproliferation objectives and otherwise jeopardize the common defense and security; and,

(3) determine, pursuant to Section 620E(d) of the Act, that the provision of assistance to Pakistan under the Act through April 30, 1990, is in the national interest of the United States and therefore waive the prohibitions of Section 669 of the Act with respect to that period.

you are hereby authorized and directed to report immediately.

^ This determination and certification, together with the statement setting forth specific reasons therefore ~~shall be submitted to the Congress immediately.~~ *to the Speaker of the House of Representatives and to the Chairman of the Committee on*

This determination shall be published in the Federal Register.

*Foreign
Relations
of the
Senate.*

UNCLASSIFIED UPON REMOVAL OF
CLASSIFIED ENCLOSURE(S)

RECEIVED 11 JAN 88 15

TO

PRESIDENT

FROM SHULTZ, G

DOCDATE 11 JAN 88

OAKLEY

07 JAN 88

POWELL

12 JAN 88

KEYWORDS: PAKISTAN

SECURITY ASSISTANCE

NUCLEAR MATTERS

ECONOMICS

CONGRESSIONAL

CM

SUBJECT: PD AUTHORIZING SECURITY ASSISTANCE FOR PAKISTAN / 88-5

ACTION: PREPARE MEMO FOR PRES

DUE: 13 JAN 88 STATUS C FILES SII

FOR ACTION

FOR CONCURRENCE

FOR INFO

TAHIR-KHELI

SAUNDERS

JENKINS

STEVENS

TICE

FORTIER

DANZANSKY

COMMENTS

REF# 8800221

LOG 8690716

8690743

NSCIFID

(A / T)

ACTION OFFICER (S)

ASSIGNED

ACTION REQUIRED

DUE

COPIES TO

C 115

Pres Sgd PD 88-5

SRT, Chron

DISPATCH

✓ TC 1/19

W/ATTCH FILE (C)

**National Security Council
The White House**

88 JAN 15 P 2: 28

System # _____
Package # 900-26
DOCLOG DP A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
Bill Courtney	_____	_____	_____
Marybel Batjer	_____	_____	_____
Paul Stevens	<u>1</u>	<u>PM</u>	<u>REC'D</u>
John Negroponte	_____	_____	_____
Colin Powell	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>2</u>	<u>JC 1/19</u>	<u>D</u>
NSC Secretariat	_____	_____	_____
_____	_____	_____	_____

I = Information	A = Action	R = Retain	D = Dispatch	N = No further Action
-----------------	------------	------------	--------------	-----------------------

cc: VP Baker Other _____

COMMENTS _____ Should be seen by: _____
(Date/Time)

per OMB -
PD # 88-5
dispatch on TUES per Ronkey

**National Security Council
The White House**

System # _____
 Package # 90026
 DOCLOG DP A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
Bill Courtney	_____	_____	_____
Marybel Batjer	_____	_____	_____
Paul Stevens	<u>1</u>	<u>PM</u>	<u>A</u>
John Negroponte	<u>2</u>	<u>HN</u>	_____
Colin Powell	<u>3</u>	<u>CV</u>	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>4</u>	<u>mc 4/12</u>	<u>D</u>
NSC Secretariat	_____	_____	_____
_____	_____	_____	_____

I = Information	A = Action	R = Retain	D = Dispatch	N = No further Action
-----------------	-------------------	------------	--------------	-----------------------

cc: VP Baker Other _____

COMMENTS

Should be seen by: _____

(Date/Time)

Exec Sec has disk

1/12

NATIONAL SECURITY COUNCIL 10:10 a.m.

OMB has concurred
(from Phil Dussault)
per phone conversation
will follow-up in
writing. I recommend
we move the
package.

Thanks.

Shirley

NATIONAL SECURITY COUNCIL

1/13/88

C.B.,

Here's a copy of the redo of the
Presidential Determination under Tab A
of System II, 90026. The changes
(as indicated on the other copy) were
at the request of the Executive Clerk.

Pam

THE WHITE HOUSE

WASHINGTON

January 15, 1988

Presidential Determination
No. 88-5

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination Pursuant to Section 670(a) and
Section 620E(d) of the Foreign Assistance Act,
as Amended

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Sections 620E(d) and Section 670(a) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby:

(1) determine pursuant to Section 670(a)(1) of the Act that material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device; and,

(2) determine and certify, as a result of the determination in paragraph (1) above and pursuant to Section 670(a)(2) of the Act, that not providing assistance referred to in Section 670(a)(1) of the Act to Pakistan would be seriously prejudicial to the achievement of United States nonproliferation objectives and otherwise jeopardize the common defense and security; and,

(3) determine, pursuant to Section 620E(d) of the Act, that the provision of assistance to Pakistan under the Act through April 1, 1990, is in the national interest of the United States and therefore waive the prohibitions of Section 669 of the Act with respect to that period.

You are hereby authorized and directed to report immediately this determination and certification, together with the statement setting forth specific reasons therefor, to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate.

This determination shall be published in the Federal Register.

A handwritten signature in dark ink, reading "Ronald Reagan". The signature is written in a cursive, flowing style with a large, prominent "R" at the beginning.

~~SECRET~~

~~SECRET~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

SYSTEM II
90026

January 7, 1987

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: ROBERT B. OAKLEY *RB0*

SUBJECT: Presidential Waivers for Pakistan

Attached at Tab A is a memorandum from the Secretary of State asking that the President: (1) determine that Pakistani procurement activities in the U.S. have triggered the Solarz Amendment restrictions on assistance; (2) waive the Solarz Amendment; and (3) waive the Symington Amendment.

Congress recently approved a 30-month waiver of the Symington Amendment. Therefore, there is every expectation in Congress that the President will waive the Amendment quickly in order to start the new security assistance program for Pakistan. Furthermore, given the Afghan situation, once the program is started, no one expects our assistance to end. Therefore, State felt it important that both amendments be waived simultaneously. This strategy is appropriate. OMB also concurs.

Rich Armitage will be in Islamabad January 10-13 for meetings of the Consultative Group (CG). Mike Armacost already pledged that, following signature by the President, we will send the paperwork to Congress prior to the CG so that discussion of specifics can take place.

ST. K for Nick ~~Rostow~~ and Alison Fortier concur. *Rich Samuels*

RECOMMENDATION

That you sign and forward the attached memo at Tab I to the President.

Approve *VCW* Disapprove _____

Attachment

Tab I Memo to the President
Tab A Shultz Memo to the President

~~SECRET~~

Declassify on: OADR

~~SECRET~~

DECLASSIFIED
F96-1281 #242
NLS
BY *dlb* NARA, DATE *6/15/00*

~~SECRET~~

~~SECRET~~

THE WHITE HOUSE
WASHINGTON

1/12/88
SYSTEM II
90026

January 12, 1987

SIGNED

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: WHITE HOUSE EXECUTIVE CLERK
FROM: COLIN L. POWELL *CP*
SUBJECT: Presidential Determination to Authorize
Security Assistance for Pakistan

Issue

Whether to authorize security assistance for Pakistan under the 1988-92 program.

Facts

Security Assistance to Pakistan for FY 88 requires you (1) to determine that Pakistani procurement activities in the U.S. have triggered the Solarz Amendment restrictions on assistance; (2) waive the Solarz Amendment; and (3) waive the Symington Amendment restrictions on assistance that apply because Pakistan has received uranium enrichment equipment not under IAEA safeguards.

Discussion

Recent Pakistani procurement activity represents the first time we have had to consider invoking Solarz Amendment sanctions. Determination that the Solarz Amendment has been triggered is based on the recent conviction of Arshad Pervez on five charges. Pervez was attempting to export maraging steel and beryllium to Pakistan. Four conditions that trigger the Solarz Amendment have been met in this case. These are: (1) that there was an

ACTED

REDACTED

REDACTED

~~SECRET~~

Declassify on: OADR

~~SECRET~~

DECLASSIFIED IN PART
96-12811 #243
clb Date 6/15/00

~~SECRET~~

-2-

~~SECRET~~

Under Section 670(a)(2) of the Foreign Assistance Act, you may waive the Solarz prohibitions on assistance if you certify to Congress that the termination of such assistance would seriously prejudice nonproliferation objectives or jeopardize the common defense and security. Both standards for the waiver are met in this case. Certification must be accompanied by a statement of specific reasons for the waiver. Congress has thirty days to disapprove.

~~REDACTED~~

~~REDACTED~~

~~REDACTED~~

~~CTED~~

The Symington Amendment (section 669 of the Foreign Assistance Act) prohibits assistance to Pakistan because it has received uranium enrichment equipment without appropriate IAEA safeguards. Based on the required statutory finding that continued assistance to Pakistan was "in the national interest," in 1982 you waived the Symington Amendment for the 1982-87 package of security assistance to Pakistan. The recent continuing resolution extended your authority to waive the amendment until April 1990. The reasons for your 1982 waiver remain valid because of our long-standing security relationship with Pakistan, Pakistan's strategic role, and the continuing Soviet occupation of Afghanistan.

OMB concurs.

Recommendation

OK

No

RR

That you sign the determination at Tab A.

Prepared by:
Shirin Tahir-Kheli

Attachment

Tab A Secretary Shultz' Memo to the President

~~SECRET~~

~~SECRET~~

January 11, 1988

DECLASSIFIED IN PART

NLS E96-1281 #244

George P. Shultz *GPS*

By Asyl, NARA, Date 3/2/06

SUBJECT: Presidential Determinations Authorizing
Security Assistance for Pakistan

Three Presidential determinations are relevant to a resumption of most U.S. assistance to Pakistan.

1. The Solarz Amendment (Section 670(a)(1) of the Foreign Assistance Act) prohibits most assistance to a country which exports illegally or attempts to export illegally from the United States material which would contribute significantly to the ability of such a country to manufacture a nuclear device if it is determined that the material was to be used by such country in the manufacture of a nuclear explosive device.

I believe that recent Pakistani nuclear procurement activities warrant a determination by you that this provision has been triggered. [REDACTED]

FOIA(b) (1)

[illegible]

FOIA(b) (1)

[illegible]

3. Under the Symington Amendment (section 669 of the Foreign Assistance Act), most assistance cannot be provided to Pakistan because it is a country which has received enrichment equipment without placing it under IAEA safeguards. You waived that provision in 1982, based on the required statutory finding that assistance to Pakistan was "in the national interest". The statutory term of that waiver expired on September 30, 1987, but the recent CR grants new authority to make the same waiver, which would remain in effect until April 1990.

The reasons for your 1982 waiver remain valid. U.S. assistance to Pakistan is in the national interest because of the long-standing security relationship with Pakistan, its strategic regional role, and the continuing Soviet occupation of Afghanistan.

We will brief Congress on your decisions and their background.

RECOMMENDATIONS:

1. That you sign the Solarz and Symington determinations at Tab 1.

JUSTIFICATION FOR PRESIDENTIAL DETERMINATION
TO AUTHORIZE SECURITY ASSISTANCE FOR PAKISTAN

The United States has a longstanding security relationship with Pakistan. The importance of this relationship has been underscored by the Soviet invasion of Afghanistan. Pakistan plays a vital role in supporting the people of Afghanistan in their eight-year struggle against Soviet occupation. Because of its resistance to Soviet efforts to acquire a dominant regional military position, Pakistan has been subjected to intense pressure from the Soviet Union, including military attacks and Soviet-inspired terrorist attacks on Pakistani territory. Under these circumstances, Pakistan has turned to the U.S. for aid.

A five-year program of U.S. military and economic assistance to Pakistan was instituted in 1982, following Congressional authorization to waive the Symington Amendment sanctions which would otherwise have been in effect. Our aid has bolstered Pakistan's ability to withstand Soviet efforts at intimidation by strengthening its conventional military capabilities and by supporting its economic development. Continuation of this assistance, as the Administration has proposed under a six-year integrated program, is vital to demonstrate U.S. resolve to resist Soviet aggression and to underline our ongoing commitment to the security and stability of the strategically significant Southwest Asian region. Failure to do so would undermine efforts to bring about a Soviet withdrawal from Afghanistan, place in doubt the credibility of established U.S. security commitments, and jeopardize important U.S. security interests throughout the region.

The U.S. continues to have serious concerns about Pakistan's unsafeguarded sensitive nuclear activities. The Government of Pakistan is well aware that nuclear restraint is an essential condition for U.S. assistance, and the Administration will continue to make clear to Pakistan the importance attached to preventing the spread of nuclear weapons. In waiving the restrictions on assistance under Section 670(a)(1) of the Foreign Assistance Act, we have taken into account Pakistan's assurance that it will halt the illegal procurement of U.S. goods for its nuclear program. Pakistan has taken administrative steps to implement these assurances. The Administration will monitor the situation closely, keeping the Congress fully informed, to ensure that these steps are effective in preventing future illegal procurements.

Continued U.S. assistance to Pakistan supports our nonproliferation objectives by providing Pakistan with a conventional alternative to nuclear weapons to meet its legitimate security needs, and by strengthening the U.S.-Pakistan political and security relationship. Failure to maintain our assistance program would increase Pakistani incentives to pursue nuclear weapons, and thereby undercut efforts to obtain our nonproliferation goals.

~~SECRET~~

TIME STAMP

NATIONAL SECURITY COUNCIL
EXECUTIVE SECRETARIAT STAFFING DOCUMENTSYSTEM II
90026

SYSTEM LOG NUMBER:

ACTION OFFICER:

TAHIR-KHELI

DUE: 13 JAN

- ☒ Prepare Memo For President ☐ Prepare Memo Stevens to Peterson / Murr
☐ Prepare Memo For Powell/Negroponte ☐ Appropriate Action
☐ Prepare Memo _____ to _____

CONCURRENCES/COMMENTS*

PHONE* to action officer at ext. 3950

FYI

- ☐ Batjer
☐ Bemis
☐ Brooks
☐ Burns
☐ Childress
☐ Cobb
☐ Cockell
☐ Cohen
☐ Collins
☒ Danzansky
☐ Dean
☐ Donley
☐ Douglass
☐ Ermarth
☐ Farrar
☐ Flower
☒ Fortier
☐ Frazier
☐ Grimes
☐ Heiser

FYI

- ☐ Henhoeffer
☐ Herbst
☐ Howard
☐ Howland
☐ Jameson
☐ Kelly, B
☐ Kelly, J
☐ Kimberling
☐ Kissell
☐ Ledsky
☐ Lewis
☐ Linhard
☐ Mahley
☐ Matthews
☐ McNamara
☐ Melby
☐ Michael
☐ Miskel
☐ Oakley
☐ Paal

FYI

- ☐ Perina
☐ Porter
☐ Reger
☐ Rodman
☐ Rosenberg
☐ Ross
☐ Rostow
☒ Saunders
☐ Scharfen
☐ Snider
☐ Sorzano
☐ Steiner
☐ Tahir-Kheli
☐ Tarbell
☒ Tice
☐ Tillman
☐ Tobey
☒ JENKINS
☐ _____
☐ _____

INFORMATION

- ☒ Stevens
☐ Powell (advance)

- ☐ Courtney
☐ Negroponte (advance)

- ☒ Secretariat
☐ _____

COMMENTS

CRW: 8791290

UNCLASSIFIED ON REMOVAL OF
CLASSIFIED (S)

JAN 6/15/98

Logged By

AC

~~SECRET~~

Return to Secretariat

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THE WHITE HOUSE
WASHINGTON

SYSTEM II
90026

REC JAN 12 1988

January 12, 1988

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: *f* WHITE HOUSE EXECUTIVE CLERK *ym*
FROM: COLIN L. POWELL *CP*
SUBJECT: Presidential Determination to Authorize
Security Assistance for Pakistan

Issue

Whether to authorize security assistance for Pakistan under the
1988-92 program.

Facts

Security Assistance to Pakistan for FY 88 requires you (1) to
determine that Pakistani procurement activities in the U.S. have
triggered the Solarz Amendment restrictions on assistance; (2)
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Declassify on: OADR

cc: Vice President
Chief of Staff (2)

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*all Feb 128/1 H 245
6/15/00*

~~SECRET~~

~~SECRET~~

THE WHITE HOUSE
WASHINGTON

SYSTEM II
90026

January 12, 1988

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: WHITE HOUSE EXECUTIVE CLERK
FROM: COLIN L. POWELL *CP*
SUBJECT: Presidential Determination to Authorize
Security Assistance for Pakistan

Issue

Whether to authorize security assistance for Pakistan under the
1988-92 program.

Facts

Security Assistance to Pakistan for FY 88 requires you (1) to
determine that Pakistani procurement activities in the U.S. have
triggered the Solarz Amendment restrictions on assistance: (2)
waive the restrictions if the President determines that the
restrictions are in the national interest. *KDL this is the*
received *guards.*

Discussi

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Declassify on: OADR

cc: Vice President
Chief of Staff (2)

should Be *NO*
~~SECRET~~

DECLASSIFIED IN PART

dlb *996-12811 #246*
6/15/00

~~SECRET~~

-2-

~~SECRET~~

Under Section 670(a)(2) of the Foreign Assistance Act, you may waive the Solarz prohibitions on assistance if you certify to Congress that the termination of such assistance would seriously prejudice nonproliferation objectives or jeopardize the common defense and security. Both standards for the waiver are met in this case. Certification must be accompanied by a statement of specific reasons for the waiver. Congress has thirty days to disapprove.

~~REDACTED~~

~~REDACTED~~

~~REDACTED~~

~~REDACTED~~

The Symington Amendment (section 669 of the Foreign Assistance Act) prohibits assistance to Pakistan because it has received uranium enrichment equipment without appropriate IAEA safeguards. Based on the required statutory finding that continued assistance to Pakistan was "in the national interest," in 1982 you waived the Symington Amendment for the 1982-87 package of security assistance to Pakistan. The recent continuing resolution extended your authority to waive the amendment until April 1990. The reasons for your 1982 waiver remain valid because of our long-standing security relationship with Pakistan, Pakistan's strategic role, and the continuing Soviet occupation of Afghanistan.

OMB concurs.

Recommendation

OK

No

That you sign the determination at Tab A.

Prepared by:
Shirin Tahir-Kheli

Attachment

Tab A Secretary Shultz' Memo to the President

~~SECRET~~

~~SECRET~~

January 11, 1988

DECLASSIFIED IN PART

NLS F96-1281 #247

George P. Shultz

By Asyl, NARA, Date 3/2/86

Presidential Determinations Authorizing
Security Assistance for Pakistan

1. The Solarz Amendment (Section 670(a)(1) of the Foreign Assistance Act) prohibits most assistance to a country which exports illegally or attempts to export illegally from the United States material which would contribute significantly to the ability of such a country to manufacture a nuclear device if it is determined that the material was to be used by such country in the manufacture of a nuclear explosive device.

I believe that recent Pakistani nuclear procurement activities warrant a determination by you that this provision has been triggered. [REDACTED]

FOIA(b) (1)

[illegible]

2. Under Section 670(a)(2) of the Foreign Assistance Act, you may waive the Solarz prohibitions on assistance if you certify to Congress that the termination of such assistance would be seriously prejudicial to the achievement of U.S. proliferation objectives or otherwise jeopardize the common defense and security. This certification must be transmitted along with a statement setting forth the specific reasons therefor. Your certification is effective when received by Congress, which has thirty days to disapprove the furnishing of assistance pursuant to your certification.

FOIA(b)(1)

I believe both standards for a waiver are met in this case. [REDACTED]

[REDACTED]

3. Under the Symington Amendment (section 669 of the Foreign Assistance Act), most assistance cannot be provided to Pakistan because it is a country which has received enrichment equipment without placing it under IAEA safeguards. You waived that provision in 1982, based on the required statutory finding that assistance to Pakistan was "in the national interest". The statutory term of that waiver expired on September 30, 1987, but the recent CR grants new authority to make the same waiver, which would remain in effect until April 1990.

The reasons for your 1982 waiver remain valid. U.S. assistance to Pakistan is in the national interest because of the long-standing security relationship with Pakistan, its strategic regional role, and the continuing Soviet occupation of Afghanistan.

We will brief Congress on your decisions and their background.

RECOMMENDATIONS:

1. That you sign the Solarz and Symington determinations at Tab 1.

THE WHITE HOUSE

WASHINGTON

Presidential Determination
No. _____

MEMORANDUM FOR THE HONORABLE GEORGE P. SHULTZ
The Secretary of State

SUBJECT: Determination Pursuant to Section 670(a) and
Section 620E(d) of the Foreign Assistance Act,
As Amended

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Sections 620E(d) and Section 670(a) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby:

- (1) determine pursuant to Section 670(a)(1) of the Act that material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device; and,
- (2) determine and certify, as a result of the determination in paragraph (1) above and pursuant to Section 670(a)(2) of the Act, that not providing assistance referred to in Section 670(a)(1) of the Act to Pakistan would be seriously prejudicial to the achievement of United States nonproliferation objectives and otherwise jeopardize the common defense and security; and,
- (3) determine, pursuant to Section 620E(d) of the Act, that the provision of assistance to Pakistan under the Act through April 30, 1990 is in the national interest of the United States and therefore waive the prohibitions of Section 669 of the Act with respect to that period.

This determination and certification together with the statement setting forth specific reasons therefore shall be submitted to the Congress immediately.

This determination shall be published in the Federal Register.

JUSTIFICATION FOR PRESIDENTIAL DETERMINATION
TO AUTHORIZE SECURITY ASSISTANCE FOR PAKISTAN

The United States has a longstanding security relationship with Pakistan. The importance of this relationship has been underscored by the Soviet invasion of Afghanistan. Pakistan plays a vital role in supporting the people of Afghanistan in their eight-year struggle against Soviet occupation. Because of its resistance to Soviet efforts to acquire a dominant regional military position, Pakistan has been subjected to intense pressure from the Soviet Union, including military attacks and Soviet-inspired terrorist attacks on Pakistani territory. Under these circumstances, Pakistan has turned to the U.S. for aid.

A five-year program of U.S. military and economic assistance to Pakistan was instituted in 1982, following Congressional authorization to waive the Symington Amendment sanctions which would otherwise have been in effect. Our aid has bolstered Pakistan's ability to withstand Soviet efforts at intimidation by strengthening its conventional military capabilities and by supporting its economic development. Continuation of this assistance, as the Administration has proposed under a six-year integrated program, is vital to demonstrate U.S. resolve to resist Soviet aggression and to underline our ongoing commitment to the security and stability of the strategically significant Southwest Asian region. Failure to do so would undermine efforts to bring about a Soviet withdrawal from Afghanistan, place in doubt the credibility of established U.S. security commitments, and jeopardize important U.S. security interests throughout the region.

The U.S. continues to have serious concerns about Pakistan's unsafeguarded sensitive nuclear activities. The Government of Pakistan is well aware that nuclear restraint is an essential condition for U.S. assistance, and the Administration will continue to make clear to Pakistan the importance attached to preventing the spread of nuclear weapons. In waiving the restrictions on assistance under Section 670(a)(1) of the Foreign Assistance Act, we have taken into account Pakistan's assurance that it will halt the illegal procurement of U.S. goods for its nuclear program. Pakistan has taken administrative steps to implement these assurances. The Administration will monitor the situation closely, keeping the Congress fully informed, to ensure that these steps are effective in preventing future illegal procurements.

Continued U.S. assistance to Pakistan supports our nonproliferation objectives by providing Pakistan with a conventional alternative to nuclear weapons to meet its legitimate security needs, and by strengthening the U.S.-Pakistan political and security relationship. Failure to maintain our assistance program would increase Pakistani incentives to pursue nuclear weapons, and thereby undercut efforts to obtain our nonproliferation goals.

THE WHITE HOUSE

WASHINGTON

Presidential Determination
No. _____

MEMORANDUM FOR THE ~~HONORABLE GEORGE P. SHULTZ~~
The Secretary of State

SUBJECT: Determination Pursuant to Section 670(a) and
Section 620E(d) of the Foreign Assistance Act,
~~As Amended~~

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Sections 620E(d) and Section 670(a) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby:

(1) determine pursuant to Section 670(a)(1) of the Act that material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device; and,

(2) determine and certify, as a result of the determination in paragraph (1) above and pursuant to Section 670(a)(2) of the Act, that not providing assistance referred to in Section 670(a)(1) of the Act to Pakistan would be seriously prejudicial to the achievement of United States nonproliferation objectives and otherwise jeopardize the common defense and security; and,

(3) determine, pursuant to Section 620E(d) of the Act, that the provision of assistance to Pakistan under the Act through April ~~30~~¹, 1990, is in the national interest of the United States and therefore ~~waive~~^{ok} the prohibitions of Section 669 of the Act with respect to that period.

*4/1/90, not
4/30/90 →*
You are hereby authorized and directed to report immediately

This determination and certification, together with the statement setting forth specific reasons therefor, shall be submitted to ~~the Congress immediately~~

to the Speaker of the House of Reps. and to the Chairman of the Committee on Foreign Relations of the Senate.

This determination shall be published in the Federal Register.

*11/13/88 10:30a
Changes by Dan Marks
thru NSC (Tahir)
Kheli's Office*

1 RECIPROCAL LEASING

2 SEC. 556. Section 61(a) of the Arms Export Control
3 Act is amended by striking out "1987" and inserting in lieu
4 thereof "1988".

H. J. Res. 375
the Continuing Res.
PL 100-202, 12/2

5 ASSISTANCE FOR PAKISTAN

6 SEC. 557. Section 620E(d) of the Foreign Assistance
7 Act of 1961 is amended by striking out "September 30,
8 1987" and inserting in lieu thereof "April 1, 1990".

9 LIMITATION ON DEFENSE EQUIPMENT DRAWDOWN

10 SEC. 558. Defense articles, services and training drawn
11 down under the authority of section 506(a) of the Foreign
12 Assistance Act of 1961, shall not be furnished to a recipient
13 unless such articles are delivered to, and such services and
14 training initiated for, the recipient country or international
15 organization not more than one hundred and twenty days
16 from the date on which Congress received notification of the
17 intention to exercise the authority of that section: Provided,
18 That if defense articles have not been delivered or services
19 and training initiated by the period specified in this section,
20 a new notification pursuant to section 506(b) of such Act
21 shall be provided, which shall include an explanation for the
22 delay in furnishing such articles, services, and training,
23 before such articles, services, or training may be furnished.

24 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

25 SEC. 559. Prior to providing excess Department of De-
26 fense articles in accordance with section 516(a) of the For-

|||||

Sherrin — 1/13 8:15 A

Ro wanted to know update
on this pkg. I checked —
as of 8:00 PM last nite —
it was routed to the
President —

by

NATIONAL SECURITY COUNCIL

EXECUTIVE SECRETARIAT STAFFING DOCUMENT

TIME STAMP

SYSTEM LOG NUMBER:

0176 add on

ACTION OFFICER:

For Information

DUE:

☐ Prepare Memo For President

☐ Prepare Memo Stevens to Peterson / Murr

☐ Prepare Memo For Powell/Negroponte

☐ Appropriate Action

☐ Prepare Memo _____

to _____

CONCURRENCES/COMMENTS*

PHONE* to action officer at ext. _____

FYI

- ☐ ☐ Batjer
- ☐ ☐ Bemis
- ☐ ☐ Brooks
- ☐ ☐ Burns
- ☐ ☐ Childress
- ☐ ☐ Cobb
- ☐ ☐ Cockell
- ☐ ☐ Cohen
- ☐ ☐ Collins
- ☐ ☐ Danzansky
- ☐ ☐ Dean
- ☐ ☐ Donley
- ☐ ☐ Douglass
- ☐ ☐ Ermarth
- ☐ ☐ Farrar
- ☐ ☐ Flower
- ☐ ☐ Fortier
- ☐ ☐ Frazier
- ☐ ☐ Grimes
- ☐ ☐ Heiser

FYI

- ☐ ☐ Henhoeffer
- ☐ ☐ Herbst
- ☐ ☐ Howard
- ☐ ☐ Howland
- ☐ ☐ Jameson
- ☐ ☐ Kelly, B
- ☐ ☐ Kelly, J
- ☐ ☐ Kimberling
- ☐ ☐ Kissell
- ☐ ☐ Ledsky
- ☐ ☐ Lewis
- ☐ ☐ Linhard
- ☐ ☐ Mahley
- ☐ ☐ Matthews
- ☐ ☐ McNamara
- ☐ ☐ Melby
- ☐ ☐ Michael
- ☐ ☐ Miskel
- ☐ ☒ Oakley
- ☐ ☐ Paal

FYI

- ☐ ☐ Perina
- ☐ ☐ Porter
- ☐ ☐ Reger
- ☐ ☐ Rodman
- ☐ ☐ Rosenberg
- ☐ ☐ Ross
- ☐ ☐ Rostow
- ☐ ☐ Saunders
- ☐ ☐ Scharfen
- ☐ ☐ Snider
- ☐ ☐ Sorzano
- ☐ ☐ Steiner
- ☐ ☒ Tahir-Kheli
- ☐ ☐ Tarbell
- ☐ ☐ Tice
- ☐ ☐ Tillman
- ☐ ☐ Tobey
- ☐ ☐ _____
- ☐ ☐ _____
- ☐ ☐ _____

INFORMATION

☒ Stevens

☐ Courtney

☒ Secretariat

☐ Powell (advance)

☐ Negroponte (advance)

☐ _____

COMMENTS

Logged By

JP

Return to Secretariat



0176 01072

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
January 12, 1988

MEMORANDUM FOR: PAUL SCHOTT STEVENS

FROM: PHILIP A. DUSAULT
DEPUTY ASSOCIATE DIRECTOR
FOR INTERNATIONAL AFFAIRS

SUBJECT: Proposed Presidential Determinations for
Pakistan

OMB concurs in the proposed Presidential determinations for
Pakistan.

B.J. —

Here are
replacement
pages for your
other copies.
I've inserted
the correct page
in this copy.

SECRET

THE WHITE HOUSE
WASHINGTON

SYSTEM II
90026

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: WHITE HOUSE EXECUTIVE CLERK
FROM: COLIN L. POWELL
SUBJECT: Presidential Determination to Authorize
Security Assistance for Pakistan

Issue

Whether to authorize security assistance for Pakistan under the 1988-92 program.

Facts

Security Assistance to Pakistan for FY 88 requires you (1) to determine that Pakistani procurement activities in the U.S. have triggered the Solarz Amendment restrictions on assistance; (2) waive the Solarz Amendment; and (3) waive the Symington Amendment restrictions on assistance that apply because Pakistan has received uranium enrichment equipment not under IAEA safeguards.

Discussion

Recent Pakistani procurement activity represents the first time we have had to consider invoking Solarz Amendment sanctions. Determination that the Solarz Amendment has been triggered is based on the recent conviction of Arshad Pervez on five charges. Pervez was attempting to export maraging steel and beryllium to Pakistan. Four conditions that trigger the Solarz Amendment have been met in this case. These are: (1) that there was an

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SECRET

Declassify on: OADR

DECLASSIFIED IN PART

Page 128/1 #248
dlb Date 6/15/00

MEMORANDUM
OF CALL

Previous editions usable

TO: B. J.

☒ YOU WERE CALLED BY—

☐ YOU WERE VISITED BY—

OF (Organization) Betty

☐ PLEASE PHONE ►

☐ FTS

☐ AUTOVON

☐ WILL CALL AGAIN

☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL

☐ WISHES AN APPOINTMENT

MESSAGE

*Concurrence 90026
from Janzansky Sys II*

RECEIVED BY lv

DATE 1/2

TIME 3

63-110 NSN 7540-00-634-4018
★ U.S. GPO: 1986-181-246/40015

STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
FPMR (41 CFR) 101-11.6

a memo from

JONATHAN R. SCHARFEN

NICK -

Shirin ^{returned} ~~gave~~ this original
to us per your request
for your final approval.

OMB will call in
their OK to our ofc.

Jock

(OK
to send
down
12/13)

1/12

NATIONAL SECURITY COUNCIL 10:10 a.m.

OMB has concurred
(from Phil Dussault)
per phone conversation
will follow-up in
writing. I recommend
we move the
package.

Thanks.

Shirley

~~SECRET~~

THE WHITE HOUSE
WASHINGTON

SYSTEM II
90026

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: WHITE HOUSE EXECUTIVE CLERK
FROM: COLIN L. POWELL
SUBJECT: Presidential Determination to Authorize
Security Assistance for Pakistan

Issue

Whether to authorize security assistance for Pakistan under the 1988-92 program.

Facts

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Declassify on: OADR

DECLASSIFIED IN PART

Pal-128/1 H249
dlk AARA Date 6/15/00

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

SYSTEM II
90026

ST-12
Sally

January 7, 1987

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: ROBERT B. OAKLEY *RB0*
SUBJECT: Presidential Waivers for Pakistan

Attached at Tab A is a memorandum from the Secretary of State asking that the President: (1) determine that Pakistani procurement activities in the U.S. have triggered the Solarz Amendment restrictions on assistance; (2) waive the Solarz Amendment; and (d) waive the Symington Amendment.

Congress recently approved a 30-month waiver of the Symington Amendment. Therefore, there is every expectation in Congress that the President will waive the Amendment quickly in order to start the new security assistance program for Pakistan. Furthermore, given the Afghan situation, once the program is started, no one expects our assistance to end. Therefore, State felt it important that both amendments be waived simultaneously. This strategy is appropriate. OMB also concurs.

Rich Armitage will be in Islamabad January 10-13 for meetings of the Consultative Group (CG). Mike Armacost already pledged that, following signature by the President, we will send the paperwork to Congress prior to the CG so that discussion of specifics can take place.

Nick
Nick Rostow and Alison Fortier concur.

ST-K for

Rich Saunders

RECOMMENDATION

That you sign and forward the attached memo at Tab I to the President.

Approve _____ Disapprove _____

Attachment

Tab I Memo to the President
Tab A Shultz Memo to the President

~~SECRET~~

Declassify on: OADR

~~SECRET~~

DECLASSIFIED

NLS F96-12811 #250

BY dlb NARA, DATE 6/15/00

~~SECRET~~

THE WHITE HOUSE
WASHINGTON

SYSTEM II
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ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: WHITE HOUSE EXECUTIVE CLERK
FROM: COLIN L. POWELL
SUBJECT: Presidential Determination to Authorize
Security Assistance for Pakistan

Issue

Whether to authorize security assistance for Pakistan under the 1988-92 program.

Facts

Security Assistance to Pakistan for FY 88 requires you (1) to determine that Pakistani procurement activities in the U.S. have triggered the Solarz Amendment restrictions on assistance; (2) waive the Solarz Amendment; and (3) waive the Symington Amendment restrictions on assistance that apply because Pakistan has received uranium enrichment equipment not under IAEA safeguards.

Discussion

Recent Pakistani procurement activity represents the first time we have had to consider invoking Solarz Amendment sanctions. Determination that the Solarz Amendment has been triggered is based on the recent conviction of Arshad Pervez on five charges. Pervez was attempting to export maraging steel and beryllium to Pakistan. Four conditions that trigger the Solarz Amendment have been met in this case. These are: (1) that there was an

REDACTED

REDACTED

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Declassify on: OADR

DECLASSIFIED IN PART

NLS 96-12811 #251

dlk NARA, Date 6/15/00

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Under Section 670(a)(2) of the Foreign Assistance Act, you may waive the Solarz prohibitions on assistance if you certify to Congress that the termination of such assistance would seriously prejudice nonproliferation objectives or jeopardize the common defense and security. Both standards for the waiver are met in this case. Certification must be accompanied by a statement of specific reasons for the waiver. Congress has thirty days to disapprove.

~~REDACTED~~

~~REDACTED~~

~~ACTED~~

~~REDACTED~~

The Symington Amendment (section 669 of the Foreign Assistance Act) prohibits assistance to Pakistan because it has received uranium enrichment equipment without appropriate IAEA safeguards. You waived the Symington Amendment for the 1982-87 package for security assistance to Pakistan on February 10, 1982 based on the required statutory finding that assistance to Pakistan was "in the national interest." The recent continuing resolution extended your authority to waive the amendment until April 1990. The reasons for your 1982 waiver remain valid because of our long-standing security relationship with Pakistan, Pakistan's strategic role, and the continuing Soviet occupation of Afghanistan.

OMB concurs.

Recommendation

OK

No

That you sign the determination at Tab A.

Prepared by:
Shirin Tahir-Kheli

Attachment

Tab A Secretary Shultz' Memo to the President

~~SECRET~~

January 11, 1988

DECLASSIFIED IN PART

NLS E96-12811 #252

George P. Shultz

BY AS NARA, Date 3/2/86

SUBJECT: Presidential Determinations Authorizing
Security Assistance for Pakistan

Three Presidential determinations are relevant to a resumption of most U.S. assistance to Pakistan.

1. The Solarz Amendment (Section 670(a)(1) of the Foreign Assistance Act) prohibits most assistance to a country which exports illegally or attempts to export illegally from the United States material which would contribute significantly to the ability of such a country to manufacture a nuclear device if it is determined that the material was to be used by such country in the manufacture of a nuclear explosive device.

I believe that recent Pakistani nuclear procurement activities warrant a determination by you that this provision has been triggered. [REDACTED]

FOIA(b) (1)

[illegible]

2. Under Section 670(a)(2) of the Foreign Assistance Act, you may waive the Solarz prohibitions on assistance if you certify to Congress that the termination of such assistance would be seriously prejudicial to the achievement of U.S. proliferation objectives or otherwise jeopardize the common defense and security. This certification must be transmitted along with a statement setting forth the specific reasons therefor. Your certification is effective when received by Congress, which has thirty days to disapprove the furnishing of assistance pursuant to your certification.

FOIA(b) (1)

I believe both standards for a waiver are met in this case. [REDACTED]

[REDACTED]

3. Under the Symington Amendment (section 669 of the Foreign Assistance Act), most assistance cannot be provided to Pakistan because it is a country which has received enrichment equipment without placing it under IAEA safeguards. You waived that provision in 1982, based on the required statutory finding that assistance to Pakistan was "in the national interest". The statutory term of that waiver expired on September 30, 1987, but the recent CR grants new authority to make the same waiver, which would remain in effect until April 1990.

The reasons for your 1982 waiver remain valid. U.S. assistance to Pakistan is in the national interest because of the long-standing security relationship with Pakistan, its strategic regional role, and the continuing Soviet occupation of Afghanistan.

We will brief Congress on your decisions and their background.

RECOMMENDATIONS:

1. That you sign the Solarz and Symington determinations at Tab 1.

A

I

THE WHITE HOUSE

WASHINGTON

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Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination Pursuant to Section 670(a) and
Section 620E(d) of the Foreign Assistance Act,
as Amended

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Sections 620E(d) and Section 670(a) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby:

(1) determine pursuant to Section 670(a)(1) of the Act that material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device; and,

(2) determine and certify, as a result of the determination in paragraph (1) above and pursuant to Section 670(a)(2) of the Act, that not providing assistance referred to in Section 670(a)(1) of the Act to Pakistan would be seriously prejudicial to the achievement of United States nonproliferation objectives and otherwise jeopardize the common defense and security; and,

(3) determine, pursuant to Section 620E(d) of the Act, that the provision of assistance to Pakistan under the Act through April 1, 1990, is in the national interest of the United States and therefore waive the prohibitions of Section 669 of the Act with respect to that period.

You are hereby authorized and directed to report immediately this determination and certification, together with the statement setting forth specific reasons therefor, to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate.

This determination shall be published in the Federal Register.

JUSTIFICATION FOR PRESIDENTIAL DETERMINATION
TO AUTHORIZE SECURITY ASSISTANCE FOR PAKISTAN

The United States has a longstanding security relationship with Pakistan. The importance of this relationship has been underscored by the Soviet invasion of Afghanistan. Pakistan plays a vital role in supporting the people of Afghanistan in their eight-year struggle against Soviet occupation. Because of its resistance to Soviet efforts to acquire a dominant regional military position, Pakistan has been subjected to intense pressure from the Soviet Union, including military attacks and Soviet-inspired terrorist attacks on Pakistani territory. Under these circumstances, Pakistan has turned to the U.S. for aid.

A five-year program of U.S. military and economic assistance to Pakistan was instituted in 1982, following Congressional authorization to waive the Symington Amendment sanctions which would otherwise have been in effect. Our aid has bolstered Pakistan's ability to withstand Soviet efforts at intimidation by strengthening its conventional military capabilities and by supporting its economic development. Continuation of this assistance, as the Administration has proposed under a six-year integrated program, is vital to demonstrate U.S. resolve to resist Soviet aggression and to underline our ongoing commitment to the security and stability of the strategically significant Southwest Asian region. Failure to do so would undermine efforts to bring about a Soviet withdrawal from Afghanistan, place in doubt the credibility of established U.S. security commitments, and jeopardize important U.S. security interests throughout the region.

The U.S. continues to have serious concerns about Pakistan's unsafeguarded sensitive nuclear activities. The Government of Pakistan is well aware that nuclear restraint is an essential condition for U.S. assistance, and the Administration will continue to make clear to Pakistan the importance attached to preventing the spread of nuclear weapons. In waiving the restrictions on assistance under Section 670(a)(1) of the Foreign Assistance Act, we have taken into account Pakistan's assurance that it will halt the illegal procurement of U.S. goods for its nuclear program. Pakistan has taken administrative steps to implement these assurances. The Administration will monitor the situation closely, keeping the Congress fully informed, to ensure that these steps are effective in preventing future illegal procurements.

Continued U.S. assistance to Pakistan supports our nonproliferation objectives by providing Pakistan with a conventional alternative to nuclear weapons to meet its legitimate security needs, and by strengthening the U.S.-Pakistan political and security relationship. Failure to maintain our assistance program would increase Pakistani incentives to pursue nuclear weapons, and thereby undercut efforts to obtain our nonproliferation goals.